

OKLAHOMA STATUTES
TITLE 34. INITIATIVE AND REFERENDUM

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§34-1. Referendum petition - Form - Time for filing.

A. The referendum petition shall be substantially as follows:

PETITION FOR REFERENDUM

To the Honorable _____, Governor of Oklahoma (or To the Honorable _____, Mayor, Chairman of County Commissioners, or other chief executive officer, as the case may be, of the city, county or other municipal corporation of _____):

We, the undersigned legal voters of the State of Oklahoma (or district of _____, county of _____, or city of _____, as the case may be), respectfully order that Senate (or House) Bill No. _____ (or ordinance No. _____), entitled (title of Act, and if the petition is against less than the whole Act, then set forth here the part or parts on which the referendum is sought), passed by the _____ Legislature of the State of Oklahoma, at the regular (or special) session of said legislature, shall be referred to the people of the State (district

of _____, county of _____, or city of _____, as the case may be) for their approval or rejection at the regular (or special) election to be held on the _____ day of _____, 20__, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma (and district of _____, county of _____, or city of _____, as the case may be); the following five data points shall be included on the form: the voter's legal first name, legal last name, zip code, house number and numerical month and day of my birth.

Referendum petitions shall be filed with the Secretary of State not more than ninety (90) days after the final adjournment of the session of the legislature which passed the bill on which the referendum is demanded. (For county, city or other municipality the length of time shall be thirty (30) days.)

The question we herewith submit to our fellow voters is: Shall the following bill of the legislature (or ordinance or resolution--local legislation) be approved? (Insert here an exact copy of the text of the measure followed by proponents of record (not to exceed three signatures, complete printed name and address associated with his or her Oklahoma voter registration record).)

B. In order for the signature to be approved by the Secretary of State, four or more data points described in subsection A of this section must be matched to the voter registration file.

R.L. 1910, § 3368. Amended by Laws 1961, p. 263, § 1, emerg. eff. May 17, 1961; Laws 1992, c. 92, § 1, eff. Sept. 1, 1992; Laws 1994, c. 147, § 1, emerg. eff. May 3, 1994; Laws 2015, c. 193, § 1, emerg. eff. April 28, 2015; Laws 2020, c. 125, § 1, eff. Nov. 1, 2020; Laws 2024, c. 119, § 1, emerg. eff. April 23, 2024.

§34-2. Initiative petition - Form.

A. The form of initiative petition shall be substantially as follows:

INITIATIVE PETITION

To the Honorable _____, Governor of Oklahoma (or To the Honorable _____, Mayor, Chairman of County Commissioners, or other chief executive officers, as the case may be, for the city, county or other municipality): We, the undersigned legal voters of the State of Oklahoma (and of the district of _____, county of _____, or city of _____, as the case may be), respectfully order that the following proposed law (or amendment to the constitution, ordinance, or amendment to the city charter, as the case may be) shall be submitted to the legal voters of the State of Oklahoma (or of the district of _____, county of _____, or city of _____, as the case may be) for their approval or rejection at the regular general election (or regular or special city election), to be held on the _____ day of _____, 20__, and each for himself says: I have personally

signed this petition; I am a legal voter of the State of Oklahoma (and of the district of _____, county of _____, city of _____, as the case may be); the following five data points shall be included on the form: the voter's legal first name, legal last name, zip code, house number, and numerical month and day of my birth. The time for filing this petition expires ninety (90) days from (Secretary of State to insert assigned date when petition is to begin signature circulation). (This for State initiative. For county, city, or other municipality the length of time shall be ninety (90) days.) The question we herewith submit to our fellow voters is: Shall the following bill (or proposed amendment to the Constitution or resolution) be approved? (Insert here an exact copy of the text of the measure followed by proponents of record (not to exceed three signatures, complete printed name and address associated with his or her Oklahoma voter registration record).)

B. In order for the signature to be approved by the Secretary of State, four or more data points described in subsection A of this section must be matched to the voter registration file.

R.L. 1910, § 3369. Amended by Laws 1961, p. 264, § 2, emerg. eff. May 17, 1961; Laws 1992, c. 92, § 2, eff. Sept. 1, 1992; Laws 1994, c. 147, § 2, emerg. eff. May 3, 1994; Laws 2015, c. 193, § 2, emerg. eff. April 28, 2015; Laws 2020, c. 125, § 2, eff. Nov. 1, 2020; Laws 2024, c. 119, § 2, emerg. eff. April 23, 2024.

