

Bond Case Briefs

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BALLOT INITIATIVE - OKLAHOMA

In re Initiative Petition No. 397, State Question No. 767

Supreme Court of Oklahoma - April 1, 2014 - P.3d - 2014 OK 23

Proponents of initiative to amend state constitution appealed ballot title prepared by the Attorney General regarding proposal to fund storm shelters and campus security for local school districts and career technology districts.

The Supreme Court held that:

- Proponents were required to file or submit a copy of the petition and a copy of the ballot title to the Attorney General when filing them with the Secretary of State;
- Attorney General had five business days to file response to ballot title after filing with Secretary of State;
- Attorney General's late response was statutorily effective;
- Proponents bore burden to show that the title was clearly contrary to either statutory law or the Oklahoma Constitution;
- Attorney General's ballot title complied with statutory requirements of impartiality and correctness;
- Ninety-day period of time to collect signatures commences when the ballot title appeal is final.

Initiative proponents challenging ballot title prepared by Attorney General bore burden to show that the title was clearly contrary to either statutory law or the Oklahoma Constitution, was incorrect, was not impartial, or failed to accurately reflect the effects of the initiative for proposed amendment to the state constitution.

Attorney General's ballot title for initiative to amend state constitution to fund storm shelters and campus security for local school districts and career technology districts complied with statutory requirements of impartiality and correctness. The title informed the electorate that the proposal would fund the construction of storm shelters by using franchise tax revenues, bonds, and other resources within the discretion of the legislature, and Attorney General's one additional reference to the franchise tax and definition of the general revenue fund were not argumentative and did not display partiality.