

1 **SENATE FLOOR VERSION**

2 February 7, 2023

3 SENATE BILL NO. 518

By: Daniels and Bullard

4
5
6 An Act relating to initiative and referendum;
7 amending 34 O.S. 2021, Sections 1, 2 and 8, which
8 relate to form, publication, and protest; modifying
9 information required for inclusion on certain forms;
10 authorizing Secretary of State to charge certain
11 filing fee for certain purpose; requiring certain
12 publication on website; requiring notice to certain
13 officers; increasing time period for certain protest
14 or objection; updating statutory language; and
15 declaring an emergency.

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

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

19 Section 1. A. The referendum petition shall be substantially
20 as follows:

21 **PETITION FOR REFERENDUM**

22 To the Honorable _____, Governor of Oklahoma (or To the
23 Honorable _____, Mayor, Chairman of County Commissioners, or
24 other chief executive officer, as the case may be, of the city,
county or other municipal corporation of _____):

We, the undersigned legal voters of the State of Oklahoma (or
district of _____, county of _____, or city of

1 _____, as the case may be), respectfully order that Senate
2 (or House) Bill No. _____ (or ordinance No. _____),
3 entitled (title of Act, and if the petition is against less than the
4 whole Act, then set forth here the part or parts on which the
5 referendum is sought), passed by the _____ Legislature of the
6 State of Oklahoma, at the regular (or special) session of said
7 legislature, shall be referred to the people of the State (district
8 of _____, county of _____, or city of _____, as
9 the case may be) for their approval or rejection at the regular (or
10 special) election to be held on the _____ day of _____,
11 20__, and each for himself says: I have personally signed this
12 petition; I am a legal voter of the State of Oklahoma (and district
13 of _____, county of _____, or city of _____, as
14 the case may be); the following five data points shall be included
15 on the form: the voter's legal first name, legal last name, zip
16 code, house number and numerical month and day of my birth.

17 Referendum petitions shall be filed with the Secretary of State
18 not more than ninety (90) days after the final adjournment of the
19 session of the legislature which passed the bill on which the
20 referendum is demanded. (For county, city or other municipality the
21 length of time shall be thirty (30) days.)

22 The question we herewith submit to our fellow voters is: Shall
23 the following bill of the legislature (or ordinance or resolution--
24 local legislation) be approved? (Insert here an exact copy of the

1 text of the measure followed by proponents of record (not to exceed
2 three signatures, complete printed name and address associated with
3 his or her Oklahoma voter registration record).)

4 B. In order for the signature to be approved by the Secretary
5 of State, ~~three~~ four or more data points described in subsection A
6 of this section must be matched to the voter registration file.

7 SECTION 2. AMENDATORY 34 O.S. 2021, Section 2, is
8 amended to read as follows:

9 Section 2. A. The form of initiative petition shall be
10 substantially as follows:

11 INITIATIVE PETITION

12 To the Honorable _____, Governor of Oklahoma (or To the
13 Honorable _____, Mayor, Chairman of County Commissioners,
14 or other chief executive officers, as the case may be, for the city,
15 county or other municipality): We, the undersigned legal voters of
16 the State of Oklahoma (and of the district of _____,
17 county of _____, or city of _____, as the case
18 may be), respectfully order that the following proposed law (or
19 amendment to the constitution, ordinance, or amendment to the city
20 charter, as the case may be) shall be submitted to the legal voters
21 of the State of Oklahoma (or of the district of _____,
22 county of _____, or city of _____, as the case may
23 be) for their approval or rejection at the regular general election
24 (or regular or special city election), to be held on the _____ day

1 of _____, 20__ , and each for himself says: I have personally
2 signed this petition; I am a legal voter of the State of Oklahoma
3 (and of the district of _____, county of _____,
4 city of _____, as the case may be); the following five data
5 points shall be included on the form: the voter's legal first name,
6 legal last name, zip code, house number, and numerical month and day
7 of my birth. The time for filing this petition expires ninety (90)
8 days from (Secretary of State to insert assigned date when petition
9 is to begin signature circulation). (This for State initiative.
10 For county, city, or other municipality the length of time shall be
11 ninety (90) days.) The question we herewith submit to our fellow
12 voters is: Shall the following bill (or proposed amendment to the
13 Constitution or resolution) be approved? (Insert here an exact copy
14 of the text of the measure followed by proponents of record (not to
15 exceed three signatures, complete printed name and address
16 associated with his or her Oklahoma voter registration record).)

17 B. In order for the signature to be approved by the Secretary
18 of State, ~~three~~ four or more data points described in subsection A
19 of this section must be matched to the voter registration file.

20 SECTION 3. AMENDATORY 34 O.S. 2021, Section 8, is
21 amended to read as follows:

22 Section 8. A. When a citizen or citizens desire to circulate a
23 petition initiating a proposition of any nature, whether to become a
24 statute law or an amendment to the Constitution, or for the purpose

1 of invoking a referendum upon legislative enactments, such citizen
2 or citizens shall, when such petition is prepared, and before the
3 same is circulated or signed by electors, file a true and exact copy
4 of same in the office of the Secretary of State and shall at the
5 same time file a separate ballot title, which shall not be part of
6 or printed on the petition. The Secretary may charge a filing fee
7 not to exceed Seven Hundred Fifty Dollars (\$750.00) to cover the
8 cost of publication of notice as required by subsection B of this
9 section.

10 B. It shall be the duty of the Secretary of State to cause to
11 be published, on the website of the Office of the Secretary of State
12 and in at least one newspaper of general circulation in the state, a
13 notice of such filing and the apparent sufficiency or insufficiency
14 of the petition, and shall include notice that any citizen or
15 citizens of the state may file a protest as to the constitutionality
16 of the petition, by a written notice to the Supreme Court and to the
17 proponent or proponents filing the petition. Notice of such filing
18 shall be provided to the President Pro Tempore of the Senate and the
19 Speaker of the House of Representatives. Any such protest must be
20 filed within ~~ten (10)~~ twenty (20) business days after publication.
21 A copy of the protest shall be filed with the Secretary of State.

22 C. Upon the filing of a protest to the petition, the Supreme
23 Court shall then fix a day, not less than ten (10) business days
24

1 thereafter, at which time it will hear testimony and arguments for
2 and against the sufficiency of such petition.

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

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

1 considered. The proponents of an initiative petition, any time
2 before the final submission of signatures, may withdraw the
3 initiative petition upon written notification to the Secretary of
4 State.

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

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

- 13 1. All signed petitions have already been filed with the
14 Secretary of State;
- 15 2. No more petitions are in circulation; and
- 16 3. The proponents will not circulate any more petitions.

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

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

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

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

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

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

17 SECTION 4. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
22 February 7, 2023 - DO PASS
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