

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

In Re: Initiative Petition No. 397, )  
State Question 767, )

TAKE SHELTER OKLAHOMA )  
AND KRISTI CONATZER, )

Petitioners, )

vs. )

STATE OF OKLAHOMA, ex rel., )  
ATTORNEY GENERAL E. SCOTT )  
PRUITT, )

Respondent. )

Case No. 112264

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SUPREME COURT  
STATE OF OKLAHOMA  
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ATTORNEY GENERAL PRUITT'S RESPONSE TO  
BALLOT TITLE CHALLENGE

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- 2. Even if it Had Been Untimely, the Attorney General's Notice Substantially Complied with the Statute's Time Lines, and Only Substantial Compliance is Required, Because, Under Section 24 of Title 34, the Procedures Dealing with Initiative and Referendum Need Only be Substantially Followed; and
  
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ATTORNEY GENERAL PRUITT'S RESPONSE TO  
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**Introduction.**

**Thankless Tasks and Partisan Attack**

Ballot title challenges are not filed in the State Capitol; they are filed across the street in the Supreme Court Clerk's Office. Yet, in an exercise of pure theater, those challenging this ballot title and their attorneys — with television cameras rolling — marched up the South Steps of the State Capitol building after filing their challenge and conducted a press conference at the top of the South Steps. With cameras still rolling they suggested that there was a conspiracy between the Republican Attorney General and the Republican Governor to defeat the proposed measure. The Challengers' lead attorney, David Slane, looked straight into the television camera and spoke directly to the

viewers saying, “The people in the State of Oklahoma want to have a right to vote on this, and they deserve that right.”

The suggestion that there is a Republican conspiracy and that there is a connection between ballot title and the people’s right to vote on a proposal are utter hogwash!

First, **the wording of a ballot title has nothing to do with whether the people get to vote on an issue.** The ability to vote on an issue depends on the measure’s Proponents gathering the required signatures. The language of the ballot title is simply what the voters will see on election day, **if** the Proponents are successful in their signature drive. There is no connection between the ability to vote on an issue and the wording of a ballot title.

Second, there is “no man on the grassy knoll” here, there is no Republican Conspiracy. There is no conspiracy between the Attorney General and the Governor or, as later claimed, between the Attorney General and the State Chamber of Commerce to defeat this proposed measure. The suggestions by the Proponents and their counsel that such conspiracies exist (made not only in Proponents’ Supplemental Brief, but also made in various statements to the press and media) are unfounded and have no basis in fact. The same ballot title review process used in the Attorney General’s Office for over twenty (20) years was followed in this case. Under that process, when a ballot title is received for review, it is assigned to an individual attorney, usually a Senior Assistant Attorney General, to review and prepare an initial draft letter for the Attorney General’s

consideration. The assigned attorney also prepares a draft proposed substitute ballot title, when necessary, for the General's review and consideration.

In the case at hand, the initial ballot title review and the redrafting of the ballot title were conducted by the undersigned counsel, Senior Assistant Attorney General, Neal Leader, a Democrat, who has also aided five prior Attorney Generals — all Democrats — in conducting such review and drafting.

Neither undersigned counsel, the Attorney General, or any member of our staff, discussed either the proposed measure or its ballot title with the Governor or anyone on her staff or with the Chamber or anyone on its behalf. Politics — party politics or otherwise — was not involved in our consideration and drafting of the ballot title. The undersigned counsel prepared the draft initial review letter and the draft ballot title rewrite without instructions or input from the Attorney General. In accordance with the process, the draft ballot title was presented to the Attorney General for approval. As has been the case with previous Attorneys General, at this stage in the process, the Attorney General will sometimes make many changes in the proposed draft or rewrite the ballot title. At other times he makes fewer changes.

In the case at hand, after the General studied and reviewed the draft he approved it with one slight change. The Attorney General changed the phrase “the Legislature could — but is not required to — use General Revenue Fund monies to make the annual

bond payment,” to “the Legislature, at its discretion, could use General Revenue Fund monies to make the annual bond payment.”

As undersigned counsel tells members of the State Election Board every two years when the Board hears and decides election contests, the law is neither Republican nor Democrat, liberal or conservative — it is simply the law, and the guiding principle in deciding the issues is to comply with the law, and not care who wins or loses. Ballot Title reviews are conducted in the same manner. Having concluded that the Ballot Title proposed by the Proponents did not adequately explain “**the effect**” of the proposition for various reasons, we were required, as a matter of law, to draft a new ballot title. 34 O.S.2011, § 9(D).

One of the most thankless duties the Attorney General must perform is the drafting of a Ballot Title within the confines of no more than 200 words. The ballot title must adequately inform the voters **of the effect** of the proposed measure in no more than 200 words, no matter how detailed and complex the measure may be. Subjective judgments are necessarily involved because not everything can be included in the ballot title, and the Proponents of measures often want the ballot title to function as their measure’s campaign brochure.

It is an even more thankless task in cases like this one, where the Proponents try their case in the media, interject party politics into the case, and make unfounded conspiracy allegations.

## **The Attorney General's Position**

It is the Attorney General's position that (1) the ballot title offered by the Proponents did not and does not comply with the law's requirements, necessitating the Attorney General's redrafting of the ballot title, and (2) the Proponents' proposed battle title should be rejected. The following arguments and authorities are presented in support of the Attorney General's position.

### **ARGUMENT AND AUTHORITY**

#### **PROPOSITION I**

**The Legal Deficiencies in the Proponents' Proposed Ballot Title Require the Court's Rejection of That Ballot Title. Further, the Attorney General's Ballot Title Language Correcting Those Deficiencies is Reasonable and Results in the Required Explanation of the Proposed Measure's Effect and Should Be Adopted by this Court.**

**a.**

**Proponents' Goal and Their Proposal are Two Different Things.**

**Their Goal is Construction of School Storm Shelters and Improved Campus Security.**

**Their Proposal is a Proposed Financial Transaction — Bond Issues — to Achieve Their Goal.**

The Proponents' major criticism is their claim that the Attorney General's ballot title concentrates too much on financing and not enough on the construction of school shelters and improved school security. This argument ignores the fact that what

Proponents seek to achieve — their goal, is not what they propose. For in analyzing the ballot title presented by the Proponents, we must remember that:

1. Proponents' goal is the construction of school storm shelters and the improvement of school security, but
2. What they propose is a financial transaction — bond issues — to accomplish that goal, and
3. Proponents' general complaint that the Attorney General's ballot title concentrates too much on finances is misplaced, as the matter being proposed is a financial transaction.

For the Court's convenience, the Attorney General has provided, as his Exhibit "A", a certified copy of **all** documents filed with the Secretary of State's Office related to this state question, beginning at page 1 with the Proponents' initial filing with the Secretary of State on September 18, 2013 and ending at page 62, the last page of the attachments filed with Proponents' Supplemental Brief.<sup>1</sup>

As Subsection B(2) of Section 9 of Title 34 makes clear, the primary purpose of a ballot title is to explain "**the effect of the proposition**" being proposed to the voters. *Id.* (emphasis added). Although the Proponents' goal is the construction of school storm shelters and improved campus security, their proposal is a financial transaction to achieve that goal. The matter being proposed is a financial transaction — bond issues — to generate funds to be used to achieve Proponents' goal. It was thus incumbent upon the

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<sup>1</sup>To enable the parties to more easily refer to the documents filed with the Secretary of State, the Secretary of State has Bates-stamped page numbers on the documents.

Proponents to draft a ballot title that adequately explains the proposed bond transaction and its effect. The Proponents failed to do so.

b.

**In Using Existing Tax Revenues Specifically Earmarked for the General Governmental Functions of the State, the Proposal had a “Robbing Peter to Pay Paul” Effect — an Effect Not Explained in Proponents’ Ballot Title.**

The proposed measure authorizes five hundred million dollars (\$500,000,000.00) worth of bonds to be used for storm shelters and campus security in district schools and career technology district schools. While Subsection E of the proposed Constitutional amendment makes it clear that the primary funding source to be used to repay the bond holders is “revenues **currently derived** from the levy of franchise taxes,” (Exhibit “A”, p. 0002) the Proponents’ ballot title does not make this clear. Nor does their ballot title inform the voters of the **effect of** using revenues currently derived from the levy of the franchise tax to repay the bonds.

My Irish-Catholic mother was fond of the expression, “Robbing Peter to pay Paul,” an idiomatic expression referring to taking or borrowing from one, in order to give or pay another. This is what the proposed measure does.

**Under current law**, revenues derived from the levy of franchise taxes are to be placed in the State General Revenue Fund “to provide revenue for **general governmental functions of the State of Oklahoma.**” 68 O.S.2011, § 1208 (emphasis added). Under the proposal, the franchise tax revenues would no longer be placed in the General

Revenue Fund to be appropriated for the general governmental function of the State. Instead, the tax revenue would be used to pay for the proposed bonds.

To correct the Proponents' failure to make it clear in their ballot title that the revenue source for repaying the bond holders is not a new tax, and its failure to explain the "Robbing Peter to pay Paul" **effect** of the proposed financing, the Attorney General provided:

The measure does not provide for new State revenues to pay for the bonds. Under the measure State franchise tax revenues would no longer go into the General Revenue Fund, which is the primary fund used to pay for State Government. Rather, franchise tax revenues would be used for annual bond payments (principal and interest).

Exhibit "A", P. 00011.

In the first sentence quoted above, the Attorney General makes it clear to the voters that there is no new tax, and then in the second and third sentences, explains the **effect** of the use of existing franchise tax: its removal from the General Revenue Fund (where it is to be used for State government functions) and its use instead to pay for the bonds.

The fallacy of Proponents' claim that the ballot title should **not** inform the voters that the monies to be used to make bond payments come from a fund that is currently used to pay for general government services is easily demonstrated by just slightly changing the scenario. For example, if franchise tax revenues were presently used to pay for schools' Head Start Programs or to pay for schools' Free Lunch Program, clearly the

voters would need to be informed that one of the major effects of their vote was to take money away from the Head Start or Free Lunch Program. In such a case voters would be choosing between Head Start Programs or Free Lunch Programs and storm shelters. Clearly the voters would need to be apprised of such effect of their vote. The situation here is the same, the only difference is the current use of franchise tax revenues.

c.

**Proponents' Ballot Title's Failure to Explain the Discretionary Nature of the Bond's "Backup" Annual Payment Mechanism.**

Proponents' ballot title explains that when franchise tax revenues are insufficient, General Revenue Fund monies can be used to repay the bond, it does not, however, make it clear that the Legislature is **not required** to do so. Nor does Proponents' ballot title explain that we are talking about **annual bond payments** and **annual revenue insufficiencies**. These deficiencies were dealt with in the Attorney General's revised ballot title as follows:

In any year in which the franchise tax revenues are not sufficient to make annual payments, the Legislature, **at its discretion**, could use General Revenue Fund monies to make the annual bond payment.

Exhibit "A", p. 00011 (Emphasis added).

In making it clear that use of the General Revenue Funds to make bond repayments was not required, but could be done **at the Legislature's discretion**, the

corrected language also made clear that this is a discretionary decision that would be made **on an annual basis**.

The fact that the measure's backup payment mechanism is applied to annual debt obligations is made clear by Subsection E of the proposal, which in discussing the use of franchise tax, states, "[S]o that one hundred percent (100%) of such franchise tax revenue, or so much thereof as may be required **on an annual basis**, is dedicated for the repayment of the obligations issued pursuant to the provisions of this section." Exhibit "A", p. 00002 (emphasis added). The measure at Subsection G makes clear that the backup payment mechanism, is, as the Attorney General described, a discretionary one — not a mandatory one. In pertinent part, Subsection G provides:

G. If the revenues described by subsection E of this section are insufficient to repay the obligations issued pursuant to the provisions of this section, **the Legislature may use monies in the General Revenue Fund** of the state not otherwise obligated, committed or appropriated in order to ensure the repayment of such obligations.

Exhibit "A", p. 00003 (emphasis added).

In spite of the above-quoted language, which indicates that when the franchise tax funds are insufficient to pay the bond obligations, "the Legislature **may** use monies in the General Fund" to make bond payments, the Proponents, at page 7 of the Supplemental Brief, argue to the contrary, stating:

**The measure clearly states the legislature is responsible for ensuring all debts are paid from the General Revenue Fund, should the franchise tax not be sufficient to pay**

**the debt service.** Therefore, the Attorney's General claim that "there may not be any funds available to pay the bond holders" is false so this false statement is irrelevant to the legal correctness of the ballot title as submitted by the Petitioners.

Petitioners' Supplemental Brief, p. 7 (emphasis added).

In making this argument, the Proponents seek to convert (1) a bond issue repaid from a dedicated fund, that is backed up — not by the full faith and credit of the State — but by at best, a moral obligation of the State, into (2) a bond issue to be paid from a dedicated fund that is backed up by the full faith and credit of the State. The language quoted above in Subsection G of the proposed constitutional amendment makes it clear that the Proponents are wrong. If franchise tax revenue are insufficient to make an annual payment, the Legislature may — but is not required to — use General Revenue Fund Monies to pay the remaining annual bond obligations.

**d.**

**Proponents' Ballot Title's Misleading Explanation of the Schools' Ability to Use Bond Proceeds to Pay Off Past Debts.**

The Proponents' ballot title, in discussing the use of bond money by school districts and career technology districts to reduce or eliminate local debt incurred for storm shelters or secure areas, is inaccurate and misleading. Under the proposal, use of bond proceeds to pay for past debts can only be done if later authorized by the Legislature, and then only for certain debts incurred during certain periods of time:

Pursuant to laws enacted by the Legislature for such purpose, the proceeds from the obligations issued pursuant to this section may be used to reduce or eliminate any debt incurred by a school district or career technology district for the purpose of acquiring or constructing a storm shelter or secure facility. **The debt must have been incurred not earlier than May 1, 2013, pursuant to a vote of the eligible voters of the respective district. If the debt was incurred prior to May 1, 2013, but not prior to July 1, 2007, the provisions of this subsection shall authorize the use of the proceeds in order to reduce or eliminate such debt with respect to construction of the eligible assets which begins on or after May 1, 2013.**

Proposed constitutional amendment, Subsection I, Exhibit "A", p. 00003 (emphasis added).

