

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1767

By: Roberts (Eric)

5
6
7
8 COMMITTEE SUBSTITUTE

9 An Act relating to initiative and referendum;
10 amending 34 O.S. 2011, Section 9, as last amended by
11 Section 1, Chapter 281, O.S.L. 2018 (34 O.S. Supp.
12 2020, Section 9), which relates to ballot titles;
13 modifying certain ballot title requirements;
14 requiring certain ballot titles contain wording
15 descriptive of increased funding requirements; and
16 providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 34 O.S. 2011, Section 9, as last
19 amended by Section 1, Chapter 281, O.S.L. 2018 (34 O.S. Supp. 2020,
20 Section 9), is amended to read as follows:

21 Section 9. A. When a referendum is ordered by petition of the
22 people against any measure passed by the Legislature or when any
23 measure is proposed by initiative petition, whether as an amendment
24 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

1 measure with the Secretary of State and one copy with the Attorney
2 General.

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

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

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

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

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

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

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

22 7. Shall contain the language required by subsection E of this
23 section if applicable.

24

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

4 1. After final passage of a measure, the Secretary of State
5 shall submit the proposed ballot title to the Attorney General for
6 review as to legal correctness. Within five (5) business days after
7 receipt from the Secretary of State, the Attorney General shall, in
8 writing, notify the Secretary of State, the President Pro Tempore of
9 the Senate, the Speaker of the House of Representatives and the
10 principal authors of the bill whether or not the proposed ballot
11 title complies with applicable laws. The Attorney General shall
12 state with specificity any and all defects found and, if necessary,
13 within ten (10) business days of determining that the proposed
14 ballot title is defective, prepare a preliminary ballot title which
15 complies with the law and furnish a copy of such ballot title to the
16 Secretary of State, the President Pro Tempore of the Senate, the
17 Speaker of the House of Representatives and the principal authors of
18 the bill. The Attorney General may consider any comments made by
19 the President Pro Tempore of the Senate or the Speaker of the House
20 of Representatives submitted within five (5) business days of their
21 being furnished a copy of the preliminary ballot title. The
22 Attorney General shall respond in writing to the comments and shall
23 file a final ballot title with the Secretary of State no later than
24

1 fifteen (15) business days after furnishing the preliminary ballot
2 title; and

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

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

11 1. After the filing of the signed referendum petitions or the
12 signed initiative petitions, the Secretary of State shall submit the
13 proposed separate ballot title to the Attorney General for review as
14 to legal correctness. Within five (5) business days after the
15 receipt of the ballot title, the Attorney General shall, in writing,
16 notify the Secretary of State whether or not the proposed ballot
17 title complies with applicable laws. The Attorney General shall
18 state with specificity any and all defects found and, if necessary,
19 within ten (10) business days of determining that the proposed
20 ballot title is defective, prepare and file a ballot title which
21 complies with the law; and

22 2. Within ten (10) business days after completion of the review
23 and, if necessary, the filing of a ballot title in compliance with
24 law, by the Attorney General, the Secretary of State shall, if no

1 appeal is filed, transmit to the Secretary of the State Election
2 Board an attested copy of the measure, including the official ballot
3 title, and a certification that the requirements of this section
4 have been met. If an appeal is taken from such ballot title within
5 the time specified in Section 10 of this title, then the Secretary
6 of State shall certify to the Secretary of the State Election Board
7 the ballot title which is finally approved by the Supreme Court.

8 E. Any question to be submitted to a vote of the people,
9 whether pursuant to an initiative petition, a referendum petition
10 with respect to an enacted statute, or pursuant to a referred
11 measure by the Legislature, that would have the effect of increasing
12 the funding requirements of any department of state government,
13 including the legislative, the executive or judicial departments, or
14 any combination of such departments, shall contain a clear
15 statement, in language understandable by a reasonable person, that
16 if the proposal is approved, additional funding would be required by
17 the applicable department or departments of state government.

18 SECTION 2. This act shall become effective November 1, 2021.

19

20 58-1-7543 LRB 02/16/21

21

22

23

24