

ENROLLED SENTATE JOINT RESOLUTION 72

ENACTED BY THE 2ND REGULAR SESSION OF THE
55TH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 790

LEGISLATIVE REFERENDUM NUMBER 369

RECEIVED: 04/26/2016

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 72

By: Standridge and Brecheen of
the Senate

and

Jordan of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection the repeal of Section 5 of Article II of the Oklahoma Constitution; providing ballot title; and directing filing.

SUBJECT: Constitutional prohibition against public expenditure and property use for religious purposes

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 55TH 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 repeal of Section 5 of Article II of the Oklahoma Constitution which relates to use of public monies or property for sectarian or religious purposes.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. 369

State Question No. 790

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure repeals Section 5 of Article 2 of the Oklahoma Constitution. This section prohibits the use of public monies or property for sectarian or religious purposes.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, 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 Senate the 7th day of March, 2016.

Edelie Finley
Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2016.

Lee R. Young Jr.
Presiding Officer of the House
of Representatives

OFFICE OF THE SECRETARY OF STATE	
Received by the Office of the Secretary of State this	<u>26th</u>
day of <u>April</u> , 20 <u>16</u> , at <u>10:51</u> o'clock	<u>A</u> M.
By: <u>Chris Benz</u>	

Chris Bengé
Secretary of State
and
Native American Affairs



SECRETARY OF STATE
AND
NATIVE AMERICAN AFFAIRS

Mary Fallin
Governor

April 27, 2016

Hand Delivered

The Honorable E. Scott Pruitt
Oklahoma State Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

Re: State Question 790, Legislative Referendum 369
Subject: Constitutional prohibition against public expenditure and property use for religious purposes.

Dear Attorney General Pruitt:

You are hereby notified that Enrolled Senate Joint Resolution 72 was received in the Office of the Secretary of State on April 26, 2016. This resolution has been designated as **State Question Number 790, Legislative Referendum Number 369.**

Pursuant to 34 O.S. §9(C), this office is submitting the proposed ballot title to you for review.

If our office may be of any further assistance, please let us know.

Sincerely,

Tod Wall
Assistant Secretary of State and
Native American Affairs

Enclosure: State Question Number 790, Legislative Referendum Number 369

~~RECEIVED
RECEPTIONIST
APR 27 2016
ATTORNEY GENERAL~~

RECEIVED
RECEPTIONIST
APR 28 2016
ATTORNEY GENERAL



Chris Bengé
Secretary of State
and
Native American Affairs

SECRETARY OF STATE
AND
NATIVE AMERICAN AFFAIRS

Mary Fallin
Governor

April 27, 2016

Received
4-28-16
JH

Hand Delivered

The Honorable Mary Fallin
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Re: State Question 790, Legislative Referendum 369
Subject: Constitutional prohibition against public expenditure and property use for religious purposes.

Dear Governor Fallin:

You are hereby notified that Enrolled Senate Joint Resolution 31 was received in the Office of the Secretary of State on April 13, 2015. This resolution has been designated as **State Question 790, Legislative Referendum 369**.

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. §9(C). The official ballot title will be submitted to you upon completion of the review.

If our office may be of any further assistance, please let us know.

Sincerely,

Tod Wall
Assistant Secretary of State and
Native American Affairs

Enclosure: State Question Number 790, Legislative Referendum Number 369

Chris Bengé
Secretary of State
and
Native American Affairs



SECRETARY OF STATE
AND
NATIVE AMERICAN AFFAIRS

Mary Fallin
Governor

April 27, 2016

RECEIVED

APR 28 2016

STATE ELECTION
BOARD

Hand Delivered

The Honorable Paul Ziriak
Oklahoma State Election Board
State Capitol, Room 3
Oklahoma City, Oklahoma 73105

Re: State Question 790, Legislative Referendum 369
Subject: Constitutional prohibition against public expenditure and property use for religious purposes.

Dear Secretary Ziriak:

You are hereby notified that Enrolled Senate Joint Resolution 72 was received in the Office of the Secretary of State on April 26, 2016. This resolution has been designated as **State Question 790, Legislative Referendum 369**.

