Outline of the Oklahoma Statewide Initiative and Referendum Petition Process

Updated with laws through the 2025 legislative session (including Senate Bill 1027)



Prepared by the Executive Legislative Records Division

Office of the Oklahoma Secretary of State

Reflecting statutory provisions current through the 2025 legislative session

(Prepared in accordance with 34 O.S. § 27)

executivelegislative@sos.ok.gov

Article V.

Legislative Department. Initiative and Referendum.

Sec. 1. The Legislative authority of the State shall be vested in a Legislature, consisting of a Senate and a House of Representatives; but the people reserve to themselves the power to propose laws and amendments to the Constitution and to enact or reject the same at the polls independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any act of the Legislature.

Sec. 2. The first power reserved by the people is the initiative, and eight per centum of the legal voters shall have the right to propose any Legislative measure, and fifteen per centum of the legal voters shall have the right to propose amendments to the Constitution by petition, and every such petition shall include the full text of the measure so proposed. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety), either by petition signed by five per centum of the legal voters or by the Legislature as other bills are enacted. The ratio and per centum of legal voters hereinbefore stated shall be based upon the total number of votes cast at the last general election for the state office receiving the highest number of votes at such election.

Sec. 3. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the Legislature which passed the bill on which the referendum is demanded. The veto power of the governor shall not extend to measures voted on by the people. All elections on measures referred to the people of the State shall be had at the next election held throughout the State, except when the Legislature or the Governor shall order a special election for the express purpose of making such reference. Any measure referred to the people by the referendum shall take effect and be in force when it shall have been approved by a majority of the votes cast thereon and not otherwise. Any measure referred to the people of the State by the initiative shall take effect and be in force when it shall have been approved by a majority of the votes cast thereon at such election.

The style of all bills shall be: "Be It Enacted by the People of the State of Oklahoma". Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State and addressed to the Governor of the State, who shall submit the same to the people. The Legislature shall make suitable provisions for carrying into effect the provisions of this article. ~~and, if the Legislature shall fail to make such provision, or shall make inadequate provisions, then the Governor of the State shall, by executive order, make such orders as may be necessary to carry these provisions into effect~~

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Introduction

The following information applies exclusively to statewide initiative and referendum petitions. This outline is provided in accordance with 34 O.S. § 27 for general informational purposes to explain the statewide petition process. This document does not constitute legal advice or formal interpretation of state law.

Governing provisions of state law are found in:

- Article V (Initiative and Referendum), Oklahoma Constitution
- Article XXIV (Constitutional Amendments), Oklahoma Constitution
- Title 34 (Initiative and Referendum), Oklahoma Statutes

General Information

A. Definitions of Statewide Petitions

Three types of statewide petitions can qualify as a State Question to appear on a statewide ballot:

1. **Initiative Petition – Constitutional Measure:** Proposes adding to or amending the Oklahoma Constitution.
2. **Initiative Petition – Statutory Measure:** Proposes adding to or amending the Oklahoma Statutes.
3. **Referendum Petition:** Proposes repealing or modifying a legislative act (House Bill or Senate Bill) passed during the current legislative session.

- **Initiative Petition:** A process by which legal voters of Oklahoma exercise the right to propose additions or amendments to either the Oklahoma Constitution or Oklahoma Statutes. There are no initial petition submission deadlines to file with the Secretary of State (SOS), though constitutional signature submission deadlines apply once set. Initiative petitions are assigned a 90-day signature circulation period by the Secretary of State. Signed petition pamphlets must be filed with the Secretary of State (SOS) no later than 5:00 p.m. on the 90th day of the assigned circulation period.
- **Referendum Petition:** A process by which legal voters propose changes to legislation passed during a current legislative session, "except as to laws necessary for the immediate preservation of public peace, health or safety" (commonly designated as an "Emergency Clause"). An Emergency Clause causes a bill to take effect immediately upon signature by the Governor or legislative approval, rendering it ineligible for a referendum petition. A referendum petition must be officially filed with the Secretary of State (SOS) no more than 90 days after the final adjournment of the legislative session that passed the bill. Signed petition pamphlets must be filed no later than 5:00 p.m. on the 90th day following final adjournment.

B. Summary of 2025 Statutory Amendments (Senate Bill 1027)

Effective May 23, 2025, Senate Bill 1027 introduced key procedural modifications to Title 34:

- **Gist Pre-Review:** The Secretary of State must review the proposed gist of the proposition for legal form prior to publishing notice of filing.
- **Circulator Requirements:** Circulators must be verifiable, qualified electors of Oklahoma and must file formal disclosure statements. Circulators cannot be compensated on a per-signature basis.
- **Funding & Expenditure Oversight:** Proponents of record must submit weekly expenditure reports verifying that all donated circulation funds originate from in-state sources.
- **County-Level Signature Caps:** Signatures counted toward constitutional or statutory thresholds are capped per county based on gubernatorial voter turnout.
- **Signature Removal Rights:** Registered voters may submit a formal request to remove their signature from a petition prior to final filing.

