

ENROLLED SENATE JOINT RESOLUTION 25
ENACTED BY THE FIRST REGULAR SESSION OF THE
52ND LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 748
LEGISLATIVE REFERENDUM NUMBER 349

RECEIVED: APRIL 22, 2009

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 25

By: Coffee of the Senate
and
Benge of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to Sections 11A and 11B of Article V of the Oklahoma Constitution; changing name of the Apportionment Commission; modifying membership of the Commission; providing for chair of Commission; modifying the number of members of the Commission required to sign certain orders; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 11A of Article V of the Oklahoma Constitution to read as follows:

Section 11A. The apportionment of the Legislature shall be accomplished by the Legislature according to the provisions of this article, within ninety (90) legislative days after the convening of the first regular session of the Legislature following each Federal Decennial Census. If the Legislature shall fail or refuse to make such apportionment within the time provided herein, then such apportionment shall be accomplished by ~~an Apportionment the~~ Bipartisan Commission ~~composed of the Attorney General,~~ Superintendent of Public Instruction and the State Treasurer of the State of Oklahoma on Legislative Apportionment, according to the

provisions of this article. The Commission shall be composed of seven (7) members as follows: the Lieutenant Governor, who shall be nonvoting and the chair of the Commission; two members, one republican and one democrat, appointed by the President Pro Tempore of the Senate; two members, one republican and one democrat, appointed by the Speaker of the House of Representatives; and two members, one republican and one democrat, appointed by the Governor.

SECTION 2. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 11B of Article V of the Oklahoma Constitution to read as follows:

Section 11B. Each order of apportionment rendered by the ~~Apportionment~~ Bipartisan Commission on Legislative Apportionment shall be in writing and shall be filed with the Secretary of State and shall be signed by at least ~~two~~ four members of the Commission.

SECTION 3. The Ballot Title for the proposed Constitutional amendments as set forth in SECTIONS 1 and 2 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends Sections 11A and 11B of Article 5 of the State Constitution. The measure would change the name of the Apportionment Commission. The new name would be the Bipartisan Commission on Legislative Apportionment. Currently, the members of the Apportionment Commission are the Attorney General, the Superintendent of Public Instruction and the State Treasurer. The membership would be changed to seven members. The voting members of the Commission would consist of equal numbers of republicans and democrats. One democrat and one republican would be appointed by the President Pro Tempore of the Senate. One democrat and one republican would be appointed by the Speaker of the House of Representatives. One democrat and one republican would be appointed by the Governor. The Lieutenant Governor would be a nonvoting member. The Lieutenant Governor

would serve as chair of the Commission. Currently, at least two members of the Commission are required to sign orders of apportionment. The measure would change the number to four members.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

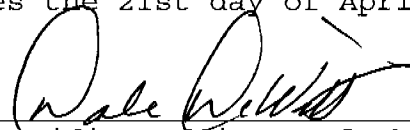
SECTION 4. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 3 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the Senate the 10th day of March, 2009.



Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2009.



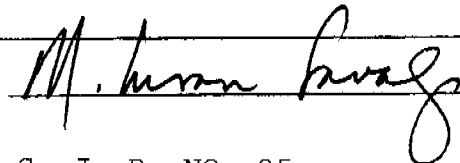
Presiding Officer of the House
of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____

22nd day of April, 2009,

at 2:35 o'clock P. M.

By: 



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

April 22, 2009

The Honorable Drew Edmondson
Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

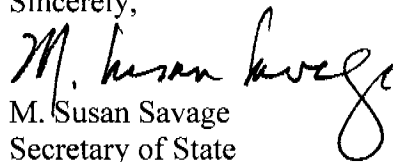
Dear Attorney General Edmondson:

You are hereby notified that Enrolled Senate Joint Resolution 25 was received in the Office of the Secretary of State this 22nd day of April, 2009. This bill has been designated as **State Question Number 748, Legislative Referendum Number 349.**

Pursuant to 34 O.S., 2008 Supp., Section 9, this office is submitting the proposed ballot title to you for review.

If our office may be of further assistance, please let us know.

Sincerely,


M. Susan Savage
Secretary of State

MSS/kj



W. A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA

April 29, 2009

The Honorable M. Susan Savage
Oklahoma Secretary of State
Room 101, State Capitol Building
Oklahoma City, Oklahoma 73105

RECEIVED

APR 30 2009

**OKLAHOMA SECRETARY
OF STATE**

Re: State Question Number 748
Legislative Referendum Number 349

Dear Secretary Savage:

Thank you for your letter regarding the above matter. I have referred this information to Sandra Rinehart, Senior Assistant Attorney General, for his information and use.