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. §9(C). The official ballot title will be submitted to you upon completion of the review.

If our office may be of any further assistance, please let us know.

Sincerely,

Tod Wall
Assistant Secretary of State and
Native American Affairs

Enclosure: State Question Number 790, Legislative Referendum Number 369



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 4, 2016

Senator Brian Bingman
President Pro Tempore
Oklahoma Senate
2300 N. Lincoln Blvd., Room 422
Oklahoma City, Oklahoma 73105-4897

Representative Jeffrey Hickman
Speaker of the House of Representatives
2300 N. Lincoln Blvd., Room 401
Oklahoma City, Oklahoma 73105-4897

Chris Bengel, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

Senator Rob Standridge
2300 N. Lincoln Blvd., Room 417A
Oklahoma City, Oklahoma 73105-4897

Senator Josh Brecheen
2300 N. Lincoln Blvd., Room 413
Oklahoma City, Oklahoma 73105-4897

Representative John Paul Jordan
2300 N. Lincoln Blvd., Room 328B
Oklahoma City, Oklahoma 73105-4897

RE: Ballot Title for State Question No. 790, Legislative Referendum No. 369

Dear Sirs:

In accordance with the provisions of 34 O.S.2015, § 9(C), we have reviewed the Proposed Ballot Title for the above-referenced State Question and conclude that it does **not** comply with applicable laws for the following reason:

FILED

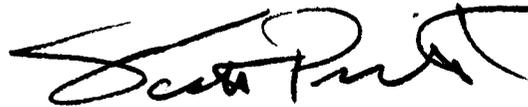
MAY 04 2016

OKLAHOMA SECRETARY
OF STATE

The statutorily required function of a ballot's title is to explain the effect of the proposition. The Proposed Ballot Title indicates that it is a repeal of Article 2, Section 5 of the Oklahoma Constitution, but does not fully explain what that provision prohibits or the effect of that provision's repeal.

Having found that the ballot title does not comply with applicable laws, we will, in accordance with the provisions of 34 O.S.2015, § 9(C), within ten business days, prepare a Preliminary Ballot Title which complies with the law and furnish a copy to each of you.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is fluid and cursive, with a large initial "E" and "S".

E. Scott Pruitt
Attorney General

ESP/cr



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 11, 2016

Senator Brian Bingman
President Pro Tempore
Oklahoma Senate
2300 N. Lincoln Blvd., Room 422
Oklahoma City, Oklahoma 73105-4897

Representative Jeffrey Hickman
Speaker of the House of Representatives
2300 N. Lincoln Blvd., Room 401
Oklahoma City, Oklahoma 73105-4897

Chris Benge, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

Senator Rob Standridge
2300 N. Lincoln Blvd., Room 417A
Oklahoma City, Oklahoma 73105-4897

Senator Josh Brecheen
2300 N. Lincoln Blvd., Room 413
Oklahoma City, Oklahoma 73105-4897

Representative John Paul Jordan
2300 N. Lincoln Blvd., Room 328B
Oklahoma City, Oklahoma 73105-4897

RE: Ballot Title for State Question No. 790, Legislative Referendum No. 369

Dear Sirs:

On May 4, 2016, we notified you that the Proposed Ballot Title for the above-referenced State Question did not comply with the requirements of 34 O.S.2015, § 9(C). In accordance with Section 9(C), we have prepared the following Preliminary Ballot Title. The Preliminary Ballot Title reads as follows:

FILED

MAY 12 2016

**OKLAHOMA SECRETARY
OF STATE**

PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 790

This measure would remove Article 2, Section 5 of the Oklahoma Constitution, which prohibits the government from using public money or property for the direct or indirect benefit of any religion or religious institution. Article 2, Section 5 has been interpreted by the Oklahoma courts as requiring the removal of a Ten Commandments monument from the grounds of the State Capitol. If this measure repealing Article 2, Section 5 is passed, the government would still be required to comply with the Establishment Clause of the United States Constitution, which is a similar constitutional provision that prevents the government from endorsing a religion or becoming overly involved with religion.