The sentence in the Proponents' ballot title that purported to describe the ability to use bond proceeds to pay past debts wholly failed to apprise the voters of the limited circumstances in which such use of bond proceeds is lawful, the Proponents' ballot title simply stating:

State bond money could be used by school districts or career technology districts to reduce local debt or eliminate local debt incurred for storm shelters or secure areas.

Proponents' ballot title, Exhibit "A", p. 00002.

To correct this defect in the ballot title, the Attorney General eliminated the proposed sentence from the ballot title altogether, as it would be impossible to explain within the 200 word limit of a ballot title, the contingencies upon which such use of bond

proceeds could be made and at the same time apprise the voters of the major effects of the proposed measure.

e.

**Proponents' Failure to Explain the Proposal's Creation of Exception to Constitutional Prohibition.**

Finally, while the Proponents' ballot title apprised the voters that the Oklahoma Constitution was being amended to allow state bond monies to pay for shelters and secure areas at schools, it did not apprise the voters that the measure created exceptions to the Constitution's prohibitions on gifts and the use of the State's credit.

As no doubt the Court is aware, the Oklahoma Constitution Act, Article 10, Section 15 prohibits the credit of the State from being given, pledged for loan to any individual, company, corporation, association, municipality or **political subdivision**. Additionally, that provision further prohibits the State from making donation by gift to any company, association or corporation.

One of the main **effects of** the proposed measure is to create exceptions to these prohibitions. The major thrust of the entire bond proposal is to use the credit of the State for the benefit of local school districts: political subdivisions. Thus, a major effect of the proposal is to create an exception to the present Constitutional prohibition. Proponents' ballot title fails to explain this.

In like fashion, in authorizing grants to individuals and businesses, the proposal creates exceptions to the gift prohibitions in Article 10, Section 15. The Proponents'

ballot title wholly fails to apprise the voters that such prohibitions exist in the Constitution and the effect that the proposal has upon these prohibitions. The following language from the Attorney General's ballot title was used to deal with these deficiencies in the Proponents' ballot title:

In authorizing these bonds and grant programs, the measure creates exceptions to the Constitution's prohibitions on gifts and the use of the State's credit.

Exhibit "A", p. 00012.

In sum, Proponents' ballot title did not comply with law's requirements, and accordingly the Attorney General was required to prepare and file a new ballot title. That ballot title adequately explained the effect of the proposal.

## PROPOSITION II

**There is No Merit to Proponents' Claim That the Attorney General Failed to Timely File His Initial Notice With the Secretary of State and Thus the Attorney General Lost His Ability to Comment on the Ballot Title. These Claims are Without Merit Because:**

- 1. The Attorney General's Notice to the Secretary of State was Timely;**
- 2. Even if it Had Been Untimely, the Attorney General's Notice Substantially Complied with the Statute's Time Lines, and Only Substantial Compliance is Required, Because, Under Section 24 of Title 34, the Procedures Dealing with Initiative and Referendum Need Only be Substantially Followed; and**

3. **Should a Public Official Neglect to Perform as Required Under the Initiative and Referendum Statute, the Appropriate Remedy is Not the Nullification of the Official's Duty, Nor the Elimination of a Procedural Step in the Initiative Process. Rather, the Proper Remedy is the Issuance of a Writ of Mandamus to Require the Public Official to Perform the Duty Required.**

a.

**The Attorney General's Notice to the Secretary of State Regarding the Deficiencies in the Proponents' Ballot Title was Timely Filed.**

Section 9 of Title 34 imposes various duties upon the Proponent of an initiative petition. Those duties include the Proponent's duty to file two (2) separate documents with the Attorney General. First, as required in Subsection (A) of Section 9, "it shall be the duty of the party submitting the measure to prepare and file one copy of the measure with the Secretary of State **and one copy with the Attorney General.**" *Id.* (emphasis added).

The second filing duty requires the Proponent to file a separate suggested ballot title with the Secretary of State and the Attorney General, Subsection (B) of Section 9 requiring:

**The parties submitting the measure shall also submit a suggested ballot title which shall be filed on a separate sheet of paper and shall not be deemed part of the Petition.**

*Id.* (emphasis added).

The duty imposed upon the Attorney General by Subsection (D) of Section 9, to review the ballot title and notify the Secretary of State within five (5) business days, runs from the time of the **Proponent's filings of both the Petition and the separate ballot title with the Attorney General.**

Noticeably absent from the records filed with the Secretary of State is the required separate sheet containing the Proponents' suggested ballot title. See Exhibit "A". None was filed.

In like fashion, the Attorney General's Office has no record of the Proponents' filing the required suggested ballot title. Out of an abundance of caution, the undersigned counsel has inquired of the Proponents' lead counsel, David Slane, whether he is aware of Proponents' filing the ballot title with this Office, and if so, does he have any documents evidence of such filing. To date we have been informed of no such filing.

The Secretary of State's initial letter to the Attorney General regarding Initiative Petition No. 397 is dated September 19, 2013, and, as the letter itself indicates, it was sent to the Attorney General through "Interagency Mail." (Exhibit "A", p. 00006). That initial letter from the Secretary of State was filed, via Interagency Mail, with the Attorney General's Office the following day, on September 20, 2013. Exhibit "B", certified copies of that initial letter from the Secretary of State to the Attorney General, together with its file stamped Interagency Mail envelope, indicating receipt by the Attorney General on September 20, 2013.

We began our ballot title review based on the Secretary of State's September 20, 2013 filing with this Office. As demonstrated by Attorney General's Exhibit "A", p. 00009, the Attorney General's Notice to the Secretary of State was filed with the Secretary of State on September 27, 2013, within five (5) business days of the Secretary's September 20, 2013 filing with the Attorney General's Office.

b.

**Even if as Claimed, the Attorney General's Initial Notice to the Secretary of State Was Found to be Two Days Out of Time, Such Filing Substantially Complied with the Statutory Requirement, and Accordingly, was Effective.**

The provision of Title 34 providing for the Attorney General's review of ballot titles, is part of the General Provisions dealing with Initiative and Referendum. Also part of those same General Provisions is Section 24 of Title 34, which expressly provides that the procedures prescribed for the Initiative and Referendum need only be substantially complied with, Section 24 providing:

The procedure herein prescribed is not mandatory, but if substantially followed will be sufficient. . . .

On numerous occasions over the years, the Supreme Court has held that substantial compliance with the Initiative and Referendum procedures is all that is required. In *In re Referendum Petition No. 130, State Question No. 395*, 354 P.2d 400, 402 (Okla. 1960), this Court stated:

We have **repeatedly held** that a **substantial compliance** with the **provisions of the laws relating to the initiative and referendum is sufficient.**

*Id.* (emphasis added).

Some four years later in *In re Initiative Petition No. 272, State Question No. 409*, 388 P.2d 290, 293 (Okla. 1964), this Court again came to the same conclusion, holding:

The law does **not require strict observation** of the **provision governing the initiative procedures.** **Substantial compliance** therewith is deemed sufficient.

*Id.* (emphasis added).

Generally, substantial compliance is understood to mean compliance sufficient to assure that the reasonable objectives of the law are met. *Dunegan v. City of Council Grove, Kansas Water Dept.*, 77 F.Supp.2d 1192, 1205 (D.Kan. 1999)(“ ‘Substantial compliance’ means compliance in respect to the essential matters necessary to insure every reasonable objective of the statute.”); *Hicks v. Franklin County Auditor*, 514 N.W.2d 431, 436 (Iowa 1994)(“ ‘Substantial compliance’ means compliance to the extent necessary to assure that the reasonable objectives of the statute are met.”), and *Stasher v. Harger-Haldeman*, 372 P.2d 649, 652 (Cal. 1962)(“Substantial compliance, as the phrase is used in the decisions, means actual compliance in respect to the substance essential to every reasonable objective of the statute.”).

Applying the substantial compliance doctrine, courts have found that actions taken out of time constituted substantial compliance. For example in *Fuller Enterprises, Inc.*

*v. Hardin Construction Group, Inc.*, 424 S.E.2d 311, 312 (Ga. App. 1992), the Court held that **“late registration and payment of all taxes and revenues due the State and its political subdivisions constitute ‘substantial compliance’** under the Nonresident Contractors Act so as to avoid dismissal of a nonresident contractor’s claim against another private party.” *Id.* (emphasis added).

In applying a similar analysis to the constitutional requirement that proposed amendments to the State Constitution be published three months before the next general election, the Delaware Supreme Court, in *Opinion of the Justices*, 275 A.2d 558, 562 (Del. 1971), held that publication of the full text of a proposed amendment for from 81 to 87 days before the election, rather than the full 3 months as required by the Constitution, substantially complied with publication requirement. In reaching this conclusion, the Court first defined “substantial compliance,” in a similar fashion to the courts noted above, finding that “substantial compliance” means “such compliance with essential requirements of the constitutional provision as may be sufficient for the accomplishment of the purposes thereof.” *Id.*

Noting that the purpose of the publication requirement was “to ensure that the people of the State are informed, accurately and completely, of the details of a proposed amendment to the constitution . . .”, the Court concluded that the publication for less than the full 3 months required by the Constitution substantially complied with the publication requirement, stating:

Having in mind this purpose and intent of the publication provisions, we are of the opinion that, with respect to the proposed Amendments the texts of which were published in partial compliance with Art. 16, s 1, there was **substantial compliance sufficient to fulfill the constitutional requirements**. In our judgment, the **electorate of the State were neither misled nor prejudiced by the fact that the publications appeared in the press from 81 to 87 days before Election Day, rather than the full three months prior thereto. Clearly, the people of the State had abundant time and were equally able to inform themselves of the proposed Amendments** and the attitude of the candidates for election to the General Assembly with respect thereto, **despite the few days' delay**.

It is our opinion, therefore, that there was legal publication sufficient under Art. 16, s 1 to permit the following proposed Amendments to 'become part of the Constitution' by action of the 126th General Assembly: H.B. Nos.49, 59, and 133; and S.B.Nos.11, 42, 98, and 170.

*Id.* (emphasis added).

The few days delay in publishing notice of the proposed constitutional amendment in *Opinion of the Justices*, was a delay of 9 days in some counties, and in other counties as few as 3 days — yet the Court concluded that substantial compliance with the statutory or constitutional publication requirement was present

In the case at hand, if Proponents are correct in their claim that the Attorney General's initial notice to the Secretary of State regarding the Proponents' ballot title was two (2) days out of time, the Attorney General's notice substantially complied with the statutory requirement — which was to ensure an independent review of an initiative Proponent's proposed ballot title for the purpose of ensuring that the proposed ballot title

properly explained the effect of the proposition, was impartial, and did not work a fraud upon the voter by contending language whereby a yes vote was in fact against the proposition, and no vote was in fact a vote for the proposition. 34 O.S.2011, § 9. That is, a two (2) day delay would not have kept the purpose of the independent ballot title review from being accomplished.

### **PROPOSITION III**

**Both Oklahoma Case Law and the General Statutory Provisions Dealing with Initiative and Referendum Indicate that the Proper Remedy When a Public Official Fails to Perform a Duty Related to the Initiative or Referendum is the Issuance of a Writ of Mandamus — Not the Elimination of the Performance of the Required Duty.**

As indicated above, the purpose of requiring the Attorney General to independently review the Proponents' ballot title is to ensure that the ballot title adequately explains the effect of the proposition, does not reflect partiality, and does not defraud the voter.

The Proponents' position is that if the Attorney General is a day or two late in filing the report of his initial review with the Secretary of State, no independent review takes place, as Proponents argue that the proper remedy is elimination of the statutorily required independent review coupled with the automatic use of the ballot title the Proponent wrote.

The Proponents' suggested remedy is neither consistent with the purpose of the ballot title review requirement, nor consistent with the general provisions in Title 34

providing for remedies when public officials neglect or refuse to perform their duties related to the initiative.

As provided for in Title 34, Section 18, when officials of the State fail or neglect to prepare required documents or publish as required, or neglect other matters provided by law, the remedy is to seek mandamus to require compliance with the procedures.

The remedy suggested by the Proponents is just the opposite. Proponents do not want their ballot title reviewed, and accordingly they have argued that any tardiness on the Attorney General's part results in the automatic elevation of Proponents' proposed ballot title, thus totally eliminating any independent review of their ballot title.

The inappropriateness of Proponents' suggested remedy is not only inconsistent with Section 18 of Title 34 which empowers the Courts to issue writs of mandamus when public officials fail to perform duties related to the initiative referendum, but it is also inconsistent with Oklahoma case law dealing with the initiative process. In *Community Gas and Service Company v. Walbaum*, 404 P.2d 1014 (Okla. 1965), this Court examined an initiative petition which did not contain the statutorily required clauses informing signatories of the penal sanctions imposed by law for placing duplicate, false or fraudulent signatures on the petition. In ruling that the absence of the warning on the petition rendered the petition invalid, the Court held that statutory requirements essential to guard against fraud, corruption or deception are indispensable requirements in the initiative process:

**If a statutory provision is essential to guard against fraud, corruption or deception in the initiative and referendum process, such provision must be viewed as an indispensable requirement and failure to substantially comply therewith is fatal.**

*Id.* at 1016 (emphasis added).

