

State Question No. \_\_\_\_\_, Initiative Petition No. \_\_\_\_\_

**WARNING**

**IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN THE PETITION WHEN HE IS NOT A LEGAL VOTER.**

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**INITIATIVE PETITION**

**To the Honorable John Kevin Stitt, Governor of Oklahoma:**

**We the undersigned legal voters of the State of Oklahoma respectfully order that the following proposed Amendments to the Constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next regular general election (or at a special election as may be called by the Governor), and each for himself/herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence is correctly written after my name. The time for filing this petition expires ninety (90) days from \_\_\_\_\_. The question we herewith submit to our fellow voters is:**

**Shall the following proposed new Article V-A to the Oklahoma Constitution be approved?**

**BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA THAT A NEW ARTICLE V-A OF THE OKLAHOMA CONSTITUTION BE APPROVED:**

**CONSTITUTION OF OKLAHOMA, ARTICLE V-A -- LEGISLATIVE DISTRICTS**

**§ 1. THE SENATE.**

The state shall be divided into forty-eight (48) Senatorial districts. Each Senatorial district shall be entitled to one Senator, who shall hold office for four years; provided that any Senator, serving at the time of the adoption of this amendment, shall serve the full time for which he or she was elected. Vitalization of Senatorial districts shall provide for one-half of the Senators to be elected at each general election.

**§ 2. THE HOUSE OF REPRESENTATIVES.**

The state shall be divided into one hundred and one (101) districts for the House of Representatives. Each district shall be entitled to one Representative. Each Representative elected shall hold office for two years.

**§ 3. POWER OF REDISTRICTING**

A. State House of Representative and Senatorial districts. Notwithstanding any other provisions of this Constitution, the power to redistrict the State of Oklahoma’s House of Representative and Senatorial districts is henceforth vested in the Citizens’ Independent Redistricting Commission.

B. Federal Congressional Districts. Notwithstanding any other provisions of this Constitution, the power to redistrict Oklahoma’s Federal Congressional Districts is henceforth vested in the Citizens’ Independent Redistricting Commission.

## **§ 4. THE CITIZENS' INDEPENDENT REDISTRICTING COMMISSION.**

### **A. Definitions**

1. "Federal Congressional Districts" shall refer to Oklahoma's United States Congressional Districts.
2. "Groups" shall refer to the groups of candidates for Commissioners that have been sorted by their partisan affiliation or unaffiliation as determined by their registration or non-registration with a party with ballot access at the time of the most recent General Election.
3. "Affiliated" shall refer to citizens who, as of the date of their application to serve as Commissioner, have been continuously registered with the same party with ballot access for the last four years.
4. "Unaffiliated" shall refer to citizens who, as of the date of their application to serve as Commissioner, have not been registered with either of the two largest parties with ballot access for any of the last four years.
5. "Plan" shall refer to any proposed or approved redistricting Plan for the districts for Representatives in the U.S. Congress, for Oklahoma State Representatives, or for Oklahoma State Senators.
6. "Pool" shall refer to a group of applicants selected by the Panel.
7. "Panel" shall refer to the group of retired Judges or Justices chosen by the Chief Justice of the Oklahoma Supreme Court to oversee the creation of the Commission.
8. "Census Block" shall refer to a census block used by the United States Bureau of the Census in the most recent Federal Decennial Census.
9. "Immediate family member" shall refer to, with respect to an individual, a father, stepfather, mother, stepmother, son, stepson, daughter, stepdaughter, brother, stepbrother, sister, stepsister, husband, wife, father-in-law, or mother-in-law.