SHALL THE MEASURE BE APPROVED?

FOR THE MEASURE – YES _____

AGAINST THE MEASURE – NO _____

Respectfully submitted,



E. Scott Pruitt
Attorney General



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 31, 2016

Senator Brian Bingman
President Pro Tempore
Oklahoma Senate
2300 N. Lincoln Blvd., Room 422
Oklahoma City, Oklahoma 73105-4897

Representative Jeffrey Hickman
Speaker of the House of Representatives
2300 N. Lincoln Blvd., Room 401
Oklahoma City, Oklahoma 73105-4897

Chris Benge, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

Senator Rob Standridge
2300 N. Lincoln Blvd., Room 417A
Oklahoma City, Oklahoma 73105-4897

Senator Josh Brecheen
2300 N. Lincoln Blvd., Room 413
Oklahoma City, Oklahoma 73105-4897

Representative John Paul Jordan
2300 N. Lincoln Blvd., Room 328B
Oklahoma City, Oklahoma 73105-4897

RE: Final Ballot Title for State Question No. 790, Legislative Referendum No. 369

Dear Sirs:

On May 4, 2016, we notified you that the Proposed Ballot Title for the above-referenced State Question did not comply with the requirements of 34 O.S.Supp.2015, § 9(C), and on May 11, 2015, we prepared a preliminary ballot title in accordance with that Section. We have now prepared the following Final Ballot Title also in accordance with Section 9(C). The Final Ballot Title reads as follows:

FILED

MAY 31 2016

**OKLAHOMA SECRETARY
OF STATE**

FINAL BALLOT TITLE FOR STATE QUESTION NO. 790

This measure would remove Article 2, Section 5 of the Oklahoma Constitution, which prohibits the government from using public money or property for the direct or indirect benefit of any religion or religious institution. Article 2, Section 5 has been interpreted by the Oklahoma courts as requiring the removal of a Ten Commandments monument from the grounds of the State Capitol. If this measure repealing Article 2, Section 5 is passed, the government would still be required to comply with the Establishment Clause of the United States Constitution, which is a similar constitutional provision that prevents the government from endorsing a religion or becoming overly involved with religion.

SHALL THE MEASURE BE APPROVED?

FOR THE MEASURE – YES _____

AGAINST THE MEASURE – NO _____

Respectfully submitted,



E. Scott Pruitt
Attorney General

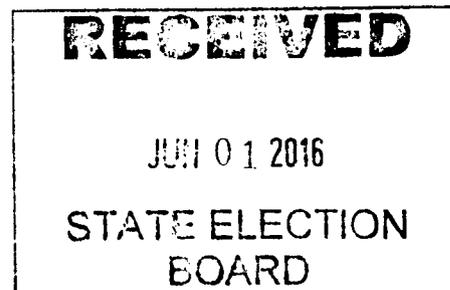


Chris Bengé
Secretary of State
and
Native American Affairs

SECRETARY OF STATE
AND
NATIVE AMERICAN AFFAIRS

Mary Fallin
Governor

May 31, 2016



The Honorable Paul Zirix
Secretary, State Election Board
State Capitol, Room B-6
Oklahoma City, Oklahoma 73105

Re: State Question 790, Legislative Referendum 369
Subject: Constitutional prohibition against public expenditure and property use for religious purposes

Dear Secretary Zirix:

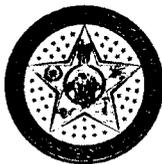
In accordance with the provisions of 34 O.S. § 9(C)(2), I herewith transmit State Question 790, Legislative Referendum 369 and attest that the enclosed copy of Senate Joint Resolution 72 is a true and accurate copy of the measure on record with this office. Also enclosed is the Final Ballot Title as prepared by the Attorney General.

If our office may be of any further assistance, please do let us know.