C. Signature Requirements

1. Constitutional Thresholds (Okla. Const. art. V, § 2)

Signature requirements are calculated based on the total votes cast for the office of Governor at the most recent statewide general election. Calculations recertify every four years in November following a gubernatorial election. The signature count required for a petition remains fixed based on the requirement in effect on its initial filing date:

- **Referendum Petition:** 5% of votes cast for Governor
- **Statutory Initiative Petition:** 8% of votes cast for Governor
- **Constitutional Initiative Petition:** 15% of votes cast for Governor
- **Rejected Initiative/Referendum Measure:** 25% of votes cast for Governor

Current exact signature numbers are published on the Oklahoma Secretary of State Signature Requirements Page.

2. County Signature Caps (34 O.S. §§ 8.H-1 & 8.H-2)

In addition to statewide totals, signatures collected within any single county are capped as follows based on gubernatorial election turnout determined by the State Election Board:

- **Statutory Initiative or Referendum:** Maximum 11.5% of total votes cast in that county.
- **Constitutional Initiative:** Maximum 20.8% of total votes cast in that county.

Statewide Initiative & Referendum Petition Process: Key Statutory Summary

Phase	Responsible Agency	Statutory Reference	Action
Preparation	Proponents / Secretary of State	34 O.S. §§ 1–4, 6, 8, 9	Draft petition text, suggested Ballot Title, and proposed Gist. Request official filing packet from Secretary of State.
Intake & Filing	Secretary of State & Attorney General	34 O.S. §§ 3, 7, 8, 9	File original petition documents, Gist, proposed Ballot Title, and $500 filing fee with Secretary of State and Attorney General.
Gist Pre-Review	Secretary of State	34 O.S. § 3	Review proposed Gist for statutory legal compliance prior to accepting and publishing notice of filing (SB 1027).
Notice of Filing	Secretary of State	34 O.S. § 8(B)	Publish Notice of Filing and Apparent Sufficiency in a newspaper of general statewide circulation.
First Protest Window	Oklahoma Supreme Court	34 O.S. § 8(A)–(D)	90-day window for citizens to challenge the constitutionality or legal form of the petition prior to circulation.
Circulation Setup	Secretary of State	34 O.S. §§ 3, 8(E)–(F)	Assign 90-day signature circulation window (starting 15–30 days post-judicial resolution) and issue electronic pamphlet templates.
Circulation & Oversight	Secretary of State	34 O.S. §§ 3, 6, 6.1, 8, 23	Collect signatures from registered voters. Enforce paid circulator signage, circulator disclosures, and weekly in-state expenditure reports (SB 1027).

Phase	Responsible Agency	Statutory Reference	Action
Final Submission	Secretary of State	34 O.S. §§ 4, 8	Receive, log, seal, and issue receipt for signed petition pamphlets prior to 5:00 p.m. on the 90th day (or upon early termination).
Ballot Title Review	Attorney General	34 O.S. § 9	Review proposed Ballot Title within 5 business days; prepare substitute Ballot Title within 10 business days if defective.
Signature Verification	Secretary of State	34 O.S. §§ 1–4, 6, 6.1, 8	Electronically verify voter matching (4 of 5 data points required) and enforce county signature caps (11.5% statutory / 20.8% constitutional).
Numerical Certification	Secretary of State & Supreme Court	34 O.S. § 8	Certify verified signature totals to the Oklahoma Supreme Court; Supreme Court issues order determining numerical sufficiency.
Second Protest Window	Oklahoma Supreme Court	34 O.S. §§ 8(I)–(K), 9–11	Publish statewide notice of verified count and Ballot Title. Open 90-day window for citizen objections to signature validity or Ballot Title text.
Elections Transmittal	Secretary of State	34 O.S. §§ 8, 9	Transmit attested copy of measure and final approved Ballot Title to State Election Board and Governor following final judicial clearance.
Gubernatorial Proclamation	Governor	Okla. Const. art. V, § 3; 34 O.S. §§ 12, 25	Issue official proclamation setting election date (General Election, or designated Special/Primary Election).

Phase	Responsible Agency	Statutory Reference	Action
Public Notice	Secretary of State	34 O.S. § 17	Publish official text of ballot title and voting instructions in statewide and local county newspapers at least 5 business days prior to election.
Codification & Archiving	Secretary of State & State Election Board	34 O.S. § 5	Certify vote results, codify approved measures into Oklahoma Statutes or Constitution, and permanently archive state petition records.

