

ENROLLED SENATE JOINT RESOLUTION 13  
ENACTED BY THE FIRST REGULAR SESSION OF THE  
52ND LEGISLATURE OF THE STATE OF OKLAHOMA  
NUMBERED BY THE SECRETARY OF STATE

**STATE QUESTION NUMBER 750**  
**LEGISLATIVE REFERENDUM NUMBER 350**

RECEIVED: May 6, 2009

# Resolution

ENROLLED SENATE  
JOINT  
RESOLUTION NO. 13

By: Brogdon of the Senate

and

Terrill, Reynolds, Duncan,  
Tibbs, Kiesel and McMullen  
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 Section 2 of Article V of the Oklahoma Constitution; requiring percentage to be based on number of votes cast for Office of Governor at most recent election; 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 2 of Article V of the Constitution of the State of Oklahoma to read as follows:

Section 2. The first power reserved by the people is the initiative, and eight per centum of the legal voters shall have the right to propose any legislative measure, and fifteen per centum of the legal voters shall have the right to propose amendments to the Constitution by petition, and every such petition shall include the full text of the measure so proposed. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety), either by petition signed by five per centum of the legal voters or by the Legislature as other bills are enacted. The ratio and per

centum of legal voters hereinbefore stated shall be based upon the total number of votes cast at the last general election for the ~~State office receiving the highest number of votes at such election~~ Office of Governor.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 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 would amend Section 2 of Article 5 of the State Constitution. Under current law, eight percent of the voters must sign an initiative petition for a legislative measure. Fifteen percent must sign for a constitutional amendment. These percentages are based on the state office receiving the highest number of votes at the last General Election. This measure would make the percentage based on the number of votes cast at the last General Election for the Office of Governor.

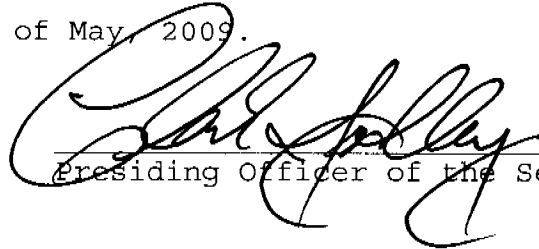
SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES \_\_\_\_\_

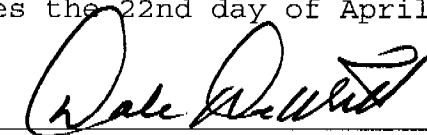
AGAINST THE PROPOSAL - NO \_\_\_\_\_

SECTION 3. 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 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the Senate the 5th day of May, 2009.

  
Presiding Officer of the Senate

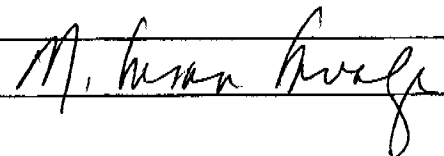
Passed the House of Representatives the 22nd day of April, 2009.

  
Presiding Officer of the House  
of Representatives

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this \_\_\_\_\_

\_\_\_\_\_ 6th day of May, 20 09  
at 3:37 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

May 6, 2009

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

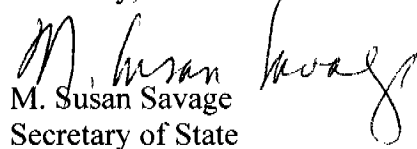
Dear Attorney General Edmondson:

You are hereby notified that Enrolled Senate Joint Resolution 13 was received in the Office of the Secretary of State this 6th day of May, 2009. This bill has been designated as **State Question Number 750, Legislative Referendum Number 350.**

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

May 7, 2009

**RECEIVED**

**MAY 14 2009**

**OKLAHOMA SECRETARY  
OF STATE**

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

Re: State Question Number 750  
Legislative Referendum Number 350

Dear Secretary Savage:

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

If you have any questions, please feel free to contact Mr. Leader directly.

Sincerely,

A handwritten signature in black ink, appearing to read "Drew Edmondson", written in a cursive style.

W.A. DREW EDMONDSON  
ATTORNEY GENERAL

WAE:st

cc: Neal Leader



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

May 14, 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 422  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

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

**FILED**

**MAY 14 2009**

**OKLAHOMA SECRETARIAT  
OF STATE**

**Re: Ballot Title for State Question No. 750, Legislative Referendum 350**

Dear Secretary Savage, Senator Coffee, and Speaker Benge:

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 reasons:

- It is not written on the 8<sup>th</sup> grade reading comprehension level.
- It does not adequately explain the effect of the proposition.

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,

Handwritten signature of W. A. Drew Edmondson in black ink.

W. A. DREW EDMONDSON  
ATTORNEY GENERAL

WAE/ab



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

May 27, 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 422  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

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

**FILED**

**MAY 27 2009**

**OKLAHOMA SECRETARIAT  
OF STATE**

**Re: Preliminary Ballot Title for State Question No. 750, Legislative  
Referendum No. 350**

Dear Secretary Savage, Senator Coffee, and Speaker Benge:

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 Preliminary 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 Preliminary Ballot Title reads as follows:

**PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 750**

This measure amends a section of the State Constitution. The section deals with initiative petitions. It also deals with referendum

petitions. It deals with how many signatures are required on such petitions. It changes that requirement.

