

Oklahoma State Questions
November 6th Ballot

All the State Questions as they will be on the Ballot:

https://www.ok.gov/elections/Election_Info/State_Question_info.html

STATE QUESTION 793 (Initiative Petition)

BALLOT TITLE FOR STATE QUESTION NO. 793

This measure adds a new Section 3 to Article 20 of the Oklahoma Constitution. Under the new Section, no law shall infringe on optometrists' or opticians' ability to practice within a retail mercantile establishment, discriminate against optometrists or opticians based on the location of their practice, or require external entrances for optometric offices within retail mercantile establishments. No law shall infringe on retail mercantile establishments' ability to sell prescription optical goods and services. The Section allows the Legislature to restrict optometrists from performing surgeries within retail mercantile establishments, limit the number of locations at which an optometrist may practice, maintain optometric licensing requirements, require optometric offices to be in a separate room of a retail mercantile establishment, and impose health and safety standards. It does not prohibit optometrists and opticians from agreeing with retail mercantile establishments to limit their practice. Laws conflicting with this Section are void. The Section defines "laws," "optometrist," "optician," "optical goods and services," and "retail mercantile establishment."

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL – NO

Legal Documents:

<https://www.sos.ok.gov/documents/questions/793.pdf>

Original Creator:

“Oklahomans for Consumer Freedom,” Wal-Mart

Petitioners:

Kiley Raper: Government Affairs Consultant, Campaign Consultant, Experienced Public Affairs Professional, Grasstops Coalition Builder (<https://www.linkedin.com/in/kileysullivanraper>)

Gwendolyn Caldwell: President of Caldwell and Associates (an Oklahoma Domestic LLC) State Chamber of Oklahoma, Tulsa Metro Chamber, Oklahoma State Senate (<https://www.linkedin.com/in/gwendolyn-caldwell-42588736>)

<http://www.oklahomansforconsumerfreedom.com/>

<https://www.usnews.com/news/best-states/oklahoma/articles/2018-05-24/group-submits-signatures-for-oklahoma-optometry-question>

<https://okpolicy.org/wp-content/uploads/FactSheet-SQ794-Draft3.pdf?x43134>

Some of those **FOR** the law:

<https://yeson793.com/>

Some of those **AGAINST** the law:

Oklahoma Association of Optometric Physicians

<http://oaop.org/oaop/>, <https://www.no793.com/>

Comments:

Big corporations (ie Wal-Mart) want to add optometrists/opticians inside their establishments so they can sell glasses as quickly and cheaply as possible. Those against the bill indicate that these new “corporate” optometry

shops would not check patients for such things as glaucoma, diabetes related eye problems, potential eye cancers or other diseases, brain problems, etc. The Corporate goal would only be to fit the patient with glasses. It would also put a lot of small optometrists out of business. On the other hand, the proponents indicate these people will have to follow the same ethics, rules, etc of all opticians/optometrists...

- What it will mean is potentially cheaper glasses/exams (at least at first) and a loss of many small-town Optometrist offices, etc as they will no longer be able to compete....

STATE QUESTION 794 (Legislative)

BALLOT TITLE FOR STATE QUESTION NO. 794

This measure amends the provisions of the Oklahoma Constitution that guarantees certain rights for crime victims. These rights would now be protected in a manner equal to the defendant's rights. The measure would also make changes to victim's rights, including:

- (1) expanding the court proceedings at which a victim has the right to be heard;*
- (2) adding a right to reasonable protection;*
- (3) adding a right to proceedings free from unreasonable delay;*
- (4) adding a right to talk with the prosecutor; and*
- (5) allowing victims to refuse interview requests from the defendant's attorney without a subpoena.*

The Oklahoma Constitution currently grants victims' rights to crime victims and their family members. This measure would instead grant these rights to crime victims and those directly harmed by the crime. Victims would no longer have a constitutional right to know the defendant's location following arrest, during prosecution, and while sentenced to confinement or probation, but would have the right to be notified of the defendant's release or escape from custody.

Under this measure, victims would have these rights in both adult and juvenile proceedings. Victims would be able to assert these rights in court, and the court would be required to act promptly.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL – NO

Legal Documents:

<https://www.sos.ok.gov/documents/questions/794.pdf>

Original Creator:

Henry T. Nicholas, the billionaire founder of Broadcom (California), also known as Marsy's Law

<http://oklahomawatch.org/2017/04/04/the-billionaire-behind-marsys-law-effort/>

<https://okpolicy.org/wp-content/uploads/FactSheet-SQ794-Draft3.pdf?x43134>

Some of those **FOR** the law:

<https://www.marsyslaw4ok.com/>

Some of those **AGAINST** the law:

<https://okpolicy.org/marsys-law-is-well-intentioned-but-be-wary-of-unintended-consequences/>

STATE QUESTION 798 (Legislative)

BALLOT TITLE FOR STATE QUESTION NO. 798

This measure will add a provision to the Oklahoma Constitution to change the manner in which the Governor and Lieutenant Governor are elected. Currently, voters cast one vote for their preferred candidate for Governor and a separate vote for their preferred candidate for Lieutenant Governor. Under this measure, if approved, candidates for Governor and Lieutenant Governor from the same party will run together on a single ticket and voters will cast one vote for their preferred ticket.

