



Ballot Initiative STRATEGY CENTER

Ballot Initiative Overview

2008 Election

Oklahoma

In 2006, Oklahoma was one of nine states where Howie Rich, the libertarian New York developer, attempted to put TABOR on the ballot. The signature gathering for that initiative was fraught with fraud, for which three people are being criminally charged.

Unfortunately, 2008 has been a virtual repeat of 2006. This year, the out-of-state ideologue is Ward Connerly, the California developer and the sponsor of California's Proposition 209. Fraud was so obvious in Connerly's initiative effort to end Oklahoma's equal opportunity programs that the Oklahoma Secretary of State immediately forwarded his petitions to the state Supreme Court. Despite that, there is no mechanism for the Secretary of State to reject an initiative due to fraud, or for initiative proponents to withdraw an initiative—a move Connerly attempted once the extent of the fraud became clear. As a result, the Oklahoma chapter of the American Civil Liberties Union and other supporters of equal opportunity are suing to remove the initiative from the ballot.

The circumstances of 2006 and 2008 make it clear that Oklahoma should undertake significant initiative reform to prevent continued repeats of initiative fraud.

Oklahoma has had the initiative process since statehood, but until 1974 state law required an initiative to garner a majority of all ballots cast in an election, instead of a majority of all votes cast on the initiative. That process caused a number of initiatives to fail even though a majority of Oklahomans who actually voted on the initiatives favored them.

4 measures were on the statewide ballot; all were legislative referrals and all of them passed.

4 Constitutional Amendments Were Referred

State Question 735: Investment/Taxes

Creates an exemption from personal property tax. The exemption would be for the full amount of taxes due on all household personal property. The exemption would be for the full amount

of taxes due on all household personal property. The exemption would apply to certain injured veterans. It would also apply to those veterans' surviving spouses.

PASSED 85% - 15%

State Question 741: Investment/Taxes

This measure amends the Oklahoma Constitution. It would add a new Section 22A to Article 10. This section is related to the property tax system. There are certain types of exemptions from property tax. A person or a business might be required to file an application for an exemption. This section would require a person or a business to file an application the first time in order to have an exemption. A person or a business could not file an application late to obtain an exemption for a prior tax year. The Legislature would be given authority to write laws to implement the provisions of this section.

PASSED 68% - 32%

State Question 742: Environment

This measure adds a new section to the State Constitution. It adds Section 36 to Article 2. It gives all people of this state the right to hunt, trap, fish and take game and fish. Such activities would be subject to reasonable regulation. It allows the Wildlife Conservation Commission to approve methods and procedures for hunting, trapping, fishing and taking of game and fish. It allows for taking game and fish by traditional means. It makes hunting, fishing, and trapping the preferred means to manage certain game and fish. The new law will not affect existing laws relating to property rights.

PASSED 80% - 20%

State Question 743: Miscellaneous

This measure amends Section 3 of Article 28 of the Constitution. It requires a customer to be twenty-one and physically present to purchase wine at a winery, festival or trade show. The measure changes the law to allow certain winemakers to sell directly to retail package stores and restaurants in Oklahoma. The change applies to winemakers who produce up to ten thousand gallons of wine a year. It applies to winemakers in state and out of state. Those winemakers may not also use a licensed wholesale distributor. They must sell their wine to every retail package store and restaurant in Oklahoma that wants to buy the wine. The sales must be on the same price basis. The sales must be without discrimination. Those winemakers must use their own leased or owned vehicles to distribute their wine. They may not use common or private carriers. If any part of this measure is found to be unconstitutional, no winemaker could sell wine directly to retail package stores or restaurants in Oklahoma.

PASSED 79% - 21%

For additional information please check with the Oklahoma Secretary of State:

<http://www.sos.state.ok.us/>