

OKLAHOMA CONSTITUTION  
ARTICLE VI - EXECUTIVE DEPARTMENT

SECTION VI-1

Executive officers enumerated - Offices and records - Duties.

A. The Executive authority of the state shall be vested in a Governor, Lieutenant Governor, Secretary of State, State Auditor and Inspector, Attorney General, State Treasurer, Superintendent of Public Instruction, Commissioner of Labor, Commissioner of Insurance and other officers provided by law and this Constitution, each of whom shall keep his office and public records, books and papers at the seat of government, and shall perform such duties as may be designated in this Constitution or prescribed by law.

B. The Secretary of State shall be appointed by the Governor by and with the consent of the Senate for a term of four (4) years to run concurrently with the term of the Governor.

Amended by State Question Nos. 509 to 513, Legislative Referendum Nos. 209 to 213, adopted at election held on July 22, 1975, eff. Jan. 8, 1979; State Question No. 594, Legislative Referendum No. 258, adopted at election held on Aug. 26, 1986; State Question No. 613, Legislative Referendum No. 270, adopted at election held on Nov. 8, 1988.

SECTION VI-2

Supreme power vested in Governor.

The Supreme Executive power shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of Oklahoma."

SECTION VI-3

Eligibility to certain state offices.

No person shall be eligible to the office of Governor, Lieutenant Governor, Secretary of State, State Auditor and Inspector, Attorney General, State Treasurer or Superintendent of Public Instruction except a citizen of the United States of the age of not less than thirty-one (31) years and who shall have been ten (10) years next preceding his or her election, or appointment, a qualified elector of this state.

Amended by State Question No. 302, Legislative Referendum No. 83, adopted at election held on Nov. 3, 1942; State Question Nos. 510, 511, Legislative Referendum Nos. 210, 211, adopted at election held on July 22, 1975, eff. Jan. 8, 1979.

SECTION VI-4

Terms of office - Succession.

A. The term of office of the Governor, Lieutenant Governor, State Auditor and Inspector, Attorney General, State Treasurer, Commissioner of Labor and Superintendent of Public Instruction shall be four (4) years from the second Monday of January next after their

election. The said officers shall be eligible to immediately succeed themselves except as otherwise provided in this section.

B. 1. No person shall be eligible to serve as Governor for a period of time in excess of eight (8) years. Such years need not be consecutive. Any years served by a person serving as Governor for less than a full term to fill a vacancy in such office shall not be included in the eight-year limitation set forth herein.

2. Notwithstanding the provisions of this amendment, any person serving as Governor at the time of passage of this amendment shall be eligible to complete the term of office to which he or she was elected but shall not be eligible to serve as Governor for a period of time in excess of eight (8) years, excluding years served for less than a full term to fill a vacancy in such office. The provisions of this paragraph shall apply regardless of whether such years were served prior to or after passage of this amendment.

C. No person shall be eligible to serve as Lieutenant Governor, State Auditor and Inspector, Attorney General, State Treasurer, Commissioner of Labor or Superintendent of Public Instruction for a period of time in excess of eight (8) years. Such years need not be consecutive. Any years served by a person elected or appointed to serve less than a full term to fill a vacancy in any such office shall not be included in the limitations set forth herein. Any person serving in such position at the time of passage of this amendment shall be eligible to complete the term for which he or she has been elected and shall be eligible to serve an additional eight (8) years thereafter, notwithstanding the provisions of this amendment.

D. The Legislature is hereby authorized to enact laws to implement the provisions of subsections B and C of this section. Amended by State Question No. 436, Legislative Referendum No. 157, adopted at election held on May 3, 1966; State Question Nos. 510, 511, Legislative Referendum Nos. 210, 211, adopted at election held on July 22, 1975, eff. Jan. 8, 1979; State Question No. 613, Legislative Referendum No. 270, adopted at election held on Nov. 8, 1988; State Question No. 747, Legislative Referendum No. 348, adopted at election held on Nov. 2, 2010.

#### SECTION VI-5

Returns of election - Tie votes.

The returns of every election for all elective state officers shall be sealed up and transmitted by the returning officers to the Secretary of State, directed to the Speaker of the House of Representatives, who shall, immediately after the organization of the House, and before proceeding to other business, open and publish the same in the presence of a majority of each branch of the Legislature, who shall for that purpose assemble in the hall of the House of Representatives. The persons respectively having the highest number

of votes for either of the said offices shall be declared duly elected; but in case two or more shall have an equal and the highest number of votes for either of said offices, the Legislature shall, forthwith, by joint ballot, choose one of the said persons so having an equal and the highest number of votes for said office.