In the case at hand, one of the primary functions of the independent ballot title review by the Attorney General is to guard against fraud and deception in the initiative and referendum process. Under the holding in the *Walbaum* case, the Attorney General's independent ballot title review would thus be an indispensable requirement. Accordingly, the remedy suggested by the Proponents — the elimination of the Attorney General's ballot title review — is not a proper remedy.

#### **PROPOSITION IV**

**Petitioners' Request That Under the Provisions of 34 O.S. Section 8(E), the Court Grant the Proponents an Additional Ninety (90) Days in Which to Secure Signatures on Its Initiative Petition is Without Merit Because:**

- 1. The Provisions of Section 8(E) of Title 34, Authorizing the Extension of the Ninety (90) Day Period to Collect Petition Signatures Apply Only to Proceedings Challenging the Sufficiency of the Petition, and are Not Applicable to Challenges to the Ballot's Title, and**
- 2. Any Public Confusion Regarding the Proponents' Proposed Measure Has Been Created by the Proponents Themselves, as the Result of the Media Grandstanding of the Proponents' Lead Counsel, Mr. Slane.**

Under the provisions of 34 O.S. 2011, § 8, and related statutes, there are three (3) separate types of proceedings related to the Initiative and Referendum process that may be filed in the Supreme Court:

1. **Protests to the constitutionality of the petition** itself, as authorized in Subsection B, Section 8 of Title 34, which in pertinent part provides: “any citizen or citizens of the state may file a **protest as to the constitutionality of the petition, by written notice to the Supreme Court . . .**”,
2. **A protest to the ballot’s title** as authorized by Subsection B, Section 8 of Title 34, which in pertinent part provides that: “any citizen or citizens of the state may **file a protest** to the constitutionality of the petition, . . . or **as to the ballot title as provided in Section 10 of this title**”, and
3. **An objection to the signature count** made by the Secretary of State under the provisions of Subsection H of Section 8 in Title 34, which in pertinent part provides: “any citizen or citizens of the state may file an **objection to the count made by the Secretary of State, by written notice to the Supreme Court . . .**”

The matter presently before the Court is **not** an objection to the signature count — as the count has not yet occurred —, **nor is it a protest to the constitutionality of the Initiative Petition itself**. Rather, the matter before this Court is a protest as to the ballot title.

The provisions of Subsection E of Section 8 of Title 34 relied on by the Proponents are **not applicable to protest as to the ballot title**. The language of

Subsection E of Section 8 of Title 34 makes it abundantly clear that an extension of time in which to gather signatures **applies only to proceedings in which a protest to the sufficiency of the Initiative Petition itself is being determined by the Supreme Court**, Subsection E providing:

**Within ninety (90) days after such filing of an initiative petition or determination of the sufficiency of the petition by the Supreme Court as provided in this section, whichever is later, the signed copies thereof shall be filed with the Secretary of State**, but the signed copies of a referendum petition shall be filed with the Secretary of State within ninety (90) days after the adjournment of the Legislature enacting the measure on which the referendum is invoked or determination of the sufficiency of the petition by the Supreme Court as provided in this section, whichever is later. Each elector shall sign his or her legally registered name, address or post office box, and the name of the county of residence. Any petition not filed in accordance with this provision shall not be considered. The proponents of a referendum or an initiative petition, any time before the final submission of signatures, may withdraw the referendum or initiative petition upon written notification to the Secretary of State.

34 O.S. 2011, § 8(E) (emphasis added).

Subsection 8(E)'s signature-gathering extension is not applicable to ballot title protests. The ballot title is simply the language that will appear on the election ballot should the Proponents obtain enough signatures on a proposed measure. As noted above, "the parties submitting the measure shall also submit a **ballot title which shall be filed on a separate sheet of paper and shall not be deemed part of the petition.**" 34 O.S. 2011, § 9(B) (emphasis added). Not being properly part of the Petition, the ballot title has

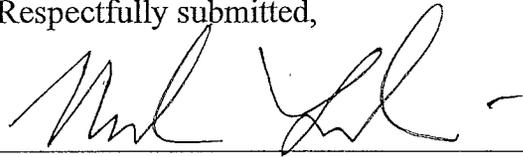
nothing to do with the Petition's circulation, and accordingly, the provisions of Subsection E of Section 8 of Title 34 **do not** provide for an extended signature-gathering period in ballot title appeals. Petitioners' claim that Subsection E is applicable here is without merit.

Equally without merit is Petitioners' claim that the Attorney General's ballot title has hampered their signature gathering efforts by creating public confusion. If there is any public confusion here, it is confusion of Petitioners' own making. The Attorney General's filing of his ballot title review letters and ballot title with the Secretary of State, and the filing of a simple appeal from the ballot title itself does not create public confusion. Any confusion here has been created by the grandstanding, media statements and hyperbole of the Proponents' attorney, David R. Slane, Esq. It is Mr. Slane's shameless play to the media, complete with his conspiracy theories, that have garnered public attention to this ballot title measure — not any action on the part of the Attorney General.

### **CONCLUSION**

For the reasons stated above, the Attorney General respectfully requests that this Court enter its Order refusing to adopt the Proponents' ballot title, as it fails to comply with the statutory requirements for a ballot title, and adopt the ballot title prepared by the Attorney General.

Respectfully submitted,



---

**Neal Leader, OBA #5310**  
**Senior Assistant Attorney General**  
**State of Oklahoma**  
313 NE 21st Street  
Oklahoma City, OK 73105  
(405) 522-4393  
(405) 522-0669 Fax  
[Neal.leader@oag.ok.gov](mailto:Neal.leader@oag.ok.gov)  
**ATTORNEY FOR RESPONDENT**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 22<sup>nd</sup> day of November, 2013 a true and correct copy of the foregoing instrument was mailed to the following:

David R. Slane  
901 NW 12<sup>th</sup> St.  
Oklahoma City, OK 73106

Richard Morrissette  
217 N. Harvey, Suite 101  
Oklahoma City, OK 73102

Attorneys for Petitioners  
Take Shelter Oklahoma



---

NEAL LEADER

"A"

OFFICE OF THE SECRETARY OF STATE



CERTIFICATE OF TRANSCRIPT

*I, THE UNDERSIGNED, Secretary of State of the State of Oklahoma, do hereby certify that the annexed transcript has been compared with the record on file in my office of which it purports to be a copy, and that the same is a full, true and correct copy of:*

**DOCUMENT TYPE**  
*State Question 767  
Initiative Petition 397*

**DOCUMENT FILING DATE**  
*September 18, 2013*

*IN TESTIMONY WHEREOF, I hereunto set my hand and affix the Great Seal of the State of Oklahoma.*



*Done at the City of Oklahoma City, this 12th day of November, 2013.*

*Chi Benz*  
Secretary of State

By: *Kathy Sitta*



Larry V. Parman  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

September 18, 2013

Ms. Kathryn Turner  
940 Eastlake Drive  
Blanchard, OK 73010

Dear Ms. Turner:

This will acknowledge receipt of the petition for filing which has been designated as:

State Question Number 767  
Initiative Petition Number 397

filed this 18th day of September, 2013 at 3:20 p.m.

Pursuant to 34 O.S. § 9, after the filing of the petition and prior to the gathering of signatures, the Secretary of State shall submit the proposed ballot title of this petition to the Attorney General for review as to legal correctness.

Please be aware that once the ballot title review is completed, there will be a Notice of Filing published, as required by 34 O.S. § 8, in which any citizen or citizens of the state may file a protest as to the constitutionality of the petition or the ballot title.

The circulation period for petitions, according to 34 O.S. § 8, is within ninety (90) days after such filing of an initiative petition or determination of the sufficiency of the petition by the Supreme Court, whichever is later. Should your due date fall on a weekend or holiday or a day that this office is closed for business, pursuant to 25 O.S. § 82.1 (C) and in accordance with AG Opinion 76-195, the due date for this petition will fall on the next succeeding business day that this office is open for business.

If our office may be of further assistance, please do not hesitate to contact the Executive Legislative Division at (405) 522-4564.

Sincerely,

A handwritten signature in cursive script that reads "Chris Morriss".

Chris Morriss  
Assistant Secretary of State

00001

**FILED**

SEP 18 2013

**OKLAHOMA SECRETARY  
OF STATE**

State Question No. 167 Initiative Petition No. 397

**WARNING**

IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN SUCH PETITION WHEN HIS IS NOT A LEGAL VOTER.

**INITIATIVE PETITION**

To the Honorable Mary Fallin, Governor of Oklahoma: We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed new section to the Oklahoma Constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election, to be held on the 10th day of November, 2014, (or such earlier special election as may be called by the Governor) and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety days from the 18<sup>th</sup> day of September, 2013. The question we herewith submit to our fellow voters is:

Shall the following proposed new Section 44 of Article 10 of the Constitution be approved?

**BALLOT TITLE**

This measure amends the Oklahoma Constitution. It adds a new Section 44 to Article 10. Bonds could be sold. Up to Five Hundred Million Dollars (\$500,000,000.00) could be available. Bond money would be used for school districts and career technology districts. Bond money would be used for storm shelters or secure areas. State franchise taxes would repay these bonds. If money from franchise tax was not enough, the Legislature could use the General Revenue Fund to repay the bonds. State bond money could be used by school districts or career technology districts to reduce local debt or eliminate local debt incurred for storm shelters or secure areas. If enough money from franchise tax remains after state bonds are paid for, the balance of franchise tax could be used for grants for storm shelters for people and businesses. When state bonds are paid off, additional bonds could be sold to keep the programs funded. Laws would be written for details about using bond money. State agencies could make rules about state bond money. These rules would have the effect of law. The Oklahoma Constitution is being amended to allow state bond money to pay for shelters and secure areas in schools.

Shall the following proposed new Article X, Section 44 of the Constitution be approved?

For the proposal	-	YES
Against the proposal	-	NO

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

Section 44. A. The State of Oklahoma shall be authorized to issue bonds or other evidence of indebtedness in order to provide net proceeds equal to Five Hundred Million Dollars (\$500,000,000.00) for the purpose of acquiring, constructing or improving facilities to be used for the benefit of any common school district or career technology district within the state to provide shelter from dangerous weather conditions or to provide security to the students and employees of the district related to personal safety or both such purposes and for the purposes described by subsection I and subsection J of this section.

B. The maximum maturity for any obligation issued pursuant to subsection A of this section shall be twenty-five (25) years.

C. The Oklahoma Building Bonds Commission shall issue the obligations authorized by this section.

D. The Legislature, pursuant to enabling legislation enacted for such purpose, may define the types of facilities which may be acquired, constructed or improved with proceeds from the sale of obligations issued pursuant to this section in order to provide shelter from dangerous weather conditions, to provide secure areas and secure procedures to protect students and employees of common school districts and career technology districts from the threat or potential threat of violence or both such purposes.

E. The Legislature shall provide by law for the apportionment of the revenues currently derived from the levy of the franchise tax imposed for the privilege of doing business in the state as authorized pursuant to Section 1201 et seq. of Title 68 of the Oklahoma Statutes, as amended, so that one hundred percent (100%) of such franchise tax revenue, or so much thereof as may be required on an annual basis, is dedicated for the repayment of the obligations issued pursuant to the provisions of this section.

F. The Legislature may provide by law for the use of revenues derived from the levy of franchise tax which are not required for repayment of obligations issued pursuant to the provisions of this section in order to provide a grant program for construction of storm shelters for individuals and business entities. Such program shall be administered by the Office of Emergency Management or its successor. The use of franchise tax revenues for storm shelters as authorized by this subsection shall be deemed in furtherance of a public purpose and shall not be deemed a gift of state tax revenues.

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G. If the revenues described by subsection E of this section are insufficient to repay the obligations issued pursuant to the provisions of this section, the Legislature may use monies in the General Revenue Fund of the state not otherwise obligated, committed or appropriated in order to ensure the repayment of such obligations.

H. If any obligations issued pursuant to the provisions of this section are defeased, within the limit prescribed by subsection A of this section, the principal amount of such obligation shall become available for issuance by the state governmental entity designated pursuant to subsection C of this section if authorized by an act of the Legislature or authorized by an initiative petition approved in the manner required for laws pursuant to Section 2 of Article V of the Oklahoma Constitution. The act of the Legislature or the law proposed by initiative petition shall specify the amount of any additional issuance authorized by this subsection.

I. Pursuant to laws enacted by the Legislature for such purpose, the proceeds from the obligations issued pursuant to this section may be used to reduce or eliminate any debt incurred by a school district or career technology district for the purpose of acquiring or constructing a storm shelter or secure facility. The debt must have been incurred not earlier than May 1, 2013, pursuant to a vote of the eligible voters of the respective district. If the debt was incurred prior to May 1, 2013, but not prior to July 1, 2007, the provisions of this subsection shall authorize the use of the proceeds in order to reduce or eliminate such debt with respect to construction of the eligible assets which begins on or after May 1, 2013.

J. Pursuant to laws enacted by the Legislature for such purpose, the proceeds from the obligations issued pursuant to this section may be used to reimburse a common school district or a career technology district for expenditures made from a building fund created pursuant to Section 10 of Article X of the Oklahoma Constitution, with respect to a common school district, or for expenditures made from the revenue derived from a millage levy authorized pursuant to Section 9B of Article X of the Oklahoma Constitution, with respect to a career technology district, to the extent the expenditure was for the purpose of acquiring, constructing or improving a storm shelter or secure facility. The expenditure for such storm shelter or secure facility must have been incurred no earlier than May 1, 2013.

K. The obligations authorized pursuant to the provisions of this section may be issued in series, may be issued in either tax-exempt or taxable status for purposes of the Internal Revenue Code of 1986, as amended, and in such form as required in order to promote the marketability of such obligations.

