

CONSTITUTIONAL REVISION

Support for major constitutional revision in Oklahoma

The League of Women Voters of Oklahoma (LWVOK) believes the state constitution should provide a flexible framework within which state government can function effectively in the face of rapidly changing conditions, and should provide adequate protection for individual rights and liberties. The constitution should clearly define the responsibilities of the three branches of government and grant them adequate powers to carry out these responsibilities. The constitution should express only fundamental law and principle.

The present Oklahoma Constitution fails to meet these criteria; therefore, the LWVOK recommends major constitutional reform efforts. If the convention route is chosen, it should be preceded by extensive study and research conducted by an adequately financed, professionally staffed group. A call to convention should provide for nonpartisan election of delegates on an equitably apportioned basis representing diverse interests of the state with some limitations on elected officials serving as delegates. A convention should be limited as to its duration and size. A constitutional convention should have the discretion to submit its revised document to the voters in its entirety or separately, article by article.

Guidelines for a Legislative Article: The LWVOK supports a bicameral legislature with both houses apportioned on a one- person, one-vote principle. The legislature should be permitted to meet in annual sessions of unlimited length and should have some power to call itself into session. The constitution should not set the amount of legislative salaries. Any statute governing legislators (for example, salaries) should not go into effect until the next legislature convenes. The LWVOK believes that legislative procedures should be governed by statute and should not be in the Constitution. The LWVOK also feels that requirements for getting bills out of committee should be less stringent than they are currently.

Guidelines for Rights of Citizens: The LWVOK believes the Oklahoma Bill of Rights should be rewritten in more concise language, eliminating present provisions that do not pertain to individual rights. It should provide rights such as:

- Legal counsel for serious crimes when a defendant is unable to provide it for her/himself,
- Provisions for means of restoring voting rights of former felons and mental patients,
- The citizens' right to the initiative and referendum,
- No increases in the present requirement for signatures on a petition, and
- The elimination of the "silent vote" provision.

The "silent vote" (people voting in an election but not voting on a particular amendment) was eliminated in 1974. The LWVOK reaffirms the need to protect the right to

referendum through support of measures to clarify the "emergency clause" which allows for immediate enactment of laws without a mechanism for public input. Throughout the constitution there are numerous outdated technical provisions and restrictions as well as discriminatory suffrage provisions that should be eliminated.

Guidelines for an Executive Article: The LWVOK believes the governor should be chief executive in fact as well as in name. The constitution should be revised to increase the governor's administrative authority over the executive department by substantially increasing her/his appointive powers, and by consolidation of departments and agencies under her/his authority. The governor and lieutenant governor should be elected from the same party on a single ballot. Election of other executive officials should be limited to major policy-making offices.

Guidelines for a Judicial Article: The constitution should provide a unified court structure for Oklahoma, with well-established lines of administrative authority and responsibility, adaptable to changing needs. In addition, it should permit division of courts into geographic or functional jurisdiction as needed. The LWVOK believes in a constitutional court on the judiciary for the removal of justices and judges. The LWVOK recommends improved methods of judicial election to provide a thoroughly qualified and independent judiciary, with the state judges being taken out of politics as much as possible. To accomplish this, the LWVOK supports appointment of judges from an approved list with periodic submission to the people for unopposed vote. The LWVOK believes the minor court structure should be improved:

- by staffing the courts with judges who are lawyers and are paid fixed salaries from the general fund,
- by the courts being courts of record,
- by the court jurisdiction extending to all cases of relatively minor importance, and
- by each court serving an area large enough to justify proper court organization.

Guidelines for Corporation Commission: The constitution should include only general provisions for a regulatory agency for corporations, retaining the right of arbitration and of recourse to the courts. Implementation and other procedural matters should be left to the Legislature.

Guidelines for Education: The Constitution of Oklahoma should state that the Legislature should provide for maintenance and support of the system of free public schools open to all children in the state. And it also should establish, organize, and support such public institutions of higher learning as may be desirable. The LWVOK believes that the State Superintendent of Public Instruction should be appointed.

Guidelines for Fiscal Policy: The LWVOK reaffirms the urgent need for statewide equalization of property tax assessments. The LWVOK believes earmarking of funds should be eliminated from the constitution and that the executive department boards should be responsible to the governor for their annual budgets. The governor, in turn, should be required by the constitution to present a budget message to the Legislature.