### **B. The Citizens' Independent Redistricting Commission ("the Commission")**

1. **Composition.** The Commission shall consist of nine (9) Commissioners: three (3) Commissioners for each Group representing one of the two largest parties with ballot access at the time of the most recent General Election based on total registration, and three (3) Commissioners for the Group representing those that are unaffiliated with either of the state's two largest political parties with ballot access at the time of the most recent General Election.
2. **Qualifications.** Each Commissioner shall possess all the following qualifications:
  - a. Be a citizen who has been continuously domiciled in Oklahoma for five years immediately preceding the date of appointment to the Commission and whose registered political affiliation has not changed in the four years immediately preceding the date of appointment to the Commission;
  - b. Has not held, and does not have an immediate family member who has held, partisan elective office at the Federal, State or political subdivision level in this State in the five years immediately preceding the date of appointment to the Commission;

- c. Has not registered, and does not have an immediate family member who has registered, as a Federal, State or local lobbyist in the five years immediately preceding the date of appointment to the Commission;
- d. Has not held office or served, and does not have an immediate family member who has held office or served, as a paid staff member for a political party in the five years immediately preceding the date of appointment to the Commission;
- e. Has not been nominated, and does not have an immediate family member who has been nominated, as a candidate for elective office by a political party in the five years immediately preceding the date of appointment to the Commission; and
- f. Has not been an employee of the state legislature in the five years immediately preceding the date of appointment to the Commission.

### 3. Failure to Possess Qualifications.

- a. If it is found during the work of the Commission that a member did not possess at the time of selection to the Commission all of the qualifications in subsection B paragraph 2 of this section, that member shall be removed and replaced with a member from the same Group using the process described in subsection B paragraph 5 subparagraph b of this section.
- b. If it is found after the completion of the Commission's activities that any member did not possess all of the qualifications in subsection B paragraph 2 of this section, this shall not create a sufficient cause of action to challenge any Plan.

### 4. Application and Selection of Commissioners.

- a. No later than December 1 of the year 2020, or October 1 of each subsequent year ending in zero, the Chief Justice of the Oklahoma Supreme Court shall appoint the director or an employee of its Administrative Office (or, if no director or employee of such Office is able and willing to serve in this capacity, then another public employee) to serve as a Special Master to act as a disinterested party to oversee the application process and the training of Commissioners, and to report the Commission's progress to the Panel. The Special Master shall possess all of the qualifications in subsection B paragraph 2 of this section.
- b. No later than December 15 of 2020, and no later than December 1 of each subsequent year ending in zero, the Chief Justice of the Oklahoma Supreme Court shall designate a Panel to review the applications. The Panel shall consist of three Judges or Justices who have retired from the Oklahoma Supreme Court or the Oklahoma Court of Criminal Appeals or the Oklahoma Court of Civil Appeals, and who are able and willing to serve on the Panel, selected by random drawing. If fewer than three state appellate Judges or Justices who are able and willing to serve have been identified, then the Chief Justice shall appoint a retired Oklahoma Federal District Court Judge who accepts such appointment.
- c. Application to serve as a member of the Commission shall be filed with, and on a form developed by, the Special Master indicating thereon evidence of his or her qualifications as provided by this subsection. The form must request information sufficient to allow the Panel to adequately review and assess each candidate's qualifications and experience to serve on the Commission. The

form shall include language that requires the applicant to affirmatively declare that the information submitted is accurate and shall also contain an advisory that providing false information may lead to perjury charges. The Special Master shall advertise the opportunity to apply as a member of the Commission in the major news outlets in Oklahoma, including print, television, radio and social media outlets. Such advertising shall be at a level to reasonably expose registered voters in Oklahoma to the opportunity to serve on the Commission.

- d. No later than January 31 of the redistricting year ending in one, the Special Master shall notify the Panel that the application deadline is closed and submit the applications to the Panel.
- e. All decisions of the Panel regarding the selection of applicants pursuant to this subsection require the affirmative approval of all three (3) members of the Panel.
- f. In one or more public meetings conducted on or before February 7 of the redistricting year ending in one, after reviewing the applications of the applicants, the Panel shall identify Pools of twenty (20) applicants who are affiliated with the state's largest political party, twenty (20) applicants who are affiliated with the state's second largest political party, and twenty (20) applicants who are unaffiliated with either of the two largest political parties, or such lesser number as there are available, and who in the view of the Panel best demonstrate:
  - i. Experience in organizing, representing, advocating for, adjudicating the interests of, or actively participating in groups, organizations, or associations in Oklahoma; and
  - ii. relevant analytical skills, the ability to be impartial, and the ability to promote consensus on the Commission.