Step-by-Step Statewide Petition Workflow

Step I: Proponents Draft Measure, Suggested Ballot Title, and Proposed Gist

(34 O.S. §§ 1, 2, 3, 4, 6, 8, & 9)

- Proponent(s) draft the proposed initiative or referendum text in the form prescribed by law.
- Proponent(s) draft a suggested Ballot Title.
- Proponent(s) draft a proposed Gist of the Proposition, which will be printed on the front of every signature sheet circulated.
- Proponents do not draft signature sheet forms or circulator affidavits; official forms are generated and provided electronically by the Secretary of State (SOS).

Step II: Filing Petition, Suggested Ballot Title, and Gist with Secretary of State

(34 O.S. §§ 3, 7, 8, & 9)

- Proponent(s) request an official Initiative or Referendum Filing Packet from the Secretary of State by emailing a request to executivelegislative@sos.ok.gov.
- Proponents notify the Secretary of State of the intended filing date, time, and delivery method.
- Proponents submit original petition documents with handwritten signatures of proponents of record (copies are not accepted), suggested Ballot Title, proposed Gist, and the mandatory $500 filing fee (exact cash, check, or money order).
- Proponents submit copies of the petition and suggested Ballot Title to the Office of the Attorney General.
- **Secretary of State Gist Review:** The Secretary of State reviews the proposed gist to confirm it meets statutory requirements under 34 O.S. § 3. If it complies with the law, the filing is accepted successfully. If deficient, proponents may correct and resubmit.
- Upon acceptance, the Secretary of State issues an official receipt for filing with next steps information for proponents of record.

Step III: Publication of Notice of Filing

(34 O.S. § 8(B))

- Next, the Secretary of State has a "Notice of Filing of a Petition and Apparent Sufficiency" published in a newspaper of general statewide circulation, notifying the public of the petition filing and outlining the 90-day protest process.

Step IV: First Protest Window & Supreme Court Review

(34 O.S. § 8(A)–(D))

- The business day following publication opens the 90-day window during which any citizen may file a protest challenging the constitutionality or legal form of the petition with the Oklahoma Supreme Court. Copies of any protest must be served to proponents of record, the Attorney General, and the Secretary of State.
- If no protests are filed within the 90-day window, the petition proceeds with signature circulation.
- **If a Protest Is Filed:** The Supreme Court sets a hearing schedule (at least 10 business days after filing). If the Court finds the measure constitutional and legally compliant, it enters an order permitting the petition to proceed.

Step V: Assignment of Signature Circulation Window

(34 O.S. §§ 3 & 8(E)–(F))

- **Initiative Petitions:** Upon resolution of all protests, the Secretary of State sets the signature circulation start date (no less than 15 days and no more than 30 days from final judicial resolution).
- **Referendum Petitions:** The Secretary of State notifies proponents of record of the circulation window, with all signed petition pamphlets due no later than 90 days following final legislative adjournment.
- The Secretary of State issues official petition pamphlets, signature sheets, and circulator affidavit forms electronically in PDF format for duplication by proponents.

Step VI: Circulation Rules, Disclosures, and Expenditure Reporting

(34 O.S. §§ 3, 6, 6.1, 8, & 23)

- **Signer Eligibility:** Only qualified, registered Oklahoma voters may sign. Signers must print their name, birth month, birth year, residence address, and county matching their voter registration record. Voters may submit formal requests to withdraw their signature prior to final submission.
- **Circulator Qualifications & Affidavit:** Circulators must be qualified, registered Oklahoma electors. Circulators must sign an affidavit on the back of each signature sheet before an Oklahoma Notary Public. Circulators cannot be compensated on a per-signature basis.
- **Mandatory Paid Circulator Notice:** Circulators must display clear, conspicuous signage at circulation locations disclosing whether they are being paid and identifying the paying entity.
- **Circulator Disclosure Statements:** Circulators must file completed disclosure statements pursuant to 34 O.S. § 8(G)(1) with the Secretary of State by 5:00 p.m. on the final day of circulation.

- **Weekly Expenditure Reports:** Proponents of record must submit weekly financial reports under 34 O.S. § 8(G)(2) detailing all circulation expenditures and attesting that all funding originates from in-state sources.

Step VII: Early Filing & Termination of Circulation

(34 O.S. § 8)

- Proponents may terminate circulation early by filing all collected pamphlets alongside a sworn certification stating that circulation has ended and no further signatures will be collected.
- The Secretary of State cannot accept signed pamphlets prior to the 90-day deadline without this signed certification.

Step VIII: Final Submission of Signed Pamphlets

(34 O.S. §§ 4 & 8)

- Proponents notify the Secretary of State of delivery details and total box counts. Signed pamphlets must be delivered prior to 5:00 p.m. on the 90th day.
- The Secretary of State verifies, logs, labels, and seals each delivered box and issues an official receipt.