§34-2.1. Promulgation of rules.

The Secretary of State may promulgate rules to carry out the provisions of this title.

Added by Laws 2020, c. 125, § 3, eff. Nov. 1, 2020.

§34-3. Petitions and signatures.

Each initiative petition and each referendum petition shall be duplicated for the securing of signatures. The Secretary of State shall design a form, subject to change, for signatures that shall be used by proponents of initiatives or referendums when collecting signatures, and each sheet for signatures shall be attached to a copy of the petition. Each copy of the petition and sheets for signatures is hereinafter termed a pamphlet. On the outer page of each pamphlet shall be printed the word "Warning", and underneath this in ten-point type the words, "It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter." A simple statement of the gist of the proposition shall be printed on the top margin of each signature sheet.

R.L. 1910, § 3370. Amended by Laws 1961, p. 264, § 3, emerg. eff. May 17, 1961; Laws 1985, c. 288, § 1, emerg. eff. July 23, 1985;

Laws 1992, c. 92, § 3, eff. Sept. 1, 1992; Laws 2020, c. 125, § 4, eff. Nov. 1, 2020.

§34-3.1. Repealed by Laws 2015, c. 193, § 9, emerg. eff. April 28, 2015.

§34-3.2. Participants in the Address Confidentiality Program.

Registered voters signing an initiative or referendum petition who are certified by the Office of the Attorney General as participants in the Address Confidentiality Program established by Section 60.14 of Title 22 of the Oklahoma Statutes may use the address given to the registered voter by the Office of the Attorney General to sign an initiative or referendum petition.

Added by Laws 2020, c. 84, § 1, eff. Nov. 1, 2020.

§34-4. Filing and binding - Cover sheets - Receipt.

When any such signed initiative or referendum petition pamphlets shall be offered for filing, the Secretary of State, in the presence of the person offering the same for filing, shall detach the sheets containing the signatures and affidavits and cause them all to be attached to one or more printed copies of the measure so proposed by initiative or referendum petition. If the aforesaid sheets shall be too bulky for convenient binding in one volume, they may be bound in two or more volumes, those in each volume to be attached to a single printed copy of such measure; the detached copies of such measures shall be delivered to the person offering the same for filing. Each of the volumes and each signature sheet therein shall be numbered consecutively, and a cover sheet shall be attached, showing the purported number of signature sheets, the series of numbers assigned to the signature sheets and the total number of signatures counted per volume. The Secretary of State shall render a signed receipt to the person offering the petition for filing, which receipt shall include a report, volume by volume, showing the number of signature sheets in each volume, the series of numbers assigned to the signature sheets in each volume, and the number of purported signatures in each volume. Duplicate copies of the cover sheets, with necessary corrections, may be used as receipts. If the volume of signatures is sufficiently large, the Secretary of State shall seal the petitions in such manner that they cannot be opened unless the seal is broken, and if requested by those filing said petition, they shall not be opened before 9:00 a.m. on the day following the date said petitions are filed and said procedure shall continue until such time as the Secretary shall be able to receipt the petitions so filed; but additional signature sheets shall not be accepted after 5:00 p.m. on the ninetieth day. The Secretary of State shall not provide any copies of signature sheets to anyone until the sheets have been bound as provided in this section.

legal voter of the State of Oklahoma and county of _____ or of the city of _____ (as the case may be). (Signature and complete address of affiant.)

Subscribed and sworn to before me this _____ day of _____ A.D. 20__.

(Signature and title of the Oklahoma notarial officer before whom oath is made, and his or her complete address, commission number and expiration date, and official Oklahoma notary public seal.)

R.L. 1910, § 3373. Amended by Laws 1969, c. 206, § 2, emerg. eff. April 18, 1969; Laws 2015, c. 193, § 3, emerg. eff. April 28, 2015; Laws 2020, c. 125, § 6, eff. Nov. 1, 2020.

§34-6.1. Physical count of signatures - Signatures not included.

