



## **Synopsis of the 2010 State Questions**

**Current as of August 9th, 2010**

This document provides a brief synopsis for the state questions on the November 2, 2010, general election ballot. This information is for the benefit of the members of the Oklahoma House of Representatives and other interested parties. The purpose of this synopsis is to inform readers and not to influence the outcome of the election.

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# Table of Contents

State Question Quick Reference Guide .....	3
Complete Ballot Titles of State Questions.....	5
Voter Checklist .....	11

# State Question Quick Reference Guide

## **State Question 746—Voter Identification (SB 692--Sen. John Ford, Rep. Sue Tibbs)**

The question requires that each person appearing to vote present photograph identification issued by the federal, state or tribal government proving their identity. In lieu of such a document, a voter could present a voter identification card issued by the County Election Board. A person who does not present the required identification may sign a sworn statement and cast a provisional ballot. Provisional ballots are counted after the voter is verified. Swearing to a false statement would be a felony.

## **State Question 747—Term Limits (SJR 12--Sen. Randy Brogdon, Rep. Jason Murphey)**

The question limits the number of years a person may serve in each statewide elected office. Service is limited to eight years for the Governor, Lieutenant Governor, Attorney General, Treasurer, Commissioner of Labor, Auditor and Inspector, Superintendent of Public Instruction, and Insurance Commissioner. Service as a Corporation Commissioner is limited to twelve years. Filling a vacancy for a partial term does not count against the limited years of service. Non-consecutive terms do count.

## **State Question 748—Legislative Apportionment (SJR 25--Sen. Glenn Coffee, Rep. Chris Benge)**

If the Legislature fails to reapportion the legislative seats following the decennial census, the Oklahoma Constitution provides for an Apportionment Commission to complete the task. This question would change the makeup of the Commission. Currently, the Commission consists of the Attorney General, State Superintendent and the Treasurer. These members would be removed and seven new members would be appointed. One Democrat and one Republican would be appointed by each of the following: the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor. The Lieutenant Governor chairs the new Bipartisan Commission on Legislative Apportionment as a nonvoting member. Orders of apportionment are required to be signed by at least four members of the new Commission.

## **State Question 750—Petition Signatures (SJR 13--Sen. Randy Brogdon, Rep. Randy Terrill)**

The question amends sections of the State Constitution dealing with the number of signatures required for initiative petitions and referendum petitions. The question requires that the number of signatures necessary be based upon the percentage of votes cast at the last General Election for the Office of Governor. Currently, the requirement alternates between the votes cast for president and those cast for governor. More votes are usually cast at Presidential General Elections. Thus, the measure would generally have an effect of decreasing the number of required signatures in some years.

## **State Question 751—English Language (HJR 1042--Rep. Randy Terrill, Sen. Anthony Sykes)**

The question adds a new Constitutional Article requiring that official state actions be in English. Native American languages could also be used. When federal law requires, other languages could also be used. 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 a county, city or other political subdivision of the state. The Legislature could pass laws determining the application of the language requirements.

**State Question 752—Judicial Nominating Commission (SJR 27--Sen. Patrick Anderson, Rep. Dan Sullivan)**

The Judicial Nominating Commission currently consists of 13 members. Six non-lawyers appointed by the governor, at least one from each congressional district, and 6 attorneys chosen by the Bar Association, at least one from each congressional district, and one non-lawyer at-large member selected by the other members of the Nominating Commission.

The question amends the Constitution by adding two non-lawyer, at-large members to the Judicial Nominating Commission, one appointed by the Senate President Pro Tempore and one appointed by the Speaker of the House of Representatives. It adds restrictions that all non-lawyer members cannot have a lawyer in their immediate family. In addition, no more than two at-large members can be from the same political party.

**State Question 755—Court Decisions (HJR 1056--Rep. Rex Duncan, Sen. Anthony Sykes)**

The question amends the State Constitution. It would require courts to rely on federal and state laws when deciding cases and would forbid courts from considering international law or Sharia Law when deciding cases.

**State Question 756—Health Care System (SJR 59—Sen. Dan Newberry, Rep. Mike Thompson)**

The question adds a new section of law to the State Constitution. It prohibits making a person or employer participate in a health care system. It allows individuals 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. It prohibits making a health care provider participate in a health care system.

