

OCPA IMPACT

STATE QUESTIONS GUIDE 2016

STATE QUESTION 776: AFFIRMING THE RIGHT OF OKLAHOMA TO UTILIZE THE DEATH PENALTY

If it passes (“YES” vote):

The ability of the state of Oklahoma to **continue utilizing the death penalty** would be reaffirmed by Oklahoma voters. Allows the state Legislature to change the method of execution in Oklahoma. In the past two years, Oklahoma has made national headlines due to potential miscues regarding ingredients used in the execution of **convicted murderers and rapists** by lethal injection. SQ 776 seeks to solidify that Oklahomans do still, in fact, believe the death penalty to be appropriate punishment in certain instances, and should continue to be utilized in some form, regardless of whether the courts have resolved a given dispute over ingredients used in lethal injection protocols.

If it fails (“NO” vote):

It is possible that legal disputes over ingredients used in lethal injection protocols could effectively halt death sentences being carried out for convicted murderers and rapists.

STATE QUESTION 777: “RIGHT TO FARM”

If it passes (“YES” vote):

SQ 777 is an **understandable response to what many perceive as overreach by animal-rights groups** such as PETA and the Humane Society. In particular, in recent years, such groups have successfully seen passage of what many perceive to be overly excessive regulation – at the state level, in California and elsewhere – of farming and ranching practices. SQ 777 **seeks to insulate farmers and ranchers in Oklahoma from such excessive overregulation** at the state level in the future. It resembles newly passed provisions in North Dakota and Missouri. If SQ 777 passes, the Oklahoma Legislature would still be able to pass new laws regulating the state’s agricultural industry, but would have to prove a “compelling state interest” in doing so.

If it fails (“NO” vote):

Some have expressed concern that the language contained in SQ 777 might be too broad, potentially resulting in disproportionate advantages in legal disputes in favor of large, corporate farming and ranching operations. However, the bulk of the pushback against the Right to Farm proposal has centered on purported concerns over water quality. It is worth noting that the organization pushing this concern is led by a former Oklahoma attorney general, who, during his years in office, used his position to target Oklahoma’s agricultural sector and to sue the Boy Scouts of America.

STATE QUESTION 779: PERMANENT, STATEWIDE SALES TAX INCREASE

If it passes (“YES” vote):

A massive tax increase on working Oklahoma families, entrepreneurs and private-sector job creators of all sizes. Will create a new, permanent 1% statewide sales tax, on top of the existing 4.5% state sales tax rate and county and municipal sales taxes. **Oklahomans, on average, will pay a total state-and-local sales tax burden of 9.8%, the highest of any U.S. state.** The average tax increase statewide, per household, will likely exceed \$420 every year. Proponents estimate the tax increase will bring in an additional \$615 million every year, with a portion of the funds going toward a \$5,000 teacher pay raise. However, **over 40% of the funds from the tax increase will be pre-dedicated for things besides teacher salaries**, including nearly 20% – about \$115 million – for the state’s public higher education system, with zero accountability. FYI: To provide a \$5,000 pay raise for every classroom public school teacher statewide costs only about \$245 million, less than half what SQ 779’s sales tax increase is expected to bring in.

If it fails (“NO” vote):

Oklahoma taxpayers will have been shielded from being forced to pay the nation’s highest sales tax burden. Pressure will hopefully increase on lawmakers at the Oklahoma Capitol to provide a teacher salary increase without increasing taxes at a time when the state’s economy is still reeling from depressed oil and natural gas prices. Superintendents in public school districts, as well as bureaucrats in higher education and Career Tech, will hopefully feel more pressure to be as efficient with the taxpayer dollars they already receive as the Oklahomans who paid those taxes in the first place.

STATE QUESTION 780: REDUCE TAXPAYER COSTS BY CHANGING SENTENCING FROM FELONY TO MISDEMEANOR FOR SIMPLE DRUG POSSESSION, OTHER NONVIOLENT CRIMES

If it passes (“YES” vote):

The proposal will **likely result in significant cost savings for the taxpayers who fund Oklahoma’s criminal justice system**, particularly in the area of incarceration and imprisonment. Similar reforms in other states, most notably in Texas, have resulted in major cost savings. Many proponents of the reform suggest such a move would allow Oklahoma’s criminal justice system to focus more on those individuals “who we are truly afraid of,” rather than those “who we are merely mad at.” By no longer classifying simple drug offenses as felonies, harsh prison sentences for such crimes are expected to be reduced.