A. The Secretary of State shall make or cause to be made a verification and count of the number of signatures on the petitions. In making such count, the Secretary of State shall not include in such total count:

1. All signatures on any sheet of any petition which is not verified by the person who circulated the sheet of the petition as provided in Section 6 of this title;

2. All signatures of nonresidents;

3. All signatures on a sheet that is not attached to a copy of the petition pamphlet;

4. All multiple signatures on any printed signature line;

5. All signatures not on a printed signature line;

6. Those signatures by a person who signs with any name other than his or her own or signs more than once;

7. All signatures on any sheet on which a notary has failed to sign, the seal of the notary is absent, the commission of the notary has expired or the expiration date is not on the signature sheet; and

8. Any signatures that cannot be verified by the Secretary of State with the Oklahoma State Election Board's public voter registration records.

B. The Secretary of State shall notify the Attorney General of any and all violations of this title of which he or she has knowledge.

C. The Secretary of State may purchase any tangible or intangible assets, including, but not limited to, software, necessary to carry out his or her duties pursuant to this section. Such purchases shall be exempt from the requirements of the Oklahoma Central Purchasing Act.

Added by Laws 1969, c. 206, § 3, emerg. eff. April 18, 1969.

Amended by Laws 1976, c. 30, § 1, emerg. eff. March 17, 1976; Laws 1992, c. 92, § 6, eff. Sept. 1, 1992; Laws 2020, c. 125, § 7, eff. Nov. 1, 2020.

§34-7. Numbering of petitions.

Each order for a direct ballot by the voters that is filed with the Secretary of State by initiative petition, referendum petition, and by the Legislature shall be numbered consecutively, each in a series by itself, beginning with one, to be continued year after year, without duplication of numbers.
R.L.1910, § 3374.

§34-8. See the following versions:

OS 34-8v1 (SB 518, Laws 2024, c. 119, § 3).

OS 34-8v2 (HB 1105, Laws 2024, c. 364, § 1).

§34-8v1. Filing copy of proposed petition and ballot title -
Publication - Protest - Hearing and determination - Deadlines.

A. When a citizen or citizens desire to circulate a petition initiating a proposition of any nature, whether to become a statute law or an amendment to the Constitution, or for the purpose of invoking a referendum upon legislative enactments, such citizen or citizens shall, when such petition is prepared, and before the same is circulated or signed by electors, file a true and exact copy of same in the office of the Secretary of State and shall at the same time file a separate ballot title, which shall not be part of or printed on the petition. The Secretary may charge a filing fee not to exceed Seven Hundred Fifty Dollars (\$750.00) to cover the cost of publication of notice as required by subsection B of this section.

B. It shall be the duty of the Secretary of State to cause to be published on the website of the Office of the Secretary of State and in at least one newspaper of general circulation in the state, a notice of such filing and the apparent sufficiency or insufficiency of the petition and shall include notice that any citizen or citizens of the state may file a protest as to the constitutionality of the petition, by a written notice to the Supreme Court and to the proponent or proponents filing the petition. Notice of such filing shall be provided to the President Pro Tempore of the Senate and the Speaker of the House of Representatives. Any such protest must be filed within twenty (20) business days after publication. A copy of the protest shall be filed with the Secretary of State.

C. Upon the filing of a protest to the petition, the Supreme Court shall then fix a day, not less than ten (10) business days thereafter, at which time it will hear testimony and arguments for and against the sufficiency of such petition.

D. A protest filed by anyone hereunder may, if abandoned by the party filing same, be revived within five (5) business days by any other citizen. After such hearing the Supreme Court shall decide whether such petition is in the form required by the statutes. If the Court is at the time adjourned, the Chief Justice shall

immediately convene the same for such hearing. No objection to the sufficiency shall be considered unless it has been made and filed as herein provided.

E. Signature-gathering Deadline for Initiative Petitions. When an initiative petition has been filed in the office of the Secretary of State and all appeals, protests and rehearings have been resolved or the period for such has expired, the Secretary of State shall set the date for circulation of signatures for the petition to begin but in no event shall the date be less than fifteen (15) days nor more than thirty (30) days from the date when all appeals, protests and rehearings have been resolved or have expired. Notification shall be sent to the proponents specifying the date on which circulation of the petition shall begin and that the signatures are due within ninety (90) days of the date set. Each elector shall sign his or her name and legibly print his or her name, birth date and address associated with his or her Oklahoma voter registration record. Any petition not filed in accordance with this provision shall not be considered. The proponents of an initiative petition, any time before the final submission of signatures, may withdraw the initiative petition upon written notification to the Secretary of State.