The measure requires the Legislature to establish procedures for the joint nomination and election of candidates for Governor and Lieutenant Governor. If passed, this new election format will be used beginning in the 2026 general election cycle.

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

Legal Documents:

<https://www.sos.ok.gov/documents/questions/798.pdf>

Note: Originally this was a Legislative Bill (SJR66) that failed to pass by a sufficient amount.

<http://oklegislature.gov/BillInfo.aspx?Bill=SJR66>

Original Creator:

“Step Up Oklahoma”

<http://jlr.net/23rd-and-Lincoln/2018/06/04/voters-to-decide-future-of-elections-for-lieutenant-governor/>

<https://newsok.com/article/5579473/step-up-oklahoma-how-the-organization-formed-and-evolved>

Some of those **FOR** the law:

Originally suggested by: “Step Up Oklahoma”, failed to pass in the Legislature twice...

This is the same group who had various suggestions for increasing income to the State of Oklahoma (mostly through increased taxes in various areas...)....(see more information below)...

They believe this will allow for a smoother transition in the event the Governor is removed, resigns, or dies...

Some of those **AGAINST** the law:

Various individuals

Explanation of issues: https://www.theadanews.com/news/local_news/sq-would-place-gov-lt-gov-on-same-ticket/article_0456ef8e-65c3-51a3-8800-d948d3850567.html

Many believe that this will give the Governor more power within the Oklahoma Executive Office than the voters would want them to have and more power than the State Constitution intended...

Comments:

This law would group these two offices in a manner that would make them less independent from each other and increase the overall power of the Governor’s office...The Lt. Governor is the President of the State Senate, presides over Joint Legislative Meetings, and appoints a designee or is a member of 10 State Committees and Commissions....which would then come under much greater control by the Governor’s office...

“Step Up Oklahoma” is composed of a group of Oklahoma Civic Leaders – *Harold Hamm* of Continental Resources; *Larry Nichols* of Devon Energy Corp.; *Clay Bennett* one of the owners of the Oklahoma City Thunder; and *David Rainbolt* of BancFirst Corp.

Some of their methods to increase Oklahoma’s State Income include increasing taxes in the following areas...

- Cigarettes, little cigars, chewing tobacco and e-cigarettes
- The energy industry, including the gross production tax
- Motor fuels
- Wind-power generation
- Gaming activities

- Personal income tax

...and also eliminating and/or reducing loopholes that allow for the following...

- Refundable income tax credits

Some of their other suggestions and ideas included:

- Increase teacher pay by \$5,000
- Revise the state budget to reflect accurate numbers
- Require line-item budgets
- Modify term limits
- Lower the supermajority required to raise revenue
- Establish a budget stabilization fund
- Give the governor direct appointment power over the largest state agencies
- Make the governor and lieutenant governor running mates
- Change the process to fill Supreme Court vacancies
- Create an independent budget office to assist with eliminating waste
- Allow voters to decide the structure of each county's government

<https://nondoc.com/2018/01/11/step-up-oklahoma-revenue-reforms/>

<https://newsok.com/article/5579157/revenue-raising-measures-proposed-by-business-coalition>

<https://newsok.com/article/5580175/proposed-income-tax-changes-offer-protections-for-low-wage-earners>

<https://newsok.com/article/5580235/governor-legislature-make-plans-to-consider-step-up-oklahoma-proposals>

STATE QUESTION 800 (Legislative)

BALLOT TITLE FOR STATE QUESTION NO. 800

This measure would create a new fund called "The Oklahoma Vision Fund" in the Oklahoma Constitution. Money could be appropriated to the Fund. Beginning July 1, 2020, five percent (5%) of gross production taxes on both oil and gas would be deposited into the Fund. After that fiscal year, the percentage would increase by two-tenths percentage points each year. Other monies could be deposited into the Fund if provided by law. The State Treasurer would deposit four percent (4%) of the principal amount of the Fund into the State General Revenue Fund each year. The Fund would be subject to an investment standard known as the prudent investor rule. The Fund could be invested in stocks and similar securities. Not more than five percent (5%) of the monies in the Fund could be used for payment of debt obligations issued by the State of Oklahoma, state government entities or local government entities.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL – NO

Legal Documents:

<https://www.sos.ok.gov/documents/questions/800.pdf>

Original Creator:

SJR 35, authored by Sen. John Sparks and Rep. Charles McCall, passed the House 94-3 and the Senate 42-0 in 2018. A companion measure, HB 1401, that mostly replicated the constitutional language of SJR 35 as a change to state statutes, passed the Legislature but was vetoed by Governor Mary Fallin.