Step IX: Attorney General Ballot Title Review

(34 O.S. § 9)

- Upon receipt of pamphlets, the Secretary of State submits the proposed Ballot Title to the Attorney General.
- Within 5 business days, the Attorney General reviews the Ballot Title for legal compliance. If defective, the Attorney General prepares a compliant substitute Ballot Title within 10 business days.

Step X: Electronic Signature Verification, Counting, and County Cap Tracking

(34 O.S. §§ 1, 2, 3, 4, 6, 6.1, & 8)

- The Secretary of State schedules signature verification, trains temporary data entry staff, and allows a proponent observer to witness pamphlet detachment.
- Staff review circulator affidavits, detach signature sheets, apply sequential page numbers, and digitize sheets into the electronic verification system.

- The verification software checks voter records, verifies voter eligibility—which requires at least 4 out of 5 signer data points to match—and reviews compliance with 34 O.S. §§ 6 and 6.1. Additionally, the software tracks county-level counts to enforce statutory county caps (11.5% for statutory measures and 20.8% for constitutional measures).
- Original signature sheets are bound per 34 O.S. § 4, preserved, and archived as public records.

Step XI: Certification of Count to the Supreme Court

(34 O.S. § 8)

- The Secretary of State certifies total verified signatures and total gubernatorial votes cast to the Oklahoma Supreme Court, providing a file-stamped copy to proponents.

Step XII: Judicial Numerical Sufficiency/Insufficiency Order and Public Notice

(34 O.S. § 8)

- Upon order of the Supreme Court, the Secretary of State publishes statewide notice of the verified signature count, the Court's determination of numerical sufficiency or insufficiency, and the final approved Ballot Title. Citizens have ninety (90) days from the date of publication to file formal objections with the Supreme Court regarding the validity or number of signatures or the text of the Ballot Title, with copies served to the Attorney General, the Secretary of State, and proponents of record (34 O.S. § 8(K)).

Step XIII: Second 90-day Protest Window: If Challenges Filed Against Signature Count & Ballot Title

(34 O.S. §§ 8(I)–(K), 9, 10, & 11)

- Upon the filing of an objection to the signature count or ballot title, the Supreme Court shall resolve the objection with dispatch. The Supreme Court shall adopt rules to govern proceedings to apply to the challenge of a measure on the grounds that the proponents failed to gather sufficient signatures.
- The Supreme Court issues final rulings on all filed challenges.

Step XIV: Transmittal to Election Board and Governor

(34 O.S. §§ 8 & 9)

- Once all second-round protests are resolved and numerical sufficiency is affirmed, the Secretary of State transmits an attested copy of the measure and final Ballot Title to the State Election Board and Governor.

Step XV: Gubernatorial Proclamation & Election Scheduling

(Okla. Const. art. V, § 3; 34 O.S. §§ 12 & 25)

- The Governor issues an official proclamation setting forth the measure details and specifying the election date.
- Measures are placed on the next regular statewide general election ballot, unless the Governor exercises statutory discretion to call a special election or designate a primary election for the vote.

Step XVI: Pre-Election Statewide Newspaper Publication

(34 O.S. § 17)

- At least five (5) business days prior to the election, the Secretary of State publishes the official text of the ballot title and an explanation of how to vote for or against the proposition in two statewide newspapers and in local newspapers across all 77 Oklahoma counties.

Step XVII: Statewide Ballot Vote Held

- The ballot measure is submitted to Oklahoma voters.

Step XVIII: Certification of Election Results

- The State Election Board certifies vote results to the Governor and Secretary of State.

Step XIX: Codification of Approved Measures

(34 O.S. § 5)

- Approved measures are printed with general legislative session laws alongside the Governor's proclamation date and codified into either the Oklahoma Constitution or Oklahoma Statutes.

Step XX: Archiving State Petition Records

(34 O.S. § 5)

- All petition materials, filings, and count records are preserved and archived by the Secretary of State as required by law.

External Resources & Information

To review active legislative referrals, access public record logs, or view general voting procedures, check official election portals:

- Oklahoma Secretary of State Executive Legislative Records Division Portal — View administrative procedures, public record logs, and official filings.
- Oklahoma State House of Representatives — View proposed legislation for current and past legislative sessions, legislative calendars, House Journal, live legislative sessions and committee meetings.
- Oklahoma State Senate — View proposed legislation for current and past legislative sessions, Senate Journal, legislative calendars, live legislative sessions and committee meetings.
- Oklahoma State Election Board Portal — Access voter services, sample ballots, and statewide election schedules.
- Oklahoma Ethics Commission Portal — Access ethics information for state question campaigns.