

Oklahoma Service in Government and Military Amendment, State Question 769 (2014)

The Oklahoma Service in Government and Military

Amendment, State Question 769 is on the November 4, 2014 ballot in Oklahoma as a legislatively-referred constitutional amendment. The measure, upon voter approval, would guarantee that government officials can also serve as officers and members of the National Guard, Officers Reserve Corps, Oklahoma State Guard or any other active militia or military force organized under state law.^[1]

Thus, the amendment would exempt officers and members of the forces mentioned from restrictions on serving in more than one paying public position.^[1] The measure was known in the Oklahoma Legislature as Senate Joint Resolution No. 33.^[2]

Text of measure

Ballot title

The ballot question reads as follows:^[3]

“ **BALLOT TITLE FOR STATE QUESTION NO. 769**

This measure amends Article 2, Section 12 of the Oklahoma Constitution. That Section currently imposes limits on an individual simultaneously holding certain government offices. The amendment would permit those serving in state offices of trust or profit to also hold certain military positions. Holders of an Oklahoma office of trust or profit who currently can not simultaneously hold certain military positions, include:

- Legislators;
- State Judges;
- District Attorneys;
- Statewide elected officials, such as the Governor, Lieutenant Governor, Attorney General and Treasurer;
- Members of State Boards, Agencies and Commissions, and
- Many County Officers.

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State Question 769



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Quick stats

Type: Constitutional amendment

Constitution: Oklahoma Constitution

Referred by: Oklahoma Legislature

Topic: Administration of government on the ballot

Status: *On the ballot*

2014 measures



November 4

State Question 769

State Question 770

State Question 771

Polls

The measure creates a state constitutional right permitting holders of Oklahoma offices of trust or profit to also serve and be called to active duty or active service in the following military positions:

1. An Officer or Enlisted Member of
 - The National Guard,
 - The National Guard Reserve,
 - The Oklahoma State Guard, or
 - Any other active militia or military force organized under State law;
2. An Officer of the Officers Reserve Corps of the United States; or
3. An Enlisted Member of the Organized Reserves of the United States.

The measure empowers the Legislature to enact laws to implement the amended Section.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

AGAINST THE PROPOSAL — NO _____ ^[4]

”

Constitutional changes

The measure amends Section 12 of Article II of the Constitution of Oklahoma:^[1]

This text is quoted verbatim from the original source. Any inconsistencies are attributed to the original source.

Section 12. No member of Congress from this State, or person holding any office of trust or profit under the laws of any other State, or of the United States, shall hold any office of trust or profit under the laws of this State; provided, neither the provisions of this section nor any other provision of this Constitution or state law shall be construed to prohibit the following officeholders from holding at the same time any other office of trust or profit:

1. Officers and enlisted members of the National Guard;
2. Officers and enlisted members of the National Guard Reserve;
3. Officers of the Officers Reserve Corps of the United States;
4. Enlisted members of the Organized Reserves of the United States; and
5. Officers and enlisted members of the Oklahoma State Guard and any other active militia or military force organized under state law.

The Legislature shall have the power to enact laws to further implement the provisions of this section.^[4]

Background

State Question 769 addresses the issue of dual-office holding:^[5]

“ Dual-office holding refers to the situation when one person holds two government offices or positions. The dual-office holding can be as the result of election, appointment or by volunteering. Dual-office holding is limited in order to avoid conflict of interest, to minimize the potential for inappropriate cross-influence and to

provide checks and balances of power. However, dual-office holding is allowed under certain exceptional circumstances as codified in the Oklahoma State Statutes, Title 51, Chapter 1, Section 6. [...] State Question 769 calls for amending that section of the Oklahoma constitution to allow “offices of trust or profit” to also simultaneously serve and thus potentially be called to active duty or active services in military positions. References to the effects of dual-office holding are also addressed in state ethics commission rules.^[4]

—Vote411.org

Support

Arguments

According to the voter's guide published by Vote411.org:^[5]

“ Proponents say:

1. The exemptions listed are for military services that is normally of limited duration.
2. The Question is designed to address a specific situation, and will act as a correction to an overly broad limitation set by the state constitution.
3. If State Question 769 is defeated, it could become very difficult for men and women serving in the military to enter civilian public service. The military often imposes a period of reserve duty on men and women who are leaving full-time service. Our veterans already have great difficulty finding meaningful civilian work, and the lack of this exemption could make the public sector off-limits to them for several years.^[4]

—Vote411.org

SJR 33 "Yes" votes

The following members of the Oklahoma Legislature voted in favor of placing this measure on the ballot.^[6]

Note: A yes vote on SJR 33 merely referred the question to voters and did not necessarily mean these legislators approved of the stipulations laid out in State Question 769.

House

- Rep. Don Armes (R-63)
- Rep. Kay Floyd (D-88)
- Rep. Curtis McDaniel (D-1)
- Rep. Dustin Roberts (R-21)
- Rep. Scott R. Biggs (R-51)
- Rep. William Fourkiller (D-86)
- Rep. Jeannie McDaniel (D-78)
- Rep. Wade Rousselot (D-12)
- Rep. Gus Blackwell (R-61)
- Rep. Larry Glenn (D-7)
- Rep. Randy McDaniel (R-83)
- Rep. Todd Russ (R-55)
- Rep. Mike Brown (D-4)
- Rep. Randy Grau (R-81)
- Rep. Skye McNeil (R-29)
- Rep. Mike Sanders (R-59)
- Rep. David Brumbaugh (R-76)
- Rep. Elise Hall (R-100)
- Rep. Jerry McPeak (D-13)
- Rep. Seneca Scott (D-72)
- Rep. Ed Cannaday (D-15)
- Rep. Tommy Hardin (R-49)
- Rep. Lewis H. Moore (R-96)

- Rep. Earl Sears (R-11)
- Rep. Dennis Casey (R-35)
- Rep. Chuck Hoskin (D-6)
- Rep. Glen Mulready (R-68)
- Rep. Ben Sherrer (D-8)
- Rep. Mike Christian (R-93)
- Rep. Arthur Hulbert (R-14)
- Rep. Jason Murphey (R-31)
- Rep. Jerry Shoemake (D-16)
- Rep. Bobby Cleveland (R-20)
- Rep. Scott Inman (D-94)
- Rep. Jason Nelson (R-87)
- Rep. Jason Smalley (R-32)
- Rep. Josh Cockroft (R-27)
- Rep. Mike Jackson (R-40)
- Rep. Tom Newell (R-28)
- Rep. Aaron Stiles (R-45)
- Rep. Donnie Condit (D-18)
- Rep. Dennis Johnson (R-50)
- Rep. Jadine Nollan (R-66)
- Rep. Todd Thomsen (R-25)
- Rep. Ann Coody (R-64)
- Rep. Fred Jordan (R-69)
- Rep. Terry O'Donnell (R-23)
- Rep. John Trebilcock (R-98)
- Rep. Doug Cox (R-5)
- Rep. Charlie Joyner (R-95)
- Rep. Charles Ortega (R-52)
- Rep. Mike Turner (R-82)
- Rep. David Dank (R-85)
- Rep. Sally Kern (R-84)
- Rep. David L. Perryman (D-56)
- Rep. Ken Walker (R-70)
- Rep. Lee Denney (R-33)
- Rep. Dan Kirby (R-75)
- Rep. Pam Peterson (R-67)
- Rep. Weldon Watson (R-79)
- Rep. David Derby (R-74)
- Rep. Scott Martin (R-46)
- Rep. Anastasia Pittman (D-99)
- Rep. Paul Wesselhoft (R-54)
- Rep. Dale DeWitt (R-38)
- Rep. Steve Martin (R-10)
- Rep. Eric Proctor (D-77)
- Rep. Justin F. Wood (R-26)
- Rep. Joe Dorman (D-65)
- Rep. Kevin Matthews (D-73)
- Rep. R.C. Pruett (D-19)
- Rep. Harold Wright (R-57)
- Rep. Jon Echols (R-90)
- Rep. Mark McBride (R-53)
- Rep. Marty Quinn (R-9)