Sincerely,

Chris Bengé
Secretary of State and
Native American Affairs

Enclosures: State Question 790, Legislative Referendum 369 (SJR72)
Attorney General's Final Ballot Title – SQ790



Chris Bengé
Secretary of State
and
Native American Affairs

Mary Fallin
Governor

SECRETARY OF STATE
AND
NATIVE AMERICAN AFFAIRS

May 31, 2016

RECEIVED
JUN 1 2016
BY: _____

The Honorable Mary Fallin
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Re: State Question 790, Legislative Referendum 369
Subject: Constitutional prohibition against public expenditure and property use for religious purposes

Dear Governor Fallin:

Pursuant to 34 O.S. § 9(C)(2), the Secretary of State has transmitted to the Secretary of the State Election Board an attested copy of the above referenced measure. Please find enclosed a copy of the transmittal letter and a file stamped copy of the Attorney General's Final Ballot Title.

If there are any questions, please do not hesitate to contact our office.

Sincerely,

Chris Bengé
Secretary of State and
Native American Affairs

Enclosures: Copy of Transmittal Letter to Secretary of the State Election Board – SQ790
Copy of Attorney General's Final Ballot Title – SQ790



Mary Fallin
Governor

FILED

AUG 22 2016

OKLAHOMA SECRETARY
OF STATE

**EXECUTIVE DEPARTMENT
EXECUTIVE PROCLAMATION**

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the provisions of Section 3 of Article V and Section 1 of Article XXIV of the Oklahoma Constitution, Section 12 of Title 34 of the Oklahoma Statutes, and the referral by the Secretary of State, do hereby declare that Legislative Referendum Number 369, State Question 790, be submitted to qualified electors of the State of Oklahoma for their approval or rejection at the general election to be held statewide on November 8, 2016.

The substance of the measure is as follows:

This measure repeals Section 5 of Article II of the Oklahoma Constitution.

This section prohibits the use of public monies or property for sectarian or religious purposes.

Copies of this Executive Proclamation shall be delivered to the Secretary of State, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Secretary of the State Election Board.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 22nd day of August, 2016.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Mary Fallin

MARY FALLIN

ATTEST:

Chris Benge
CHRIS BENGE, SECRETARY OF STATE



048231



Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 17, 2016

FILED

NOV 18 2016

OKLAHOMA SECRETARY
OF STATE

The Honorable Mike Hunter
Secretary of State
Room 101, State Capitol
Oklahoma City, Oklahoma 73105

Dear Secretary Hunter:

Enclosed please find a copy of the official returns of the vote at the General Election on November 8, 2016, on the following measures, as certified to the Governor of the State of Oklahoma.

State Question No. 776, Legislative Referendum No. 367

State Question No. 777, Legislative Referendum No. 368

State Question No. 779, Initiative Petition No. 403

State Question No. 780, Initiative Petition No. 404

State Question No. 781, Initiative Petition No. 405

State Question No. 790, Legislative Referendum No. 369

State Question No. 792, Legislative Referendum No. 370

Sincerely,

PAUL ZIRIAX, Secretary
State Election Board

PZ/ps

Receipt of the above hereby is acknowledged on this 18th day of November, 2016.

By:

Time: 2:00 pm

018343

STATE QUESTION No. 776
LEGISLATIVE REFERENDUM No. 367

YES: 942,504
NO: 477,717

STATE QUESTION No. 777
LEGISLATIVE REFERENDUM No. 368

YES: 569,668
NO: 864,827

STATE QUESTION No. 779
INITIATIVE PETITION No. 403

YES: 583,429
NO: 853,573

STATE QUESTION No. 780
INITIATIVE PETITION No. 404

YES: 831,123
NO: 596,070

STATE QUESTION No. 781
INITIATIVE PETITION No. 405

YES: 795,475
NO: 619,580

STATE QUESTION No. 790
LEGISLATIVE REFERENDUM No. 369

YES: 607,482
NO: 809,254

Secretary Hunter
November 17, 2016
Page 3

STATE QUESTION NO. 792
LEGISLATIVE REFERENDUM NO. 370

YES: 939,848
NO: 492,422