**State Question 757—Constitutional Reserve Fund (SJR 51—Sen. Mike Johnson, Rep. Ken Miller)**

The question amends the State Constitution by increasing the amount of surplus revenue which goes into the Constitutional Reserve Fund—Rainy Day Fund. The amount would be increased from 10% to 15% of the funds certified for the General Revenue Fund for the preceding fiscal year.

**State Question 744—Education Budget Initiative**

The question sets a minimum amount the state must spend annually on K-12 education. It requires the state spend at least the average amount spent on each student by the surrounding states. This includes instruction and support services, but does not include buildings or bonds. The measure requires that increased spending begin in the first fiscal year after its passage and that the surrounding state average be met in the third fiscal year after passage. The minimum requirement can never decline.

**State Question 754—Budgetary Decision Making (HJR 1014--Rep. Leslie Osborn, Sen. Todd Lamb)**

The question prohibits the Constitution from requiring the Legislature to fund state functions based on predetermined formulas, how much other states spend or how much any other entity spends. Once enacted, this new section of the Constitution could not be amended or repealed.

# Complete Ballot Titles of State Questions

The following eleven state questions will be placed on the ballot for the next General Election occurring November 2, 2010:

## **State Question 744—Education Budget Initiative**

This 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 prekindergarten 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 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 noninstruction 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.

[Link to documentation filed with the Secretary of State](#)

## **State Question 746—Voter Identification**

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.

[Link to documentation filed with the Secretary of State](#)

## **State Question 747—Term Limits**

This measure amends Sections 4 and 23 of Articles 6 and Section 15 of Article 9 of the State Constitution. It limits the ability of voters to reelect 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.

[Link to documentation filed with the Secretary of State](#)

## **State Question 748—Legislative Apportionment**

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.

[Link to documentation filed with the Secretary of State](#)

## **State Question 750—Petition Signatures**

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; and
- 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.

[Link to documentation filed with the Secretary of State](#)

## **State Question 751—English Language**

This measure amends the Oklahoma 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.

[Link to documentation filed with the Secretary of State](#)

### **State Question 752—Judicial Nominating Commission**

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 cannot 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 cannot 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.

[Link to documentation filed with the Secretary of State](#)

### **State Question 754—Budgetary Decision Making**

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; or
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.

[Link to documentation filed with the Secretary of State](#)

### **State Question 755—Courts**

This measure amends the State Constitution. It would change a section that deals with the courts of this state. It would make courts rely on federal and state laws when deciding cases. It would forbid courts from looking at international law or Sharia Law when deciding cases.

[Link to documentation filed with the Secretary of State](#)

### **State Question 756—Health Care System**

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.

[Link to documentation filed with the Secretary of State](#)

## **State Question 757—Constitutional Reserve Fund**

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.

[Link to documentation filed with the Secretary of State](#)

# Voter Checklist

<b>State Question Voter Reminder</b>		
	<u>YES</u>	<u>NO</u>
SQ 744 — Education Budget Initiative	<input type="checkbox"/>	<input type="checkbox"/>
SQ 746 — Voter ID	<input type="checkbox"/>	<input type="checkbox"/>
SQ 747 — Term Limits	<input type="checkbox"/>	<input type="checkbox"/>
SQ 748 — Legislative Apportionment	<input type="checkbox"/>	<input type="checkbox"/>
SQ 750 — Petition Signatures	<input type="checkbox"/>	<input type="checkbox"/>
SQ 751 — English Language	<input type="checkbox"/>	<input type="checkbox"/>
SQ 752 — Judicial Nominating Commission	<input type="checkbox"/>	<input type="checkbox"/>
SQ 754 — Budgetary Decision Making	<input type="checkbox"/>	<input type="checkbox"/>
SQ 755 — Court Decisions	<input type="checkbox"/>	<input type="checkbox"/>
SQ 756 — Health Care System	<input type="checkbox"/>	<input type="checkbox"/>
SQ 757 — Constitutional Reserve Fund	<input type="checkbox"/>	<input type="checkbox"/>