

1 **SENATE FLOOR VERSION**
2 March 4, 2025

3 COMMITTEE SUBSTITUTE
4 FOR
5 SENATE BILL NO. 1027

By: Bullard, Paxton, and Jett
of the Senate

6 and
7 Hilbert of the House

8
9 An Act relating to initiative and referendum;
10 amending 34 O.S. 2021, Sections 3, 6, 8, as amended
11 by Section 1, Chapter 364, O.S.L. 2024, and 9 (34
12 O.S. Supp. 2024, Section 8), which relate to
13 signatures for petitions and ballot title; making
14 language gender neutral; establishing requirements
15 for gist of proposition; requiring inclusion of
16 certain statement on petition; requiring Secretary of
17 State to make affirmation about certain language;
18 authorizing certain removal for violation; adding
19 qualification for persons circulating petition for
20 signatures; requiring certain notice; providing that
signature serves as certain attestation; 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
of provisions; providing for noncodification; and
declaring an emergency.

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22
23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
24

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

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

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

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

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

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

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

11 B. A statement shall be printed under the gist of the
12 proposition that provides notice that the copy of the petition is a
13 public record subject to the Oklahoma Open Records Act.

14 C. The Secretary of State shall affirm that any gist conforms
15 with the requirements of this section. The Secretary may remove any
16 gist that violates the requirements of this section.

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

19 Section 6. Any person who circulates a sheet of said the
20 petition shall be a qualified elector of this state and shall verify
21 the signatures included on any signature sheets he or she circulates
22 by executing his or her affidavit thereon and as a part thereof.
23 The Secretary of State shall cause to be affixed onto the back of

1 the signature form an affidavit, subject to change, for the
2 circulator to verify the signatures.

3 State of Oklahoma,)

4) ss.

5 County of _____)

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

14 Subscribed and sworn to before me this _____ day of _____ A.D.
15 20__.

16 (Signature and title of the Oklahoma notarial officer before
17 whom oath is made, and his or her complete address, commission
18 number and expiration date, and official Oklahoma notary public
19 seal.)

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

23 Section 8. A. When a citizen or citizens desire to circulate a
24 petition initiating a proposition of any nature, whether to become a

1 statute law or an amendment to the Oklahoma Constitution, or for the
2 purpose of invoking a referendum upon legislative enactments, such
3 citizen or citizens shall, when such petition is prepared, and
4 before the same is circulated or signed by electors, file a true and
5 exact copy of same in the office of the Secretary of State and shall
6 at the same time file a separate ballot title, which shall not be
7 part of or printed on the petition.

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

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

22 D. A protest filed by anyone hereunder may, if abandoned by the
23 party filing same, be revived within five (5) business days by any
24 other citizen. After such hearing the Supreme Court shall decide

1 whether such petition is in the form required by the statutes. If
2 the Court is at the time adjourned, the Chief Justice shall
3 immediately convene the same for such hearing. No objection to the
4 sufficiency shall be considered unless it has been made and filed as
5 herein provided.

6 E. Signature-gathering Deadline for Initiative Petitions. When
7 an initiative petition has been filed in the office of the Secretary
8 of State and all appeals, protests, and rehearings have been
9 resolved or the period for such has expired, the Secretary of State
10 shall set the date for circulation of signatures for the petition to
11 begin but in no event shall the date be less than fifteen (15) days
12 nor more than thirty (30) days from the date when all appeals,
13 protests, and rehearings have been resolved or have expired.

14 Notification shall be sent to the proponents specifying the date on
15 which circulation of the petition shall begin and that the
16 signatures are due within ninety (90) days of the date set. Any

17 person who circulates the petition to collect signatures shall be a
18 registered voter in this state and shall display a conspicuous
19 notice in any location where the person is collecting signatures

20 whether the person is being paid to circulate the petition and if

21 so, by what person or entity. Each elector shall sign his or her
22 name and legibly print his or her name, birth date, and address
23 associated with his or her Oklahoma voter registration record. An
24 elector's signature shall serve as an attestation that the elector

1 | read the ballot title in full or that the person who solicited the
2 | elector's signature read the ballot title in full to the elector.