The Panel shall achieve geographic balance by ensuring, to the extent practicable, that there are no fewer than three (3) applicants from each current Congressional District within each Pool. The Panel shall also, to the extent practicable, ensure that each Pool reflects the state's racial, ethnic, veteran status, sexual orientation and gender diversity.

If there are not sufficient numbers of applicants to allow for three (3) Commissioners and one (1) Alternate to be selected from any group, as required by this section, then the Fallback Mechanism shall take effect.

- g. No later than February 7 of the redistricting year ending in one, from the Pools of applicants identified in subparagraph f of this paragraph, the Panel shall choose by lot, in random drawing, six (6) applicants to serve on the Commission as follows:
  - i. two (2) Commissioners who are unaffiliated with either of the state's two (2) largest political parties;
  - ii. two (2) Commissioners who are affiliated with the state's largest political party; and
  - iii. two (2) Commissioners who are affiliated with the state's second largest political party.



Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

- b. On or before February 25 each year, the Commission shall receive an appropriation by the Legislature sufficient to enable the Commission to perform its duties as set forth in this Article.
9. Record Keeping. All Commission votes must be taken by roll call and published on the Commission's website, along with meeting transcripts or minutes including details of any Plan voted on.
  10. Public Notice. The Commission shall provide the public at least forty-eight (48) hours' notice for all public meetings and hearings. The Commission shall make each notice which is required to be posted and published under this section available in any language in which the state (or any jurisdiction in the state) is required to provide election materials under federal law. All meetings and hearings except for executive session shall be livestreamed over the internet, and transcripts made publicly available via electronic archive. The Commissioners shall not discuss redistricting matters with members of the public outside of an open meeting of the Commission, except that a Commissioner may communicate about redistricting matters with members of the public to gain information relevant to the performance of his or her duties if such communication occurs in writing available to the public or at a previously publicly noticed forum or town hall open to the general public. This paragraph does not prohibit communication between Commissioners and staff, legal counsel, or consultants retained by the Commission.

### **C. Duties of the Commission and the Secretary**

1. After the Commissioners are appointed the Commission shall:
  - a. Select a Secretary. The Special Master shall nominate a Secretary. The nominee must meet all the criteria of subsection B, paragraph 2 of this section, and be approved by a majority vote of Commissioners. If the Commissioners cannot reach the needed votes, the Special Master shall make another nomination.
2. The Secretary. The duties of the Secretary include the following:
  - a. Assist in the running and convening of Commission meetings, including the drafting of Plans, and approving expenditures necessary for the Commission to fulfill its duties;
  - b. Publicize and hold regional field hearings in each Congressional District to seek public input relevant to redistricting;
  - c. Gather precinct-level shapefiles and data on voter registration and election returns for general and primary elections for the preceding decade, and make the data available for public download by the date of the first public hearing;
  - d. Disaggregate and re-aggregate the electoral data to correspond to the Census Block that will be used to assemble Districts;
  - e. Gather information from the Department of Corrections about the home address of state and federal inmates;
  - f. Begin analyzing election returns from recent Primary and General Elections, to help ensure that the Commission's redistricting Plans will not have the

effect of denying or abridging the right to vote on account of race, ethnicity, or membership in a language minority group;

- g. Hire and manage staff to assist in the Commission and Secretary's duties;
- h. Assist the Special Master in training Commissioners; and
- i. Develop and maintain a website that creates a public Plan drawing system and allows members of the public to:
  - i. monitor and comment on the Commission's work;
  - ii. access the data sets and utilize the tools necessary to draw Plans;
  - iii. view prior district maps for comparison; and
  - iv. submit proposed Plans and maps indicating communities of interest.