- Rep. John Enns (R-41)
- Rep. Charles A. McCall (R-22)
- Rep. Brian Renegar (D-17)
- Rep. Dan Fisher (R-60)
- Rep. Mark McCullough (R-30)
- Rep. Mike Ritze (R-80)

Senate

SJR 33 was unanimously approved in the Oklahoma Senate, with a vote of 44 to 0.^[2]

Opposition

Arguments

According to the voter's guide published by Vote411.org^[5]

- “ Opponents say:
1. If passed State Question 769 could result in conflicts of interest due to two office positions being held by the same person.
 2. State Question 769, if passed, could result in the compromise of the separation of powers between the two offices/positions.
 3. An “empty chair” representation situation could result, leaving a district without representation or the services of an elected official. For example, if a legislative representative who is a member of the National Guard is called up, his/her constituents would not be represented in his/her absence.^[4]
- ”

—Vote411.org

SJR 33 "No" votes

The following members of the Oklahoma Legislature voted against placing this measure on the ballot.

Note: A no vote on SJR 33 meant that a legislator did not want to refer the question to voters and did not necessarily mean these legislators disapproved of the stipulations laid out in State Question 769.

House

- Rep. Rebecca Hamilton (D-89)
- Rep. Mike Shelton (D-97)
- Rep. Cory T. Williams (D-34)
- Rep. Steve Kouplen (D-24)
- Rep. Emily Virgin (D-44)

Senate

SJR 33 was unanimously approved in the Oklahoma Senate, with a vote of 44 to 0.^[2]

Path to the ballot

See also: Amending the Oklahoma Constitution

A simple majority vote was required in both chambers of the Oklahoma Legislature in order to place the proposed constitutional amendment on the ballot. On March 12, 2013, the Oklahoma Senate unanimously passed SJR 33. On April 24, 2014, the House passed the bill with a vote of 82 to five.^[2]

Senate vote

March 12, 2013, Senate vote

Oklahoma SJR 33 Senate vote	

Result	Votes	Percentage
✔ Yes	44	100%
No	0	0%

House vote

April 24, 2014, House vote

Oklahoma SJR 33 House vote		
Result	Votes	Percentage
✔ Yes	82	97.70%
No	5	2.3%

See also

- 2014 ballot measures
- Oklahoma 2014 ballot measures
- Oklahoma Legislature



External links

- Text of SJR No. 33 (http://webserver1.lsb.state.ok.us/cf_pdf/2013-14%20ENR/SRES/SJR33%20ENR.PDF)
- Vote411.org Voter's Guide (<http://onyourballot.vote411.org/index.do?i=16#.VEKaJlvF800>)
- Oklahoma Secretary of State Voter's Guide (http://www.ok.gov/elections/Election_Info/State_Question_info.html)

References

- ↑ 1.0 1.1 1.2 *Oklahoma Legislature*, "Engrossed Senate Joint Resolution No. 33," accessed April 25, 2014 (<http://www.webcitation.org/6P6al2mHa>)
- ↑ 2.0 2.1 2.2 2.3 *OpenStates.org*, "SJR 33: Oklahoma Senate Joint Resolution," accessed October 18, 2014 (<http://openstates.org/ok/bills/2013-2014/SJR33/#votes>)
- ↑ *Oklahoma Secretary of State*, "State Question Number 769," May 29, 2014 (<https://www.sos.ok.gov/documents/questions/769.pdf>)
- ↑ 4.0 4.1 4.2 4.3 4.4 Note: This text is quoted verbatim from the original source. Any inconsistencies are attributed to the original source.
- ↑ 5.0 5.1 5.2 *Vote411.org*, "VOTE 411 VOTER GUIDE," accessed October 18, 2014 (<http://onyourballot.vote411.org/race-detail.do?id=12937133#.VEKCYovF800>)
- ↑ *OpenStates.org*, "House Vote on SJR 33 (Apr 24, 2014)," accessed October 18, 2014 (<http://openstates.org/ok/votes/OKV00011062/>)

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