3 Any petition not filed in accordance with this provision shall not
4 be considered. The proponents of an initiative petition, any time
5 before the final submission of signatures, may withdraw the
6 initiative petition upon written notification to the Secretary of
7 State.

8 F. Signature-gathering Deadline for Referendum Petitions. All
9 signed signatures supporting a referendum petition shall be filed
10 with the Secretary of State not later than ninety (90) days after
11 the adjournment of the legislative session in which the measure,
12 which is the subject of the referendum petition, was enacted.

13 G. 1. Any person who circulates the petition to collect
14 signatures shall disclose to the Secretary of State any employer or
15 entity that is compensating the person for the circulation of the
16 petition. No compensation shall be based on number of signatures
17 collected or any other incentives. No person or entity who does not
18 reside or do business in this state shall contribute to or
19 compensate a person for circulation of a petition. Any person or
20 entity that employs a person for circulation of a petition shall
21 follow federal labor standards.

22 2. Any person or entity expending funds on the circulation of a
23 petition shall submit a report to the Secretary of State that
24 details such expenditures and that attests that all donated funds

1 were received from sources in this state. The Secretary of State
2 shall publish such reports on the Secretary's website until the vote
3 on the measure has occurred.

4 H. 1. No more than ten percent (10%) of the total number of
5 signatures required for an initiative petition or referendum
6 petition shall be from legal electors of a county with a population
7 of four hundred thousand (400,000) or more according to the latest
8 Federal Decennial Census.

9 2. No more than four percent (4%) of the total number of
10 signatures required for an initiative petition or referendum
11 petition shall be from legal electors of a county with a population
12 less than four hundred thousand (400,000) according to the latest
13 Federal Decennial Census.

14 I. The proponents of a referendum or an initiative petition may
15 terminate the circulation period any time during the ninety-day
16 circulation period by certifying to the Secretary of State that:

- 17 1. All signed petitions have already been filed with the
18 Secretary of State;
- 19 2. No more petitions are in circulation; and
- 20 3. The proponents will not circulate any more petitions.

21 If the Secretary of State receives such a certification from the
22 proponents, the Secretary of State shall begin the counting and
23 review process.

1 H. J. When the signed copies of a petition pamphlet are timely
2 filed, the Secretary of State shall file a copy of the proponent's
3 ballot title with the Attorney General and, after conducting a count
4 and review of the filed, signed petition pamphlets, the Secretary of
5 State shall certify to the Supreme Court of the state:

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

8 2. The total number of votes cast for the ~~state~~ office
9 ~~receiving the highest number of votes cast Governor~~ at the last
10 general election.

11 The Supreme Court shall make the determination of the numerical
12 sufficiency or insufficiency of the signatures counted and reviewed
13 by the Secretary of State.

14 I. K. Upon order of the Supreme Court it shall be the duty of
15 the Secretary of State to forthwith cause to be published, in at
16 least one newspaper of general circulation in the state, a notice of
17 the filing of the signed petitions and the apparent sufficiency or
18 insufficiency thereof, and shall also publish the text of the ballot
19 title as reviewed and approved or, if applicable, as rewritten by
20 the Attorney General pursuant to the provisions of subsection D of
21 Section 9 of this title and notice that any citizen or citizens of
22 the state may file an objection to the count made by the Secretary
23 of State, by a written notice to the Supreme Court and to the
24 proponent or proponents filing the petition. Any such objection

1 | must shall be filed within ninety (90) days after publication and
2 | must shall relate only to the validity or number of the signatures
3 | or a challenge to the ballot title. A copy of the objection to the
4 | count or ballot title shall be filed with the Supreme Court, the
5 | Attorney General, and the Secretary of State.

6 | J. L. Upon appeal and if ordered or directed by the Supreme
7 | Court, the Secretary of State shall deliver the bound volumes of
8 | signatures to the Supreme Court.

9 | K. M. Upon the filing of an objection to the signature count or
10 | ballot title, the Supreme Court shall resolve the objection with
11 | dispatch. The Supreme Court shall adopt rules to govern proceedings
12 | to apply to the challenge of a measure on the grounds that the
13 | proponents failed to gather sufficient signatures.

14 | L. N. If in the opinion of the Supreme Court, any objection to
15 | the count or protest to the petition is frivolous, the Court may
16 | impose appropriate sanctions, including an award of costs and
17 | ~~attorneys attorney~~ fees to either party as the Court deems
18 | equitable.

