AS INTRODUCED

An act relating to recall petitions and initiative petitions; amending Title I, Chapter 3, Section 11 of the UOSACA, providing procedures and format for creating signatures sheets; requiring petitioner to submit certain documents for General Counsel review; providing procedures for certain appeal to the Superior Court; prohibiting further challenge; requiring posting and notification of summary of proposition of petition; establishing certain notarization and affidavit requirements for petitions; specifying certain duties of the General Counsel and Superior Court; establishing time period for circulation of petitions; prohibiting non-UOSA members from proposing or circulating petitions; prohibiting certain signatures from being included in physical count; amending Title VII, Chapter 2, Section 9 of the UOSACA, reading the establishment of election dates for petitions; adding another type of petition; modifying the time period for establishing election dates for certified petitions; providing short
BE IT ENACTED BY THE UNIVERSITY OF OKLAHOMA STUDENT ASSOCIATION:

Section 1: This act shall be known and may be cited as the True Democracy Act 2009

Section 2: AMENDATORY: Title I, Chapter 3, Section 11 of the UOSACA is amended to read as follows:

11. Amendment Procedures
   c. Amendment Proposed by Initiative
   The UOSA Constitution may be amended by a majority vote of those students voting on the proposed amendment provided that the amendment has been proposed to the voters by a petition bearing the signatures of UOSA members equivalent to fifteen percent (15%) of the total number voting in the last election for Student President. UOSA Const. Art. X, Sec. 3.

   d. Election Procedures
   Initiative, referendum, recall, constitutional amendments, or any other petitions shall be submitted to the UOSA General Counsel for certification. Petition signatories shall be UOSA members, with their printed names, their signature, and the last four digits of their OU I.D. number. Questions or propositions shall be printed on every petition page and worded consistently on every petition page. Following the General Counsel's certification of a valid petition, the General Counsel shall post the petition and notify the Legislative Branch, which shall call an election as soon as practicable. All campaigning regarding referendums, initiatives, constitutional amendments, or any other petition shall be subject to the guidelines set forth in this act. If the General Counsel rejects a submitted petition as invalid, the General Counsel shall submit a written report or make a personal appearance at the next regularly scheduled meetings of the Undergraduate Student Congress and Graduate Student Senate explaining grounds for the rejection. The decision of the General Counsel may be appealed to the UOSA Superior Court. The Election Procedures Act; Congressional Bill No. 700304 and Senate Bill No. GS03-3, Sec. 17.

   d. Filing Procedures for Petitions
   i. If any member of UOSA, who is hereinafter termed a petitioner, wishes to collect signatures for a recall petition or an initiative petition that seeks to initiate legislation or amend the UOSA Constitution, then he or she shall submit the following to the General Counsel prior to collecting signatures:
      a) The petitioner shall submit a simple statement of the summary of the proposition at the same time the petitioner files a true and exact copy of the proposition with the General Counsel. The summary of the proposition shall also serve as the ballot question. The proposed summary:
         1. Shall not exceed two hundred (200) words;
         2. Shall explain in basic words, which can be easily found in dictionaries of general usage, the effect of the proposition;
         3. Shall not contain any words which have a special meaning for
a particular profession or trade not commonly known to the OU student body;
4. Shall not reflect partiality in its composition or contain any argument for or against the measure;
5. Shall contain language which clearly states that a "yes" vote is a vote in favor of the proposition and a "no" vote is a vote against the proposition; and
6. Shall not contain language whereby a "yes" vote is, in fact, a vote against the proposition and a "no" vote is, in fact, a vote in favor of the proposition.

b) The General Counsel shall have five (5) business days to review the proposed summary and determine whether it complies with this Title. The General Counsel shall have the authority to modify or rewrite completely the summary of the proposition to ensure that it complies with this Title. Upon review, the General Counsel shall post the final summary of the proposition as well as a true and exact copy of the proposition in a conspicuous place inside the UOSA Offices and shall transmit a copy of the same to the UOSA President, Chair of the Undergraduate Student Congress, Chair of the Graduate Student Senate, editor of the primary campus newspaper, and petitioner. Upon posting of the aforementioned summary and proposition, any member of UOSA who is dissatisfied with the wording of the summary statement may, within seven (7) business days, appeal to the Superior Court. Within ten (10) business days after such an appeal is filed, the Court shall either uphold the sufficiency of the proposed summary statement, make corrections to the summary statement or draft a new summary statement. Once the Court has ruled or should there be no appeal within the seven (7) business days allotted for such an appeal, there shall be no further challenge to the petition on the basis of the summary statement.

c) After the requirements in Section i. are met, the General Counsel shall print and distinctly mark each signature sheet that will be distributed to the petitioner at his or her request. Every signature sheet must have separate lines to collect a signatory’s full name, his or her signature, and his or her complete, OU identification number. Not more than twenty (20) signatures on one sheet on lines provided for the signatures shall be counted. Each petition, which includes the full proposition members of UOSA shall vote upon, shall be duplicated for the securing of signatures, and no more than five (5) sheets for signatures shall be attached to one (1) copy of the petition. Each copy of the petition and signature sheets is hereinafter termed a petition. The summary of the proposition as mentioned in Section i. shall be printed on the top margin of each signature sheet in no smaller than 12-point font. Any signature sheet not in compliance with this Title shall be disqualified by the General Counsel.

