

## **RESOLUTION NO. II**

**Summary:** Resolution notifying the Oklahoma County Election Board of a special election to be held within The City of Oklahoma City on December 12, 2023, to submit Ordinance No. 27,420, levying a temporary 1% limited-purpose sales tax, to City voters.

**(Published in the Journal Record  
November 15, 22 and 29, and December 6, 2023)**

### **RESOLUTION**

**RESOLUTION RELATING TO THE SPECIAL ELECTION AUTHORIZED BY THE COUNCIL AND CALLED BY THE MAYOR OF THE CITY OF OKLAHOMA CITY FOR DECEMBER 12, 2023, FOR THE PURPOSE OF SUBMITTING ORDINANCE NO. 27,420, LEVYING A 1% EXCISE TAX FOR A LIMITED TERM OF SEVENTY-TWO (72) MONTHS, TO CITY VOTERS; SETTING FORTH THE FACTS REQUIRED BY SECTION 13-102 OF TITLE 26 OF THE OKLAHOMA STATUTES; DIRECTING THE CITY CLERK TO SUBMIT THIS RESOLUTION TO THE SECRETARY OF THE OKLAHOMA COUNTY ELECTION BOARD PRIOR TO 5:00 P.M. ON SEPTEMBER 27, 2023; FURTHER DIRECTING THE CITY CLERK TO FORTHWITH PROVIDE THE OKLAHOMA COUNTY ELECTION BOARD WITH A MAP DESIGNATING THE MUNICIPAL LIMITS AND WARD BOUNDARIES OF THE CITY OF OKLAHOMA CITY AND A CURRENT CERTIFIED COPY OF THE OKLAHOMA CITY CHARTER, AS RESPECTIVELY REQUIRED BY SECTIONS 13-107 AND 13-109 OF TITLE 26 OF THE OKLAHOMA STATUTES.**

**WHEREAS,** it has been determined by the Mayor and Council of The City of Oklahoma City that a special election will be held in Oklahoma City on Tuesday, the 12th day of December 2023, for the purpose of allowing the registered voters of the City to approve or reject Ordinance No. 27,420 of The City of Oklahoma City, which levies a temporary one percent (1%) excise tax within the City on all sales taxable under the sales tax laws of the State of Oklahoma for a limited term of seventy-two (72) months, commencing at the same time the excise tax levied by City Ordinance No. 26,255 ends; and

**WHEREAS,** the Secretary of the Oklahoma County Election Board has notified the City Clerk that December 12, 2023, is a date allowed by State law for the holding of a municipal special

election; and

**WHEREAS**, 26 O.S. § 3-101(E) provides in pertinent part as follows:

E. Notwithstanding any other provision of law...any municipality...seeking to hold a regular or special election to be conducted by a county election board on the same date as a regular or special federal or state election, shall file the resolution calling for the election with the county election board secretary **no later than seventy-five (75) days prior to the election date.** \*\*\*. (Emphasis added.)

**WHEREAS**, the Governor has called a special state election for December 12, 2023, for the purpose of holding a special primary election for a vacant position in the Oklahoma State House of Representatives for a district which includes a portion of Oklahoma County; and

**WHEREAS**, pursuant to 26 O.S. 3-101(E), the deadline for providing seventy-five (75) days' notice of the December 12, 2023, limited-purpose sales tax election is September 27, 2023.

**WHEREAS**, pursuant to 26 O.S. 13-102, the governing board of any municipality shall submit a resolution to the secretary of the county election board conducting said election and that said resolution shall contain the following facts:

1. The dates of the election or elections;
2. The offices to be filled or the questions to be voted upon at said election or elections;
3. Qualifications for said offices;
4. Designation of which offices shall be filled by voting by ward and which offices shall be filled by voting at large;
5. Indication of whether the election will be partisan or nonpartisan;
6. For charter cities where the charter is silent, indication of any portion of state law which will apply;
7. A list of precincts partially contained within the limits of the municipality which are eligible to be closed pursuant to the provisions of subsection C of Section 13-103 of this title, and a certification of whether such precincts shall be open or not open for the election; and
8. Any other information necessary for conducting said election or elections; and