<https://okpolicy.org/state-question-800-new-reserve-fund-for-oil-and-gas-revenue/>

Some of those **FOR** the law:

OK State Chamber of Commerce

Some of those **AGAINST** the law:

Oklahoma State School Board

<http://www.newson6.com/clip/14653034/oklahoma-educators-say-sq-800-would-cost-schools-millions>

Comments

<https://okpolicy.org/state-question-800-new-reserve-fund-for-oil-and-gas-revenue/>

<https://newsok.com/article/5611663/oklahomas-state-question-800-polarizes-supporters-detractors>

OCPAC Comments – STATE QUESTION 800

State Question 800 increases tax on oil and gas for an additional “Rainy-Day” fund and/or another “Revenue Stabilization” fund which is being called the “Vision Fund.” It invests the tax money from oil and gas taxes into private enterprise and makes only the profits available to state government during “hard times.”

- 1985 “Rainy Day” Fund (or “Constitutional Reserve” Fund): <https://okpolicy.org/resources/online-budget-guide/budget-process/essentials-of-public-budgeting/rainy-day-fund/>
- 2016 “Revenue Stabilization” Fund: <https://okpolicy.org/revenue-stabilization-fund/>

News 9 explanation of proposed “Vision Fund”: <http://www.news9.com/story/38861226/oklahoma-vision-fund-to-be-on-november-ballot>

This is a concept related to State Representative John Montgomery’s “Vision 2050” plan designed to stabilize the funding mechanism of government through endowment funds. Montgomery is a Republican from Lawton and holds a conservative index score of 41 (*which is low*).

Essentially, they promise/hope to not pilfer this one like they have the Rainy Day Fund...and the Revenue Stabilization Fund....etc....I guess they believe “the 3rd time is the charm”....

STATE QUESTION 801 (Legislative)

BALLOT TITLE FOR STATE QUESTION NO. 801

This measure amends Section 10 of Article 10 of the Oklahoma Constitution. It expands the uses permitted for certain ad valorem taxes levied by a school district. Currently, tax revenue is placed in a building fund. The fund is changed to allow use for operations. The operations would be those deemed necessary by a school district.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL – NO

Legal Documents:

<https://www.sos.ok.gov/documents/questions/801.pdf>

Original Creator:

In February 2018, Oklahoma State Senator Stephanie Bice (R-Oklahoma City) introduced Senate Joint Resolution 70 to place a question on the ballot that would let voters decide whether to lift the current restrictions on building fund use. The measure passed by a vote of 28-15 in the Senate and 57-14 in the House.

If this question passes, it will amend section 10, Article 10 of the Oklahoma State Constitution. Like all state constitutional amendments, it would require a majority vote of the people to pass the amendment.

Some of those **FOR** the law:

Daily Oklahoman Editorial Board

<https://newsok.com/article/5611892/oklahomans-should-vote-yes-on-sq-801>

Some of those **AGAINST** the law:

Oklahoma Education Association (OEA) (A Teachers' Union)

https://www.normantranscript.com/news/education/education-groups-warning-against-sq/article_109a52c7-7c36-574a-9a6c-dea909a59841.html

<https://newsok.com/article/5586312/proposal-could-divert-school-building-funds-to-teacher-pay>

Comments

State Question 801 would amend the Oklahoma State Constitution by removing restrictions on how school districts may use some property tax dollars. Currently, school districts may use 5 mills of property tax dollars for their "building fund," which includes maintenance, repair operations, upkeep and construction of district facilities and grounds.

One mill is a property tax rate of \$1 for every \$1,000 in assessed property value, and this unit is used to calculate the portion of property taxes levied for specific funds each year.

SQ 801 would remove the limitation on how school districts can spend the five mills currently reserved for building funds. These property tax dollars could be used to pay for teacher salaries, hire additional staff, or make other general expenditures.

<https://okpolicy.org/state-question-801-allow-building-fund-revenue-for-school-operations/>

Additional Notes:

(NOT INCLUDED) **STATE QUESTION 795 (Initiative)**

Create additional 5% tax on oil and gas withdrawn from ballot by proponents.

<https://www.sos.ok.gov/documents/questions/795.pdf>

(NOT INCLUDED) **STATE QUESTION 796 (Initiative)**

Herbal classification of recreational marijuana stricken from the ballot due to insufficient number of signatures

<https://www.sos.ok.gov/documents/questions/796.pdf>

(NOT INCLUDED) **STATE QUESTION 797 (Initiative)**

Regulation of recreational marijuana stricken from the ballot due to insufficient number of signatures

<https://www.sos.ok.gov/documents/questions/797.pdf>

(NOT INCLUDED) **STATE QUESTION 799 (Referendum)**

Repeal House Bill 1010XXX (Teacher Raises) stricken from the ballot by the Oklahoma Supreme Court

<https://www.sos.ok.gov/documents/questions/799.pdf>

State Questions:

<https://okpolicy.org/wp-content/uploads/2018-Fact-Sheets-SQ793-SQ794-SQ798-SQ800-SQ801.pdf?x43134>

<https://www.sos.ok.gov/gov/questions.aspx> (current, withdrawn, and historical)