3. Data Preparation. After the United States Bureau of the Census releases the Federal Decennial Census Data, the Commission shall:

- a. Add the data gathered under subsection C, paragraph 2, subparagraph e to the Federal Decennial Census data so that incarcerated people are counted in their home communities;
- b. Update the analysis begun under subsection C, paragraph 2, subparagraph f;
- c. Promptly post on the Commission's website Federal Decennial Census data, electoral data, and boundary maps in digitally readable format, at district and precinct levels of detail for general and primary elections for each Plan submitted by a Commissioner;
- d. Develop and publish publicly no more than two (2) preliminary Plans for the redistricting of the Oklahoma House of Representatives, Oklahoma Senate and Federal Congressional Districts;
- e. Approve final Plans for State House of Representative and Senatorial and Federal Congressional redistricting, as set forth in subsection D; and
- f. Release all proposed maps for comment in formats that are easily accessible and readable by members of the public, such as PDF, machine-readable comma-separated values, shapefile, and on the same interactive the Secretary is required to create for public submission of maps.

#### **D. Plan Criteria and Consideration**

The Commission shall simultaneously conduct separate processes for drawing and submitting Plans for the redistricting of the State House of Representative and Senatorial and Federal Congressional Districts. The Commission shall consider both Commissioner-submitted draft Plans and publicly-submitted draft Plans.

1. Redistricting Criteria.

- a. Federal Law. The redistricting Plan must comply with the United States Constitution and all applicable federal law, including the requirement that it equalize total population.
- b. Contiguity. Each district must be contiguous. The term "contiguous" means that the district is bounded by one unbroken line and is not divided into two or

more discrete pieces. A district is not contiguous if pieces of the district touch at only a single point; nor is a district contiguous if it includes pieces of land entirely separated by a body of water but does not include any bridges, tunnels, or public ferries connecting those pieces of land.

- c. The Commission shall also seek to maximize compliance with each of the following criteria, set forth in the following order of priority:
  - i. **Communities of Interest.** Districts shall minimize the division of communities of interest to the extent practicable. A Community of Interest is defined as an area with recognized similarities of interests, including but not limited to racial, ethnic, economic, social, cultural, geographic, tribal, linguistic, or historic identities. Communities of interest shall not include common relationships with political parties, officeholders, or political candidates.
  - ii. **Racial and Ethnic Fairness.** No redistricting Plan should be drawn to have the effect of denying or abridging the equal opportunity of racial or ethnic minority groups to participate in the political process or to diminish their ability to elect representatives of their choice, whether alone or in coalition with others.
  - iii. **Political Fairness.** No Plan should, when considered on a statewide basis, unduly favor or disfavor a political party. Undue favor to a political party shall be determined using the proposed map, data from the last ten years of statewide elections, and the best available statistical methods on identifying inequality of opportunity to elect.
  - iv. Districts shall respect the geographic integrity of political subdivision boundaries to the extent preceding criteria have been satisfied.
  - v. **Compactness.** A draft Plan should be compact to the extent preceding criteria have been satisfied.
2. A Plan shall not take into consideration any of the following factors, except to the extent necessary to comply with the criteria described in paragraph 1 of this section, and to enable the Plan to be measured against the external metrics described in paragraph 5 of subsection E:
  - a. The residence of any member or candidate of the Oklahoma House of Representatives, Oklahoma Senate, or U.S. Congress.
  - b. The political party affiliation or voting history of the population of a district.