#### SECTION VI-6

Commander-in-Chief of militia - Calling out militia.

The Governor shall be Commander-in-Chief of the militia of the State, except when in service of the United States, and may call out the same to execute the laws, protect the public health, suppress insurrection, and repel invasion.

#### SECTION VI-7

Extraordinary sessions of Legislature.

The Governor shall have power to convoke the Legislature, or the Senate only, on extraordinary occasions. At extraordinary sessions, no subject shall be acted upon, except such as the Governor may recommend for consideration.

#### SECTION VI-8

Execution of laws - Intercourse with other states and United States - Conservator of peace.

The Governor shall cause the laws of the State to be faithfully executed, and shall conduct in person or in such manner as may be prescribed by law, all intercourse and business of the State with other states and with the United States, and he shall be a conservator of the peace throughout the State.

#### SECTION VI-9

Messages and communications to Legislature.

At every session of the Legislature, and immediately upon its organization, the Governor shall communicate by message, delivered to a joint session of the two Houses, upon the condition of the State; and shall recommend such matters to the Legislature as he shall judge expedient. He shall also transmit a copy, to each house, of the full report of each State officer and State commission. He shall communicate, from time to time, such matters as he may elect or the Legislature may require.

#### SECTION VI-10

Reprieves, commutations, paroles and pardons.

There is hereby created a Pardon and Parole Board to be composed of five members; three to be appointed by the Governor; one by the Chief Justice of the Supreme Court; one by the Presiding Judge of the Criminal Court of Appeals or its successor. An attorney member of the Board shall be prohibited from representing in the courts of this

state persons charged with felony offenses. The appointed members shall hold their offices coterminous with that of the Governor and shall be removable for cause only in the manner provided by law for elective officers not liable to impeachment. It shall be the duty of the Board to make an impartial investigation and study of applicants for commutations, pardons or paroles, and by a majority vote make its recommendations to the Governor of all persons deemed worthy of clemency. Provided, the Pardon and Parole Board shall have no authority to make recommendations regarding parole for persons sentenced to death or sentenced to life imprisonment without parole.

The Pardon and Parole Board by majority vote shall have the power and authority to grant parole for nonviolent offenses after conviction, upon such conditions and with such restrictions and limitations as the majority of the Pardon and Parole Board may deem proper or as may be required by law. The Pardon and Parole Board shall have no authority to grant but may recommend parole for persons sentenced pursuant to Section 13.1 of Title 21 of the Oklahoma Statutes or the exceptions to nonviolent offenses as defined by Section 571 of Title 57 of the Oklahoma Statutes.

The Governor shall have the power to grant, after conviction and after favorable recommendation by a majority vote of the Pardon and Parole Board, commutations, pardons and paroles for all offenses, except cases of impeachment, upon such conditions and with such restrictions and limitations as the Governor may deem proper, subject to such regulations as may be prescribed by law. Provided, the Governor shall not have the power to grant paroles if a person has been sentenced to death or sentenced to life imprisonment without parole. The Legislature shall have the authority to prescribe a minimum mandatory period of confinement which must be served by a person prior to being eligible to be considered for parole. The Governor shall have power to grant after conviction, reprieves or leaves of absence not to exceed sixty (60) days, without the action of the Pardon and Parole Board.

The Governor shall communicate to the Legislature, at each regular session, each case of reprieve, commutation, parole or pardon granted, stating the name of the person receiving clemency, the crime of which the person was convicted, the date and place of conviction, and the date of commutation, pardon, parole or reprieve.

The Pardon and Parole Board shall communicate to the Legislature, at each regular session, all paroles granted, stating the names of the persons paroled, the crimes of which the persons were convicted, the dates and places of conviction, and the dates of paroles. Amended by State Question No. 309, Legislative Referendum No. 86, adopted at special election held on July 11, 1944; State Question No. 525, Legislative Referendum No. 219, adopted at election held on Nov. 7, 1978; State Question No. 593, Legislative Referendum No. 257, adopted at election held on Nov. 4, 1986; State Question No. 664,

Legislative Referendum No. 298, adopted at election held on Aug. 23, 1994; State Question No. 762, Legislative Referendum No. 360, adopted at election held on Nov. 6, 2012.

