



# League of Women Voters of Oklahoma

## Positions on the 2016 General Election State Questions

The people of Oklahoma will vote on seven state questions in November. The outcome of the vote on each of these questions will impact every citizen of this state in some fashion.

The League of Women Voters of Oklahoma has studied each of the questions. Its Board of Directors voted to take a position on five of the seven state questions, and to remain neutral on two. The two questions on which the League will remain neutral are shown below, followed by the League's statements of support or opposition on the remaining five questions.

### NEUTRAL

The League of Women Voters of Oklahoma neither supports nor opposes the following 2016 State Questions:

**State Question 779** - Sales Tax for Education - Constitutional amendment that would raise state sales and use tax by one penny to fund teachers' salary increase of at least \$5,000 and provide funding for other educational purposes.

**State Question 792** - Alcohol and Liquor Reform - Constitutional amendment to allow grocery and convenience stores to sell wine and high-point beer. It would also allow liquor stores to sell chilled beer and accessories such as corkscrews.

### SUPPORT

The League of Women Voters of Oklahoma supports the following 2016 State Questions:

**State Question 780** - The Oklahoma Smart Justice Reform Act would reclassify certain low-level, non-violent crimes from felonies to misdemeanors.

**State Question 781** - The Rehabilitative Programs Fund Initiative will create a fund to take cost savings from the reduction in prisoners brought about by SQ780 and distribute those savings to counties for rehabilitative programs. If SQ780 doesn't pass, SQ781 will be moot.

### OPPOSE

The League of Women Voters of Oklahoma opposes the following 2016 State Questions:

**State Question 776** - Oklahoma Death Penalty - Enshrines in the state Constitution that the death penalty is not cruel or unusual punishment. It further delegates to the Legislature the power to determine the method of execution if a current method is declared unconstitutional.

**State Question 777** - Changes the Oklahoma Constitution to shield the farming and ranching industry from future state oversight unless there is a "compelling state interest."

**State Question 790** - Religion and the State - Removes an article from the State Constitution that prohibits the use of public funds and public property for the direct or indirect benefit of any religion or religious institution.

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To read the full Ballot Title for each question and explanations of both sides of each state question go to:  
<http://www.okvoterguide.com>.

To read the League's statements of support for State Questions 780 and 781, and statements of opposition to State Questions 776, 777, and 790, please see page 2.

*The League of Women Voters engages in diligent study of public policy issues coupled with member discussion and consensus that results in the development of positions on important public policies. These positions are the foundation for advocacy, when appropriate, and provide the basis for supporting or opposing legislative or citizen initiatives that appear on the ballot as state questions for a vote of the people.*

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### THE LEAGUE SUPPORTS STATE QUESTIONS 780 AND 781 BECAUSE:

The criminal justice reform measures defined in State Questions 780 and 781 will strengthen the Oklahoma government by:

- Curbing the flow of the state's already severely limited resources from expensive incarceration of prisoners by reducing the prison population and redirecting people to less expensive mental health and addiction services that could deter criminal behavior.
- Reducing crime rates by providing people who face mental health and addiction problems with a better opportunity to reclaim productive lives.
- Channeling funds to communities which know best what programs and services serve their constituents well.

### THE LEAGUE OPPOSES STATE QUESTION 776 BECAUSE:

The constitutional amendment proposed in State Question 776 would situate capital punishment within the Oklahoma Constitution's Bill of Rights, which enumerates the rights of all Oklahoma citizens.

- Designating in the Constitution that the legislature has sole authority to determine a method of execution hinders flexibility, responsiveness and accountability of the government to adjust to changing situation and is therefore bad government. It removes checks and balances from the judiciary that are currently in place and could place the state's execution process beyond the level of judicial review.
- Specifying that the death penalty does not constitute "cruel and unusual punishment" in the state Constitution may expose the state to unnecessary lawsuits.
- Adding this section to the Oklahoma Bill of Rights undermines the importance of the Bill of Rights in the Oklahoma Constitution
- Oklahoma's death penalty processes and procedures are laid out in state statute, not in the constitution. The addition of the proposed article to the State's Bill of Rights is unnecessary and ill advised.

### THE LEAGUE OPPOSES STATE QUESTION 777 BECAUSE:

- There is no legitimate need for a constitutional amendment guaranteeing the rights of farmers and ranchers, or any industry for that matter. Oklahoma already has a right to farm law on the books (Okla. Stat. tit. 50, §§ 1 to 1.1). The law clearly protects farmers and ranchers from nuisance lawsuits.
- The requirement to show a "compelling state interest" sets an impossibly high bar, and would effectively tie the hands of future legislatures. Any proposed legislation would be subjected to the same legal standard used to challenge laws that discriminate on the basis of race, or deprive people of fundamental rights like free speech, gun ownership, or religious freedom. Because this high bar would make it almost impossible for our legislators to consider common-sense regulation of agricultural practices, the League believes this proposal would inhibit good government.
- By granting farmers and ranchers such unprecedented constitutional protection, industrial agriculture and factory farms would be given free rein to pollute the water and environment and erode local economies.

### THE LEAGUE OPPOSES STATE QUESTION 790 BECAUSE:

State Question 790 proposes repealing Article 2, Section 5 of the state constitution which reads:

*No public money or property shall ever be appropriated, applied, donated, or used, directly or indirectly, for the use, benefit, or support of any sect, church, denomination, or system of religion, or for the use, benefit, or support of any priest, preacher, minister, or other religious teacher or dignitary, or sectarian institution as such."*

- Passage of State Question 790 poses a threat to the constitutional rights of Oklahoma citizens by weakening the fundamental separation of church and state. There is no proof that this action would strengthen the Oklahoma government in any fashion.
- If approved, this amendment could create challenges to religious freedom, by permitting state money and property to be appropriated for specific sectarian religious purposes, such as religion-based schools or religious activities.
- The state could face expensive lawsuits that the Oklahoma Attorney General would have to defend at the expense of Oklahoma taxpayers at a time when state resources are stretched to the breaking point.

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