

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL No.2246_____

By: Terrill

4
5
6 AS INTRODUCED

7 An Act relating to initiative and referendum;
8 amending 34 O.S. 2001, Sections 1, 2, 3, 3.1, 4, 6,
9 6.1, 8, 9, as amended by Section 2, Chapter 407,
10 O.S.L. 2005, 10 and 11 (34 O.S. Supp. 2008, Section
11 9), which relate to initiatives and referendums;
12 modifying referendum petition form; modifying
13 initiative petition form; modifying signature and
14 circulation requirements; providing requirements for
15 petition circulators; providing for protected rights
16 of petition circulators; providing for violations;
17 modifying filing requirements of petition; providing
18 for certificate of circulator; allowing certain
19 persons to withdraw signature; requiring approval
20 before circulation of petition; providing for gist
21 statement; modifying dates for filing; modifying
22 appeal of ballot title; modifying procedure upon
23 appeal; providing for codification; and providing an
24 effective date.

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

19 SECTION 1. AMENDATORY 34 O.S. 2001, Section 1, is
20 amended to read as follows:

21 Section 1. The referendum petition shall be substantially as
22 follows:

23 PETITION FOR REFERENDUM

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

5 We, the undersigned legal voters of the State of Oklahoma (or
6 district of _____, county of _____, or city of
7 _____, as the case may be), respectfully order that Senate
8 (or House) Bill No. _____ (or ordinance No. _____),
9 entitled (title of Act, and if the petition is against less than the
10 whole Act, then set forth here the part or parts on which the
11 referendum is sought), passed by the _____ Legislature of the
12 State of Oklahoma, at the regular (or special) session of said
13 legislature, shall be referred to the people of the State (district
14 of _____, county of _____, or city of _____, as
15 the case may be) for their approval or rejection at the regular (or
16 special) election to be held on the _____ day of _____, ~~19~~
17 20, and each for himself says: I have personally signed this
18 petition; I am a legal voter of the State of Oklahoma (and district
19 of _____, county of _____, or city of _____, as
20 the case may be); my residence or post office are correctly written
21 after my name.

22 Referendum petitions shall be filed with the Secretary of State
23 not more than ninety days after the final adjournment of the session
24 of the Legislature which passed the bill on which the referendum is

1 demanded. (For county, city or other municipality the length of
2 time shall be thirty days.)

3 The question we herewith submit to our fellow voters is: Shall
4 the following bill of the Legislature (or ordinance or
5 resolution--local legislation) be approved? (Insert here an exact
6 copy of the title and text of the measure.)

7 Name and Address of Proponents (not to exceed three)

8 Name _____ Residence _____ Post Office _____

9 If in city, street and number.

10 (Here follow twenty or fewer numbered lines for signatures.)

11 SECTION 2. AMENDATORY 34 O.S. 2001, Section 2, is
12 amended to read as follows:

13 Section 2. The form of initiative petition shall be
14 substantially as follows:

15 INITIATIVE PETITION

16 To the Honorable _____, Governor of Oklahoma (or To the
17 Honorable _____, Mayor, Chairman of County Commissioners,
18 or other chief executive officers, as the case may be, for the city,
19 county or other municipality): We, the undersigned legal voters of
20 the State of Oklahoma (and of the district of _____,
21 county of _____, or city of _____, as the case
22 may be), respectfully order that the following proposed law (or
23 amendment to the constitution, ordinance, or amendment to the city
24 charter, as the case may be) shall be submitted to the legal voters

1 of the State of Oklahoma (or of the district of _____,
2 county of _____, or city of _____, as the case may
3 be) for their approval or rejection at the regular general election
4 (or regular or special city election), to be held on the ____ day
5 of _____, ~~19~~ 20, and each for himself says: I have personally
6 signed this petition; I am a legal voter of the State of Oklahoma
7 (and of the district of _____, county of _____,
8 city of _____, as the case may be); my residence or post
9 office are correctly written after my name. The time for filing
10 this petition expires ~~ninety days~~ one year from (insert date when
11 petition is to be opened for signatures). (This for State
12 initiative. For county, city, or other municipality the length of
13 time shall be ninety days.) The question we herewith submit to our
14 fellow voters is: Shall the following bill (or proposed amendment
15 to the Constitution or resolution) be approved? (Insert here an
16 exact copy of the title and text of the measure.)