F. Signature-gathering Deadline for Referendum Petitions. All signed signatures supporting a referendum petition shall be filed with the Secretary of State not later than ninety (90) days after the adjournment of the legislative session in which the measure, which is the subject of the referendum petition, was enacted.

G. The proponents of a referendum or an initiative petition may terminate the circulation period any time during the ninety-day circulation period by certifying to the Secretary of State that:

1. All signed petitions have already been filed with the Secretary of State;
2. No more petitions are in circulation; and
3. The proponents will not circulate any more petitions.

If the Secretary of State receives such a certification from the proponents, the Secretary of State shall begin the counting and review process.

H. When the signed copies of a petition pamphlet are timely filed, the Secretary of State shall file a copy of the proponent's ballot title with the Attorney General and after conducting a count and review of the filed, signed petition pamphlets, the Secretary of State shall certify to the Supreme Court of the state:

1. The total number of signatures counted pursuant to procedures set forth in this title; and
2. The total number of votes cast for the state office receiving the highest number of votes cast at the last general election.

The Supreme Court shall make the determination of the numerical sufficiency or insufficiency of the signatures counted and reviewed by the Secretary of State.

I. Upon order of the Supreme Court it shall be the duty of the Secretary of State to forthwith cause to be published, in at least one newspaper of general circulation in the state, a notice of the filing of the signed petitions and the apparent sufficiency or insufficiency thereof, and shall also publish the text of the ballot title as reviewed and approved or, if applicable, as rewritten by the Attorney General pursuant to the provisions of subsection D of Section 9 of this title and notice that any citizen or citizens of the state may file an objection to the count made by the Secretary of State, by a written notice to the Supreme Court and to the proponent or proponents filing the petition. Any such objection must be filed within twenty (20) business days after publication and must relate only to the validity or number of the signatures or a challenge to the ballot title. A copy of the objection to the count or ballot title shall be filed with the Supreme Court, the Attorney General and the Secretary of State.

J. Upon appeal and if ordered or directed by the Supreme Court, the Secretary of State shall deliver the bound volumes of signatures to the Supreme Court.

K. Upon the filing of an objection to the signature count or ballot title, the Supreme Court shall resolve the objection with dispatch. The Supreme Court shall adopt rules to govern proceedings to apply to the challenge of a measure on the grounds that the proponents failed to gather sufficient signatures.

L. If in the opinion of the Supreme Court, any objection to the count or protest to the petition is frivolous, the Court may impose appropriate sanctions including an award of costs and attorney fees to either party as the Court deems equitable.

M. Whenever reference is made in this act to the Supreme Court, such reference shall include the members of the Supreme Court or any officer constitutionally designated to perform the duties herein prescribed.

R.L. 1910, § 3375. Amended by Laws 1910-11, c. 107, p. 235, § 1, emerg. eff. March 18, 1911; Laws 1961, p. 265, § 5, emerg. eff. May 17, 1961; Laws 1970, c. 185, § 2, emerg. eff. April 13, 1970; Laws 1973, c. 78, § 1, emerg. eff. April 30, 1973; Laws 1992, c. 92, § 7, eff. Sept. 1, 1992; Laws 2009, c. 318, § 1, eff. Nov. 1, 2009; Laws 2015, c. 193, § 4, emerg. eff. April 28, 2015; Laws 2020, c. 125, § 8, eff. Nov. 1, 2020; Laws 2024, c. 119, § 3, emerg. eff. April 23, 2024.

§34-8v2. Filing copy of proposed petition and ballot title -
Publication - Protest - Hearing and determination - Deadlines.

A. When a citizen or citizens desire to circulate a petition initiating a proposition of any nature, whether to become a statute law or an amendment to the Constitution, or for the purpose of invoking a referendum upon legislative enactments, such citizen or citizens shall, when such petition is prepared, and before the same is circulated or signed by electors, file a true and exact copy of same in the office of the Secretary of State and shall at the same time file a separate ballot title, which shall not be part of or printed on the petition.

B. It shall be the duty of the Secretary of State to cause to be published, in at least one newspaper of general circulation in the state, a notice of such filing and the apparent sufficiency or insufficiency of the petition, and shall include notice that any citizen or citizens of the state may file a protest as to the constitutionality of the petition, by a written notice to the Supreme Court and to the proponent or proponents filing the petition. Any such protest must be filed within ninety (90) days after publication. A copy of the protest shall be filed with the Secretary of State.

