



DATE: August 10, 2023
 TO: Brenda Hall, City Clerk
 FROM: Kathryn L. Walker, City Attorney
 RE: City of Norman Initiative Petition 2324-1; Ballot Title

office memorandum

I have reviewed the proposed ballot title filed the afternoon of August 7, 2023 (attached as Exhibit A) in conjunction with Initiative Petition 2324-1 proposing to submit an ordinance to the voters granting a franchise to Oklahoma Gas and Electric. 11 O.S. §15-105(A) requires that the ballot title contain the gist of the proposition couched in language that may be readily understood by persons not engaged in the law; and language which clearly states a “yes” vote is a vote in favor of the proposition, and a “no” vote is a vote against the proposition. The ballot title cannot exceed 150 words, reflect partiality in its composition or contain any argument for or against the measure; or contain language whereby a “yes” vote is actually a vote against the proposition, and a “no” vote is actually a vote in favor of the proposition.

The ballot title filed with your office appears to be improper in that it does not completely explain the gist of the proposition. The gist of the proposition, which is reflected in the proposed ordinance as well, would be to grant OG&E the right to produce, transmit, and distribute electricity for Norman’s inhabitants and the public generally. The ballot title only says that it would allow OG&E to sell and deliver electricity in the City. I would also recommend the addition of language that would identify it as an ordinance and would specify a “yes” vote is in favor of the proposition and vice versa.

Therefore, I propose the following ballot title:

Shall an ordinance granting the right to use City streets, alleys, and other public property be granted to Oklahoma Gas and Electric Company so that it can construct, maintain, and operate a system of infrastructure that enables it to produce, transmit, and distribute electricity for Norman residents and the public generally in accordance with local, state, and federal law for 25-years beginning March 5, 2023 in return for compensation to the City?

Shall the measure be approved?

For the measure – Yes _____
 Against the measure – No _____

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

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As proposed here, the ballot title does not exceed 150 words or reflect partiality.

Any qualified elector who is dissatisfied with the wording of the ballot title may appeal to Cleveland County District Court within 10 days after the ballot title is filed with the City Clerk. *Id.* at §15-106. The petition for appeal is required to include a substitute ballot title for the one from which the appeal is taken. *Id.* Written notice of the appeal must be served on the City Clerk and upon the parties who filed the ballot title at least five days before the appeal is heard by the Court. *Id.*

Please let me know if you have any questions.

Attachments:

Exhibit A – Ballot Title filed with the City Clerk on August 7, 2023

EXHIBIT A

PROPONENT'S SUGGESTED BALLOT TITLE

Proponent's suggested ballot title is:

Shall the right to use City streets, alleys, and other public property be granted to Oklahoma Gas and Electric Company so that it can sell and deliver electricity in the City in accordance with local, state, and federal law for 25-years beginning March 5, 2024 in return for compensation to the City?

Instructions for Proponents:

- 1. Please type and insert only the full text of the suggested ballot title.**
- 2. Do not write or type anywhere on this form except where indicated.**
- 3. Once completed, this form must be submitted for filing along with a full copy of the proposed measure and a completed 'Proponent's Gist of the Proposition' form.**

(OKSOS-SWIP-Fm01-1021)