

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR ENGROSSED

6 SENATE BILL NO. 1027

By: Bullard, Paxton, Jett,
McIntosh, Deevers,
Grellner, Hines, Hamilton,
Prieto, Alvord, and
Gillespie of the Senate

7 and

8 Hilbert of the House
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12 POLICY COMMITTEE RECOMMENDATION

13 An Act relating to initiative and referendum;
14 amending 34 O.S. 2021, Sections 3, 6, 8, as amended
15 by Section 1, Chapter 364, O.S.L. 2024, and 9 (34
16 O.S. Supp. 2024, Section 8), which relate to
17 signatures for petitions and ballot title; making
18 language gender neutral; establishing requirements
19 for gist of proposition; requiring inclusion of
20 certain statement on petition; requiring Secretary of
21 State to make affirmation about certain language;
22 authorizing certain removal for violation; adding
23 qualification for persons circulating petition for
24 signatures; requiring certain notice; providing that
signature serves as certain attestation; requiring
Secretary of State to establish procedures for
removal of certain signatures; requiring certain
disclosures; establishing requirements for certain
contributions or compensation; requiring report of
certain expenditures; requiring publication of
certain reports on Secretary of State website;
modifying requirements for certain signatures;
updating certain vote requirement; updating statutory
reference; adding requirement for ballot title;
updating statutory language; specifying applicability

1 of provisions; providing for severability; providing
2 for noncodification; providing for codification; and
3 declaring an emergency.

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

5 SECTION 1. AMENDATORY 34 O.S. 2021, Section 3, is
6 amended to read as follows:

7 Section 3. A. Each initiative petition and each referendum
8 petition shall be duplicated for the securing of signatures. The
9 Secretary of State shall design a form, subject to change, for
10 signatures that shall be used by proponents of initiatives or
11 referendums when collecting signatures, and each sheet for
12 signatures shall be attached to a copy of the petition. Each copy
13 of the petition and sheets for signatures is hereinafter termed a
14 pamphlet. On the outer page of each pamphlet shall be printed the
15 word "Warning", and underneath this in ten-point type the words, "It
16 is a felony for anyone to sign an initiative or referendum petition
17 with any name other than his or her own, or knowingly to sign his or
18 her name more than once for the measure, or to sign such petition
19 when he or she is not a legal voter of this state." A ~~simple~~
20 statement of the gist of the proposition shall be printed on the top
21 margin of each signature sheet and shall:

22 1. Explain in basic words, which can be easily found in
23 dictionaries of general usage, the effect of the proposition;
24

1 2. Not contain any words which have a special meaning for a
2 particular profession or trade not commonly known to the citizens of
3 this state;

4 3. Not contain euphemisms, words, or phrases regarded in
5 popular parlance as code words, or an apparent attempt to deceive
6 voters;

7 4. Not reflect partiality in its composition or contain any
8 argument for or against the measure; and

9 5. Indicate whether a proposed measure will have a fiscal
10 impact on the state and if so, the potential source of funding
11 including, but not limited to, federal funding or legislative
12 appropriation which may require imposition of a new tax, increase of
13 an existing tax, or elimination of existing services.

14 B. A statement shall be printed under the gist of the
15 proposition that provides notice that a copy of the petition and all
16 signatures on such petition are public records subject to the
17 Oklahoma Open Records Act.

18 C. The Secretary of State shall affirm that any gist conforms
19 with the requirements of this section. The Secretary may remove any
20 gist that violates the requirements of this section and direct the
21 proponents of the petition to submit a gist that complies with all
22 the requirements of this section.

23 SECTION 2. AMENDATORY 34 O.S. 2021, Section 6, is
24 amended to read as follows:

1 Section 6. Any person who circulates a sheet of ~~said~~ the
2 petition shall be a registered voter of this state and shall verify
3 the signatures included on any signature sheets he or she circulates
4 by executing his or her affidavit thereon and as a part thereof.
5 The Secretary of State shall cause to be affixed onto the back of
6 the signature form an affidavit, subject to change, for the
7 circulator to verify the signatures.

8 State of Oklahoma,)
9) ss.
10 County of _____)

11 I, _____, being first duly sworn, say: That I am at least
12 eighteen (18) years old, a registered voter of this state, and that
13 all signatures on the signature sheet were signed in my presence; I
14 believe that each has stated his or her name, mailing address,
15 county of residence, and date of birth associated with his or her
16 Oklahoma voter registration record, and that each signer is a legal
17 voter of the State of Oklahoma and county of _____ or of the city
18 of _____ (as the case may be). (Signature and complete address of
19 affiant.)

20 Subscribed and sworn to before me this _____ day of _____ A.D.
21 20__.

22 (Signature and title of the Oklahoma notarial officer before
23 whom oath is made, and his or her complete address, commission
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1 number and expiration date, and official Oklahoma notary public
2 seal.)