d) These sheets, though printed at UOSA expense, shall not contain the statement “Printing Funded by UOSA” at the bottom. The petitioner shall be allowed to request a reasonable amount of signature sheets from the General Counsel’s office. If non-General Counsel issued signature sheets are submitted to the General Counsel to count towards the requisite amount of signatories specified in the UOSA Constitution for a recall or an initiative petition, then the General Counsel shall reject said signature sheets.
e. Circulation of Petition by Other than Qualified Elector Unlawful

It shall be unlawful for any person other than a member of UOSA to propose and/or circulate any recall petition or initiative petition. Any petition not in compliance with this section shall be disqualified by the General Counsel.

f. Certification of Collection of Signatures

Each signature sheet of every petition shall be verified on the back thereof, in substantially the following form, by the person who circulated said signature sheet of said petition, by his or her affidavit thereon and as a part thereof.

I, _______, hereby attest: That I am a member of UOSA and that

(Here shall be legibly written or typewritten the names of the signers of the sheet),

signed this sheet of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, and last four digits of his or her OU identification number correctly, and that each signer is a legal voter of UOSA.

(affiant’s printed name, signature, and his or her OU identification number.)

g. Physical Count of Number of Signatures on Petitions - Notification of Violations

i. The General Counsel shall make or cause to be made a physical count of the number of signatures on the petitions upon receipt of said petitions from the petitioner within a reasonable amount of time. In making such count, the General Counsel shall not include in his or her physical count:

a) All signatures on any signature sheet not issued by the General Counsel;
b) All signatures on any signature sheet of any petition which is not verified by the person who circulated the signature sheet of the petition as provided in Section (f) of this title;
c) All signatures of nonstudents;
d) All signatures on a signature sheet that is not attached to a copy of the petition;
e) All multiple signatures on any printed signature line;
f) All signatures not on a printed signature line;
g) Those signatures by a person who signs with any name or OU identification number other than his or her own or signs more than once;
h) All signatures on any signature sheet on which the petitioner has failed to sign in accordance with Section (f) of this title;

and

i) All signatures on any signature sheet submitted after the ninety-day (90) circulation deadline.
ii. The General Counsel shall notify the UOSA President, Chair of the Undergraduate Student Congress, and Chair of the Graduate Student Senate of any and all violations of this title of which he or she has knowledge.

iii. If the General Counsel certifies a recall petition or initiative petition, then the General Counsel shall post the petition in a conspicuous place in the UOSA Offices and notify the Legislative Branch, which shall call an election as soon as practicable. All campaigning regarding referendums, initiatives, constitutional amendments, or any other petition shall be subject to the guidelines set forth elsewhere in this Code Annotated. If the General Counsel rejects a submitted petition as invalid, the General Counsel shall submit a written report or make a personal appearance at the next regularly scheduled meetings of the Undergraduate Student Congress and Graduate Student Senate explaining grounds for the rejection. The decision of the General Counsel may be appealed to the UOSA Superior Court.

g. Time Limit for Circulation of Recall Petition or Initiative Petition

i. If the petitioner does not submit his or her signed petitions to the General Counsel within ninety (90) days after the initial signature sheets have been issued by the General Counsel for a recall petition or an initiative petition, then the signatures the petitioner has collected shall be null and void. The petitioner of a recall or an initiative petition, any time before the final submission of signatures, may withdraw the recall or initiative petition upon written notification to the General Counsel.

ii. The petitioner of a referendum or an initiative petition may terminate the circulation period any time during the ninety-day circulation period by certifying to the General Counsel that:

   a) All signed petitions have already been filed with the General Counsel;
   b) No more petitions are in circulation; and
   c) The petitioner will not circulate any more petitions.

iii. If the General Counsel receives such a certification from the petitioner, the General Counsel shall begin the counting process.

Section 3: AMENDATORY: Title VII, Chapter 2, Section 9 (d) of the UOSACA is amended to read as follows:

d. Elections for Referendums and Initiatives

Dates for elections concerning referendums shall be established by the Legislative Branch within three (3) weeks of passage of said referendums by the Legislative Branch. Dates for elections concerning recall petitions or initiatives petitions shall be established by the Legislative Branch within three (3) weeks after said recall petitions or initiatives petitions have been certified by the General Counsel within a reasonable amount of time submitted to the UOSA office.
Section 4: This act shall be effective when passed and signed in accordance with the UOSA Constitution.

Author(s): Rep. Matthew Gress, Vice-Chair of Student Congress, Social Sciences District

Co-Author(s): Sen. Susan Adams-Johnson, Chair of Graduate Student Senate

Submitted on a Motion by: Moved by Representative Gress, unanimous consent

Action taken by Congress: Passed by consent, no objection

Verified by Chair: _______________________________ Date:_______

Submitted on a Motion by: Senator Cooper, seconded by Senator Gibbs

Action taken by Senate: Passed by consent, no objections

Verified by Chair: _______________________________ Date:_______

Approved by UOSA President:_________________________ Date:_______

Approved by University President:______________________ Date:_______