17 Name and Address of Proponents (not to exceed three)

18 Name _____ Residence _____ Post Office _____

19 If in the city, street and number.

20 (Here follow twenty or fewer numbered lines for signatures.)

21 SECTION 3. AMENDATORY 34 O.S. 2001, Section 3, is
22 amended to read as follows:

23 Section 3. Each initiative petition and each referendum
24 petition shall be duplicated for the securing of signatures, and

1 each sheet for signatures shall be attached to a copy of the
2 petition. Each copy of the petition and sheets for signatures is
3 hereinafter termed a pamphlet. On the outer page of each pamphlet
4 and on each signature sheet shall be printed the word "Warning", and
5 underneath this in ten-point type the words, "It is a felony for
6 anyone to sign an initiative or referendum petition with any name
7 other than his or her own, or knowingly to sign his or her name more
8 than once for the measure, to interfere with the lawful circulation
9 of petitions, or to sign such petition when he or she is not a legal
10 voter". A simple statement of the gist of the proposition shall be
11 printed on the top margin of each signature sheet. Not more than
12 twenty (20) signatures on one sheet on lines provided for the
13 signatures shall be counted. Any signature sheet not in substantial
14 compliance with this act shall be disqualified by the Secretary of
15 State.

16 SECTION 4. AMENDATORY 34 O.S. 2001, Section 3.1, is
17 amended to read as follows:

18 Section 3.1 It shall be unlawful for any person other than a
19 ~~qualified elector of~~ person registered to vote in the State of
20 Oklahoma, or a person registered to circulate ~~any~~ an initiative or
21 referendum petition in Oklahoma to amend, add to, delete, strike or
22 otherwise change in any way the Constitution or laws of the State of
23 Oklahoma, or of any subdivision of the State of Oklahoma. Every
24 person convicted of a violation of this section shall be punished by

1 a fine of not to exceed One Thousand Dollars (\$1,000.00), or by
2 imprisonment in the county jail for not to exceed one (1) year, or
3 by both said fine and imprisonment. To be registered to circulate
4 an initiative or referendum petition in Oklahoma a person must be
5 eighteen (18) years of age and a U.S. Citizen who shall file in
6 writing, by sworn affidavit, the following information to the Ethics
7 Commission office before final filing of signed petitions with the
8 Secretary of State:

- 9 1. Name of petition;
- 10 2. Name of circulator;
- 11 3. Residential address, including street number, city, state
12 and ZIP code;
- 13 4. Mailing address, if different;
- 14 5. Have you been or do you expect to be paid for soliciting
15 signatures for this petition? [] YES [] NO;
- 16 6. If the answer to paragraph 5 is yes, then identify the
17 expected payor; and
- 18 7. Verified signature of circulator.

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 3.2 of Title 34, unless there is
21 created a duplication in numbering, reads as follows:

22 The right of citizens to engage in orderly circulation of
23 petitions shall be protected and not infringed. This includes:

24

- 1 1. Assaulting or intimidating any person with intent to deter
2 that person from signing or circulating a petition;
- 3 2. Touching, damaging, or stealing any petition or promotional
4 piece in the custody of a circulator without the consent of the
5 circulator;
- 6 3. Yelling, shouting, using a bullhorn or amplifier, cursing,
7 using obscene gestures, or engaging in other outrageous conduct with
8 the intent to deter a person from signing or circulating a petition;
- 9 4. Interrupting the communication between a circulator engaged
10 in conversation with a potential signer after that person is within
11 five (5) feet of a signer, including coming within arm's length of
12 either person until the conversation has ended, with the intent to
13 deter a person from signing or circulating a petition;
- 14 5. Interfering with business relationships with intent to deter
15 a person from signing or circulating a petition;
- 16 6. Making false claims that a circulator is attempting to
17 engage in identity theft or other criminal activity with intent to
18 deter a person from signing or circulating a petition;
- 19 7. Restricting the movement or actions of any person with
20 intent to deter that person from signing or circulating a petition;
- 21 8. Placing one's body or other obstruction in the path between
22 a circulator and any person within fifty (50) feet of a circulator
23 with intent to deter that person from signing or circulating a
24 petition;

1 9. Making false statements to any person with respect to any
2 circulator or signer, or otherwise making any threat of assault,
3 defamation, or business interruption, to any person having authority
4 to eject a petitioner from a location with intent to have a
5 circulator ejected or interfere with the circulation of the
6 petition; and

7 10. Unlawfully threatening arrest or detention of any person
8 lawfully engaged in circulation of a petition.

