

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1105

By: McCall of the House and Daniels of the Senate









Title: Initiative and referendum; filing and signature gathering of petitions; fee; providing for reimbursement; protests; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

HB1105 CCR (A)
HOUSE CONFEREES

| | | | |
|-----------------|---|----------------|--|
| Bashore, Steve |  | Echols, Jon |  |
| Fugate, Andy | <hr/> | Hill, Brian |  |
| McCall, Charles |  | McDugle, Kevin |  |
| Osburn, Mike |  | Pfeiffer, John |  |
| Swope, Amanda | <hr/> | Vacant | <hr/> |
| West, Tammy |  | | |

HB1105 CCR A

SENATE CONFEREES

Daniels _____

Garvin _____

Stewart _____

Bergstrom _____

Hamilton _____

Young _____

Julius Daniel
Jack Stewart
Michael Bergstrom
Wanda Hamilton

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1105

By: McCall of the House

and

Daniels of the Senate

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to initiative and referendum;
11 amending 34 O.S. 2021, Section 8, which relates to
12 filing and signature gathering of petitions;
13 increasing time limit for protests; increasing time
14 limit for filing objection; and declaring an
15 emergency.

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

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

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

1 same time file a separate ballot title, which shall not be part of
2 or printed on the petition.

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

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

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

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

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

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

4 1. All signed petitions have already been filed with the
5 Secretary of State;

6 2. No more petitions are in circulation; and

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

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

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

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

18 2. The total number of votes cast for the state office
19 receiving the highest number of votes cast at the last general
20 election.

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

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

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

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

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

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

9 SECTION 2. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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