



Oklahoma *Legislative* State *Brief* Senate

Updated July 2010

Issues To Be Referred to Oklahoma Voters for Approval or Rejection at the 2010 Elections

see also the list of State Questions compiled by the Secretary of State at

<https://www.sos.ok.gov/gov/questions.aspx>

Issue: Common School Funding

State Question 744

Initiative Petition 391

Election Date: Pending proclamation by the Governor

Ballot Title *(as re-written by the Attorney General):*

The measure repeals a Section of the State Constitution. The repealed section required the Legislature annually to spend \$42.00 for each common school student. Common schools offer pre-kindergarten through twelfth grade.

The measure also adds a new Article to the Constitution. It sets a minimum average amount the State must annually spend on common schools. It requires the State to spend annually, no less than the average amount spent on each student by the surrounding states. Those surrounding states are Missouri, Texas, Kansas, Arkansas, Colorado and New Mexico. When the average amount spent by surrounding states declines, Oklahoma must spend the amount it spent the year before.

The measure deals with money spent on day-to-day operations of the schools and school districts. This includes spending on instructions, support services and non-instruction services. The measure does not deal with money spent to pay debt, on buildings or on other capital needs.

The measure requires that increased spending begin in the first fiscal year after its passage. It requires that the surrounding state average be met in the third fiscal year after passage.

The measure does not raise taxes, nor does it provide new funding for the new spending requirements.

Issue: Voter Identification

State Question 746

Legislative Referendum 347

Originating Legislation: SB 692 (2009)

Principal Authors: Senator John Ford, Representative Sue Tibbs

Election Date: November 2, 2010

Ballot Title *(as re-written by the Attorney General):*

This measure amends statutes relating to voting requirements. It requires that each person appearing to vote present a document proving their identity. The document must meet the following requirements. It must have the name and photograph of the voter. It must have been issued by the federal, state or tribal government. It must have an expiration date that is after the date of the election. No expiration date would be required on certain identity cards issued to persons 65 years of age or older.

In lieu of such a document, voters could present voter identification cards issued by the County Election Board.

A person who cannot or does not present the required identification may sign a sworn statement and cast a provisional ballot. Swearing to a false statement would be a felony.

These proof of identity requirements also apply to in-person absentee voting. If adopted by the people, the measure would become effective July 1, 2011.

Issue: Term Limits for Statewide Elected Officials
State Question 747

Legislative Referendum 348

Originating Legislation: SJR 12 (2009)

Principal Authors: Senator Randy Brogdon, Representative Jason Murphey

Election Date: November 2, 2010

Ballot Title *(as re-written by the Attorney General):*

This measure amends Sections 4 and 23 of Article 6 and Section 15 of Article 9 of the State Constitution. It limits the ability of voters to re-elect statewide elected officers by limiting how many years those officers can serve. It limits the number of years a person may serve in each statewide elected office. Service as Governor is limited to eight years. Service as Lieutenant Governor is limited to eight years. Service as Attorney General is limited to eight years. Service as Treasurer is limited to eight years. Service as Commissioner of Labor is limited to eight years. Service as Auditor and Inspector is limited to eight years. Service as Superintendent of Public Instruction is limited to eight years. Service as Insurance Commissioner is limited to eight years. Service as a Corporation Commissioner is limited to twelve years.

Service for less than a full term would not count against the limit on service. Years of service need not be consecutive for the limits to apply.

Officers serving when this measure is passed can complete their terms. All such serving officers, except the Governor, can also serve an additional eight or twelve years.

Issue: Legislative Redistricting

State Question 748

Legislative Referendum 349

Originating Legislation: SJR 25 (2009)

Principal Authors: Senator Glenn Coffee, Representative Chris Bengé

Election Date: November 2, 2010

Ballot Title *(as re-written by the Attorney General):*

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 order of apportionment to be signed by at least four members of the Commission.

Issue: Initiative Petition Signature Requirements

State Question 750

Legislative Referendum 350

Originating Legislation: SJR 13 (2009)

Principal Authors: Senator Randy Brogdon, Representative Randy Terrill

Election Date: November 2, 2010

Ballot Title *(as re-written by the Attorney General):*

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 a change to 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.

Issue: English Language

State Question 751

Legislative Referendum 351

Originating Legislation: HJR 1042 (2009)

Principal Authors: Senator Anthony Sykes, Representative Randy Terrill

Election Date: November 2, 2010

Ballot Title *(as re-written by the Attorney General):*

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.

Issue: Judicial Nominating Commission

State Question 752

Legislative Referendum 352

Originating Legislation: SJR 27 (2009)

Principal Authors: Senator Patrick Anderson, Representative Daniel Sullivan

Election Date: November 2, 2010

Ballot Title *(as re-written by the Attorney General):*

This measure amends a section of the Oklahoma Constitution. It amends Section 3 of Article 7-B. The measure deals with the Judicial Nominating Commission. This Commission selects nominees to be appointed judges or justices, when a vacancy occurs. The Commission selects three, sometimes four, qualified nominees. The Governor must appoint one of the nominees.

The amendment adds two at-large members to the Commission. At-large members can come from any Oklahoma congressional district. The Senate President Pro Tempore appoints one of the new at-large members. The Speaker of the House of Representatives appoints the other. At-large members can not be lawyers. Nor can they have a lawyer in their immediate family. Nor can more than two at-large members be from the same political party.

Six non-at-large members are appointed by the Governor. They cannot be Oklahoma lawyers. The measure adds a new qualification for non-lawyer members. They can not have a lawyer from any state in their immediate family. Each congressional district must have at least one non-lawyer member.