L. Pursuant to laws enacted by the Legislature for such purpose, any administrative rule adopted by an agency of state government that imposes a condition or requirement upon a common school district or career technology district related to the use of proceeds from sale of the obligations authorized by this section shall be binding upon such school district or career technology district.

M. The proceeds from the sale of obligations issued pursuant to the provisions of this section may be made available to any common school district or any career technology district for the purposes authorized by this section and enabling legislation enacted pursuant to this section notwithstanding any other provision of the Oklahoma Constitution that would otherwise prohibit or restrict the use of such proceeds or the use of tax revenue for the repayment of principal, interest, reserves, issuing costs or other costs related to the sale of the obligations authorized by this section. Any provision of the Oklahoma Constitution that would otherwise restrict the issuance of obligations pursuant to this section, restrict the use of the proceeds from the sale of such obligations, restrict the use of tax revenues for repayment of the obligations or in any way restrict the operation of the provisions of this section shall be deemed to have been amended in order to remove any such restrictions.

Name and Address of Proponents:

Kathryn Turner

940 E. Lake

Blanchard, OK 73010

Mikki Davis

717 Woodbriar

Noble, OK 73068

Jered Davidson

11200 N. Kickapoo Avenue

Shawnee, OK 74804

00003

Signatures

The gist of the proposition is: This measure amends the Oklahoma Constitution. It adds a new Section 44 to Article 10. Bonds could be sold. Up to Five Hundred Million Dollars (\$500,000,000.00) could be available. Bond money would be used for school districts and career technology districts. Bond money would be used for storm shelters or secure areas. State franchise taxes would repay these bonds. If money from franchise tax was not enough, the Legislature could use the General Revenue Fund to repay the bonds. State bond money could be used by school districts or career technology districts to reduce local debt or eliminate local debt incurred for storm shelters or secure areas. If enough money from franchise tax remains after state bonds are paid for, the balance of franchise tax could be used for grants for storm shelters for people and businesses. When state bonds are paid off, additional bonds could be sold to keep the programs funded. Laws would be written for details about using bond money. State agencies could make rules about state bond money. These rules would have the effect of law. The Oklahoma Constitution is being amended to allow state bond money to pay for shelters and secure areas in schools.

	Signature	Printed Name	Voting Address	City, Zip Code	County
01				OK	
02				OK	
03				OK	
04				OK	
05				OK	
06				OK	
07				OK	
08				OK	
09				OK	
10				OK	
11				OK	
12				OK	
13				OK	
14				OK	
15				OK	
16				OK	
17				OK	
18				OK	
19				OK	
20				OK	

AFFIDAVIT

STATE OF OKLAHOMA, )

) ss.

COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, being first duly sworn say:

That I collected the signatures of the persons on the foregoing petition and that:

- |           |           |
|-----------|-----------|
| 01. _____ | 11. _____ |
| 02. _____ | 12. _____ |
| 03. _____ | 13. _____ |
| 04. _____ | 14. _____ |
| 05. _____ | 15. _____ |
| 06. _____ | 16. _____ |
| 07. _____ | 17. _____ |
| 08. _____ | 18. _____ |
| 09. _____ | 19. _____ |
| 10. _____ | 20. _____ |

each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, address in which the signer is registered to vote, and that each signer is a legal voter in the State of Oklahoma.

\_\_\_\_\_  
Circulator's Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
Zip Code

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
Zip Code

My Commission Number is: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(SEAL)

Larry V. Parman  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

September 19, 2013

INTERAGENCY MAIL

The Honorable E. Scott Pruitt  
Attorney General  
313 NE 21st Street  
Oklahoma City, Oklahoma 73105

Dear Attorney General Pruitt:

You are hereby notified that Kathryn Turner, 940 Eastlake Drive, Blanchard, OK 73010, filed an initiative petition on September 18, 2013, with the Secretary of State. This petition is designated as State Question Number 767, Initiative Petition Number 397.

Pursuant to 34 O.S., § 8, the signatures for this petition are required to be filed within ninety (90) days after the filing of the petition or determination of the sufficiency of the petition by the Supreme Court as provided in this section, whichever is later. The signature requirement for this petition is 155,216.

The proposed ballot title is hereby submitted to you for review as to legal correctness pursuant to the provisions of 34 O.S. § 9(D).

If additional information is needed from this office, or if we may be of further assistance, please contact me.

Sincerely,

Larry V. Parman  
Secretary of State

A handwritten signature in cursive script that reads "Chris Morriss".

Chris Morriss  
Assistant Secretary of State

Enclosures: State Question 767  
Ballot Title

00006

Larry V. Parman  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

September 19, 2013

Hand delivered

The Honorable Mary Fallin  
Governor, State of Oklahoma  
Room 212, State Capitol  
Oklahoma City, Oklahoma 73105

**RECEIVED**

SEP 19 2013

OFFICE OF THE  
GOVERNOR

Dear Governor Fallin:

Please be advised that Kathryn Turner, 940 Eastlake Drive, Blanchard, OK 73010, filed an initiative petition on September 18, 2013, with the Secretary of State. This petition is designated as State Question Number 767, Initiative Petition Number 397.

Pursuant to 34 O.S., § 8, the signatures for this petition are required to be filed within ninety (90) days after the filing of the petition or determination of the sufficiency of the petition by the Supreme Court as provided in this section, whichever is later. The signature requirement for this petition is 155,216.

The proposed ballot title has been submitted to the Attorney General for review as to legal correctness pursuant to the provisions of 34 O.S. § 9 (D).

If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

Larry V. Parman  
Secretary of State

A handwritten signature in cursive script that reads "Chris Morriss".

Chris Morriss  
Assistant Secretary of State

Enclosure: State Question 767

00007

Larry V. Parman  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

September 19, 2013

Hand delivered

**RECEIVED**

SEP 19 2013

STATE ELECTION  
BOARD

The Honorable Paul Ziriak  
Secretary, Oklahoma State Election Board  
Room 3, State Capitol  
Oklahoma City, Oklahoma 73105

Dear Secretary Ziriak:

Please be advised that Kathryn Turner, 940 Eastlake Drive, Blanchard, OK, 73010, filed an initiative petition on September 18, 2013, with the Secretary of State. This petition is designated as State Question Number 767, Initiative Petition Number 397.

Pursuant to 34 O.S., § 8, the signatures for this petition are required to be filed within ninety (90) days after the filing of the petition or determination of the sufficiency of the petition by the Supreme Court as provided in this section, whichever is later. The signature requirement for this petition is 155,216.

The proposed ballot title has been submitted to the Attorney General for review as to legal correctness pursuant to the provisions of 34 O.S. § 9 (D).

If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

Larry V. Parman  
Secretary of State

A handwritten signature in cursive script that reads "Chris Morriss".

Chris Morriss  
Assistant Secretary of State

Enclosure: State Question 767

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OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

**FILED**

SEP 27 2013

**OKLAHOMA SECRETARY  
OF STATE**

September 27, 2013

Larry V. Parman, Secretary of State  
Office of the Secretary of State  
2300 N. Lincoln Blvd., Room 101  
Oklahoma City, Oklahoma 73105-4897

**Re: Ballot Title for State Question No. 767, Initiative Petition No. 397**

Dear Secretary Parman:

In accordance with the provisions of 34 O.S.2011, § 9(D), we have reviewed the proposed ballot title for the above-referenced State Question and conclude that it does not comply with applicable laws for the following reason:

It fails to explain in basic words the effect of the proposition because:

1. It does not explain that under current law franchise tax revenues are paid into the State's General Revenue Fund;
2. It does not explain the loss to the State's General Revenue Fund that would occur when bonds are issued and franchise tax revenues are used to repay the bond obligations authorized in the proposal;
3. It fails to explain that if the state franchise tax revenues are not sufficient to pay off the bond obligations, there may not be any funds available to pay the bond holders.
4. It does not explain that when the franchise tax revenues are not sufficient to pay the bond obligations, the Legislature is not required to use General Revenue Fund monies to pay the bond obligations;
5. It fails to explain that the measure creates exceptions to the constitutional provisions prohibiting gifts of state monies and the use of the credit of the state.

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Having found that the ballot title does not comply with applicable laws, we will, in accordance with the provisions of 34 O.S.2011, § 9(D), within ten (10) business days, prepare a ballot title which complies with the law and furnish a copy to you.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is written in a cursive, flowing style with a large initial "E".

E. Scott Pruitt  
Attorney General

ESP/ab

00010



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

**FILED**

OCT 11 2013

OKLAHOMA SECRETARY  
OF STATE

October 11, 2013

Larry V. Parman, Secretary of State  
Office of the Secretary of State  
2300 N. Lincoln Blvd., Room 101  
Oklahoma City, Oklahoma 73105-4897

**Re: Ballot Title for State Question No. 767, Legislative Referendum No. 397**

Dear Secretary Parman:

Having found that the Proposed Ballot Title for the above-referenced state question did not comply with applicable laws, we have, in accordance with 34 O.S. 2011, § 9(D), have prepared the following Ballot Title. The Ballot Title reads as follows:

**BALLOT TITLE FOR STATE QUESTION NO. 767**

This measure adds Article 10, Section 44 to the Oklahoma Constitution. The new Section authorizes the issuance of up to 500 million dollars in State bonds. The bond money would be used by local school districts and career technology districts for storm shelters and campus security.

The measure does not provide for new State revenues to pay for the bonds. Under the measure State franchise tax revenues would no longer go into the General Revenue Fund, which is the primary fund used to pay for State Government. Rather, franchise tax revenues would be used for annual bond payments (principal and interest).

In any year in which the franchise tax revenues are not sufficient to make annual payments, the Legislature, at its discretion, could use General Revenue Fund monies to make the annual bond payment.

In years in which not all the franchise tax revenues are needed to make payments, the remaining franchise tax revenues — with Legislative approval — could be used for storm shelter grants to individuals and businesses.

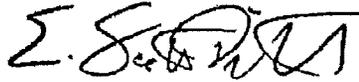
In authorizing these bond and grant programs, the measure creates exceptions to the Constitution's prohibitions on gifts and the use of the State's credit.

**SHALL THE PROPOSAL BE APPROVED?**

**FOR THE PROPOSAL - YES** \_\_\_\_\_

**AGAINST THE PROPOSAL - NO** \_\_\_\_\_

Respectfully submitted,



E. Scott Pruitt  
Attorney General

ESP/ab

Larry V. Parman  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

October 16, 2013

Ms. Cindy Shea -  
Oklahoma Press Service  
3601 N. Lincoln  
Oklahoma City, OK 73105

Dear Ms. Shea:

Please publish the attached Notice of Filing for State Question Number 767, Initiative Petition Number 397. Pursuant to 34 O.S. § 8, the publication must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish in *The Oklahoman*, *Tulsa World*, and the *Journal Record* as soon as possible.

Also, please provide the Secretary of State with a verified proof of publication of the Notice. Should you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Chris Morriss".

Chris Morriss  
Assistant Secretary of State

Enc: Notice of Filing

cc: Kathryn Turner  
940 E. Lake  
Blanchard, OK 73010

00013

**NOTICE OF THE FILING OF  
STATE QUESTION NUMBER 767  
INITIATIVE PETITION NUMBER 397**

NOTICE is hereby given that on September 18, 2013, State Question Number 767, Initiative Petition Number 397 was filed in the Office of the Secretary of State.

The ballot title for this initiative petition is as follows:

This measure adds Article 10, Section 44 to the Oklahoma Constitution. The new Section authorizes the issuance of up to 500 million dollars in State bonds. The bond money would be used by local school districts and career technology districts for storm shelters and campus security.

The measure does not provide for new State revenues to pay for the bonds. Under the measure State franchise tax revenues would no longer go into the General Revenue Fund, which is the primary fund used to pay for State Government. Rather, franchise tax revenues would be used for annual bond payments (principal and interest).

In any year in which the franchise tax revenues are not sufficient to make annual payments, the Legislature, at its discretion, could use General Revenue Fund monies to make the annual bond payment.

In years in which not all the franchise tax revenues are needed to make payments, the remaining franchise tax revenues with Legislative approval could be used for storm shelter grants to individuals and businesses.

In authorizing these bond and grant programs, the measure creates exceptions to the Constitution's prohibitions on gifts and the use of the State's credit.

SHALL THE PROPOSED AMENDMENT TO THE CONSTITUTION BE APPROVED?

\_\_\_\_\_ Yes – For the proposition

\_\_\_\_\_ No – Against the proposition

NOTICE is hereby given that, as provided in 34 O.S. § 8 and 10, any citizen or citizens of the state may file a protest as to the constitutionality of the petition or as to the ballot title, by a written notice to the Oklahoma Supreme Court and to the proponent or proponents filing the petition. Proponents filing are: Kathryn Turner, 940 E. Lake, Blanchard, OK 73010; Mikki Davis, 717 Woodbriar, Noble, OK 73068; and Jered Davidson, 11200 N. Kickapoo Avenue, Shawnee, OK 74804. Any such protest must be filed within ten (10) days after this publication. A copy of the protest shall be filed with the Secretary of State.

Larry V. Parman  
Secretary of State

00014

Legislative 717

**NOTICE OF THE FILING OF  
STATE QUESTION NUMBER 767  
INITIATIVE PETITION  
NUMBER 397**

NOTICE is hereby given that on September 18, 2013, State Question Number 767, Initiative Petition Number 397 was filed in the Office of the Secretary of State.

The ballot title for this initiative petition is as follows:

This measure adds Article 10, Section 44 to the Oklahoma Constitution. The new Section authorizes the issuance of up to 500 million dollars in State bonds. The bond money would be used by local school districts and career technology districts for storm shelters and campus security.

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In authorizing these bond and grant programs, the measure creates exceptions to the Constitution's prohibitions on gifts and the use of the State's credit.