C. Upon the filing of a protest to the petition, the Supreme Court shall then fix a day, not less than ten (10) business days thereafter, at which time it will hear testimony and arguments for and against the sufficiency of such petition.

D. A protest filed by anyone hereunder may, if abandoned by the party filing same, be revived within five (5) business days by any other citizen. After such hearing the Supreme Court shall decide whether such petition is in the form required by the statutes. If the Court is at the time adjourned, the Chief Justice shall immediately convene the same for such hearing. No objection to the sufficiency shall be considered unless it has been made and filed as herein provided.

E. Signature-gathering Deadline for Initiative Petitions. When an initiative petition has been filed in the office of the Secretary of State and all appeals, protests and rehearings have been resolved or the period for such has expired, the Secretary of State shall set the date for circulation of signatures for the petition to begin but in no event shall the date be less than fifteen (15) days nor more than thirty (30) days from the date when all appeals, protests and rehearings have been resolved or have expired. Notification shall be sent to the proponents specifying the date on which circulation of the petition shall begin and that the signatures are due within ninety (90) days of the date set. Each elector shall sign his or her name and legibly print his or her name, birth date and address associated with his or her Oklahoma voter registration record. Any petition not filed in accordance with this provision shall not be considered. The proponents of an initiative petition, any time before the final submission of signatures, may withdraw the

initiative petition upon written notification to the Secretary of State.

F. Signature-gathering Deadline for Referendum Petitions. All signed signatures supporting a referendum petition shall be filed with the Secretary of State not later than ninety (90) days after the adjournment of the legislative session in which the measure, which is the subject of the referendum petition, was enacted.

G. The proponents of a referendum or an initiative petition may terminate the circulation period any time during the ninety-day circulation period by certifying to the Secretary of State that:

1. All signed petitions have already been filed with the Secretary of State;
2. No more petitions are in circulation; and
3. The proponents will not circulate any more petitions.

If the Secretary of State receives such a certification from the proponents, the Secretary of State shall begin the counting and review process.

H. When the signed copies of a petition pamphlet are timely filed, the Secretary of State shall file a copy of the proponent's ballot title with the Attorney General and, after conducting a count and review of the filed, signed petition pamphlets, the Secretary of State shall certify to the Supreme Court of the state:

1. The total number of signatures counted pursuant to procedures set forth in this title; and
2. The total number of votes cast for the state office receiving the highest number of votes cast at the last general election.

The Supreme Court shall make the determination of the numerical sufficiency or insufficiency of the signatures counted and reviewed by the Secretary of State.

I. Upon order of the Supreme Court it shall be the duty of the Secretary of State to forthwith cause to be published, in at least one newspaper of general circulation in the state, a notice of the filing of the signed petitions and the apparent sufficiency or insufficiency thereof, and shall also publish the text of the ballot title as reviewed and approved or, if applicable, as rewritten by the Attorney General pursuant to the provisions of subsection D of Section 9 of this title and notice that any citizen or citizens of the state may file an objection to the count made by the Secretary of State, by a written notice to the Supreme Court and to the proponent or proponents filing the petition. Any such objection must be filed within ninety (90) days after publication and must relate only to the validity or number of the signatures or a challenge to the ballot title. A copy of the objection to the count or ballot title shall be filed with the Supreme Court, the Attorney General and the Secretary of State.

J. Upon appeal and if ordered or directed by the Supreme Court, the Secretary of State shall deliver the bound volumes of signatures to the Supreme Court.

K. Upon the filing of an objection to the signature count or ballot title, the Supreme Court shall resolve the objection with dispatch. The Supreme Court shall adopt rules to govern proceedings to apply to the challenge of a measure on the grounds that the proponents failed to gather sufficient signatures.

L. If in the opinion of the Supreme Court, any objection to the count or protest to the petition is frivolous, the Court may impose appropriate sanctions, including an award of costs and attorneys fees to either party as the Court deems equitable.

M. Whenever reference is made in this act to the Supreme Court, such reference shall include the members of the Supreme Court, or any officer constitutionally designated to perform the duties herein prescribed.

