

ENROLLED HOUSE JOINT RESOLUTION 1042
ENACTED BY THE FIRST REGULAR SESSION OF THE
52ND LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 751
LEGISLATIVE REFERENDUM NUMBER 351

RECEIVED: May 7, 2009

Resolution

ENROLLED HOUSE

JOINT

RESOLUTION NO. 1042

By: Terrill, Osborn, Faught,
Christian, Reynolds, Duncan,
Kern, Tibbs, Cooksey and Ritze
of the House

and

Sykes, Branan, Russell, Jolley,
Brogdon, Coffee, Aldridge,
Myers, Halligan, Newberry,
Reynolds, Brown, Johnson
(Mike), Barrington, Nichols,
Bingman, Crain, Justice, Ford,
Marlatt, Stanislowski and
Schulz of the Senate

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Constitution of the State of Oklahoma by creating a new Article XXX; providing that the English language is the common and unifying language of this state; providing that official actions of this state be conducted in English, with exception; prohibiting certain causes of action; providing for construction; granting certain authority to Legislature; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE 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 the Constitution of the State of Oklahoma by creating a new Article XXX to read as follows:

ARTICLE XXX

Section 1. As English is the common and unifying language of the State of Oklahoma, all official actions of the state shall be conducted in the English language, except as required by federal law. No person shall have a cause of action against an agency or political subdivision of this state for failure to provide any official government actions in any language other than English. Nothing in this Article shall be construed to diminish or impair the use, study, development, or encouragement of any Native American language in any context or for any purpose. The Legislature shall have the power to implement, enforce and determine the proper application of this Article by appropriate legislation.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this act 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 the Oklahoma Constitution. It would add a new Article 30. This amendment states that English is the common and unifying language of the state. All official actions of the state would be in English, except as required by federal law. No one would have a cause of action against an agency or subdivision of the state for failure to provide actions in any other language. The amendment could not be construed to diminish or impair uses of Native American languages. The Legislature would be able to enact related laws.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

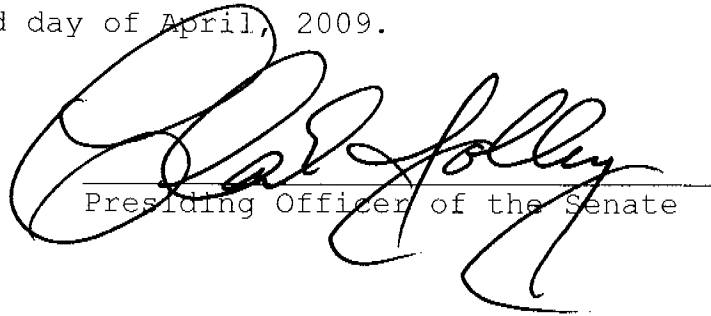
SECTION 3. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 6th day of May, 2009.



Presiding Officer of the House of
Representatives

Passed the Senate the 22nd day of April, 2009.



Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____

_____ 7th day of May, 2009,
at 5:32 o'clock P. M.

By: M. Susan Hovey



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 7, 2009

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

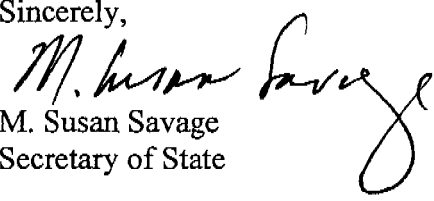
Dear Attorney General Edmondson:

You are hereby notified that Enrolled House Joint Resolution 1042 was received in the Office of the Secretary of State this 7th day of May, 2009. This bill has been designated as **State Question Number 751, Legislative Referendum Number 351.**

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 12, 2009

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

Re: State Question Number 751
Legislative Referendum Number 351

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 "W.A. Edmondson".

W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE:st

cc: Neal Leader



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 18, 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 Bengtson
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

FILED

MAY 19 2009

OKLAHOMA SECRETARY
OF STATE

Re: Ballot Title for State Question No. 751, Legislative Referendum 351

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.
- 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,

A handwritten signature in black ink, appearing to read "Tom Gruber".

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 2, 2009

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

FILED
JUN 03 2009
OKLAHOMA SECRETARY
OF STATE

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. 751, Legislative
Referendum No. 351**

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 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. 751

This measure amends the State Constitution. It adds a new Article to the Constitution. That Article deals with the State's official actions. It dictates the language to be used in taking official State

action. It requires that official State actions be in English. Native American languages could also be used. When Federal law requires, other languages could also be used.

These language requirements apply to the State's "official actions." The term "official actions" is not defined. The Legislature could pass laws determining the application of the language requirements. The Legislature would also pass laws implementing and enforcing the language requirements.

No lawsuit based on State law could be brought on the basis of a State agency's failure to use a language other than English. Nor could such a lawsuit be brought against political subdivisions of the State.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,



W.A. Drew Edmondson
Attorney General

WAE/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED

JUN 22 2009

OKLAHOMA SECRETARY
OF STATE

June 22, 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 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. 751, Legislative
Referendum No. 351**

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. 751

This measure amends the State Constitution. It adds a new Article to the Constitution. That Article deals with the State's official actions. It dictates the language to be used in taking official State action. It requires that official State actions be in English. Native American languages could also

be used. When Federal law requires, other languages could also be used.

These language requirements apply to the State's "official actions." The term "official actions" is not defined. The Legislature could pass laws determining the application of the language requirements. The Legislature would also pass laws implementing and enforcing the language requirements.

No lawsuit based on State law could be brought on the basis of a State agency's failure to use a language other than English. Nor could such a lawsuit be brought against political subdivisions of the State.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,



W.A. Drew Edmondson
Attorney General

WAE/ab



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 22, 2009

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

RECEIVED

JUN 22 2009

**OFFICE OF THE
GOVERNOR**

Dear Governor Henry:

Enclosed are copies of the Attorney General's review of the proposed Ballot Title for State Question 751, Legislative Referendum 351; the State Question from Senate Joint Resolution 25; 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,

A handwritten signature in black ink, appearing to read "Kathy Jekel".

Kathy Jekel,
Executive Legislative Division



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 22, 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 review of the proposed Ballot Title for State Question 751, Legislative Referendum 351.

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 at the above number or address.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathy Jekel".

Kathy Jekel
Executive Legislative Division