**WHEREAS**, Title 26 O.S. 13-107 and 13-109 respectively require that, for any City election, the City must deliver a certified copy of a map designating the municipal limits and ward boundaries and a certified copy of the Charter of The City of Oklahoma City.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of The City of Oklahoma City, Oklahoma, that in compliance with both 26 O.S. §§ 3-101(E) and 13-102, they do hereby notify the Secretary of the Oklahoma County Election Board that they have called and will give published legal notice of a special municipal election to be held on Tuesday, December 12, 2023, in The City of Oklahoma City, Oklahoma, for the purpose of allowing the registered voters of the City to approve or disapprove Ordinance No. 27,420 of The City of Oklahoma City, which levies a one percent (1%) excise tax within the City on all sales taxable under the sales tax laws of the State of Oklahoma for a limited term of seventy-two (72) months; and

**BE IT FURTHER RESOLVED** that the proposition (ballot) to be submitted to the registered voters of The City of Oklahoma City at the special election to be held on Tuesday, December 12, 2023, shall be as follows:

**PROPOSITION**

**[SEE EXHIBIT “A” BALLOT]**; and

**BE IT FURTHER RESOLVED** that the election to be held in the City on Tuesday, December 12, 2023, will be open to all City registered voters, that such election will be held at the same places and in the same manner prescribed by law for the conduct of state and county elections, that all polling places within The City of Oklahoma City will be open at 7:00 a.m. and remain open continuously until 7:00 p.m., and that absentee ballots will be authorized during the conduct of the said special election as provided by law; and

**BE IT FURTHER RESOLVED**, no voting precincts need be closed; all voting precincts shall be open; and

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to transmit a certified copy of this Resolution to the Secretary of the Oklahoma County Election Board, together with a certified copy of Ordinance No. 27,420 of The City of Oklahoma City, a map designating the municipal limits and ward boundaries of the City, a certified copy of the Charter, and certified copies of any other document or documents that may be requested by the Oklahoma County Election Board for holding the Tuesday, December 12, 2023, special election in The City of Oklahoma City; and

**BE IT FURTHER RESOLVED** that the certified copy of this Resolution and of all such documents, as may be required by the Oklahoma County Election Board for holding the Tuesday, December 12, 2023, special election in The City of Oklahoma City shall be delivered to the Secretary of the Oklahoma County Election Board by the City Clerk prior to 5 p.m. on Wednesday, September 27, 2023.

**ADOPTED** by the Council and **SIGNED** by the Mayor of The City of Oklahoma City this 26<sup>th</sup> day of September, 2023.

**ATTEST:**

Amy K. Simpson  
City Clerk



Dail Holt  
MAYOR

**REVIEWED** for form and legality.

Harold Paul  
Municipal Counselor

**RESOLUTION RECEIVED** this 26 day of September, 2023.



Doug Sanderson by  
Secretary, Oklahoma County Election Board  
Thereloy Sanders  
Assistant Secretary

**EXHIBIT A**

**BALLOT TITLE**

**BALLOT TITLE FOR SPECIAL ELECTION ON ORDINANCE NO. 27,420**

**SHALL ORDINANCE NO. 27,420 OF THE CITY OF OKLAHOMA  
CITY BE APPROVED?**

The Ordinance levies a temporary excise tax of one percent on the gross proceeds or gross receipts derived from all sales taxable under the sales tax laws of the State of Oklahoma. The Ordinance earmarks expenditure of the tax for the limited purpose of funding all expenses related in any manner to constructing, establishing, providing, or maintaining an arena facility to be owned by The City of Oklahoma City. The Ordinance defines the word expenses, gives non-exclusive examples of expenses, and states that the word expenses includes without limitation payment of financing costs for obligations related to the stated limited purpose that are issued by a public trust having the City as its beneficiary. The Ordinance creates the Arena Facility Sales Tax Fund. The Ordinance provides that the tax begins at the same time the excise tax levied by Oklahoma City Ordinance No. 26,255 ends and, once effective, lasts for a limited term of 72 months and then such tax ends.

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**Yes – For the Above Proposition**

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**No – Against the Above Proposition**



STATE OF OKLAHOMA }  
OKLAHOMA COUNTY } SS.

I, the undersigned, City Clerk of the City of Oklahoma City, in the County and State aforesaid, do hereby certify that the above and foregoing is a true and correct copy of Resolution II and Ballot approved 9/26/23 as the same appears of record in my office.

In testimony whereof, I have hereunto subscribed my name and affixed the corporate seal of The City of Oklahoma City, this the 26th day of September 20 23

Amy K. Simpson  
CITY CLERK