#### **E. Approval of the Plans**

1. **Approval or Rejection of Plans.** Each Commissioner has one vote. An affirmative vote of at least six (6) of the nine (9) Commissioners is required to approve a Plan, including at least one (1) Commissioner affiliated with each of the two (2) largest political parties in the state and one (1) Commissioner who is unaffiliated with either of the two largest political parties in the state.
2. **Preliminary Plan.** Prior to developing a final Plan, the Commission shall develop and publish a preliminary Plan as follows:
  - a. Prior to developing a preliminary Plan under this subsection, the Commission shall hold no fewer than one (1) public hearing in each Congressional District at which members of the public may provide input relevant to redistricting.

- b. The Commission shall develop and publish the preliminary Plan publicly, including digitally downloadable maps and Census block equivalency assignments of each district, and accept public comment on the preliminary Plan for no fewer than fourteen (14) days.
3. To hold a vote, the Commission must convene a voting meeting, open to the public, at which the Commission may vote on a preliminary Plan. If the Commissioners vote to approve a Plan, it shall become law.
4. Upon approval of a Plan by the Commission, the Special Master shall submit the Plan to the State Election Board, the Governor, the Secretary of State, the Senate Pro Tempore of the Senate and the Speaker of the House of Representatives as well as make the Plan publicly available.
5. The Commission shall issue with all preliminary and final Plans written evaluations that measure the maps against external metrics. These metrics shall cover all criteria set forth in subsection D, paragraph 1.
6. The Commission shall have one hundred and twenty (120) days from the release of the Federal Decennial Census data in which to approve final Plans for State House of Representative and Senatorial and Federal Congressional districts.

#### **F. Fallback Mechanism**

If the Commission does not approve a State House of Representative, Senatorial, or Federal Congressional Plan within one hundred and twenty (120) days of the release of the Federal Decennial Census Data, the following procedure shall be followed to create that Plan only.

1. The Special Master shall create a report to be submitted to the Oklahoma Supreme Court that advises the Court of the available Plans and provides enough information for the Court to approve a Plan. The Court shall then have thirty (30) days to approve a Plan.
2. The Court shall approve a Plan that is consistent with the criteria listed in subsection D of this section.
3. If the approval process is not complete by the minimum residency requirement deadline for candidates to the state office, such requirements shall be suspended and not apply for any affected election so long as:
  - a. The candidate resided in one legislative district but, through the process of redistricting, his or her residence has been redistricted out of the former district and into an adjacent district; and
  - b. The candidate either files for state office in his or her new district or moves his or her residence into the newly adjacent district and registers as a voter by the time of candidate filing for state office.

#### **G. Judicial Review**

1. Supreme Court Jurisdiction. The Oklahoma Supreme Court has original and exclusive state-court jurisdiction to hear and decide all challenges to the Commission's actions and final Plans. The Court's jurisdiction is limited to remedy only the specific violation alleged on the specific Plan challenged.
2. Petitions for Review. Within thirty (30) days after a Plan's approval, any aggrieved resident of the State may petition the Oklahoma Supreme Court to invalidate that

Plan. The Court shall consolidate all petitions challenging a Plan, give the consolidated petitions precedence over other civil proceedings, conduct expedited hearings, and enter its judgment promptly.

3. Remedial Plans. If the Oklahoma Supreme Court concludes that a Plan approved by the Commission is invalid, the Fallback Mechanism in subsection F shall be used to create a new Plan. If the Court finds a violation in a Plan produced under the Fallback Mechanism, then the Court's remedy shall be constrained by the criteria in subsection D.
4. Legal Representation. The Commission has standing in all legal proceedings concerning its actions and has sole authority to determine whether it will be represented by the State Attorney General or by legal counsel selected and hired by the Commission.
5. Communications made in the course of the Commission's, Secretary's, or Special Master's work under this Article may not be shielded from the public on the basis of legislative privilege. This provision shall not be construed to abrogate or otherwise affect legislative immunity.

#### **H. Cessation of the Commission's Operations**

Within thirty (30) days after the Plans have taken effect and all pending legal challenges to the Plans and the Commission's actions have concluded, the Commission must be dissolved, and any unexpended money must revert to the State's general revenue fund.