3 SECTION 3. AMENDATORY 34 O.S. 2021, Section 8, as
4 amended by Section 1, Chapter 364, O.S.L. 2024 (34 O.S. Supp. 2024,
5 Section 8), is amended to read as follows:

6 Section 8. A. When a citizen or citizens desire to circulate a
7 petition initiating a proposition of any nature, whether to become a
8 statute law or an amendment to the Oklahoma Constitution, or for the
9 purpose of invoking a referendum upon legislative enactments, such
10 citizen or citizens shall, when such petition is prepared, and
11 before the same is circulated or signed by electors, file a true and
12 exact copy of same in the office of the Secretary of State and shall
13 at the same time file a separate ballot title, which shall not be
14 part of or printed on the petition.

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

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

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

13 E. Signature-gathering Deadline for Initiative Petitions. When
14 an initiative petition has been filed in the office of the Secretary
15 of State and all appeals, protests, and rehearings have been
16 resolved or the period for such has expired, the Secretary of State
17 shall set the date for circulation of signatures for the petition to
18 begin but in no event shall the date be less than fifteen (15) days
19 nor more than thirty (30) days from the date when all appeals,
20 protests, and rehearings have been resolved or have expired.
21 Notification shall be sent to the proponents specifying the date on
22 which circulation of the petition shall begin and that the
23 signatures are due within ninety (90) days of the date set. Any
24 person who circulates the petition to collect signatures shall be a

1 registered voter in this state and shall display a conspicuous
2 notice in any location where the person is collecting signatures
3 whether the person is being paid to circulate the petition and if
4 so, by what person or entity. Each elector shall sign his or her
5 name and legibly print his or her name, birth date ~~and~~, address, and
6 county of residence associated with his or her Oklahoma voter
7 registration record. An elector's signature shall serve as an
8 attestation that the elector read the gist in full or that the
9 person who solicited the elector's signature read the gist in full
10 to the elector. The Secretary of State shall establish procedures
11 by which an elector can request to have his or her signature removed
12 from the petition. Any petition not filed in accordance with this
13 provision shall not be considered. The proponents of an initiative
14 petition, any time before the final submission of signatures, may
15 withdraw the initiative petition upon written notification to the
16 Secretary of State.

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

22 G. 1. Any person who circulates the petition to collect
23 signatures shall disclose to the Secretary of State any employer or
24 entity that is compensating the person for the circulation of the

1 petition. No compensation shall be based on number of signatures
2 collected, number of signature sheets submitted, or any other
3 similar incentives. No person or entity who does not reside or do
4 business in this state shall contribute to or compensate a person
5 for circulation of a petition. Any person or entity that employs a
6 person for circulation of a petition shall follow federal labor
7 standards; and

8 2. Any person or entity expending funds on the circulation of a
9 petition shall submit a weekly report to the Secretary of State that
10 details such expenditures and that attests that all donated funds
11 were received from sources in this state. The Secretary of State
12 shall publish such reports on the Secretary's website until the vote
13 on the measure has occurred.

14 H. 1. The total number of signatures collected to meet the
15 requirements for an initiative petition or referendum petition,
16 amending the Oklahoma Statutes, from a single county shall not
17 exceed eleven and five-tenths percent (11.5%) of the number of votes
18 cast in the county during the most recent statewide general
19 election; and

20 2. The total number of signatures collected to meet the
21 requirements for an initiative petition or referendum petition,
22 amending the Oklahoma Constitution, from a single county shall not
23 exceed twenty and eight-tenths percent (20.8%) of the number of
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1 votes cast in the county during the most recent statewide general
2 election.

3 I. 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 the Secretary of State receives such a certification from the
11 proponents, the Secretary of State shall begin the counting and
12 review process.

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

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

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

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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 ~~F.~~ K. Upon order of the Supreme Court it shall be the duty of
5 the Secretary of State to forthwith cause to be published, in at
6 least one newspaper of general circulation in the state, a notice of
7 the 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~~ shall be filed within ninety (90) days after publication and
16 ~~must~~ shall relate only to the validity or number of the signatures
17 or a challenge to the ballot title. A copy of the objection to the
18 count or ballot title shall be filed with the Supreme Court, the
19 Attorney General, and the Secretary of State.

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

23 ~~K.~~ M. 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 ~~H.~~ N. If in the opinion of the Supreme Court, any objection to
5 the count or protest to the petition is frivolous, the Court may
6 impose appropriate sanctions, including an award of costs and
7 ~~attorneys~~ attorney fees to either party as the Court deems
8 equitable.

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

13 SECTION 4. AMENDATORY 34 O.S. 2021, Section 9, is
14 amended to read as follows:

15 Section 9. A. When a referendum is ordered by petition of the
16 people against any measure passed by the Legislature or when any
17 measure is proposed by initiative petition, whether as an amendment
18 to the Oklahoma Constitution or as a statute, it shall be the duty
19 of the parties submitting the measure to prepare and file one copy
20 of the measure with the Secretary of State and one copy with the
21 Attorney General.