R.L. 1910, § 3375. Amended by Laws 1910-11, c. 107, p. 235, § 1, emerg. eff. March 18, 1911; Laws 1961, p. 265, § 5, emerg. eff. May 17, 1961; Laws 1970, c. 185, § 2, emerg. eff. April 13, 1970; Laws 1973, c. 78, § 1, emerg. eff. April 30, 1973; Laws 1992, c. 92, § 7, eff. Sept. 1, 1992; Laws 2009, c. 318, § 1, eff. Nov. 1, 2009; Laws 2015, c. 193, § 4, emerg. eff. April 28, 2015; Laws 2020, c. 125, § 8, eff. Nov. 1, 2020; Laws 2024, c. 364, § 1, emerg. eff. May 31, 2024.

§34-9. Filing - Ballot title - Official ballot title - Review by Attorney General - Appeal.

A. When a referendum is ordered by petition of the people against any measure passed by the Legislature or when any measure is proposed by initiative petition, whether as an amendment to the Constitution or as a statute, it shall be the duty of the parties submitting the measure to prepare and file one copy of the measure with the Secretary of State and one copy with the Attorney General.

B. The parties submitting the measure shall also submit a suggested ballot title to the Secretary of State which shall be filed on a separate sheet of paper and shall not be part of or printed on the petition. The suggested ballot title:

1. Shall not exceed two hundred words, or three hundred words if the proposed measure will have a fiscal impact on the state;

2. Shall explain in basic words, which can be easily found in dictionaries of general usage, the effect of the proposition;

3. Shall not contain any words which have a special meaning for a particular profession or trade not commonly known to the citizens of this state;

4. Shall not reflect partiality in its composition or contain any argument for or against the measure;

5. Shall contain language which clearly states that a "yes" vote is a vote in favor of the proposition and a "no" vote is a vote against the proposition;

6. Shall not contain language whereby a "yes" vote is, in fact, a vote against the proposition and a "no" vote is, in fact, a vote in favor of the proposition; and

7. Shall indicate if a proposed measure will have a fiscal impact on the state and if so, the potential source of funding including but not limited to federal funding or legislative appropriation which may require imposition of a new tax, increase of an existing tax or elimination of existing services.

C. When a measure is proposed as a constitutional amendment by the Legislature or when the Legislature proposes a statute conditioned upon approval by the people:

1. After final passage of a measure, the Secretary of State shall submit the proposed ballot title to the Attorney General for review as to legal correctness. Within five (5) business days after receipt from the Secretary of State, the Attorney General shall, in writing, notify the Secretary of State, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the principal authors of the bill whether or not the proposed ballot title complies with applicable laws. The Attorney General shall state with specificity any and all defects found and, if necessary, within ten (10) business days of determining that the proposed ballot title is defective, prepare a preliminary ballot title which complies with the law and furnish a copy of such ballot title to the Secretary of State, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the principal authors of the bill. The Attorney General may consider any comments made by the President Pro Tempore of the Senate or the Speaker of the House of Representatives submitted within five (5) business days of their being furnished a copy of the preliminary ballot title. The Attorney General shall respond in writing to the comments and shall file a final ballot title with the Secretary of State no later than fifteen (15) business days after furnishing the preliminary ballot title; and

2. After receipt of the measure and the official ballot title, as certified by the Attorney General, the Secretary of State shall within five (5) days transmit to the Secretary of the State Election Board an attested copy of the measure, including the official ballot title.

D. The following procedure shall apply to ballot titles of referendums ordered by a petition of the people or any measure proposed by an initiative petition:

1. After the filing of the signed referendum petitions or the signed initiative petitions, the Secretary of State shall submit the proposed separate ballot title to the Attorney General for review as

to legal correctness. Within five (5) business days after the receipt of the ballot title, the Attorney General shall, in writing, notify the Secretary of State whether or not the proposed ballot title complies with applicable laws. The Attorney General shall state with specificity any and all defects found and, if necessary, within ten (10) business days of determining that the proposed ballot title is defective, prepare and file a ballot title which complies with the law; and