Guidelines for Revenue and Taxation: The LWVOK believes Article X of the Constitution of the State of Oklahoma should be shortened and simplified to make it more flexible. All specific details should be removed, including debt ceilings and millage caps. All obsolete sections should be removed.

Guidelines for County and Municipal Government: The Constitution should provide general grants of power with specific provisions left to the legislative body and/or home rule charters. The Constitution should provide for maximum local self-government at the county and municipal levels. Provisions should be made for local government units to reorganize, restructure, or consolidate according to needs. Local governmental units should be granted the general power to tax, but the determination of methods and limitations should be delegated to the legislature. The number of elected local governmental officials should be reduced by appointment of qualified persons to administrative positions.

Consensus approved 1969
Revised Fiscal Policy approved 1989
Consensus, Revenue and Taxation approved 1989

BACKGROUND

The Oklahoma Constitution requires that the people be allowed to vote every twenty years on the question of calling a convention for the purpose of revising and updating that document. Although this provision has been frequently ignored, delegates to the 1965 LWVOK Convention directed the League to undertake a thorough study of the Constitution of the State of Oklahoma, anticipating the possibility that the 1970 vote of the people on a constitutional convention might be favorable.

LWVOK members launched a two-year study that resulted in consensus on the kinds of constitutional changes that they wished to support or oppose. In 1967, the LWVOK supported bills that created a constitutional revision interim study committee. When such a committee was formed, two members of the LWVOK served as appointees.

In 1970 voters were given a choice of: 1) a call to constitutional convention or 2) revision using the article-by-article method. Both ideas were overwhelmingly defeated despite LWVOK efforts to educate the voters as to the need.

Publications which resulted from the LWVOK study include the two-part *Study of the State Constitution*, published in 1966 and 1967, aided by a grant from the Sears Roebuck Foundation; *The Constitution of Oklahoma: Framework or Bailing Wire?*, published in 1976 as a bicentennial project; and *Framework for Government, Oklahoma's Constitution*, published in 1980.

These publications were in demand, not only by the general public, but also by the Constitutional Revision Study Commission appointed by Governor Bellmon in 1988. The responsibilities of the Commission were to reexamine the constitution and to hold public hearings on constitutional revision, with a possible call to a constitutional convention in

1990. One of the members appointed by the governor was a LWVOK member who chaired the subcommittee to rewrite the Bill of Rights.

During 1988-89 the LWVOK studied Article X, Revenue and Taxation. The consensus of the 1989 LWVOK Convention was that issues of taxation and revenue should be considered as legislation, and that the constitution should be fundamental law only.

In 1989, after a successful initiative petition drive, Oklahoma voters adopted an amendment to the constitution that shortened the length of the legislative session. The LWVOK unsuccessfully opposed this amendment.

In 1990, there should have been, but was not, an opportunity for the people to vote on a call to a constitutional convention. Instead, as a result of a recommendation from the Constitutional Revision Study Commission, LWVOK supported an initiative petition drive to put on the ballot amendments making major changes in Article VI (Executive Departments) and Article IX (Corporations) and a new article creating an Ethics Commission. Sufficient signatures were obtained, but an Oklahoma Supreme Court ruling kept the proposed changes to Articles VI and IX off the ballot. The amendment creating the Ethics Commission was approved.

An August 1990 amendment removed unconstitutional restrictions on who may vote in bond elections and gave the legislature the authority to set interest rates on bonds for industrial development. The LWVOK opposed it. Also approved in 1990 was an amendment to limit the terms of future members of the Legislature. It became effective January 1, 1991.

In March 1992, voters approved SQ640, another amendment opposed by LWVOK. It required a vote of the people on any revenue bill not attaining a three-quarters majority vote in both houses of the Legislature. This, in effect, created a permanent ban on any tax increases in the state.

However, in response to a teachers' walkout in 2017, the legislature managed to do what had been considered impossible ... they approved tax increases by a three-quarters majority vote in both houses. These tax increases affected the gross production tax and taxes on cigarettes but did not restore income taxes to their previous level.