**SHALL THE PROPOSED AMENDMENT TO THE CONSTITUTION BE APPROVED?**

Yes - For the proposition

No - Against the proposition

NOTICE is hereby given that, as provided in 34 O.S. ss 8 and 10, any citizen or citizens of the state may file a protest as to the constitutionality of the petition or as to the ballot title, by a written notice to the Oklahoma Supreme Court and to the proponent or proponents filing the petition. Proponents filing are: Kathryn Turner, 940 E. Lake, Blanchard, OK 73010; Mikki Davis, 717 Woodbriar, Noble, OK 73068; and Jered Davidson, 11200 N. Kickapoo Avenue, Shawnee, OK 74804. Any such protest must be filed within ten (10) days after this publication. A copy of the protest shall be filed with the Secretary of State.

Larry V. Parman  
Secretary of State

00015

Classified provided by The Oklahoman. Phone may have area code of 405 if not mentioned.

## legal-notice > Legal Notices - Classified 9 Listings

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October 18

**NOTICE OF THE FILING OF STATE QUESTION NUMBER 767 INITIATIVE PETITION NUMBER 397** NOTICE is hereby given that on September 18, 2013, State Question Number 767, Initiative Petition Number 397 was filed in the Office of the Secretary of State. The ballot title for this initiative petition is as follows: This measure adds Article 10, Section 44 to the Oklahoma Constitution. The new Section authorizes the issuance of up to 500 million dollars in State bonds. The bond money would be used by local school districts and career technology districts for storm shelters and campus security. The measure does not provide for new State revenues to pay for the bonds. Under the measure State franchise tax revenues would no longer go into the General Revenue Fund, which is the primary fund used to pay for State Government. Rather, franchise tax revenues would be used for annual bond payments (principal and interest). In any year in which the franchise tax revenues are not sufficient to make annual payments, the Legislature, at its discretion, could use General Revenue Fund monies to make the annual bond payment. In years in which not all the franchise tax revenues are needed to make payments, the remaining franchise tax revenues with Legislative approval could be used for storm shelter grants to individuals and businesses. In authorizing these bond and grant programs, the measure creates exceptions to the Constitution's prohibitions on gifts and the use of the State's credit. **SHALL THE PROPOSED AMENDMENT TO THE CONSTITUTION BE APPROVED?** \_\_\_\_ Yes - For the proposition \_\_\_\_ No - Against the proposition NOTICE is hereby given that, as provided in 34 O.S. ss 8 and 10, any citizen or citizens of the state may file a protest as to the constitutionality of the petition or as to the ballot title, by a written notice to the Oklahoma Supreme Court and to the proponent or proponents filing the petition. Proponents filing are: Kathryn Turner, 940 E. Lake, Blanchard, OK 73010; Mikki Davis, 717 Woodbriar, Noble, OK 73068; and Jered Davidson, 11200 N. Kickapoo Avenue, Shawnee, OK 74804. Any such protest must be filed within ten (10) days after this publication. A copy of the protest shall be filed with the Secretary of State. Larry V. Parman Secretary of State

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00016

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

NO. ~~\_\_\_\_\_~~ #112264

IN RE: INITIATIVE PETITION NO. 397

**FILED**

OCT 18 2013

OKLAHOMA SECRETARY  
OF STATE

BRIEF OF PETITIONER/PROPONENT

David R. Slane, OBA #16156  
901 NW 12<sup>th</sup> Street  
Oklahoma City, OK 73106  
(405) 319-1800  
(405) 319-1802 Facsimile  
ATTORNEY FOR TAKE SHELTER  
OKLAHOMA

Richard Morrissette, OBA# 11446  
217 N. Harvey, Suite 101  
Oklahoma City, OK 73102  
(405) 235-7900  
ATTORNEY FOR TAKE SHELTER  
OKLAHOMA

00017

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IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE: INITIATIVE PETITION NO. 397

)  
)  
)

No. \_\_\_\_\_

**BRIEF OF PETITIONER/PROPONENT REQUESTING REVIEW OF  
SUBSTITUTED BALLOT TITLE PREPARED BY THE ATTORNEY GENERAL  
IN CONNECTION WITH INITIATIVE PETITION NO. 397**

This is a statutorily authorized appeal initiated pursuant to Title 34 O.S. 2011, Section 10.A, whereby the petitioner seeks review and substitution of the corrected ballot title proffered by the Oklahoma Attorney General on October 11, 2013, included in the Abstract of Record as Exhibit A and incorporated herein by reference.

**THE FACTS CONCERNING BACKGROUND AND HISTORY OF FILING**

This legal action is taken on behalf of two entities; Kristi Conatzer, who is the mother of a child who died as a result of the May tornado. Take Shelter Oklahoma is an organization of Oklahoma citizens taking action to protect Oklahoma's children, namely through providing access to funds for the construction of storm shelters and safe rooms (collectively, "storm shelters") for Oklahoma public schools and career technology districts. In connection with this purpose, a group of Oklahoma citizens, as authorized by Article 5, Section 1 of the Oklahoma Constitution and Title 34 O.S. 2011, §§ 1 *et seq.*, filed Initiative Petition No. 397 and State Question 767 on September 18, 2013 (the "Petition"), attached hereto as Exhibit B and incorporated herein by reference, seeking to amend the Oklahoma Constitution by adding a new section of law authorizing the issuance of up to \$500 million in bonds by the State of Oklahoma for the purpose of funding said storm shelters to be approved or rejected by the legal voters of the State of Oklahoma at the regular general election to be held on November 10, 2014.

Pursuant to the statutory requirements found in Title 34 O.S. 2011, § 9.D.1, in a letter dated September 19, 2013, the Oklahoma Secretary of State informed the Attorney General of the filing of the petition and submitted same to him for review as to legal correctness. The Attorney General, “within five (5) business days after the filing of the measure and ballot title...shall notify the Secretary of State whether or not the proposed ballot title complies with applicable law.” *Id.* He failed to do so. The Attorney General gave notice of legal insufficiency of the ballot title on the seventh (7<sup>th</sup>) day following the filing of the Petition in a letter dated September 27, 2013 with accompanying file stamp of receipt by the Oklahoma Secretary of State the same date, attached hereto as Exhibit C and incorporated herein by reference. The Attorney General submitted a new ballot title on the proposed question to the Oklahoma Secretary of State on October 11, 2013.

**PETITIONER’S OBJECTIONS TO SUBSTITUTED BALLOT TITLE**

**1. ATTORNEY GENERAL’S FAILURE TO OBJECT TIMELY**

The Attorney General did not follow statutory procedure set out in 34 O.S. § 9 D.1 and his substitution is not allowed by law.

“ The following procedure shall apply to ballot titles of referendums ordered by a petition of the people or any measure proposed by an initiative petition:

1. After the filing of the petition and prior to the gathering of signatures thereon, the Secretary of State shall submit the proposed ballot title to the Attorney General for review as to legal correctness. Within five (5) business days after the filing of the measure and ballot title, the Attorney General shall, in writing, notify the Secretary of State whether or not the proposed ballot title complies with applicable laws. The Attorney General shall state with specificity and all defects found and, if necessary, within ten (10) business days of determining that the proposed ballot title is defective,

prepare and file a ballot title which complies with the law;”

The Attorney General failed to notify any party within five (5) business days of the Initiative Petition filed on September 27, 2013. Thus his proposed ballot title change is improper and he failed to follow the five (5) day notice under the law.

**2.THE PETITIONER’S ORIGINAL BALLOT TITLE DOES NOT RUN AFOUL OF OKLAHOMA LAW AND IS LEGALLY CORRECT**

The Attorney General is to review the petition “for review as to legal correctness under 34 O.S. § 9(D)1.

Petitioners believe the Initiative Petition and Ballot Title complied with the law. Title 34 § 9(B) clearly outlines the requirements for “the suggested ballot title”:

“ B. The parties submitting the measure shall also submit a suggested ballot title which shall be filed on a separate sheet of paper and shall not be deemed part of the petition. The suggested ballot title:

1. Shall not exceed two hundred (200) words;
2. Shall explain in basic words, which can be easily found in dictionaries of general usage, the effect of the proposition;
3. Shall be written on the eighth-grade reading comprehension level;
4. Shall not contain any words which have a special meaning for a particular profession or trade not commonly known to the citizens of this state;
5. Shall not reflect partiality in its composition or contain any argument for or against the measure;
6. Shall contain language which clearly states that a “yes” vote is a vote in favor of the proposition and a “no” vote is a vote against the proposition; and
7. Shall not contain language whereby a “yes” vote is in fact, a vote against the proposition and a “no” vote is, in fact, a vote in favor of the proposition.”

The proposed title submitted by the Petitioner complies with § 9(B).

**3. THE SUBSTITUTED BALLOT TITLE NEGATES THE INTENT  
OF THE ORIGINALLY FILED INITIATIVE PETITION**

The proposed ballot title from the Attorney General is designed to over emphasize the franchise tax issue and under emphasize the true purpose of the Initiative which is storm shelters and secure areas for schools and children. (See Exhibits 1-2) The proposal from the Attorney General is misleading, confusing and will not help the average voter when he or she votes.

**CONCLUSION**

Pursuant to Title 34 O.S. § 10.A, the Petitioner respectfully requests this Court to reject the Attorney General's amended ballot title in reference to Initiative Petition No. 397 and restore the Petitioner's substitute ballot title to the Petition.

Respectfully submitted,



---

David R. Slane, OBA# 16156  
901 NW 12<sup>th</sup> Street  
Oklahoma City, OK 73106  
(405) 319-1800  
(405) 319-1802 Facsimile  
ATTORNEY FOR TAKE SHELTER  
OKLAHOMA



---

Richard Morrissette, OBA# 11446  
217 N. Harvey, Suite 101  
Oklahoma City, OK 73102  
(405) 235-7900  
ATTORNEY FOR TAKE SHELTER  
OKLAHOMA

CERTIFICATE OF SERVICE

This is to certify that on this 17<sup>th</sup> day of October, 2013 a true and correct copy of the above and foregoing instrument was mailed postage prepaid or hand delivered to:

Oklahoma Attorney General  
Scott Pruitt  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73015

Oklahoma Secretary of State  
2300 N. Lincoln Blvd.  
Room 101  
Oklahoma City, OK 73105



\_\_\_\_\_  
David R. Slane

Larry V. Parman  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

September 19, 2013

INTERAGENCY MAIL

The Honorable E. Scott Pruitt  
Attorney General  
313 NE 21st Street  
Oklahoma City, Oklahoma 73105

Dear Attorney General Pruitt:

You are hereby notified that Kathryn Turner, 940 Eastlake Drive, Blanchard, OK 73010, filed an initiative petition on September 18, 2013, with the Secretary of State. This petition is designated as State Question Number 767, Initiative Petition Number 397.

Pursuant to 34 O.S., § 8, the signatures for this petition are required to be filed within ninety (90) days after the filing of the petition or determination of the sufficiency of the petition by the Supreme Court as provided in this section, whichever is later. The signature requirement for this petition is 155,216.

The proposed ballot title is hereby submitted to you for review as to legal correctness pursuant to the provisions of 34 O.S. § 9(D).

If additional information is needed from this office, or if we may be of further assistance, please contact me.

Sincerely,

Larry V. Parman  
Secretary of State

A handwritten signature in cursive script that reads "Chris Morriss".

Chris Morriss  
Assistant Secretary of State

Enclosures: State Question 767  
Ballot Title

00024



**FILED**

SEP 18 2013

OKLAHOMA SECRETARY  
OF STATE

State Question No. 767 Initiative Petition No. 397

WARNING

IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN SUCH PETITION WHEN HIS IS NOT A LEGAL VOTER.

INITIATIVE PETITION

To the Honorable Mary Fallin, Governor of Oklahoma: We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed new section to the Oklahoma Constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election, to be held on the 10th day of November, 2014, (or such earlier special election as may be called by the Governor) and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filling this petition expires ninety days from the 18<sup>th</sup> day of September, 2013. The question we herewith submit to our fellow voters is:

Shall the following proposed new Section 44 of Article 10 of the Constitution be approved?

BALLOT TITLE

This measure amends the Oklahoma Constitution. It adds a new Section 44 to Article 10. Bonds could be sold. Up to Five Hundred Million Dollars (\$500,000,000.00) could be available. Bond money would be used for school districts and career technology districts. Bond money would be used for storm shelters or secure areas. State franchise taxes would repay these bonds. If money from franchise tax was not enough, the Legislature could use the General Revenue Fund to repay the bonds. State bond money could be used by school districts or career technology districts to reduce local debt or eliminate local debt incurred for storm shelters or secure areas. If enough money from franchise tax remains after state bonds are paid for, the balance of franchise tax could be used for grants for storm shelters for people and businesses. When state bonds are paid off, additional bonds could be sold to keep the programs funded. Laws would be written for details about using bond money. State agencies could make rules about state bond money. These rules would have the effect of law. The Oklahoma Constitution is being amended to allow state bond money to pay for shelters and secure areas in schools.

Shall the following proposed new Article X, Section 44 of the Constitution be approved?

For the proposal	-	YES
Against the proposal	-	NO

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

Section 44. A. The State of Oklahoma shall be authorized to issue bonds or other evidence of indebtedness in order to provide net proceeds equal to Five Hundred Million Dollars (\$500,000,000.00) for the purpose of acquiring, constructing or improving facilities to be used for the benefit of any common school district or career technology district within the state to provide shelter from dangerous weather conditions or to provide security to the students and employees of the district related to personal safety or both such purposes and for the purposes described by subsection I and subsection J of this section.

B. The maximum maturity for any obligation issued pursuant to subsection A of this section shall be twenty-five (25) years.