2. Within ten (10) business days after completion of the review and, if necessary, the filing of a ballot title in compliance with law, by the Attorney General, the Secretary of State shall, if no appeal is filed, transmit to the Secretary of the State Election Board an attested copy of the measure, including the official ballot title, and a certification that the requirements of this section have been met. If an appeal is taken from such ballot title within the time specified in Section 10 of this title, then the Secretary of State shall certify to the Secretary of the State Election Board the ballot title which is finally approved by the Supreme Court. R.L. 1910, § 3376. Amended by Laws 1939, p. 145, § 1, emerg. eff. Feb. 24, 1939; Laws 1965, c. 224, § 1, emerg. eff. June 16, 1965; Laws 1975, c. 263, § 1, emerg. eff. June 4, 1975; Laws 1983, c. 222, § 1; Laws 1985, c. 192, § 1; Laws 1992, c. 92, § 8, eff. Sept. 1, 1992; Laws 1994, c. 147, § 3, emerg. eff. May 3, 1994; Laws 2005, c. 407, § 2, eff. July 1, 2005; Laws 2009, c. 318, § 2, eff. Nov. 1, 2009; Laws 2011, c. 117, § 1, eff. Nov. 1, 2011; Laws 2015, c. 193, § 5, emerg. eff. April 28, 2015; Laws 2018, c. 281, § 1, eff. Nov. 1, 2018; Laws 2021, c. 311, § 1, eff. Nov. 1, 2021.

§34-10. Appeal upon question of ballot title.

A. Any person who is dissatisfied with the wording of a ballot title may, within ten (10) business days after the same is published by the Secretary of State as provided for in subsection I of Section 8 of this title, appeal to the Supreme Court by petition in which shall be offered a substitute ballot title for the one from which the appeal is taken. Upon the hearing of such appeal, the court may correct or amend the ballot title before the court, or accept the substitute suggested, or may draft a new one which will conform to the provisions of Section 9 of this title.

B. No such appeal shall be allowed as to the ballot title of constitutional and legislative enactments proposed by the Legislature.

R.L. 1910, § 3377. Amended by Laws 1975, c. 263, § 2, emerg. eff. June 4, 1975; Laws 1985, c. 192, § 2; Laws 2009, c. 318, § 3, eff. Nov. 1, 2009; Laws 2015, c. 193, § 6, emerg. eff. April 28, 2015.

§34-11. Procedure upon appeal.

Notice of the appeal provided for in the preceding section shall be served upon the Attorney General and upon the party who filed such ballot title, or on any of such parties, at least five (5) business days before such appeal is heard by the court. The Attorney General shall, and any citizen interested may, defend the ballot title from which the appeal is taken. Other procedure upon such appeals shall be the same as is prescribed for appeals from petitions filed as set forth in Section 8 of this title. R.L. 1910, § 3378. Amended by Laws 1975, c. 263, § 3, emerg. eff. June 4, 1975; Laws 2015, c. 193, § 7, emerg. eff. April 28, 2015.

§34-12. Proclamation by Governor.

When an initiative or referendum petition has been properly filed with sufficient signatures thereon, as provided in this title, and all objections or protests have been resolved or the period for filing such has expired, the Secretary of State shall, in writing, notify the Governor, who shall issue a proclamation setting forth the substance of the measure and the date on which the vote will be held.

R.L.1910, § 3379. Amended by Laws 1975, c. 263, § 4, emerg. eff. June 4, 1975; Laws 2009, c. 318, § 4, eff. Nov. 1, 2009.

§34-15. Repealed by Laws 1961, p. 266, § 6, emerg. eff. May 17, 1961.

§34-16. Repealed by Laws 1961, p. 266, § 6, emerg. eff. May 17, 1961.

§34-17. Publication of measures.

It shall be the duty of the Secretary of State, not less than five (5) business days before any election held throughout the state at which any proposed law, part of an act, or amendment to the constitution is to be submitted to the people of the state for their approval or rejection, to cause to be published once in two different newspapers of general statewide circulation and in a newspaper of general circulation in each county, a copy of all ballots on initiated and referred questions, measures, and constitutional amendments, and an explanation of how to vote for or against propositions. The Secretary of State shall designate the newspapers in which the publication shall be made. The publication shall be paid for at the legal rate for other publications, out of any funds of the state appropriated therefor.

R.L. 1910, § 3384. Amended by Laws 1916, c. 32, p. 87, § 1, emerg. eff. Feb. 26, 1916; Laws 1917, c. 173, p. 306, § 1; Laws 1921, c. 98, p. 124, § 1; Laws 1979, c. 47, § 12, emerg. eff. April 9, 1979; Laws 1992, c. 92, § 9, eff. Sept. 1, 1992; Laws 2015, c. 193, § 8, emerg. eff. April 28, 2015.

§34-18. Mandamus to compel performance of duty.