#### SECTION VI-11

Approval or veto of bills - Passage over veto - Failure to return bill.

Every bill which shall have passed the Senate and House of Representatives, and every resolution requiring the assent of both branches of the Legislature, shall, before it becomes a law, be presented to the Governor; if he approve, he shall sign it; if not, he shall return it with his objections to the house in which it shall have originated, who shall enter the objections at large in the Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the bill or joint resolution, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of the members elected to that house, it shall become a law, notwithstanding the objections of the Governor. In all such cases, the vote in both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the Journal of each house respectively. If any bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature shall, by their adjournment, prevent its return, in which case it shall not become a law without the approval of the Governor. No bill shall become a law after the final adjournment of the Legislature, unless approved by the Governor within fifteen days after such adjournment.

#### SECTION VI-12

Appropriation bills - Approval or disapproval - Emergency bills.

Every bill passed by the Legislature, making appropriations of money embracing distinct items, shall, before it becomes a law, be presented to the Governor; if he disapproves the bill, or any item, or appropriation therein contained, he shall communicate such disapproval, with his reasons therefor, to the house in which the bill shall have originated, but all items not disapproved shall have the force and effect of law according to the original provisions of the bill. Any item or items so disapproved shall be void, unless repassed by a two-thirds vote, according to the rules and limitations prescribed in the preceding section in reference to other bills: Provided, That this section shall not relieve emergency bills of the requirement of the three-fourths vote.

#### SECTION VI-13

Officers' commissions - Vacancies.

The Governor shall commission all officers not otherwise commissioned by law. All commissions shall run in the name and by the authority of the "State of Oklahoma," be signed by the Governor, sealed with the Great Seal of the State of Oklahoma, and attested by the Secretary of State. When any office shall become vacant, he shall, unless otherwise provided by law, appoint a person to fill such vacancy, who shall continue in office until a successor shall have been duly elected or appointed, and qualified according to law.

#### SECTION VI-14

Adjournment of Legislature - Changing place of meeting.

In case of a disagreement between the two houses of the Legislature, at a regular or special session, with respect to the time of adjournment, the Governor may, if the facts be certified to him, by the presiding officer of the house first moving the adjournment, adjourn them to such time as he shall deem proper, not beyond the day of the next stated meeting of the Legislature. He may convoke the Legislature at or adjourn it to another place, when, in his opinion, the public safety or welfare, or the safety or health of the members require it: Provided, however, That such change or adjournment shall be concurred in by a two-thirds vote of all the members elected to each branch of the Legislature.

#### SECTION VI-15

Qualifications - President of Senate - Impeachment, etc., during vacancy in Governor's office.

The Lieutenant Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be president of the Senate, but shall have only a casting vote therein, and also in joint vote of both houses. If, during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die or be absent from the State, or become incapable of performing the duties of the office, the president, pro tempore, of the Senate, shall act as Governor until the vacancy be filled or the disability shall cease; and if the president, pro tempore, of the Senate, for any of the above enumerated causes, shall become incapable of performing the duties pertaining to the office of Governor, the Speaker of the House of Representatives shall act as Governor until the vacancy be filled or the disability shall cease. Further provisions for succession to the office of Governor shall be prescribed by law.

#### SECTION VI-16

Devolution of powers and duties of Governor upon Lieutenant Governor.

In case of impeachment of the Governor, or of his death, failure to qualify, resignation, removal from the State, or inability to

discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant Governor for the residue of the term or until the disability shall be removed.

#### SECTION VI-17

Duties generally.

The Secretary of State shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and shall lay copies of the same, together with copies of all papers relative thereto, before either house of the Legislature when required to do so. He shall also perform such other duties as shall be prescribed by law.

#### SECTION VI-18

Custody and use of seal - Designation.

The Secretary of State shall be the custodian of the Seal of the State, and authenticate therewith all official acts of the Governor except his approval of laws. The said seal shall be called "The Great Seal of the State of Oklahoma."

#### SECTION VI-19

Qualifications, powers and duties.