C. The Oklahoma Building Bonds Commission shall issue the obligations authorized by this section.

D. The Legislature, pursuant to enabling legislation enacted for such purpose, may define the types of facilities which may be acquired, constructed or improved with proceeds from the sale of obligations issued pursuant to this section in order to provide shelter from dangerous weather conditions, to provide secure areas and secure procedures to protect students and employees of common school districts and career technology districts from the threat or potential threat of violence or both such purposes.

E. The Legislature shall provide by law for the apportionment of the revenues currently derived from the levy of the franchise tax imposed for the privilege of doing business in the state as authorized pursuant to Section 1201 et seq. of Title 68 of the Oklahoma Statutes, as amended, so that one hundred percent (100%) of such franchise tax revenue, or so much thereof as may be required on an annual basis, is dedicated for the repayment of the obligations issued pursuant to the provisions of this section.

F. The Legislature may provide by law for the use of revenues derived from the levy of franchise tax which are not required for repayment of obligations issued pursuant to the provisions of this section in order to provide a grant program for construction of storm shelters for individuals and business entities. Such program shall be administered by the Office of Emergency Management or its successor. The use of franchise tax revenues for storm shelters as authorized by this subsection shall be deemed in furtherance of a public purpose and shall not be deemed a gift of state tax revenues.

PLAINTIFFS  
EXHIBIT  
R

00025

G. If the revenues described by subsection E of this section are insufficient to repay the obligations issued pursuant to the provisions of this section, the Legislature may use monies in the General Revenue Fund of the state not otherwise obligated, committed or appropriated in order to ensure the repayment of such obligations.

H. If any obligations issued pursuant to the provisions of this section are defeased, within the limit prescribed by subsection A of this section, the principal amount of such obligation shall become available for issuance by the state governmental entity designated pursuant to subsection C of this section if authorized by an act of the Legislature or authorized by an initiative petition approved in the manner required for laws pursuant to Section 2 of Article V of the Oklahoma Constitution. The act of the Legislature or the law proposed by initiative petition shall specify the amount of any additional issuance authorized by this subsection.

I. Pursuant to laws enacted by the Legislature for such purpose, the proceeds from the obligations issued pursuant to this section may be used to reduce or eliminate any debt incurred by a school district or career technology district for the purpose of acquiring or constructing a storm shelter or secure facility. The debt must have been incurred not earlier than May 1, 2013, pursuant to a vote of the eligible voters of the respective district. If the debt was incurred prior to May 1, 2013, but not prior to July 1, 2007, the provisions of this subsection shall authorize the use of the proceeds in order to reduce or eliminate such debt with respect to construction of the eligible assets which begins on or after May 1, 2013.

J. Pursuant to laws enacted by the Legislature for such purpose, the proceeds from the obligations issued pursuant to this section may be used to reimburse a common school district or a career technology district for expenditures made from a building fund created pursuant to Section 10 of Article X of the Oklahoma Constitution, with respect to a common school district, or for expenditures made from the revenue derived from a millage levy authorized pursuant to Section 9B of Article X of the Oklahoma Constitution, with respect to a career technology district, to the extent the expenditure was for the purpose of acquiring, constructing or improving a storm shelter or secure facility. The expenditure for such storm shelter or secure facility must have been incurred no earlier than May 1, 2013.

K. The obligations authorized pursuant to the provisions of this section may be issued in series, may be issued in either tax-exempt or taxable status for purposes of the Internal Revenue Code of 1986, as amended, and in such form as required in order to promote the marketability of such obligations.

L. Pursuant to laws enacted by the Legislature for such purpose, any administrative rule adopted by an agency of state government that imposes a condition or requirement upon a common school district or career technology district related to the use of proceeds from sale of the obligations authorized by this section shall be binding upon such school district or career technology district.

M. The proceeds from the sale of obligations issued pursuant to the provisions of this section may be made available to any common school district or any career technology district for the purposes authorized by this section and enabling legislation enacted pursuant to this section notwithstanding any other provision of the Oklahoma Constitution that would otherwise prohibit or restrict the use of such proceeds or the use of tax revenue for the repayment of principal, interest, reserves, issuing costs or other costs related to the sale of the obligations authorized by this section. Any provision of the Oklahoma Constitution that would otherwise restrict the issuance of obligations pursuant to this section, restrict the use of the proceeds from the sale of such obligations, restrict the use of tax revenues for repayment of the obligations or in any way restrict the operation of the provisions of this section shall be deemed to have been amended in order to remove any such restrictions.

Name and Address of Proponents:

Kathryn Turner

940 E. Lake

Blanchard, OK 73010

Mikki Davis

717 Woodbriar

Noble, OK 73068

Jerred Davidson

11200 N. Kickapoo Avenue

Shawnee, OK 74804

00026

Signatures

The gist of the proposition is: This measure amends the Oklahoma Constitution. It adds a new Section 44 to Article 10. Bonds could be sold. Up to Five Hundred Million Dollars (\$500,000,000.00) could be available. Bond money would be used for school districts and career technology districts. Bond money would be used for storm shelters or secure areas. State franchise taxes would repay these bonds. If money from franchise tax was not enough, the Legislature could use the General Revenue Fund to repay the bonds. State bond money could be used by school districts or career technology districts to reduce local debt or eliminate local debt incurred for storm shelters or secure areas. If enough money from franchise tax remains after state bonds are paid for, the balance of franchise tax could be used for grants for storm shelters for people and businesses. When state bonds are paid off, additional bonds could be sold to keep the programs funded. Laws would be written for details about using bond money. State agencies could make rules about state bond money. These rules would have the effect of law. The Oklahoma Constitution is being amended to allow state bond money to pay for shelters and secure areas in schools.

	Signature	Printed Name	Voting Address	City, Zip Code	County
01				OK	
02				OK	
03				OK	
04				OK	
05				OK	
06				OK	
07				OK	
08				OK	
09				OK	
10				OK	
11				OK	
12				OK	
13				OK	
14				OK	
15				OK	
16				OK	
17				OK	
18				OK	
19				OK	
20				OK	

AFFIDAVIT

STATE OF OKLAHOMA, )

) ss.

COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, being first duly sworn say:

That I collected the signatures of the persons on the foregoing petition and that:

- |           |           |
|-----------|-----------|
| 01. _____ | 11. _____ |
| 02. _____ | 12. _____ |
| 03. _____ | 13. _____ |
| 04. _____ | 14. _____ |
| 05. _____ | 15. _____ |
| 06. _____ | 16. _____ |
| 07. _____ | 17. _____ |
| 08. _____ | 18. _____ |
| 09. _____ | 19. _____ |
| 10. _____ | 20. _____ |

each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, address in which the signer is registered to vote, and that each signer is a legal voter in the State of Oklahoma.

\_\_\_\_\_  
Circulator's Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
Zip Code

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
Zip Code

My Commission Number is: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(SEAL)

00028

VERIFICATION

COUNTY OF OKLAHOMA        )  
  )       SS:  
STATE OF OKLAHOMA        )

I, Kristi Conatzer, Co-Petitioner, do hereby verify and state that I have read the information contained in the foregoing Application for Review of Substituted Ballot Title Prepared by Attorney General in Connection with Initiative Petition No. 397 and State Question 767, and it is true and correct to the best of my knowledge and belief.

Dated this 17th day of October, 2013.

*Kristi Conatzer*  
KRISTI CONATZER

SUBSCRIBED AND SWORN to before me this 17 day of October, 2013.



*Barbara A Allison*  
NOTARY PUBLIC

(SEAL)

My Commission Expires: 10/17/15

My Commission No.: 03012882

**VERIFICATION**

COUNTY OF OKLAHOMA        )  
  )  
STATE OF OKLAHOMA        )        SS:

I, Kathryn Turner, Co-Petitioner, do hereby verify and state that I have read the information contained in the foregoing Application for Review of Substituted Ballot Title Prepared by Attorney General in Connection with Initiative Petition No. 397 and State Question 767, and it is true and correct to the best of my knowledge and belief.

Dated this 17th day of October, 2013.

  
KATHRYN TURNER

SUBSCRIBED AND SWORN to before me this 17 day of October, 2013.



  
NOTARY PUBLIC

(SEAL)

My Commission Expires: 10/17/15

My Commission No.: 03012882



E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA

**FILED**

OCT 18 2013

**OKLAHOMA SECRETARY  
OF STATE**

October 16, 2013

Larry V. Parman  
Secretary of State  
2300 N. Lincoln Blvd., Room 101  
Oklahoma City, Oklahoma 73105

**Re: State Question No. 767, Initiative Petition No. 397**

Dear Secretary Parman:

There was an inadvertent error in the subject line of our letter dated October 11, 2013, in which we provided the Ballot Title for State Question No. 767. The reference was to Legislative Referendum No. 397 when it should have been to Initiative Petition No. 397. The Ballot Title itself is unchanged.

Please allow this letter to serve as a correction for this error.

Sincerely,

A handwritten signature in black ink that reads "Tom Bates".

Tom Bates  
First Assistant Attorney General

TB:clb

**RECEIVED**  
OCT 18 2013  
OKLAHOMA

00031



www.OkPress.com

# Oklahoma Press Service

3601 North Lincoln Blvd.

Oklahoma City, OK 73105-

Voice (405) 499-0020 Fax (405) 499-0048

Tuesday, October 29, 2013 03:31 PM

Page 1

## Proof of Publication - Order Number 13-10-63

I, Cindy Shea, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OKC-JOURNAL RECORD, a Daily newspaper printed and published in the city of OKLAHOMA CITY, county of Oklahoma, and state of Oklahoma, and that the advertisement referred to, a true and printed copy of which is here unto attached, was published in said OKC-JOURNAL RECORD in consecutive issues on the following dates-to-wit:

Insertion: 10/18/2013

That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

PUBLICATION FEE \$65.90

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this 29 day of October 2013.

(Notary Public)



### NOTICE OF THE FILING OF STATE QUESTION NUMBER 767 INITIATIVE PETITION NUMBER 397

NOTICE is hereby given that on September 18, 2013, State Question Number 767, Initiative Petition Number 397 was filed in the Office of the Secretary of State.

The ballot title for this initiative petition is as follows:

This measure adds Article 10, Section 44 to the Oklahoma Constitution. The new Section authorizes the issuance of up to 500 million dollars in State bonds. The bond money would be used by local school districts and career technology districts for storm shelters and campus security.

The measure does not provide for new State revenues to pay for the bonds. Under the measure State franchise tax revenues would no longer go into the General Revenue Fund, which is the primary fund used to pay for State Government. Rather, franchise tax revenues would be used for annual bond payments (principal and interest).

In any year in which the franchise tax revenues are not sufficient to make annual payments, the Legislature, at its discretion, could use General Revenue Fund monies to make the annual bond payment.

In years in which not all the franchise tax revenues are needed to make payments, the remaining franchise tax revenues with Legislative approval could be used for storm shelter grants to individuals and businesses.

In authorizing these bond and grant programs, the measure creates exceptions to the Constitution's prohibitions on gifts and the use of the State's credit.

#### SHALL THE PROPOSED AMENDMENT TO THE CONSTITUTION BE APPROVED?

- Yes - For the proposition
- No - Against the proposition

NOTICE is hereby given that, as provided in 34 O.S. § 8 and 10, any citizen or citizens of the state may file a protest as to the constitutionality of the petition or as to the ballot title, by a written notice to the Oklahoma Supreme Court and to the proponent or proponents filing the petition. Proponents filing are: Kathryn Turner, 940 E. Lake, Blanchard, OK 73010; Mikki Davis, 717 Woodbriar, Noble, OK 73068; and Jered Davidson, 11200 N. Kickapoo Avenue, Shawnee, OK 74804. Any such protest must be filed within ten (10) days after this publication. A copy of the protest shall be filed with the Secretary of State.

Larry V. Parman  
Secretary of State

(10-18-13)

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OCT 29 2013

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Tuesday, October 29, 2013 03:31 PM

Page 1

## Proof of Publication - Order Number 13-10-63

I, Cindy Shea, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of TULSA WORLD - Legal, a Daily newspaper printed and published in the city of TULSA, county of Tulsa, and state of Oklahoma, and that the advertisement referred to, a true and printed copy of which is here unto attached, was published in said TULSA WORLD - Legal in consecutive issues on the following dates-to-wit:

Insertion: 10/18/2013

That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

PUBLICATION FEE \$512.25

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this 29 day of October 2013.

(Notary Public)



Published in the Tulsa World, October 18, 2013, Tulsa, OK

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Larry V. Perman  
Secretary of State

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Insertion: 10/18/2013

That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

PUBLICATION FEE \$1,128.94

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this 29 day of October 2013.

(Notary Public)



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Larry V. Parman  
Secretary of State

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OCT 29 2013

OKLAHOMA SECRETARY OF STATE

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

NO. 112264

FILED  
SUPREME COURT  
STATE OF OKLAHOMA  
NOV - 6 2013  
MICHAEL J. FICHIE  
CLERK

IN RE: INITIATIVE PETITION NO. 397

**FILED**

NOV 06 2013

OKLAHOMA SECRETARY  
OF STATE

SUPPLEMENTAL BRIEF OF PETITIONER/PROPONENT

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NOV 06 2013

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00035

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IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

In Re: Initiative Petition No. 397, )  
State Question 767, )  
TAKE SHELTER OKLAHOMA )  
AND KRISTI CONATZER, )  
Petitioners, )  
Vs. ) Case No. 112264  
STATE OF OKLAHOMA, ex rel., )  
ATTORNEY GENERAL E. SCOTT )  
PRUITT, )  
Respondent. )

SUPPLEMENTAL BRIEF

**THE STATUTORY DEADLINE IS JURISDICTIONAL**

Under Oklahoma law ideal 34 O.S. § 9 the attorney general shall follow the following procedure:

“The following procedure shall apply to ballot titles of referendums ordered by a petition of the people or any measure proposed by an initiative petition:

1. After the filing of the petition and prior to the gathering of signatures thereon, the Secretary of State shall submit the proposed ballot title to the Attorney General for review as to legal correctness. Within five (5) business days after the filing of the measure and ballot title, the Attorney General shall, in writing, notify the Secretary of State whether or not the proposed ballot title complies with applicable laws. The Attorney General shall state with specificity and all defects found and, if necessary, within ten (10) business days of determining that the proposed ballot title is defective, prepare and file a ballot title which complies with the law;”

Petitioners believe the deadline is jurisdictional and failure to object is a fatal flaw. The statute uses the word "shall" not the word "may" or any other optional word to allow for objection after the 5 days.