If you have any questions, please feel free to contact Ms. Rinehart directly.

Sincerely,

A handwritten signature in black ink, appearing to read "W.A. Edmondson".

W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE:st

cc: Sandra Rinehart



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

April 30, 2009

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 418
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Bengtson
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Ballot Title for State Question No. 748, Legislative Referendum 349

Dear Secretary Savage, Senator Coffee, and Speaker Bengtson:

In accordance with the provisions of 34 O.S.Supp.2008, § 9(C), we have reviewed the Ballot Title for the above-referenced State Question and conclude that it does not comply with applicable laws for the following reason:

- It is not written on the 8th grade reading comprehension level.

Having found that the Ballot Title does not comply with applicable law, we will, in conformity with the provisions of 34 O.S.Supp.2008, § 9(C), within ten (10) business days, prepare a preliminary Ballot Title which complies with the law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tom Gruber", is written over a horizontal line.

TOM GRUBER
FIRST ASSISTANT ATTORNEY GENERAL

RECEIVED
OK SEC. OF STATE
APR 30 2009

TG/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 13, 2009

FILED
MAY 13 2009

OKLAHOMA SECRETARY
OF STATE

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Bengtson
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

**Re: Preliminary Ballot Title for State Question No. 748, Legislative
Referendum No. 349**

Dear Secretary Savage, Senator Coffee, and Speaker Bengtson:

The following is a preliminary ballot title we have prepared in accordance with 34 O.S.Supp.2008, § 9(C). We determined the proposed ballot title was defective and have prepared this preliminary ballot title which complies with the applicable law.

Pursuant to 34 O.S.Supp.2008, § 9(C), we may consider any comments made by the President Pro Tempore of the Senate and the Speaker of the House of Representatives and are required to file a final ballot title with the Secretary of State no sooner than ten (10) business days and no later than fifteen (15) business days after furnishing this preliminary ballot title. We ask that, if you have any comments to the ballot title, you provide them to us by May 29, 2009, so that we may have an opportunity to consider them in preparing the final ballot title.

The preliminary ballot title reads as follows:

This measure amends Sections 11A and 11B of Article 5 of the Oklahoma Constitution. These provisions deal with how the Legislature is divided into districts. This process is known as apportionment. The Legislature must make an apportionment after each ten-year federal census. If the Legislature fails to act, an Apportionment Commission must do so. The measure changes the name of this Commission. It removes all three existing Commission members. It removes the Attorney General. It removes the Superintendent of Public Instruction. It also removes the State Treasurer.

The measure increases the number of members from three to seven. The President Pro Tempore of the Senate appoints one Democrat and one Republican. The Speaker of the House of Representatives appoints one Democrat and one Republican. The Governor appoints one Democrat and one Republican.

The measure provides that the Lieutenant Governor chairs the Commission and is a nonvoting member. It requires orders of apportionment to be signed by at least four members of the Commission.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

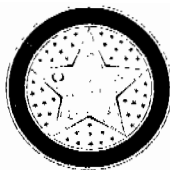
If you have any questions you may contact Senior Assistant Attorney General Sandy Rinehart at 522-4392. Thank you.

Respectfully submitted,



**W. A. DREW EDMONDSON
ATTORNEY GENERAL**

WAE/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 4, 2009

FILED

JUN 04 2009

**OKLAHOMA SECRETARY
OF STATE**

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Bengtson
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

**Re: Final Ballot Title for State Question No. 748, Legislative
Referendum No. 349**

Dear Secretary Savage, Senator Coffee, and Speaker Bengtson:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S.Supp.2008, § 9(C), prepared the following Final Ballot Title. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Final Ballot Title reads as follows:

FINAL BALLOT TITLE FOR STATE QUESTION NO. 748

This measure amends Sections 11A and 11B of Article 5 of the Oklahoma Constitution. These provisions deal with how the Legislature is divided into districts. This process is known as apportionment. The Legislature must make an apportionment after



each ten-year federal census. If the Legislature fails to act, an Apportionment Commission must do so. The measure changes the name of this Commission. It removes all three existing Commission members. It removes the Attorney General. It removes the Superintendent of Public Instruction. It also removes the State Treasurer.

The measure increases the number of members from three to seven. The President Pro Tempore of the Senate appoints one Democrat and one Republican. The Speaker of the House of Representatives appoints one Democrat and one Republican. The Governor appoints one Democrat and one Republican.

The measure provides that the Lieutenant Governor chairs the Commission and is a nonvoting member. It requires orders of apportionment to be signed by at least four members of the Commission.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,



**W. A. DREW EDMONDSON
ATTORNEY GENERAL**