9 Every person convicted of a violation of this section shall be
10 punished by a fine not to exceed One Thousand Dollars (\$1,000.00),
11 or by imprisonment in the county jail not to exceed one (1) year, or
12 by both said fine and imprisonment. Every person who violates this
13 section, or pays or directly incites any person to engage in
14 violation of this section is responsible for statutory damages to
15 the circulator in the amount of Five Hundred Dollars (\$500.00) for
16 each violation.

17 SECTION 6. AMENDATORY 34 O.S. 2001, Section 4, is
18 amended to read as follows:

19 Section 4. When any such initiative or referendum petition
20 shall be offered for filing, the Secretary of State, in the presence
21 of the person offering the same for filing, shall detach the sheets
22 containing the signatures and affidavits and cause them all to be
23 attached to one or more printed copies of the measure so proposed by
24 initiative or referendum petition. All petitions for the initiative

1 and referendum and sheets for signatures may be single-sided and
2 stapled and shall be printed on pages eight and one-half (8 1/2)
3 inches in width by fourteen (14) inches in length, or eight and one-
4 half (8 1/2) inches in width by eleven (11) inches in length with a
5 margin of one and three-fourths (1 3/4) inches at the top for
6 binding; if the aforesaid sheets shall be too bulky for convenient
7 binding in one volume, they may be bound in two or more volumes,
8 those in each volume to be attached to a single printed copy of such
9 measure; the detached copies of such measures shall be delivered to
10 the person offering the same for filing. Each of the volumes and
11 each signature sheet therein shall be numbered consecutively, and a
12 cover sheet shall be attached, showing the purported number of
13 signature sheets, the series of numbers assigned to the signature
14 sheets and the total number of signatures counted per volume. The
15 Secretary of State shall render a signed receipt to the person
16 offering the petition for filing, which receipt shall include a
17 report, volume by volume, showing the number of signature sheets in
18 each volume, the series of numbers assigned to the signature sheets
19 in each volume, and the number of purported signatures in each
20 volume. Duplicate copies of the cover sheets, with necessary
21 corrections, may be used as receipts. If the volume of signatures
22 is sufficiently large, the Secretary of State shall seal the
23 petitions in such manner that they cannot be opened unless the seal
24 is broken, and if requested by those filing said petition, they

1 ~~name, post office address, and residence correctly, and that each~~
2 ~~signer is a legal voter of the State of Oklahoma and county of~~
3 ~~_____ or of the city of _____ (as the case may be). (Signature~~
4 ~~and postoffice address of affiant.)~~

5 A registered voter may sign and circulate the same petition.
6 Each sheet of every such petition containing signatures shall
7 contain a certificate of circulator signed and executed by the
8 circulator after the last signature on a sheet has been obtained.

9 The statement of the circulator shall be in substantially the
10 following form, signed and dated by the person who circulated the
11 sheet of the petition:

12 CERTIFICATE OF CIRCULATOR

13 I, _____, the circulator of this petition, assert that I am
14 qualified to circulate this petition, that each signature on the
15 petition was signed in my presence; and that, to my best knowledge
16 and belief, each signature is the genuine signature of the person
17 purporting to sign the petition, the person signing the petition was
18 at the time of signing a qualified registered voter of the State of
19 Oklahoma, and the voter was qualified to sign the petition.

20 No person shall make a false statement on a certificate of the
21 circulator. Every person convicted of a violation of this section
22 shall be punished by a fine not to exceed One Thousand Dollars
23 (\$1,000.00), or by imprisonment in the county jail not to exceed one
24 (1) year, or by both said fine and imprisonment.

1 Subscribed and sworn to before me this _____ day of _____ A.D.
2 ~~19~~ 20__.

3 (Signature and title of the officer before whom oath is made,
4 and his or her post office address.)

