

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1105

By: McCall

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to initiative and referendum;  
10                   amending 34 O.S. 2011, Section 8, as last amended by  
11                   Section 8, Chapter 125, O.S.L. 2020 (34 O.S. Supp.  
12                   2020, Section 8), which relates to filing and  
13                   signature gathering of petitions; imposing filing fee  
14                   for certain petitions; providing for reimbursement;  
15                   increasing time limit for protests; requiring filing  
16                   of criminal history investigation by certain persons;  
17                   increasing time limit for filing objection; and  
18                   providing an effective date.

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

20                   SECTION 1.           AMENDATORY           34 O.S. 2011, Section 8, as last  
21                   amended by Section 8, Chapter 125, O.S.L. 2020 (34 O.S. Supp. 2020,  
22                   Section 8), is amended to read as follows:

23                   Section 34-8. A. When a citizen or citizens desire to  
24                   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,

1 such citizen or citizens shall, when such petition is prepared, and  
2 before the same is circulated or signed by electors, file a true and  
3 exact copy of same in the office of the Secretary of State and shall  
4 at the same time file a separate ballot title, which shall not be  
5 part of or printed on the petition. The Secretary of State shall  
6 charge and collect a filing fee of One Thousand Dollars (\$1,000.00);  
7 provided, the total fee shall be reimbursed upon qualification of  
8 the proposed petition to be placed on a ballot pursuant to the  
9 requirements of this title.

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

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

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

9 E. Signature-gathering Deadline for Initiative Petitions. When  
10 an initiative petition has been filed in the office of the Secretary  
11 of State and all appeals, protests and rehearings have been resolved  
12 or the period for such has expired, the Secretary of State shall set  
13 the date for circulation of signatures for the petition to begin but  
14 in no event shall the date be less than fifteen (15) days nor more  
15 than thirty (30) days from the date when all appeals, protests and  
16 rehearings have been resolved or have expired. Notification shall  
17 be sent to the proponents specifying the date on which circulation  
18 of the petition shall begin and that the signatures are due within  
19 ninety (90) days of the date set. Each person responsible for the  
20 circulation of a petition for the collection of signatures shall  
21 have a criminal history investigation performed by the Oklahoma  
22 State Bureau of Investigation filed with the Secretary of State.  
23 Each elector shall sign his or her name and legibly print his or her  
24 name, birth date and address associated with his or her Oklahoma

1 voter registration record. Any petition not filed in accordance  
2 with this provision shall not be considered. The proponents of an  
3 initiative petition, any time before the final submission of  
4 signatures, may withdraw the initiative petition upon written  
5 notification to the Secretary of State.

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

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

14 1. All signed petitions have already been filed with the  
15 Secretary of State;

16 2. No more petitions are in circulation; and

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

18 If the Secretary of State receives such a certification from the  
19 proponents, the Secretary of State shall begin the counting and  
20 review process.

21 H. When the signed copies of a petition pamphlet are timely  
22 filed, the Secretary of State shall file a copy of the proponent's  
23 ballot title with the Attorney General and, after conducting a count

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1 and review of the filed, signed petition pamphlets, the Secretary of  
2 State shall certify to the Supreme Court of the state:

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

5 2. The total number of votes cast for the state office  
6 receiving the highest number of votes cast at the last general  
7 election.

8 The Supreme Court shall make the determination of the numerical  
9 sufficiency or insufficiency of the signatures counted and reviewed  
10 by the Secretary of State.

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

1 objection to the count or ballot title shall be filed with the  
2 Supreme Court, the Attorney General and the Secretary of State.

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

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

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

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

19 SECTION 2. This act shall become effective November 1, 2024.  
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21 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/26/2024 - DO PASS,  
22 As Amended.  
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