19 | M. O. Whenever reference is made in this act to the Supreme
20 | Court, such reference shall include the members of the Supreme
21 | Court, or any officer constitutionally designated to perform the
22 | duties herein prescribed.

23 | SECTION 4. AMENDATORY 34 O.S. 2021, Section 9, is
24 | amended to read as follows:

1 Section 9. A. When a referendum is ordered by petition of the
2 people against any measure passed by the Legislature or when any
3 measure is proposed by initiative petition, whether as an amendment
4 to the Oklahoma Constitution or as a statute, it shall be the duty
5 of the parties submitting the measure to prepare and file one copy
6 of the measure with the Secretary of State and one copy with the
7 Attorney General.

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

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

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

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

19 4. Shall not contain euphemisms, words, or phrases regarded in
20 popular parlance as code words, or an apparent attempt to deceive
21 voters;

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

1 5. 6. Shall contain language which clearly states that a "yes"
2 vote is a vote in favor of the proposition and a "no" vote is a vote
3 against the proposition;

4 6. 7. Shall not contain language whereby a "yes" vote is, in
5 fact, a vote against the proposition and a "no" vote is, in fact, a
6 vote in favor of the proposition; and

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

12 C. When a measure is proposed as a constitutional amendment by
13 the Legislature or when the Legislature proposes a statute
14 conditioned upon approval by the people:

15 1. After final passage of a measure, the Secretary of State
16 shall submit the proposed ballot title to the Attorney General for
17 review as to legal correctness. Within five (5) business days after
18 receipt from the Secretary of State, the Attorney General shall, in
19 writing, notify the Secretary of State, the President Pro Tempore of
20 the Senate, the Speaker of the House of Representatives and the
21 principal authors of the bill whether or not the proposed ballot
22 title complies with applicable laws. The Attorney General shall
23 state with specificity any and all defects found and, if necessary,
24 within ten (10) business days of determining that the proposed

1 ballot title is defective, prepare a preliminary ballot title which
2 complies with the law and furnish a copy of such ballot title to the
3 Secretary of State, the President Pro Tempore of the Senate, the
4 Speaker of the House of Representatives and the principal authors of
5 the bill. The Attorney General may consider any comments made by
6 the President Pro Tempore of the Senate or the Speaker of the House
7 of Representatives submitted within five (5) business days of their
8 being furnished a copy of the preliminary ballot title. The
9 Attorney General shall respond in writing to the comments and shall
10 file a final ballot title with the Secretary of State no later than
11 fifteen (15) business days after furnishing the preliminary ballot
12 title; and

13 2. After receipt of the measure and the official ballot title,
14 as certified by the Attorney General, the Secretary of State shall
15 within five (5) days transmit to the Secretary of the State Election
16 Board an attested copy of the measure, including the official ballot
17 title.

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

21 1. After the filing of the signed referendum petitions or the
22 signed initiative petitions, the Secretary of State shall submit the
23 proposed separate ballot title to the Attorney General for review as
24 to legal correctness. Within five (5) business days after the

1 receipt of the ballot title, the Attorney General shall, in writing,
2 notify the Secretary of State whether or not the proposed ballot
3 title complies with applicable laws. The Attorney General shall
4 state with specificity any and all defects found and, if necessary,
5 within ten (10) business days of determining that the proposed
6 ballot title is defective, prepare and file a ballot title which
7 complies with the law; and

8 2. Within ten (10) business days after completion of the review
9 and, if necessary, the filing of a ballot title in compliance with
10 law, by the Attorney General, the Secretary of State shall, if no
11 appeal is filed, transmit to the Secretary of the State Election
12 Board an attested copy of the measure, including the official ballot
13 title, and a certification that the requirements of this section
14 have been met. If an appeal is taken from such ballot title within
15 the time specified in Section 10 of this title, then the Secretary
16 of State shall certify to the Secretary of the State Election Board
17 the ballot title which is finally approved by the Supreme Court.

18 SECTION 5. NEW LAW A new section of law not to be
19 codified in the Oklahoma Statutes reads as follows:

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

1 SECTION 6. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
March 4, 2025 - DO PASS AS AMENDED BY CS

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