“Initiative” is the right to propose laws and constitutional amendments. “Referendum” is the right to reject a law passed by the Legislature.

The following voter signature requirements apply.

8% must sign to propose a law.

15% must sign to propose to change the State Constitution.

5% must sign to order a referendum.

These percentages are based upon the State office receiving the most total votes at the last General Election. The measure changes this basis. The measure’s basis uses every other General Election. General Elections are held every two years. The Governor is on the ballot every four years. The measure’s basis only uses General Elections with the Governor on the ballot.

The President is on the ballot in intervening General Elections. The measure’s basis does not use General Elections with the President on the ballot.

More votes are usually cast at Presidential General Elections. Thus, the measure would generally have a lowering effect on the number of required signatures.

**SHALL THE PROPOSAL BE APPROVED?**

**FOR THE PROPOSAL - YES** \_\_\_\_\_

**AGAINST THE PROPOSAL - NO** \_\_\_\_\_

Respectfully submitted,



**THOMAS W. GRUBER  
FIRST ASSISTANT ATTORNEY GENERAL\***

TWG/ab

\*Acting in the Attorney General’s absence, under the authority of 74 O.S.2001, § 28.



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

June 11, 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 422  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

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

**FILED**

**JUN 11 2009**

**UNIVERSITY OF STATE**

**Re: Final Ballot Title for State Question No. 750, Legislative  
Referendum No. 350**

Dear Secretary Savage, Senator Coffee, and Speaker Bengel:

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. 750**

This measure amends a section of the State Constitution. The section deals with initiative petitions. It also deals with referendum petitions. It deals with how many signatures are required on such petitions. It changes that requirement.

“Initiative” is the right to propose laws and constitutional amendments.  
“Referendum” is the right to reject a law passed by the Legislature.

The following voter signature requirements apply.

8% must sign to propose a law.

15% must sign to propose to change the State Constitution.

5% must sign to order a referendum.

These percentages are based upon the State office receiving the most total votes at the last General Election. The measure changes this basis. The measure’s basis uses every other General Election. General Elections are held every two years. The Governor is on the ballot every four years. The measure’s basis only uses General Elections with the Governor on the ballot.

The President is on the ballot in intervening General Elections. The measure’s basis does not use General Elections with the President on the ballot.

More votes are usually cast at Presidential General Elections. Thus, the measure would generally have a lowering effect on the number of required signatures.

**SHALL THE PROPOSAL BE APPROVED?**

**FOR THE PROPOSAL - YES** \_\_\_\_\_

**AGAINST THE PROPOSAL - NO** \_\_\_\_\_

Respectfully submitted,



**THOMAS W. GRUBER**  
**FIRST ASSISTANT ATTORNEY GENERAL\***

TWG/ab

\*Acting in the Attorney General’s absence, under the authority of 74 O.S.2001, § 28.



**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

**RECEIVED**

**JUN 15 2009**

**OFFICE OF THE  
GOVERNOR**

June 15, 2009

The Honorable Brad Henry  
Governor, State of Oklahoma  
State Capitol, Room 212  
Oklahoma City, Oklahoma 73105

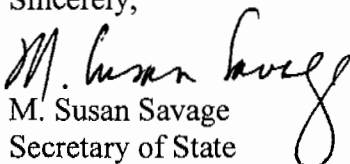
Dear Governor Henry:

Enclosed are copies of the Attorney General's final review of the proposed Ballot Title for State Question 750, Legislative Referendum 350; the State Question from Senate Joint Resolution 13; and the letter to the Oklahoma State Election Board attesting the measure.

Pursuant to the provisions of Title 34 O.S. 2001, Section 12, the Ballot Title has been reviewed, approved and the election proclamation may be issued with the date on which the vote will be held.

If there are any questions, please do not hesitate to contact this office.

Sincerely,

  
M. Susan Savage  
Secretary of State

MSS/kj



**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

June 15, 2009

The Honorable Paul Ziriak  
Secretary, State Election Board  
State Capitol, Room 3  
Oklahoma City, Oklahoma 73105

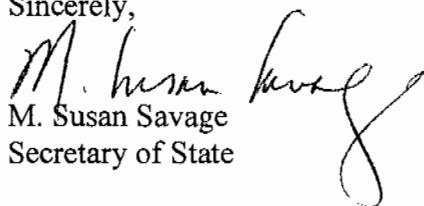
Dear Secretary Ziriak:

Enclosed are copies of the Attorney General's final review of the proposed Ballot Title for State Question 750, Legislative Referendum 350.

The Governor has been notified of the official Ballot Title pursuant to 34 O.S. 2001, Section 12. This office will provide a copy of the election proclamation upon receipt from the Governor's Office.

If there are any questions, please do not hesitate to contact this office.

Sincerely,

  
M. Susan Savage  
Secretary of State

MSS/kj