22 B. The parties submitting the measure shall also submit a
23 suggested ballot title to the Secretary of State which shall be
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1 filed on a separate sheet of paper and shall not be part of or
2 printed on the petition. The suggested ballot title:

3 1. Shall not exceed two hundred words, or three hundred words
4 if the proposed measure will have a fiscal impact on the state;

5 2. Shall explain in basic words, which can be easily found in
6 dictionaries of general usage, the effect of the proposition;

7 3. Shall not contain any words which have a special meaning for
8 a particular profession or trade not commonly known to the citizens
9 of this state;

10 4. Shall not contain euphemisms, words, or phrases regarded in
11 popular parlance as code words, or an apparent attempt to deceive
12 voters;

13 5. Shall not reflect partiality in its composition or contain
14 any argument for or against the measure;

15 ~~5.~~ 6. Shall contain language which clearly states that a "yes"
16 vote is a vote in favor of the proposition and a "no" vote is a vote
17 against the proposition;

18 ~~6.~~ 7. Shall not contain language whereby a "yes" vote is, in
19 fact, a vote against the proposition and a "no" vote is, in fact, a
20 vote in favor of the proposition; and

21 ~~7.~~ 8. Shall indicate if a proposed measure will have a fiscal
22 impact on the state and if so, the potential source of funding
23 including, but not limited to, federal funding or legislative
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1 appropriation which may require imposition of a new tax, increase of
2 an existing tax, or elimination of existing services.

3 C. When a measure is proposed as a constitutional amendment by
4 the Legislature or when the Legislature proposes a statute
5 conditioned upon approval by the people:

6 1. After final passage of a measure, the Secretary of State
7 shall submit the proposed ballot title to the Attorney General for
8 review as to legal correctness. Within five (5) business days after
9 receipt from the Secretary of State, the Attorney General shall, in
10 writing, notify the Secretary of State, the President Pro Tempore of
11 the Senate, the Speaker of the House of Representatives and the
12 principal authors of the bill whether or not the proposed ballot
13 title complies with applicable laws. The Attorney General shall
14 state with specificity any and all defects found and, if necessary,
15 within ten (10) business days of determining that the proposed
16 ballot title is defective, prepare a preliminary ballot title which
17 complies with the law and furnish a copy of such ballot title to the
18 Secretary of State, the President Pro Tempore of the Senate, the
19 Speaker of the House of Representatives and the principal authors of
20 the bill. The Attorney General may consider any comments made by
21 the President Pro Tempore of the Senate or the Speaker of the House
22 of Representatives submitted within five (5) business days of their
23 being furnished a copy of the preliminary ballot title. The
24 Attorney General shall respond in writing to the comments and shall

1 file a final ballot title with the Secretary of State no later than
2 fifteen (15) business days after furnishing the preliminary ballot
3 title; and

4 2. After receipt of the measure and the official ballot title,
5 as certified by the Attorney General, the Secretary of State shall
6 within five (5) days transmit to the Secretary of the State Election
7 Board an attested copy of the measure, including the official ballot
8 title.

9 D. The following procedure shall apply to ballot titles of
10 referendums ordered by a petition of the people or any measure
11 proposed by an initiative petition:

12 1. After the filing of the signed referendum petitions or the
13 signed initiative petitions, the Secretary of State shall submit the
14 proposed separate ballot title to the Attorney General for review as
15 to legal correctness. Within five (5) business days after the
16 receipt of the ballot title, the Attorney General shall, in writing,
17 notify the Secretary of State whether or not the proposed ballot
18 title complies with applicable laws. The Attorney General shall
19 state with specificity any and all defects found and, if necessary,
20 within ten (10) business days of determining that the proposed
21 ballot title is defective, prepare and file a ballot title which
22 complies with the law; and

23 2. Within ten (10) business days after completion of the review
24 and, if necessary, the filing of a ballot title in compliance with

1 law, by the Attorney General, the Secretary of State shall, if no
2 appeal is filed, transmit to the Secretary of the State Election
3 Board an attested copy of the measure, including the official ballot
4 title, and a certification that the requirements of this section
5 have been met. If an appeal is taken from such ballot title within
6 the time specified in Section 10 of this title, then the Secretary
7 of State shall certify to the Secretary of the State Election Board
8 the ballot title which is finally approved by the Supreme Court.

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 28 of Title 34, unless there is
11 created a duplication in numbering, reads as follows:

12 The provisions of this act shall be severable and if any
13 section, subsection, sentence, or clause of this act is for any
14 reason held to be invalid such holding shall not affect the validity
15 of the remaining portions thereof.

16 SECTION 6. NEW LAW A new section of law not to be
17 codified in the Oklahoma Statutes reads as follows:

18 Upon the effective date of this act, the provisions shall be
19 applicable to all initiative petitions for which the Secretary of
20 State has not previously set the date for circulation of the
21 petition for signatures pursuant to subsection E of Section 8 of
22 Title 34 of the Oklahoma Statutes.

23 SECTION 7. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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