Six lawyer members are elected by members of the Oklahoma Bar Association. Each congressional district must have at least one lawyer member.

Issue: State Government Expenditure Limitations

State Question 754

Legislative Referendum 354

Originating Legislation: HJR 1014 (2009)

Principal Authors: Senator Todd Lamb, Representative Leslie Osborn

Election Date: November 2, 2010

Ballot Title *(as re-written by the Attorney General):*

This measure adds a new section to the Oklahoma Constitution. It adds Section 55A to Article 5. The Legislature designates amounts of money to be used for certain functions. These designations are called appropriations. The measure deals with the appropriation process.

The measure limits how the Constitution could control that process. Under the measure the Constitution could not require the Legislature to fund state functions based on:

1. Predetermined constitutional formulas,
2. How much other states spend on a function,
3. How much any entity spends on a function.

Under the measure these limits on the Constitution's power to control appropriations would apply even if:

1. A later constitutional amendment changed the Constitution, or
2. A constitutional amendment to the contrary was passed at the same time as this measure.

Thus, under the measure, once adopted, the measure could not be effectively amended. Nor could it be repealed.

Issue: Court Decisions

State Question 755

Legislative Referendum 355

Originating Legislation: HJR 1056 (2010)

Principal Authors: Senator Anthony Sykes, Representative Rex Duncan

Election Date: November 2, 2010

Ballot Title *(as re-written by the Attorney General):*

This measure amends the State Constitution. It changes a section that deals with courts of this state. It would amend Article 7, Section 1. It makes courts rely on federal and state law when deciding cases. It forbids courts from considering or using international law. It forbids courts from considering or using Sharia Law.

International law is also known as the law of nations. It deals with the conduct of international organizations and independent nations, such as countries, states and tribes. It deals with their relationship with each other. It also deals with some of their relationships with persons.

The law of nations is formed by the general assent of civilized nations. Sources of international law also include international agreements, as well as treaties.

Sharia Law is Islamic law. It is based on two principal sources, the Koran and the teaching of Mohammed.

Issue: Health Care Systems

State Question 756

Legislative Referendum 356

Originating Legislation: SJR 59 (2010)

Principal Authors: Senator Dan Newberry, Representative Mike Thompson

Election Date: November 2, 2010

Ballot Title *(as re-written by the Attorney General):*

This measure adds a new section of law to the State Constitution. It adds Section 37 to Article 2. It defines "health care system." It prohibits making a person participate in a health care system. It prohibits making an employer participate in a health care system. It prohibits making a health care provider provide treatment in a health care system. It allows persons and employees to pay for treatment directly. It allows a health care provider to accept payment for treatment directly. IT allows the purchase of health care insurance in private health care systems. It allows the sale of health insurance in private health care systems.

The measure's effect is limited. It would not affect any law or rule in effect as of January 1, 2010.

Nor could the measure affect or negate all federal laws or rules. The United States Constitution has a Supremacy Clause. That clause makes federal law the supreme law of the land. Under that clause Congress has the power to preempt state law. When Congress intends to preempt state law, federal law controls. When Congress intends it, constitutionally enacted federal law would preempt some or all of the proposed measure.

Issue: Constitutional Reserve Fund

State Question 757

Legislative Referendum 357

Originating Legislation: SJR 51 (2010)

Principal Authors: Senator Mike Johnson, Representative Ken Miller
Election Date: November 2, 2010

Ballot Title *(as in enrolled version and approved by the Attorney General):*

This measure amends the State Constitution. It amends Section 23 of Article 10. It increases the amount of surplus revenue which goes into a special fund. That fund is the Constitutional Reserve Fund. The amount would go from 10% to 15% of the funds certified as going to the General Revenue fund for the preceding fiscal year.

Contact For More Information:

The Senate staff members listed below may be able to provide further information on the state questions listed in this legislative brief. However, the provisions of Section 16-119 of Title 26 of the Oklahoma Statutes prohibit state officials from directing or authorizing the expenditure of public funds to be used in support of or in opposition to measures being referred to the people for a vote, and provide misdemeanor penalties for offenses. In addition, rules of the Ethics Commission prohibit the use of public funds, property or time to influence the results of a ballot measure. Due to these restrictions, the information on state questions that the Senate staff is able to provide may be limited. Committees raising or expending funds in support of or in opposition to a state question are required to register with the Ethics Commission (www.ethics.ok.gov).

State Question 744:

Jeremy Geren, Fiscal Analyst
Amy Dunaway, Fiscal Analyst
Kim Montgomery, Legislative Analyst
Scott Emerson, Staff Attorney

State Questions 746, 747, 750 and 751:

Caroline Dennis, Director of Committee Staff
Cheryl Purvis, Staff Attorney

State Question 748:

Lexa Shafer, Legislative Analyst
Scott Emerson, Staff Attorney

State Questions 752 and 755:

Tracy Kersey, Legislative Analyst/Attorney
Cheryl Purvis, Staff Attorney

State Question 754:

Randy Dowell, Director of Fiscal Staff
Lori Block, Staff Attorney

State Question 756:

Jennifer Mullens, Legislative Analyst
Lori Block, Staff Attorney

State Question 757:

Caroline Dennis, Director of Committee Staff
Randy Dowell, Director of Fiscal Staff

Prepared By:

The Oklahoma State Senate, Senate Staff

Senator Glenn Coffee, President Pro Tempore