

THE LEAGUE OF WOMEN VOTERS OF OKLAHOMA A VOTER GUIDE STATE QUESTIONS ON THE NOV. 2, 2010, BALLOT

There are 11 state questions on the November General Election Ballot.

On issues where the League has no official position, it researches and presents the opinions of those who support the measure and those who oppose the measure. There are 6 state questions with pros and cons in this document.

There are 5 state questions where the League has a position; these are noted and published elsewhere.

STATE QUESTION NO. 744 INITIATIVE PETITION NO. 391

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 The repealed section required the Legislature annually to spend \$42.00 for each common school student.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.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL — NO

THE LEAGUE OF WOMEN VOTERS HAS A POSITION ON THIS

PROPOSAL THAT CAN BE ACCESSED AT ITS WEBSITE:
www.lwvok.org/questions-positions or call 405.612.8558

STATE QUESTION NO. 746 LEGISLATIVE REFERENDUM NO. 347

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.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL — NO

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STATE QUESTION NO. 747 LEGISLATIVE REFERENDUM NO. 348

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 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.

SHALL THE PROPOSAL BE APPROVED?
FOR THE PROPOSAL — YES
AGAINST THE PROPOSAL — NO

PROPOSANTS SAY	OPPOSANTS SAY
<ul style="list-style-type: none">· The terms of office holders should be limited because they have a name recognition advantage over challengers.	<ul style="list-style-type: none">· The right to limit terms should belong exclusively to voters in elections.
<ul style="list-style-type: none">· Because the governor and legislators are term limited, the terms of other state officers should also be limited.	<ul style="list-style-type: none">· Automatic term limits, without regard to competence and experience, give too much power to lobbyists and bureaucrats.

STATE QUESTION NO. 748 LEGISLATIVE REFERENDUM NO. 349

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.

SHALL THE PROPOSAL BE APPROVED?
 FOR THE PROPOSAL — YES
 AGAINST THE PROPOSAL — NO

PROPOSERS SAY	OPPONENTS SAY
<ul style="list-style-type: none"> · With six partisan appointees, the amendment achieves a balance between the two major parties. · The apportionment power is balanced between the governor and both houses of the state legislature. · It requires a majority of the commission to approve orders of apportionment, thus encouraging bi- partisanship. 	<ul style="list-style-type: none"> · It would add even more partisanship and bias to the redistricting process. · The amendment removes three statewide office holders who have no stake in apportionment outcome. · There could be a deadlock on this committee, since the chair has no vote, thus solving nothing. · The amendment includes only existing political parties and excludes independents and future parties.

STATE QUESTION NO. 750 LEGISLATIVE REFERENDUM NO. 350
 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. 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.

SHALL THE PROPOSAL BE APPROVED?
 FOR THE PROPOSAL — YES
 AGAINST THE PROPOSAL — NO

PROPOSONENTS SAY	OPPOSONENTS SAY
<ul style="list-style-type: none"> · It would be easier for citizens to petition the government by lowering the number of voter signatures required to propose a state law, change to the State Constitution or order a referendum. · It would make it less confusing to petitioners because the number required would change every 4 years instead of every 2 years. 	<ul style="list-style-type: none"> · The amendment makes it easier for well-funded special interest groups to get issues on the ballot, thus weakening the voice of the people as a whole. · By lowering the number of signatures needed to bring a petition to vote, the measure would weaken the legislature’s duty to debate and decide important issues impacting the state.

STATE QUESTION NO. 751 LEGISLATIVE REFERENDUM NO. 351

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.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL — NO

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STATE QUESTION NO. 752 LEGISLATIVE REFERENDUM NO. 352

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.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES
 AGAINST THE PROPOSAL — NO

PROPOSERS SAY	OPPONENTS SAY
<ul style="list-style-type: none"> · Better represents all three divisions of government. · Involving the legislature could make judges more responsive to Oklahoma values. · It limits the power of the Bar Association. 	<ul style="list-style-type: none"> · Judicial decisions should be independent of political influence. · The current method of judicial selection was adopted to get politics out of the selection of judges and works well. · Attorneys are trained to understand and value the need for well qualified, independent judges. · An independent judiciary is the hallmark of a democratic society. · It would upset the balance of power between the three branches of government.

STATE QUESTION NO. 754 LEGISLATIVE REFERENDUM NO. 354

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.

SHALL THE PROPOSAL BE APPROVED?
 FOR THE PROPOSAL — YES
 AGAINST THE PROPOSAL — NO

PROPOSERS SAY	OPPOSERS SAY
<ul style="list-style-type: none"> · It is important to keep the appropriations process in the Oklahoma Legislature. · It promotes fiscal responsibility. · It would nullify SQ744 that mandates an appropriation formula based on the decisions made in the six surrounding state legislatures. 	<ul style="list-style-type: none"> · It is short-sighted and dangerous to create an addition to the state constitution that can never be amended or repealed. · If SQ744 and 754 both pass, costly litigation is inevitable.

STATE QUESTION NO. 755 LEGISLATIVE REFERENDUM NO. 355
 This measure amends the State Constitution. It changes a section that deals with the 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.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL — NO

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STATE QUESTION NO. 756 LEGISLATIVE REFERENDUM NO. 356

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.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL — NO

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STATE QUESTION NO. 757 LEGISLATIVE REFERENDUM NO. 357

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.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL — NO

PROPOSANTS SAY	OPPOSANTS SAY
<ul style="list-style-type: none">· The “rainy day” fund provides relief from severe budget cuts in state expenditures in years when state revenues are down.· The fund has been seriously depleted in recent years, and increasing the amount of certified funds can rebuild it.	<ul style="list-style-type: none">· Legislatures are reluctant to tap rainy day funds.· Mandating an increase in the state’s reserve fund reduces the legislature’s ability to set priorities and adequately fund pressing needs.