The entire statutory scheme is to set up with statutory guidelines and deadlines. The purpose of the law is to allow the People to Petition the Government for a change in the law or as in this case the Constitution. It is a very quick ninety (90) day process. Any delay is prejudicial and harmful.

Additionally, it should be noted it is not an objection and rewrite within five (5) days but merely a five (5) day objection to put all parties on notice of a potential problem. The failure to do so starts a delay for all parties because it creates uncertainty in the entire process.

**PETITIONERS REQUEST AN ADDITIONAL NINETY (90) DAYS**

Petitioners request the Court grant ninety (90) additional days from their decision according to Title 34 § 8(E).

Petitioners request the court issue a separate and Early Order so that the parties will know if the ninety (90) additional days will be granted.

The effects of the Attorney General's rewrite of the title has hampered, created public confusion and has the effect of sabotaging the Petitioners effort to obtain the approximately 160,000 signatures required for the measure to be placed on the ballot for a Vote of the People.

## RECUSAL OF ATTORNEY GENERAL SCOTT PRUITT

The Attorney General should be recused and removed from this case. 5 O.S. Ch.1.

Section Rule 1.7, IDENTIFYING CONFLICTS OF INTEREST MATERIAL  
LIMITATION: Comment [8]:

“Even where there is no direct adverseness, a conflict of interest exists if there is a significant risk that a lawyer’s ability to consider, recommend or carry out an appropriate course of action for the client will be materially limited as a result of the lawyer’s other responsibilities or interests. For example, a lawyer asked to represent several individuals seeking to form a joint venture is likely to be materially limited in the lawyer’s ability to recommend or advocate all possible positions that each might take because of the lawyer’s duty of loyalty to the others. The conflict in effect forecloses alternatives that would otherwise be available to the client. The mere possibility of subsequent harm does not itself require disclosure and consent. The critical questions are the likelihood that a difference in interests will eventuate and, if it does, whether it will materially interfere with the lawyer’s independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be pursued on behalf of the client.” (Exhibit 1)

In support, the Petitioners would allege that the Attorney General rewrote the Ballot Title in order to help defeat the measure at the election.

The Initiative would propose that shelters be placed in every public school in the State of Oklahoma. This protection would save children’s lives in the event a school was hit by a tornado.

The shelters would be paid for by funding from the Corporate Franchised Tax.

The State Chamber of Commerce has publically worked to eliminate the Corporate Franchised Tax. (Exhibit 2)

The leaders of the State Chamber of Commerce and influential members of the State Chambers of Commerce have contributed thousands of campaign dollars to Scott Pruitt, the State Attorney General. (Exhibit 3 examples include public utilities, banks and telecommunications)

It is for this reason that the Attorney General did not make the changes to the title for "legal correctness" as required by 34 O.S. § 9 D.1

If the court reviews the Petitioners proposed ballot there is nothing "legally incorrect" about the title. These changes were made because the Attorney General Scott Pruitt is politically motivated to assist his political motivated (campaign contributing) friends at the State Chamber of Commerce. The Attorney General has rewritten the title to help achieve the goal of eliminating the Corporate Franchised Tax and defeating the Initiative Petition.

#### **TITLE COMPARISON**

The Attorney General should carry the burden established that he was required by law to rewrite the ballot title due to it being legally incorrect under Oklahoma law. Petitioners proposed the following measure:

"This measure amends the Oklahoma Constitution. It adds a new Section 44 to Article 10. Bonds could be sold. Up to Five Hundred Million Dollars (\$500,000,000.00) could be available. Bond money would be used for school districts and career technology districts. Bond money would be used for storm shelters or secure areas. State franchise taxes would repay these bonds. If money from franchise tax was not enough, the Legislature could use the General Revenue Fund to repay the bonds. State bond money could be used by school districts or career technology districts to reduce local debt or eliminate local debt incurred for storm shelters or secure areas. If enough money from franchise tax remains after state bonds are paid for, the balance of franchise tax could be used for grants for

storm shelters for people and businesses. When state bonds are paid off, additional bonds could be sold to keep the programs funded. Laws would be written for details about using bond money. State agencies could make rules about state bond money. These rules would have the effect of law. The Oklahoma Constitution is being amended to allow state bond money to pay for shelters and secure areas in schools.”

Upon the Initiative submission, Attorney General Scott Pruitt, gave the following grounds for rewriting the Ballot Title:

1. It does not explain that under current law franchise tax revenues are paid into the State’s General Revenue Fund;
2. It does not explain the loss to the State’s General Revenue Fund that would occur when bonds are issued and franchise tax revenues are used to repay the bond obligations authorized in the proposal;
3. It fails to explain that if the state franchise tax revenues are not sufficient to pay off the bond obligations, there may not be any funds available to pay the bond holders.
4. It does not explain that when the franchise tax revenues are not sufficient to pay the bond obligations, the Legislature is not required to use General Revenue Fund monies to pay the bond obligations;
5. It fails to explain that the measure creates exceptions to the constitutional provisions prohibiting gifts of the state monies and the use of the credit of the state.

**PETITIONERS WOULD SUBMIT THE FOLLOWING FOR CONSIDERATION**

The burden of proof rests with the Attorney General to show that the ballot title as submitted by the Petitioners is not legally correct. Under the statute the Attorney General only has the authority to rewrite the language if it is not legally correct. The

ballot title as submitted by the Petitioners is legally correct and the Attorney General failed to prove otherwise in his untimely objection of September 27, 2013. Petitioners would submit the following response to the Attorney General's objection and rewrite:

1. The ballot title as submitted states that the franchise tax will repay the debt on the bond. That is legally correct. Where the revenue from the franchise tax is currently deposited is irrelevant and has no impact as to the legal correctness of the ballot title as it does not matter where such revenue is deposited since the petition would direct that the revenue from the franchise tax be used to repay the bond debt. In fact, nothing guarantees that the revenue from the franchise tax will still be deposited in the State's General Revenue Fund by the time the petition is placed on the ballot. The legislature could have directed the money elsewhere by such time, which could then make any reference to where the franchise tax is deposited legally incorrect.

2. A political commentary on the "loss to the State's General Revenue Fund" is irrelevant as the legal correctness of the ballot title. The petition directs the franchise tax to pay the bond indebtedness, and the ballot title as submitted by the Petitioners provides a correct legal description of such. Again, nothing guarantees that the revenue from the franchise tax will still be deposited in the State's General Revenue Fund by the time the petition is placed on the ballot. The legislature could have directed the money elsewhere by such time, which could then make any discussion about the "loss to the State's General Revenue Fund" legally incorrect. Further the statute prohibits "partiality in its composition" or the inclusion of "any argument for or against the measure", therefore any discussion of the "loss to the State's General Revenue Fund" would violate the statute.

3. The measure clearly states the legislature is responsible for ensuring all debts are paid from the General Revenue Fund, should the franchise tax not be sufficient to pay the debt service. Therefore, the Attorney's General claim that "there may not be any funds available to pay the bond holders" is false so this false statement is irrelevant to the legal correctness of the ballot title as submitted by the Petitioners.

4. Sentence five of the original ballot title reads "If money from franchise tax was not enough, the Legislature could use the General Revenue Fund to repay the bonds." That is legally correct. The Attorney General is misleading when he leaves doubt as to whether the legislature is required to repay the bond obligations since the Petition states that the legislature is obligated to use monies from the General Revenue Fund if the franchise tax falls short "in order to ensure the repayment of such obligations."

5. The ballot title specifically explains the exception as it states the purpose of the measure is to amend the Constitution and to issue bonds for the purpose of funding storm shelters and secure areas in schools. It is legally correct The Attorney's General point is irrelevant as this is the reason for the Constitutional amendment. If the provisions were currently allowed, then there would be no reason to have such a Constitutional amendment filed.

Additionally, Title 34, § 9(B) of state statute outlines what the ballot title submitted by the Petitioners shall do:

"B. The parties submitting the measure shall also submit a suggested ballot title which shall be filed on a separate sheet of paper and shall not be deemed part of the petition.

The suggested ballot title:

"1. Shall not exceed two hundred (200) words;

"2. Shall explain in basic words, which can be easily found in dictionaries of general usage, the effect of the proposition;

- "3. Shall not contain any words which have a special meaning for a particular profession or trade not commonly known to the citizens of this state;
- "4. Shall not reflect partiality in its composition or contain any argument for or against the measure;
- "5. Shall contain language which clearly states that a "yes" vote is a vote in favor of the proposition and a "no" vote is a vote against the proposition; and
- "6. Shall not contain language whereby a "yes" vote is, in fact, a vote against the proposition and a "no" vote is, in fact, a vote in favor of the proposition."

The Ballot Title submitted by the Petitioners meets all six requirements and the Attorney General has failed to meet the burden of proof that the ballot title as submitted by the Petitioners does not meet the six points nor has he met the burden of proof that the ballot title as submitted by the Petitioners is legally incorrect.

In contrast to the legally correct ballot title submitted by the Petitioners, the revised ballot title as prepared by the Attorney General violates the statute and is legally incorrect.

The ballot title as rewritten by the Attorney General states:

"This measure adds Article 10, Section 44 to the Oklahoma Constitution. The new Section authorizes the issuance of up to 500 million dollars in State bonds. The bond money would be used by local school districts and career technology districts for storm shelters and campus security.

"The measure does not provide for new State revenues to pay for the bonds. Under the measure State franchise tax revenues would no longer go into the General Revenue Fund, which is the primary fund used to pay for State Government. Rather, franchise tax revenues would be used for annual bond payments (principal and interest).

"In any year in which the franchise tax revenues are not sufficient to make annual payments, the Legislature, at its

discretion, could use General Revenue Fund monies to make the bond payment.

"In years in which not all the franchise tax revenues are needed to make payments, the remaining franchise tax revenue – with Legislative approval – could be used for storm shelter grants to individuals and businesses.

"In authorizing these bond and grant programs, the measure creates exceptions to the Constitution's prohibitions on gifts and the use of the State's credit."

The Attorney's General rewritten ballot title violates the law and is legally incorrect as follows:

1. The second paragraph reflects partially in its composition, as prohibited by statute, by making the argument against the measure because no new state revenues are raised to pay for the bonds. The language further reflects partially in its composition by suggesting potential harm to the General Revenue Fund since the franchise tax revenue would no longer be deposited in that fund. Further nothing guarantees that the revenue from the franchise tax will still be deposited in the State's General Revenue Fund by the time the petition is placed on the ballot. The legislature could have directed the money elsewhere by such time, which could then make any discussion about the General Revenue Fund legally incorrect.

2. The last paragraph is legally incorrect since passage of the measure amends to Constitution to provide for such.

The language, as submitted by Take Shelter Oklahoma, in regards to the Constitutional amendment, reads as follows:

Section 44. A. The State of Oklahoma shall be authorized to issue bonds or other evidence of indebtedness in order to provide net proceeds equal to Five Hundred Million

Dollars (\$500,000,000.00) for the purpose of acquiring, constructing or improving facilities to be used for the benefit of any common school district or career technology district within the state to provide shelter from dangerous weather conditions or to provide security to the students and employees of the district related to personal safety or both such purposes and for the purposes described by subsection I and subsection J of this section.

B. The maximum maturity for any obligation issued pursuant to subsection A of this section shall be twenty-five (25) years.

C. The Oklahoma Building Bonds Commission shall issue the obligations authorized by this section.

D. The Legislature, pursuant to enabling legislation enacted for such purpose, may define the types of facilities which may be acquired, constructed or improved with proceeds from the sale of obligations issued pursuant to this section in order to provide shelter from dangerous weather conditions, to provide secure areas and secure procedures to protect students and employees of common school districts and career technology districts from the threat or potential threat of violence or both such purposes.

E. The Legislature shall provide by law for the apportionment of the revenues currently derived from the levy of the franchise tax imposed for the privilege of doing business in the state as authorized pursuant to Section 1201 et seq. of Title 68 of the Oklahoma Statutes, as amended, so that one hundred percent (100%) of such franchise tax revenue, or so much thereof as may be required on an annual basis, is dedicated for the repayment of the obligations issued pursuant to the provisions of this section.

F. The Legislature may provide by law for the use of revenues derived from the levy of franchise tax which are not required for repayment of obligations issued pursuant to the provisions of this section in order to provide a grant program for construction of storm shelters for individuals and business entities. Such program shall be administered by the Office of Emergency Management or its successor. The use of franchise tax revenues for storm shelters as authorized by this subsection shall be deemed in furtherance of a public purpose and shall not be deemed a gift of state tax revenues.

G. If the revenues described by subsection E of this section are insufficient to repay the obligations issued pursuant to the provisions of this section, the Legislature may use monies in the General Revenue Fund of the state not otherwise obligated, committed or appropriated in order to ensure the repayment of such obligations.

H. If any obligations issued pursuant to the provisions of this section are defeased, within the limit prescribed by subsection A of this section, the principal amount of such obligation shall become available for issuance by the state governmental entity designated pursuant to subsection C of this section if authorized by an act of the Legislature or authorized by an initiative petition approved in the manner required for laws pursuant to Section 2 of Article V of the Oklahoma Constitution. The act of the Legislature or the law proposed by initiative petition shall specify the amount of any additional issuance authorized by this subsection.