5 SECTION 8. AMENDATORY 34 O.S. 2001, Section 6.1, is
6 amended to read as follows:

7 Section 6.1 A. The Secretary of State shall make or cause to
8 be made a physical count of the number of signatures on the
9 petitions. In making such count, the Secretary of State shall not
10 include in such physical count:

11 1. All signatures on any sheet of any petition which is not
12 verified by the person who circulated the sheet of the petition as
13 provided in Section 6 of this title;

14 2. All signatures of nonresidents;

15 3. All signatures on a sheet that is not attached to a copy of
16 the petition;

17 4. All multiple signatures on any printed signature line;

18 5. All signatures not on a printed signature line;

19 6. Those signatures by a person who signs with any name other
20 than his own or signs more than once; ~~and~~

21 7. All signatures on any sheet on which a notary has failed to
22 sign, the seal of the notary is absent, the commission of the notary
23 has expired or the expiration date is not on the signature sheet;

24 and

1 8. The signature of any person who has withdrawn their
2 signature from a petition appearing in person at the office of the
3 Secretary of State and filing a request to withdraw signature by
4 sworn affidavit including the following information before 5:00 p.m.
5 on the final day for filing petitions with the Secretary of State:

6 a. name of petitioner,

7 b. name of signer,

8 c. residential address, including street number, city,
9 state and ZIP code,

10 d. mailing address, if different,

11 e. have you been or do you expect to be paid for
12 withdrawing your signature for this petition? [] YES
13 [] NO,

14 f. if the answer to subparagraph e is yes, then identify
15 the expected payor, and

16 g. verified signature of circulator.

17 The Secretary of State shall not suggest or give legal advice
18 with respect to withdrawal of signatures.

19 B. The Secretary of State shall notify the Attorney General of
20 any and all violations of this title of which ~~he~~ the Secretary of
21 State has knowledge.

22 SECTION 9. AMENDATORY 34 O.S. 2001, Section 8, is
23 amended to read as follows:

1 Section 8. A. When a citizen or citizens desire to circulate a
2 petition initiating a proposition of any nature, whether to become a
3 statute law or an amendment to the Constitution, or for the purpose
4 of invoking a referendum upon legislative enactments, such citizen
5 or citizens shall, when such petition pamphlet is prepared, and
6 before the same is circulated or signed by ~~electors~~ voters, file for
7 approval a true and exact copy of same in the office of the
8 Secretary of State and, within ~~ninety (90) days~~ one (1) year after
9 ~~such filing of~~ an initiative petition is approved to be circulated
10 and signed by qualified registered voters according to this act, the
11 signed copies thereof shall be filed with the Secretary of State,
12 but the signed copies of a referendum petition shall be filed with
13 the Secretary of State within ninety (90) days after the adjournment
14 of the Legislature enacting the measure on which the referendum is
15 invoked. A referendum petition shall be filed, but need not be
16 approved before it may be circulated and signed by voters according
17 to this act. The ~~electors~~ voters shall sign their
18 legally-registered name, their address or post office box, and the
19 name of the county in which they reside.

20 Proponents shall make final submission of signatures at least
21 four (4) months before the election at which the measure shall be
22 voted.

23 Any petition not filed in accordance with this provision shall
24 not be considered. The proponents of a referendum or an initiative

1 petition, any time before the final submission of signatures, may
2 withdraw the referendum or initiative petition upon written
3 notification to the Secretary of State.

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

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

9 2. No more petitions are in circulation; and

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

11 If the Secretary of State receives such a certification from the
12 proponents, the Secretary of State shall begin the counting process.

13 C. When the signed copies of a petition are timely filed, the
14 Secretary of State shall certify to the Supreme Court of the state:

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

17 2. The total number of votes cast for the state office
18 receiving the highest number of votes cast ~~at~~ in each of the last
19 two general election elections.

20 The Supreme Court shall make the determination of the numerical
21 sufficiency or insufficiency of the signatures counted by the
22 Secretary of State. If the signatures are not determined to be
23 insufficient before the second Tuesday in September of the year when
24

1 the signatures are filed, the question shall be placed on the
2 ballot.

3 Upon order of the Supreme Court it shall be the duty of the
4 Secretary of State to forthwith cause to be published, in at least
5 one newspaper of general circulation in the state, a notice of such
6 filing and the apparent sufficiency or insufficiency thereof and
7 notice that any citizen or citizens of the state may file a protest
8 to the petition or an objection to the count made by the Secretary
9 of State, by a written notice to the Supreme Court of the state and
10 to the proponent or proponents filing the petition, said protest to
11 be filed within ten (10) days after publication. A copy of the
12 protest or objection to the count shall be filed with the Secretary
13 of State. In case of the filing of an objection to the count,
14 notice shall also be given to the Secretary of State and the party
15 filing a protest, if one was filed.

16 D. The Secretary of State shall deliver the bound volumes of
17 signatures to the Supreme Court.

18 E. Upon the filing of an objection to the count, the Supreme
19 Court shall resolve the objection with dispatch. The Supreme Court
20 shall adopt rules to govern proceedings to apply to the challenge of
21 a measure on the grounds that the proponents failed to gather
22 sufficient signatures.