The State Auditor and Inspector must have had at least three years' experience as an expert accountant; his duties shall be, without notice to such treasurer, to examine the state and all county treasurers' books, accounts and cash on hand or in bank at least twice each year, and publish his report as to every such treasurer once each year. For the purpose of such examination he shall take complete possession of such treasurer's office. He shall also prescribe a uniform system of bookkeeping for the use of all treasurers. The State Auditor and Inspector shall perform such other duties and have such other powers as may be prescribed by law. Amended by State Question No. 510, Legislative Referendum No. 210, adopted at election held on July 22, 1975, eff. Jan. 8, 1979.

#### SECTION VI-20

Department created - Duties.

A Department of Labor is hereby created to be under the control of a Commissioner of Labor whose duties shall be prescribed by law. Amended by State Question No. 512, Legislative Referendum No. 212, adopted at election held on July 22, 1975, eff. Jan. 8, 1979.

#### SECTION VI-21

Board of Arbitration and Conciliation.

The Legislature shall create a Board of Arbitration and Conciliation in the Department of Labor and the Commissioner of Labor shall be ex-officio chairman.

SECTION VI-22

Insurance Department established - Function.

There is hereby established an Insurance Department, which shall be charged with the execution of all laws now in force, or which shall hereafter be passed, in relation to insurance and insurance companies doing business in the State.

SECTION VI-23

Commissioner - Election - Term of office - Qualifications.

A. There shall be elected by the qualified electors of the State, at the first general election, a chief officer of the Insurance Department, who shall be styled the "Insurance Commissioner", whose term of office shall be four years: Provided, That the first term of the Insurance Commissioner so elected, shall expire at the time of the expiration of the term of office of the first Governor elected. The Insurance Commissioner shall be at least twenty-five (25) years of age and well versed in insurance matters.

B. No person shall be eligible to serve as Insurance Commissioner for a period of time in excess of eight (8) years. Such years need not be consecutive. Any years served by a person elected or appointed to serve less than a full term to fill a vacancy in such office shall not be included in the limitation set forth herein. Any person serving in such position at the time of passage of this amendment shall be eligible to complete the term for which he or she has been elected and shall be eligible to serve an additional eight (8) years thereafter, notwithstanding the provisions of this amendment. The Legislature is hereby authorized to enact laws to implement the provisions of this subsection.

Amended by State Question No. 747, Legislative Referendum No. 348, adopted at election held on Nov. 2, 2010.

SECTION VI-24

Bond of commissioner - Additional duties and qualifications.

The Insurance Commissioner shall give bond, perform such duties, and possess such further qualifications as may be prescribed by law.

SECTION VI-25

Creation of office - Term and qualifications - Duties, oath and bond.

There is hereby created a Department of Mines, which shall be charged with the execution of all laws now in force or which shall hereafter be passed in relation to mining activities and corporations engaged in mining activities within the state.

Amended by State Question No. 513, Legislative Referendum No. 213, adopted at election held on July 22, 1975, eff. Jan. 8, 1979; State Question No. 594, Legislative Referendum No. 258, adopted at election held on Aug. 26, 1986.



SECTION VI-26. Repealed by State Question No. 594, Legislative Referendum No. 258, adopted at election held on Aug. 26, 1986. Repeal proposed by Laws 1985, p. 1676, H.J.R. No. 1018.

SECTION VI-27. Repealed by State Question No. 509, Legislative Referendum No. 209, adopted at election held on July 22, 1975, eff. Jan. 8, 1979. Repeal proposed by Laws 1975, p. 732, S.J.R. No. 37, § 2.

SECTION VI-28. Repealed by State Question No. 509, Legislative Referendum No. 209, adopted at election held on July 22, 1975, eff. Jan. 8, 1979. Repeal proposed by Laws 1975, p. 732, S.J.R. No. 37, § 2.

SECTION VI-29. Repealed by State Question No. 509, Legislative Referendum No. 209, adopted at election held on July 22, 1975, eff. Jan. 8, 1979. Repeal proposed by Laws 1975, p. 732, S.J.R. No. 37, § 2.

SECTION VI-30. Repealed by State Question No. 509, Legislative Referendum No. 209, adopted at election held on July 22, 1975, eff. Jan. 8, 1979. Repeal proposed by Laws 1975, p. 732, S.J.R. No. 37, § 2.

#### SECTION VI-31

Creation and membership - Status, authority and duties.

A Board of Agriculture is hereby created to be composed of five members all of whom shall be farmers and shall be selected in the manner prescribed by law.

Said Board shall be maintained as a part of the State government, and shall have jurisdiction over all matters affecting animal industry and animal quarantine regulation, and shall be the Board of Regents of all State Agricultural and Mechanical Colleges, and shall discharge such other duties and receive such compensation as now is, or may hereafter be, provided by law.