In the event any official of this state shall fail or neglect to prepare or have published the argument and other matter as provided by law, or to perform any other duty required in connection therewith, any elector may petition the district court, without cost to him, where any such officer has his official residence, for a writ of mandamus to require such officer to perform such duty, and the district courts of this state are hereby given jurisdiction to issue writs of mandamus and require performance of such duty as provided by law.

Laws 1916, c. 32, p. 89, § 3; Laws 1917, c. 173, p. 307, § 2.

§34-19. Failure to publish not to invalidate election.

The failure to prepare and have published the argument and other matter as provided by law shall not invalidate the election held on any initiative or referendum or Constitutional amendment proposed by the Legislature, and no election on any such measure shall be declared or held invalid on the grounds that such publication was not so prepared or published.

Laws 1916, c. 32, p. 89, § 4; Laws 1917, c. 173, p. 307, § 3.

§34-21. Resubmission, when.

Where there are competing measures and neither receives a majority of the votes cast for and against the one receiving the greatest number of votes shall, if it has received more than one-third (1/3) of the votes cast for and against both bills, be submitted by itself at the next general election. If two or more conflicting laws shall be approved by the people at the same election, the law receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such law may not have received the greatest majority of affirmative votes. If two or more conflicting amendments to the constitution shall be approved by the people at the same election, the amendment which receives the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict even though such amendment may not have received the greatest majority of affirmative votes.

R.L.1910, § 3386.

§34-22. Canvass of returns.

Whenever any measure or proposition is submitted to a vote by the initiative or referendum, it shall be the duty of the precinct election board of the precinct to make and transmit to the county election board the returns thereof in the same manner that they make their returns in the case of an election of public officers, transmitting to such county election board a certificate of the

total number of electors voting in such elections; and the county election board shall keep a record showing such total number of votes cast in each of such precincts as shown by such returns. Should the proposition be one covering the state at large, or any district therein, or be of such other nature as to require it the county election board shall certify the result of such election to the State Election Board in the same manner as it certifies the result of election for public officers, and such county election board shall transmit to the State Election Board a certificate showing the total number of votes cast at any such election. It shall be the duty of the State Election Board to keep a record of all such election returns made to it under the provisions of this section.

R.L.1910, § 3387; Laws 1974, c. 153, § 17-110, operative Jan. 1, 1975.

§34-23. Who may sign petitions and vote - Penalties.

Every person who is a qualified elector of the State of Oklahoma may sign a petition for the referendum or for the initiative for any measure upon which he is legally entitled to vote. Any person signing any name other than his own to any petition, or knowingly signing his name more than once for the same measure at one election, or who is not at the time of signing the same a legal voter of this state, or whoever falsely makes or willfully destroys a petition or any part thereof, or who signs or files any certificate or petition knowing the same or any part thereof to be falsely made, or suppresses any certificate or petition or any part thereof which has been duly filed or who shall violate any provision of this statute, or who shall aid or abet any other person in doing any of said acts; and any person violating any provision of this chapter, shall upon conviction thereof be guilty of a felony and shall be punished by a fine of not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment in the discretion of the court before which such conviction shall be had.

R.L. 1910, § 3392. Amended by Laws 1997, c. 133, § 443, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 327, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 443 from July 1, 1998, to July 1, 1999.

§34-24. Only substantial compliance required.

The procedure herein prescribed is not mandatory, but if substantially followed will be sufficient. If the end aimed at can be attained and procedure shall be sustained, clerical and mere technical errors shall be disregarded.

R.L.1910, § 3393.

§34-25. Time for submission of initiated and referred measures.

Whenever any measure shall be initiated by the people in the manner provided by law, or whenever the referendum shall be demanded against any measure passed by the Legislature, same shall be submitted to the people for their approval or rejection at the next regular election; provided, the Governor shall have power, in his discretion, to call a special election to vote upon such questions, or to designate the mandatory primary election as a special election for such purpose.

R.L.1910, § 3394; Laws 1916, c. 32, p. 89, § 2.

§34-26. Repealed by Laws 1961, p. 266, § 6, emerg. eff. May 17, 1961.

§34-27. Distribution of information on initiative and referendum process.

The Secretary of State may prepare and distribute information to the public on the initiative and referendum process. The information shall include, but not be limited to relevant statutes and constitutional provisions related to the initiative and referendum process. The information should also outline the initiative and referendum process in a chronological order. Added by Laws 1992, c. 92, § 10, eff. Sept. 1, 1992.