#### **§ 5. AUTHORITY OF THE LEGISLATURE**

Notwithstanding any other provision of this Constitution or any prior judicial decision, for purposes of interpreting this Article, the People declare that the powers granted to the Commission herein are legislative functions not subject to the control or approval of the Legislature, and are exclusively reserved to the Commission. The Commission and all of its responsibilities, operations, functions, contractors, consultants and employees are not subject to change, transfer, reorganization, or reassignment, and shall not be altered or abrogated in any manner whatsoever, by the Legislature. No other body shall be established by the Legislature to perform functions that are the same or similar to those granted to the Commission in this section.

#### **§ 6. REPEALER**

Article V, Sections 9A, 10A, and 11A-11E of this Constitution are hereby repealed.

#### **§ 7. SEVERABILITY**

The provisions of this Article are severable, and if any part or provision hereof shall be void, invalid, or unconstitutional, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions hereof, and the remaining provisions hereof shall continue in full force and effect.

**Name and Address of Proponents**

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Andrew Moore  
2524 NW 26th St.  
Oklahoma City, OK 73107

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Janet Ann Largent  
5401 N. Range Rd.  
Stillwater, OK 74075

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Lynda Johnson  
12018 S. Pittsburg Ave.  
Tulsa, OK 74137

**SIGNATURES**

**The gist of the proposition is as follows:** This measure adds a new Article V-A to the Oklahoma Constitution. This new Article creates the Citizens' Independent Redistricting Commission and vests the power to redistrict the State's House of Representative and Senatorial districts, as well as its Federal Congressional Districts, in the Commission (rather than the Legislature). The Article sets forth qualifications and a process for the selection of Commissioners, a Special Master and a Secretary. It also sets forth a process for the creation and approval of redistricting plans after each Federal Decennial Census. In creating the redistricting plans, the Commission must comply with certain criteria, including federal law, population equality, and contiguity, and must seek to maximize compliance with other criteria, including respect for communities of interest, racial and ethnic fairness, respect for political subdivision boundaries, political fairness, and compactness. The Article creates a fallback mechanism in the event that the Commission cannot reach consensus on a plan within a set timeframe. It also sets forth procedures for funding and judicial review, repeals existing constitutional provisions involving legislative districts, codifies the number of state House of Representative and Senatorial districts, and reserves powers to the Commission rather than the Legislature.

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County	Signature of Legal Voter	Print Name	Address	City	Zip
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County	Signature of Legal Voter	Print Name	Address	City	Zip
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Address

City

Zip Code

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20 .

Notary Public

My Commission Expires:

Address

City Zip Code

My Commission Number:

## **PROPOSED BALLOT TITLE**

This measure adds a new Article V-A to the Oklahoma Constitution. This new Article creates the Citizens' Independent Redistricting Commission and vests the power to redistrict the State's House of Representative and Senatorial districts, as well as its Federal Congressional Districts, in the Commission (rather than the Legislators). The Article sets forth qualifications and a process for the selection of Commissioners, a Special Master and a Secretary. It also sets forth a process for the creation and approval of redistricting plans after each Federal Decennial Census. In creating the redistricting plans, the Commission must comply with certain criteria, including federal law, population equality, and contiguity, and must seek to maximize compliance with other criteria, including respect for communities of interest, racial and ethnic fairness, respect for political subdivision boundaries, political fairness, and compactness. The Article creates a fallback mechanism in the event that the Commission cannot reach consensus on a plan within a set timeframe. It also sets forth procedures for funding and judicial review, repeals existing constitutional provisions involving legislative districts, codifies the number of state House of Representative and Senatorial districts, and reserves powers to the Commission rather than the Legislature.

Shall the proposal be approved?

For the proposal - YES

Against the proposal - NO

A "YES" vote is a vote in favor of this measure. A "NO" vote is a vote against this measure.