

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB518 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Andy Fugate _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 518

By: Daniels and Bullard of the
Senate

and

Lepak of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to initiative and referendum;
amending 34 O.S. 2021, Section 8, which relates to
signature gathering; modifying filing of petition
pamphlets; and providing an effective date.

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

SECTION 1. AMENDATORY 34 O.S. 2021, Section 8, is
amended to read as follows:

Section 8. 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

1 of same in the office of the Secretary of State and shall at the
2 same time file a separate ballot title, which shall not be part of
3 or printed on the petition.

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

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

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

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

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

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

6 ~~1. All signed petitions have already been filed with the~~
7 ~~Secretary of State;~~

8 ~~2. No more petitions are in circulation; and~~

9 ~~3. The proponents will not circulate any more petitions.~~

10 ~~If file a petition pamphlet with the Secretary of State receives~~
11 ~~such a certification from the proponents at any time, and the~~
12 Secretary of State shall immediately begin the counting and review
13 process.

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

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

21 2. The total number of votes cast for the state office
22 receiving the highest number of votes cast at the last general
23 election.

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

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

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

23 K. Upon the filing of an objection to the signature count or
24 ballot title, the Supreme Court shall resolve the objection with

1 dispatch. The Supreme Court shall adopt rules to govern proceedings
2 to apply to the challenge of a measure on the grounds that the
3 proponents failed to gather sufficient signatures.

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

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

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

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