If it fails (“NO” vote):

Oklahoma’s judicial and corrections system will continue to treat simple drug offenses in what many believe to be an overly excessive manner. The status quo on simple drug offenses in Oklahoma will hold firm. Many believe this status quo, as opposed to an emphasis on drug courts and rehabilitation, to be too often a determining factor in Oklahoma’s abnormally high rate of female and minority incarcerations. Such negative trends have been credited with the breakup of many families up and down the socioeconomic scale throughout Oklahoma.

STATE QUESTION 781: DIRECTS COST-SAVINGS FROM SENTENCING REFORMS TO LOCAL GOVERNMENTS

If it passes (“YES” vote):

If SQ 780 passes, state prisons across Oklahoma would be expected to house fewer inmates, while county jails could be expected to house more, as offenders are housed closer to their families and to local treatment programs. SQ 781 **would help ensure that a portion of the cost savings realized by state prisons would be passed on to county facilities.**

If it fails (“NO” vote):

The systemic, cost-saving reform in SQ 780 would be severely frustrated in the implementation process. One of the key goals of SQ 780 – to allow local officials more flexibility to address local factors contributing to mental health and substance abuse issues – would be difficult, if not impossible, to realize.

STATE QUESTION 790: ALLOW THE TEN COMMANDMENTS MONUMENT BACK ONTO STATE GOVERNMENT PROPERTY

If it passes (“YES” vote):

Oklahoma’s state government will be able to put the **Ten Commandments monument back on state property**. The monument was removed from the state Capitol grounds in 2015 following a lawsuit by the American Civil Liberties Union (ACLU). Will likely **dramatically reduce the likelihood of any successful lawsuits to restrict the use of state taxpayer dollars currently going toward providing public services** via private entities that have religious affiliation, such as **foster care**, prison ministries, **hospitals** (such as INTEGRIS Baptist Medical Center, Mercy Hospital, St. John’s Medical Center, St. Francis Hospital, etc.), **private universities** (such as Oklahoma Baptist University, Southern Nazarene University, Oklahoma Christian University, etc.), homeless ministries, scholarships for children with disabilities, parental education choice programs, and more. Would also likely **reduce the likelihood of lawsuits filed against local public school districts** over such activities as prayer at school athletic events.

If it fails (“NO” vote):

The status quo in such matters will prevail. The Oklahoma Constitution would retain what is referred to as its “Blaine Amendment.” In the late 19th Century and early 20th Century, many states enacted similar amendments to their state constitutions, mostly in an anti-Catholic effort. Such amendments are antiquated and have their origins in deep prejudice.

STATE QUESTION 792: MODERNIZATION OF OKLAHOMA'S ALCOHOL SALES LAWS

If it passes ("YES" vote):

Oklahoma consumers would be able to purchase wine and high-strength beer in grocery and convenience stores, which would be a big plus for liberty. **Want to be able to buy wine and six-point beer at the grocery store? Here's your chance.** The reform could result in certain grocers doing business in Oklahoma after holding out for years because of the state's longstanding prohibition on grocers offering such products. As well, certain beers that have not previously been offered in Oklahoma for similar reasons – Fat Tire, anyone? – could now become available from in-state retailers. Also, **traditional liquor stores would be able to refrigerate products, as well as offer products they are currently prohibited from selling**, such as mixers, corkscrews, and the like.

If it fails ("NO" vote):

The status quo for Oklahoma's alcohol retail laws would remain in place. To be sure, if passed, SQ 792 would result in disruption within Oklahoma's alcohol industry. Some are concerned that passage of SQ 792 could result in unintended negative consequences in the price point charged by distributors, particularly in how this might affect the restaurant industry. Still, if SQ 792 fails to pass, the ability of Oklahoma citizens to access a host of products would continue to be restricted.