Amended by State Question No. 38, Initiative Petition No. 23, adopted at election held on Nov. 5, 1912; State Question No. 60, Referendum Petition No. 23, adopted at election held on Aug. 5, 1913.

#### SECTION VI-31a

Board of Regents for agricultural and mechanical schools and colleges - Members - Vacancies - Removal - Terms.

There is hereby created a Board of Regents for the Oklahoma Agricultural and Mechanical College and all Agricultural and Mechanical Schools and Colleges maintained in whole or in part by the State. The Board shall consist of nine (9) members, eight (8)

members to be appointed by the Governor by and with the advice and consent of the Senate, a majority of whom shall be farmers, and the ninth member shall be the President of the State Board of Agriculture. Any vacancy occurring among the appointed members shall be filled by appointment of the Governor by and with the advice and consent of the Senate. The members of the Board shall be removable only for cause as provided by law for the removal of officers not subject to impeachment. The members shall be appointed for terms of eight (8) years each, with one term expiring each year, provided that the members of the first Board shall be appointed for terms of from one (1) to eight (8) years respectively. Provided that no State, National or County officer shall ever be appointed as a member of said Board of Regents until two years after his tenure as such officer has ceased.

Added by State Question No. 310, Referendum Petition No. 87, adopted at special election held on July 11, 1944.

#### SECTION VI-32

Membership and functions.

A. The Governor, Lieutenant Governor, State Auditor, Superintendent of Public Instruction and the President of the Board of Agriculture shall constitute the Commissioners of the Land Office, who shall have charge of the sale, rental, disposal and managing of the school lands and other public lands of the state, and of the funds and proceeds derived therefrom, under rules and regulations prescribed by the Legislature.

B. Should the offices of State Examiner and Inspector and State Auditor be consolidated in the office of State Auditor and Inspector, the State Auditor shall be replaced as a member of the Commissioners of the Land Office by the State Auditor and Inspector. Should the offices not be so consolidated, the membership of the Board shall remain as prescribed in subsection A of this section.

Amended by State Question No. 514, Legislative Referendum No. 214, adopted at election held on July 22, 1975, eff. Jan. 8, 1979.

#### SECTION VI-33

Accounts and reports of officers and commissioners.

An account shall be kept by the officers and commissioners of the State of all moneys and choses in action disbursed or otherwise disposed of severally by them, from all sources, and for every service performed; and a report thereof shall be made semi-annually and as often as may be required by law, to the Governor under oath. The Governor may, at any time, require information in writing, under oath, from all officers and commissioners of the State, and all officers of State institutions, penal, eleemosynary, educational, and industrial on any subject relating to their respective offices and institutions; which information, when so required, shall be furnished

by such officers and managers; and any officer or manager who, at any time, shall make a false report, shall be punished as by law provided.

#### SECTION VI-34

Compensation of officers.

Each of the officers in this article named shall, at stated times, during his continuance in office, receive for his services a compensation, which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive to his use, any fees, cost, or perquisites of office or other compensation.

#### SECTION VI-35

Description of seal.

In the center shall be a five pointed star, with one ray directed upward. The center of the star shall contain the central device of the seal of the Territory of Oklahoma, including the words, "Labor Omnia Vincit." The upper left hand ray shall contain the symbol of the ancient seal of the Cherokee Nation, namely: A seven pointed star partially surrounded by a wreath of oak leaves. The ray directed upward shall contain the symbol of the ancient seal of the Chickasaw Nation, namely: An Indian warrior standing upright with bow and shield. The lower left hand ray shall contain the symbol of the ancient seal of the Creek Nation, namely: A sheaf of wheat and a plow. The upper right hand ray shall contain the symbol of the ancient seal of the Choctaw Nation, namely: A tomahawk, bow, and three crossed arrows. The lower right hand ray shall contain the symbol of the ancient seal of the Seminole Nation, namely: A village with houses and a factory beside a lake upon which an Indian is paddling a canoe. Surrounding the central star and grouped between its rays shall be forty-five small stars, divided into five clusters of nine stars each, representing the forty-five states of the Union, to which the forty-sixth is now added. In a circular band surrounding the whole device shall be inscribed, "GREAT SEAL OF THE STATE OF OKLAHOMA 1907."