

1 STATE OF OKLAHOMA

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

3 HOUSE JOINT  
4 RESOLUTION 1038

By: Caldwell (Chad)

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7 AS INTRODUCED

8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection a proposed amendment to the Constitution of  
11 the State of Oklahoma by adding a new Section 33A to  
12 Article V; requiring supermajority approval for  
13 certain state questions; providing for determination  
14 of increases in state expenditures; prescribing  
15 wording for ballot title; providing procedures  
16 related to legislative referred measures; providing  
17 ballot title; and directing filing.

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20 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
21 1ST SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

22 SECTION 1. The Secretary of State shall refer to the people for  
23 their approval or rejection, as and in the manner provided by law,  
24 the following proposed amendment to the Constitution of the State of  
Oklahoma by adding a new Section 33A to Article V thereof, to read  
as follows:

A. If any state question, whether in the form of an amendment  
to the Oklahoma Constitution or amendments, new law enactments or  
repeals, in any combination thereof, with respect to the Oklahoma

1 Statutes, submitted to a popular vote either by initiative petition  
2 or in the form of a measure referred by the Legislature, would  
3 require an increase in the expenditures of any branch or department  
4 of state government, such question shall require the approval of  
5 sixty percent (60%) of those voting on the question or such question  
6 shall not become effective or binding as law.

7 B. Prior to the time that an initiative petition is filed with  
8 the Secretary of State, the proponents of the proposal shall obtain  
9 a certification from the State Auditor and Inspector or an entity,  
10 including any successor entity, designated for such purpose by the  
11 Legislature by statute enacted after the approval of this question,  
12 whether the proposal will or will not increase state expenditures as  
13 described in subsection A of this section. If the certification  
14 concludes that there would be an increase in expenditures, the  
15 ballot title for the initiative petition shall contain the following  
16 statement at the beginning of the ballot title and shall precede any  
17 other wording: "The approval of this proposal has been determined  
18 by the State of Oklahoma to require an increase in state government  
19 expenditures and requires sixty percent (60%) approval in order to  
20 become adopted as law." The wording for the ballot title as  
21 prescribed by this section may not be modified by the Attorney  
22 General.

23 C. If any measure referred to a vote of the people by the  
24 Legislature, whether in the form of statutes or amendments to the

1 Oklahoma Constitution, is determined to require an increase in state  
2 expenditures, the ballot title for the measure shall comply with the  
3 requirements of subsection A and B of this section, and the chamber  
4 from which such measure originates shall obtain the certification  
5 from either the State Auditor and Inspector or the entity designated  
6 by law to provide the certification. The certification shall be  
7 obtained prior to the final passage of the measure and shall be  
8 obtained so that if the certification determines that an increase in  
9 state expenditures would be required if the measure is approved, the  
10 ballot title for the measure shall conform to the requirements of  
11 subsection B of this section. The wording for the ballot title as  
12 prescribed by this section may not be modified by the Attorney  
13 General.

14 SECTION 2. The Ballot Title for the proposed Constitutional  
15 amendment as set forth in SECTION 1 of this resolution shall be in  
16 the following form:

17 BALLOT TITLE

18 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

19 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

20 This measure amends the Oklahoma Constitution. It would add a  
21 new Section 33A to Article V. This amendment to the Oklahoma  
22 Constitution would apply to initiative petitions and to measures  
23 referred to the statewide ballot by the Legislature. The  
24 measure would require a supermajority approval of certain types

1 of state questions. It would apply to amendments to the  
2 Oklahoma Constitution. It would apply to amendments, new  
3 enactments or repeals, in any combination, to the Oklahoma  
4 Statutes. It would require sixty-percent (60%) approval if the  
5 state question would cause an increase in expenditures by any  
6 branch of state government, including the legislative branch,  
7 the executive branch or the judicial branch. If the State  
8 Auditor or Inspector or other state entity found that the  
9 proposal would require an increase in state expenditures, a  
10 certification of that fact would be issued. If a measure is  
11 certified to require an increase in expenditures, it will have a  
12 sentence in the ballot title. The sentence will read as  
13 follows: "The approval of this proposal has been determined by  
14 the State of Oklahoma to require an increase in state government  
15 expenditures and requires sixty percent (60%) approval in order  
16 to become adopted as law."

17 SHALL THE PROPOSAL BE APPROVED?

18 FOR THE PROPOSAL - YES \_\_\_\_\_

19 AGAINST THE PROPOSAL - NO \_\_\_\_\_

20 SECTION 3. The Chief Clerk of the House of Representatives,  
21 immediately after the passage of this resolution, shall prepare and  
22 file one copy thereof, including the Ballot Title set forth in  
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1 SECTION 2 hereof, with the Secretary of State and one copy with the  
2 Attorney General.

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