

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 1105

By: McCall of the House

and

Daniels of the Senate

7 An Act relating to initiative and referendum;
8 amending 34 O.S. 2021, which relates to filing and
signature gathering of petitions; imposing filing fee
9 for certain petitions; providing for reimbursement;
10 increasing time limit for protests; requiring filing
of criminal history investigation by certain persons;
11 increasing time limit for filing objection; and
providing an effective date.

13 AMENDMENT NO. 1. Page 1, strike the title

14 Passed the Senate the 25th day of April, 2024.

16 _____
17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2024.

22 _____
23 Presiding Officer of the House
of Representatives

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2 BILL NO. 1105

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7 An Act relating to initiative and referendum;
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9 signature gathering of petitions; imposing filing fee
10 for certain petitions; providing for reimbursement;
11 increasing time limit for protests; requiring filing
12 of criminal history investigation by certain persons;
13 increasing time limit for filing objection; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 34 O.S. 2021, is amended to read
17 as follows:

18 Section 34-8. A. When a citizen or citizens desire to
19 circulate a petition initiating a proposition of any nature, whether
20 to become a statute law or an amendment to the Constitution, or for
21 the purpose of invoking a referendum upon legislative enactments,
22 such citizen or citizens shall, when such petition is prepared, and
23 before the same is circulated or signed by electors, file a true and
24 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

1 part of or printed on the petition. The Secretary of State shall
2 charge and collect a filing fee of One Thousand Dollars (\$1,000.00);
3 provided, the total fee shall be reimbursed upon qualification of
4 the proposed petition to be placed on a ballot pursuant to the
5 requirements of this title.

6 B. It shall be the duty of the Secretary of State to cause to
7 be published, in at least one newspaper of general circulation in
8 the state, a notice of such filing and the apparent sufficiency or
9 insufficiency of the petition, and shall include notice that any
10 citizen or citizens of the state may file a protest as to the
11 constitutionality of the petition, by a written notice to the
12 Supreme Court and to the proponent or proponents filing the
13 petition. Any such protest must be filed within ~~ten (10) business~~
14 ninety (90) days after publication. A copy of the protest shall be
15 filed with the Secretary of State.

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

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

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

4 E. Signature-gathering Deadline for Initiative Petitions. When
5 an initiative petition has been filed in the office of the Secretary
6 of State and all appeals, protests and rehearings have been resolved
7 or the period for such has expired, the Secretary of State shall set
8 the date for circulation of signatures for the petition to begin but
9 in no event shall the date be less than fifteen (15) days nor more
10 than thirty (30) days from the date when all appeals, protests and
11 rehearings have been resolved or have expired. Notification shall
12 be sent to the proponents specifying the date on which circulation
13 of the petition shall begin and that the signatures are due within
14 ninety (90) days of the date set. Each person responsible for the
15 circulation of a petition for the collection of signatures shall
16 have a criminal history investigation performed by the Oklahoma
17 State Bureau of Investigation filed with the Secretary of State.
18 Each elector shall sign his or her name and legibly print his or her
19 name, birth date and address associated with his or her Oklahoma
20 voter registration record. Any petition not filed in accordance
21 with this provision shall not be considered. The proponents of an
22 initiative petition, any time before the final submission of
23 signatures, may withdraw the initiative petition upon written
24 notification to the Secretary of State.

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

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

9 1. All signed petitions have already been filed with the
10 Secretary of State;

11 2. No more petitions are in circulation; and

12 3. The proponents will not circulate any more petitions.

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

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

21 1. The total number of signatures counted pursuant to
22 procedures set forth in this title; and

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1 2. The total number of votes cast for the state office
2 receiving the highest number of votes cast at the last general
3 election.

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

7 I. Upon order of the Supreme Court it shall be the duty of the
8 Secretary of State to forthwith cause to be published, in at least
9 one newspaper of general circulation in the state, a notice of the
10 filing of the signed petitions and the apparent sufficiency or
11 insufficiency thereof, and shall also publish the text of the ballot
12 title as reviewed and approved or, if applicable, as rewritten by
13 the Attorney General pursuant to the provisions of subsection D of
14 Section 9 of this title and notice that any citizen or citizens of
15 the state may file an objection to the count made by the Secretary
16 of State, by a written notice to the Supreme Court and to the
17 proponent or proponents filing the petition. Any such objection
18 must be filed within ~~ten (10) business~~ ninety (90) days after
19 publication and must relate only to the validity or number of the
20 signatures or a challenge to the ballot title. A copy of the
21 objection to the count or ballot title shall be filed with the
22 Supreme Court, the Attorney General and the Secretary of State.

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

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

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

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

17 SECTION 2. This act shall become effective November 1, 2024.

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1 Passed the House of Representatives the 13th day of March, 2024.

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3 _____
4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ___ day of _____, 2024.

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9 Presiding Officer of the Senate