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

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

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

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

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

20 SECTION 10. AMENDATORY 34 O.S. 2001, Section 9, as
21 amended by Section 2, Chapter 407, O.S.L. 2005 (34 O.S. Supp. 2008,
22 Section 9), is amended to read as follows:

23 Section 9. A. When a referendum is ordered by petition of the
24 people against any measure passed by the Legislature or when any

1 measure ~~is~~ proposed by initiative petition is filed for approval for
2 circulation and signing by voters, whether as an amendment to the
3 Constitution or as a statute, it shall be the duty of the parties
4 submitting the measure to prepare and file one copy of the measure
5 with the Secretary of State and one copy with the Attorney General.

6 B. The parties submitting the measure shall also submit a
7 suggested ballot title which shall be filed on a separate sheet of
8 paper and shall not be deemed part of the petition and in the case
9 of a proposed initiative shall file a proposed petition and a gist
10 statement. The suggested ballot title and gist statement:

11 1. Shall not exceed two hundred (200) words and the gist
12 statement shall not exceed one hundred (100) words;

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

15 3. Shall be written on the eighth-grade reading comprehension
16 level;

17 4. Shall not contain any words which have a special meaning for
18 a particular profession or trade not commonly known to the citizens
19 of this state;

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

22 6. Shall contain language which clearly designates the statute
23 or constitutional provision to be amended or proposed and states
24 that a "yes" vote is a vote in favor of the proposition and a "no"

1 vote is a vote against the proposition, which shall not count
2 against the word limitation; and

3 7. Shall not contain language whereby a "yes" vote is, in fact,
4 a vote against the proposition and a "no" vote is, in fact, a vote
5 in favor of the proposition.

6 C. When a measure is proposed as a constitutional amendment by
7 the Legislature or when the Legislature proposes a statute
8 conditioned upon approval by the people:

9 1. After final passage of a measure, the Secretary of State
10 shall submit the proposed ballot title to the Attorney General for
11 review as to legal correctness. Within five (5) business days, the
12 Attorney General shall, in writing, notify the Secretary of State,
13 the President Pro Tempore of the Senate and the Speaker of the House
14 of Representatives whether or not the proposed ballot title complies
15 with applicable laws. The Attorney General shall state with
16 specificity any and all defects found and, if necessary, within ten
17 (10) business days of determining that the proposed ballot title is
18 defective, prepare a preliminary ballot title which complies with
19 the law and furnish a copy of such ballot title to the Secretary of
20 State, the President Pro Tempore of the Senate and the Speaker of
21 the House of Representatives. The Attorney General may consider any
22 comments made by the President Pro Tempore of the Senate or the
23 Speaker of the House of Representatives and shall file a final
24 ballot title with the Secretary of State no sooner than ten (10)

1 business days and no later than fifteen (15) business days after
2 furnishing the preliminary ballot title.

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

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

11 1. After the filing ~~and binding~~ of the petition pamphlets,
12 proposed ballot title, and gist statement for approval for
13 circulation and signing by voters, the Secretary of State shall
14 submit the proposed ballot title to the Attorney General for review
15 as to legal correctness. Within ~~five (5)~~ fifteen (15) business days
16 after the filing of the measure and ballot title, the Attorney
17 General shall, in writing, notify the Secretary of State whether or
18 not the proposed ballot title complies with applicable laws. The
19 Attorney General shall state with specificity any and all defects
20 found ~~and, if necessary,~~ or issue the determination of compliance,
21 within ~~ten (10)~~ two (2) business days of determining that the
22 proposed ballot title is defective, or gist statement is in
23 compliance with all legal requirements relating to initiatives, and
24 shall notify the proponent of the determination of all such defects

1 or be estopped to later deny the legal correctness thereof, and
2 provide the proponent an opportunity to prepare and file a corrected
3 ballot title which complies with the law; and if the proponent does
4 file a corrected ballot title, petition pamphlet, or gist statement,
5 or if the proponent files a written statement that the proponent
6 will not make a requested change, then the Attorney General shall,
7 within two (2) days of receipt, notify the Secretary of State in
8 writing that the review is complete, and the Secretary of State
9 shall immediately approve or deny approval of the proposed ballot
10 title, language, petition pamphlet, or gist statement and publish
11 notification of completion of the review by the Attorney General and
12 all documents related to the filing on the official Secretary of
13 State web site.

14 2. Within ten (10) business days after notification to the
15 proponent and the Secretary of State makes publication of approval
16 or denial, and of completion of the review by the Attorney General,
17 the Secretary of State shall, if no appeal is filed, immediately
18 approve the ballot title, petition pamphlet and gist statement for
19 circulation and signing by voters, transmit to the Secretary of the
20 State Election Board an attested copy of the measure, including the
21 official ballot title, and a certification that the requirements of
22 this section have been met. If an appeal is taken from such ballot
23 title within the time specified in Section 10 of this title, then
24 the Secretary of State shall certify to the Secretary of the State

1 Election Board the ballot title which is finally approved by the
2 Supreme Court. If no appeal is timely filed, then the ballot title,
3 petition pamphlet and gist statement shall not be subject to
4 challenge on the grounds that the petition pamphlet, language,
5 proposed ballot title, or gist statement is not in compliance with
6 all legal requirements relating to initiatives.

7 SECTION 11. AMENDATORY 34 O.S. 2001, Section 10, is
8 amended to read as follows:

9 Section 10. A. Any person who is dissatisfied with the wording
10 of a ballot title may, within ten (10) days after notification to
11 the ~~same is filed~~ proponent and the date the Secretary of State
12 makes publication of completion of the review by the Attorney
13 General ~~with the Secretary of State~~ as provided for in Section 9 of
14 this title, appeal to the Supreme Court by petition challenging the
15 legal sufficiency of the petition pamphlet, language, ballot title,
16 or the gist statement in which shall be offered a substitute ballot
17 title, petition pamphlet, or gist statement for the one from which
18 the appeal is taken. Upon the hearing of such appeal, which shall
19 be commenced within ten (10) days of the appeal, the court may
20 correct or amend the ballot title, petition pamphlet, or gist
21 statement before the court, or accept the substitute suggested, or
22 may draft a new one which will conform to the provisions of Section
23 9 of this title. Unless a final determination of insufficiency is
24 made within thirty-five (35) days of the appeal, the filing shall be

1 deemed approved and then the ballot title, language, petition,
2 pamphlet, and gist statement shall not be subject to challenge on
3 the grounds that the petition pamphlet, language, proposed ballot
4 title, or gist statement is not in compliance with all legal
5 requirements relating to initiatives. If a final determination of
6 insufficiency is timely made, it shall state specifically the
7 grounds and specific suggested corrections. The proponent may elect
8 to modify and submit to the court a modified ballot title, language,
9 petition pamphlet, or gist statement and offer same for approval by
10 the court within ten (10) days of a determination of insufficiency.
11 The court shall give notice to all parties to the appeal and shall
12 commence a hearing within ten (10) days of submission and consider
13 the proposed corrections.

14 Unless a final determination of insufficiency is made within
15 thirty-five (35) days of the resubmission, the filing shall be
16 deemed approved and then the ballot title, language, petition
17 pamphlet, and gist statement shall not be subject to challenge on
18 the grounds that the petition pamphlet, language, proposed ballot
19 title, or gist statement is not in compliance with all legal
20 requirements relating to initiatives. If a final determination of
21 insufficiency is timely made, the proponent may continue to make
22 resubmissions to the court according to the procedure above, or may
23 make a new original filing, but in no case shall the proponent
24 circulate petitions until they are deemed approved.

1 B. No such appeal shall be allowed as to the ballot title of
2 constitutional and legislative enactments proposed by the
3 Legislature.

4 SECTION 12. AMENDATORY 34 O.S. 2001, Section 11, is
5 amended to read as follows:

6 Section 11. Notice of the appeal provided for in the preceding
7 section shall be served upon the Attorney General and upon the party
8 who filed such ballot title, or on any of such parties, at least
9 five (5) days before such appeal is heard by the court. The
10 Attorney General shall, and any citizen interested may, defend the
11 ballot title from which the appeal is taken. Other procedure upon
12 such appeals shall be the same as is prescribed for appeals from
13 petitions filed as set forth in Section 8 of this title. When the
14 legal sufficiency of the petition pamphlet, gist statement, and
15 ballot title has been decided upon, the Secretary of State shall, in
16 writing, notify the proponent that the petition pamphlet and gist
17 statement have been approved.

18 SECTION 13. This act shall become effective November 1, 2009.

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20 52-1-6355 LRB 12/29/08
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