I. Pursuant to laws enacted by the Legislature for such purpose, the proceeds from the obligations issued pursuant to this section may be used to reduce or eliminate any debt incurred by a school district or career technology district for the purpose of acquiring or constructing a storm shelter or secure facility. The debt must have been

incurred not earlier than May 1, 2013, pursuant to a vote of the eligible voters of the respective district.

J. Pursuant to laws enacted by the Legislature for such purpose, the proceeds from the obligations issued pursuant to this section may be used to reimburse a common school district or a career technology district for expenditures made from a building fund created pursuant to Section 10 of Article X of the Oklahoma Constitution, with respect to a common school district, or for expenditures made from the revenue derived from a millage levy authorized pursuant to Section 9B of Article X of the Oklahoma Constitution, with respect to a career technology district, to the extent the expenditure was for the purpose of acquiring, constructing or improving a storm shelter or secure facility. The expenditure for such storm shelter or secure facility must have been incurred no earlier than May 1, 2013.

K. The obligations authorized pursuant to the provisions of this section may be issued in series, may be issued in either tax-exempt or taxable status for purposes of the Internal Revenue Code of 1986, as amended, and in such form as required in order to promote the marketability of such obligations.

L. Pursuant to laws enacted by the Legislature for such purpose, any administrative rule adopted by an agency of state government that imposes a condition or requirement upon a common school district or career technology district related to the use of proceeds from sale of the obligations authorized by this section shall be binding upon such school district or career technology district.

M. The proceeds from the sale of obligations issued pursuant to the provisions of this section may be made available to any common school district or any career

technology district for the purposes authorized by this section and enabling legislation enacted pursuant to this section notwithstanding any other provision of the Oklahoma Constitution that would otherwise prohibit or restrict the use of such proceeds or the use of tax revenue for the repayment of principal, interest, reserves, issuing costs or other costs related to the sale of the obligations authorized by this section. Any provision of the Oklahoma Constitution that would otherwise restrict the issuance of obligations pursuant to this section, restrict the use of the proceeds from the sale of such obligations, restrict the use of tax revenues for repayment of the obligations or in any way restrict the operation of the provisions of this section shall be deemed to have been amended in order to remove any such restrictions.

#### CONCLUSION

The Ballot Title as well as the entire Initiative is legally correct and sound under Oklahoma Law. The Attorney General has exceeded his authority by rewriting the Initiative Ballot Title because it was never "legally incorrect". It is for this reason that the proposed language of Take Shelter Oklahoma should be used and not that of the Attorney General.

WHEREFORE, Petitioners would request the Petitioner's short title be restored, the ninety (90) days be extended by law, and the Attorney General be removed from the case.

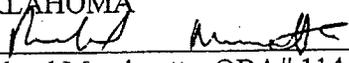
Respectfully submitted,



---

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ATTORNEY FOR TAKE SHELTER  
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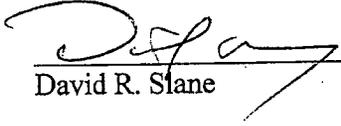
  
Richard Morrisette, OBA# 11446  
217 N. Harvey, Suite 101  
Oklahoma City, OK 73102  
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ATTORNEY FOR TAKE SHELTER  
OKLAHOMA

**CERTIFICATE OF SERVICE**

This is to certify that on this 6<sup>th</sup> day of November, 2013 a true and correct copy of the above and foregoing instrument was mailed postage prepaid or hand delivered to:

Oklahoma Attorney General  
Scott Pruitt  
313 NE 21<sup>st</sup> Street  
Oklahoma City, OK 73015

Oklahoma Secretary of State  
2300 N. Lincoln Blvd.  
Room 101  
Oklahoma City, OK 73105

  
David R. Slane

**Oklahoma Statutes Citationized****Title 5. Attorneys and the State Bar****Chapter 1 - Attorneys and Counselors****Appendix 3-A - Oklahoma Rules of Professional Conduct****Article Client-Lawyer Relationship****Section Rule 1.7 - Conflict of Interest: Current Clients**

Cite as: O.S. §. \_\_\_



Oklahoma Rules of Professional Conduct  
Chapter 1, App. 3-A  
Client-Lawyer Relationship  
Rule 1.7. Conflict of Interest: Current Clients

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

- (1) the representation of one client will be directly adverse to another client; or
- (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

- (1) the lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;
- (2) the representation is not prohibited by law;
- (3) the representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
- (4) each affected client gives informed consent, confirmed in writing.

**Comment****General Principles**

[1] Loyalty and independent judgment are essential elements in the lawyer's relationship to a client. Concurrent conflicts of interest can arise from the lawyer's responsibilities to another client, a former client or a third person or from the lawyer's own interests. For specific Rules regarding certain concurrent conflicts of interest, see Rule 1.8. For former client conflicts of interest, see Rule 1.9. For conflicts of interest involving prospective clients, see Rule 1.18. For definitions of "informed consent" and "confirmed in writing," see Rule 1.0(e) and (b).

[2] Resolution of a conflict of interest problem under this Rule requires the lawyer to: 1) clearly identify the client or clients; 2) determine whether a conflict of interest exists; 3) decide whether the representation may be undertaken despite the existence of a conflict, i.e., whether the conflict is consentable; and 4) if so, consult with the clients affected under paragraph (a) and obtain their informed consent, confirmed in writing. The clients affected under paragraph (a) include both of the clients referred to in paragraph (a)(1) and the one or more clients whose representation might be materially limited under paragraph (a)(2).

[3] A conflict of interest may exist before representation is undertaken, in which event the representation must be declined, unless the lawyer obtains the informed consent of each client under the conditions of paragraph (b). To determine whether a conflict of interest exists, a lawyer should adopt reasonable procedures appropriate for the size and type of firm and practice, to determine in both litigation and non-litigation matters the persons and issues involved. See also Comment to Rule 5.1. Ignorance caused by a failure to institute such procedures will not excuse a lawyer's violation of this Rule. As to whether a client-lawyer relationship exists or, having once been established, is continuing, see Comment to Rule 1.3 and Scope.

[4] If a conflict arises after representation has been undertaken, the lawyer ordinarily must withdraw from the representation, unless the lawyer has obtained the informed consent of the client under the conditions of paragraph (b). See Rule 1.16. Where more than one client is involved, whether the lawyer may continue to represent any of the clients is determined both by the lawyer's ability to comply with duties owed to the former client and by the lawyer's ability to represent adequately the remaining client or clients, given the lawyer's duties to the former client. See Rule 1.9. See also Comments [5] and [29].

[5] Unforeseeable developments, such as changes in corporate and other organizational affiliations or the addition or realignment of parties in litigation, might create conflicts in the midst of a representation, as when a company sued by the lawyer on behalf of one client is bought by another client represented by the lawyer in an unrelated matter. Depending on the circumstances, the lawyer may have the option to withdraw from one of the representations in order to avoid the conflict. The lawyer must seek court approval where necessary and take steps to minimize harm to the clients. See Rule 1.16. The lawyer must continue to protect the confidences of the client from whose representation the lawyer has withdrawn. See Rule 1.9(c).

#### **Identifying Conflicts of Interest: Directly Adverse**

[6] Loyalty to a current client prohibits undertaking representation directly adverse to that client without that client's informed consent. Thus, absent consent, a lawyer may not act as an advocate in one matter against a person the lawyer represents in some other matter, even when the matters are wholly unrelated. The client as to whom the representation is directly adverse is likely to feel betrayed, and the resulting damage to the client-lawyer relationship is likely to impair the lawyer's ability to represent the client effectively. In addition, the client on whose behalf the adverse representation is undertaken reasonably may fear that the lawyer will pursue that client's case less effectively out of deference to the other client, i.e., that the representation may be materially limited by the lawyer's interest in retaining the current client. Similarly, a directly adverse conflict may arise when a lawyer is required to cross-examine a client who appears as a witness in a lawsuit involving another client, as when the testimony will be damaging to the client who is represented in the lawsuit. On the other hand, simultaneous representation in unrelated matters of clients whose interests are only economically adverse, such as representation of competing economic enterprises in unrelated litigation, does not ordinarily constitute a conflict of interest and thus may not require consent of the respective clients.

[7] Directly adverse conflicts can also arise in transactional matters. For example, if a lawyer is asked to represent the seller of a business in negotiations with a buyer represented by the lawyer, not in the same transaction but in another, unrelated matter, the lawyer could not undertake the representation without the informed consent of each client.

#### **Identifying Conflicts of Interest: Material Limitation**

[8] Even where there is no direct adverseness, a conflict of interest exists if there is a significant risk that a lawyer's ability to consider, recommend or carry out an appropriate course of action for the client will be materially limited as a result of the lawyer's other responsibilities or interests. For example, a lawyer asked to represent several individuals seeking to form a joint venture is likely to be materially limited in the lawyer's ability to recommend or advocate all possible positions that each might take because of the lawyer's duty of loyalty to the others. The conflict in effect forecloses alternatives that would otherwise be available to the client. The mere possibility of subsequent harm does not itself require disclosure and consent. The critical questions are the likelihood that a difference in interests will eventuate and, if it does, whether it will materially interfere with the lawyer's independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be pursued on behalf of the client.

#### **Lawyer's Responsibilities to Former Clients and Other Third Persons**

[9] In addition to conflicts with other current clients, a lawyer's duties of loyalty and independence may be materially limited by responsibilities to former clients under Rule 1.9 or by the lawyer's responsibilities to other persons, such as fiduciary duties arising from a lawyer's service as a trustee, executor or corporate director.

#### **Personal Interest Conflicts**



## Elimination of Oklahoma Franchise Tax

January 2013

Jonathan Buxton, VP Policy Development & Government Affairs ([jbuxton@okstatechamber.com](mailto:jbuxton@okstatechamber.com))

### Fast Facts

- Corporations pay a tax that is based on the amount of capital invested in Oklahoma
- In 2010, SJR61 placed a moratorium on the Franchise Tax until July 1, 2013
- In lieu of Franchise Tax, businesses were required to pay the Business Activity Tax

### Background

The Oklahoma Franchise Tax is a tax that corporations pay based on the amount of capital invested in Oklahoma; essentially a tax for the right to do business in Oklahoma. According to the Oklahoma Tax Commission, corporations are taxed \$1.25 for every \$1000 they invest in Oklahoma. The Franchise Tax goes above and beyond the already existing 6% Corporate Tax assessed on business, making Oklahoma a less attractive place to do business. It especially is hard on small business as often times the cost of compliance is more than the amount the state receives in taxes.

The Franchise Tax puts companies that want to or currently do business in Oklahoma at a huge tax disadvantage and serves as a disincentive for economic development, recruitment, capital investment; and could lead to companies moving their businesses to competing states.

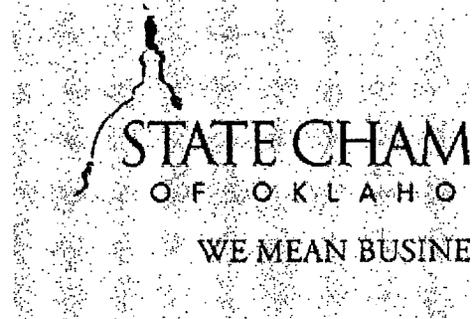
The Franchise Tax stands out as one of the most uncompetitive taxes the state levies; elimination of this tax could be one of the best ways to improve the competitiveness of the Oklahoma tax system and enhance economic growth. Eliminating this tax not only lowers the burden but also simplifies the tax system. That alone easily makes franchise tax worthy of repeal.

### Chamber Policy

Eliminate the Franchise tax.

00053





### Executive Committee



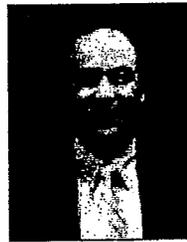
(executive-

committees/gwendolyn-caldwell)  
**Gwendolyn Caldwell,**  
Senior VP of Government  
Affairs (executive-  
committees/gwendolyn-caldwell)  
State Chamber of Oklahoma  
(<http://www.okstatechamber.com>)



(executive-committees/glenn-

coffee)  
**Glenn Coffee,**  
Attorney-At-Law (executive-committees/glenn-coffee)  
**Glenn Coffee and Associates, PLLC**  
(<https://www.facebook.com/pages/Glenn-Coffee-and-Associates-PLLC/336812993095827>)



(executive-

committees/brent-copeland)  
**Brent Copeland,**  
Plant Manager (executive-  
committees/brent-copeland)  
Goodyear Tire & Rubber Co.  
(<http://www.goodyear.com>)



(e)

committees/peter-delaney)  
**Peter Delaney,**  
Chairman, President and  
(executive-committees/peter-  
OGE Energy Corp  
(<http://www.oge.com>)



(executive-

committees/aaron-fulkerson)  
**Aaron Fulkerson,**  
Vice President & CAO (executive-  
committees/aaron-fulkerson)  
Schnake Turnbo Frankl PR  
(<http://www.stfpr.com>)



(executive-committees/bryan-

gonterman)  
**Bryan Gonterman,**  
President (executive-committees/bryan-gonterman)  
AT&T (<http://www.att.com>)



(executive-

committees/ted-haynes)  
**Ted Haynes,**  
President (executive-committees/ted-  
-haynes)  
BlueCross and BlueShield of  
Oklahoma  
(<http://www.bcbsok.com/>)



(e)

committees/steve-hendrick)  
**Steve Hendricks**  
Director, Government  
Operations (executive-  
committees/steve-hendrick)  
The Boeing Company  
(<http://www.boeing.com>)

00054





(executive-  
committees/chris-hitch)  
**Chris Hitch,**  
President and Co-CEO (executive-  
committees/chris-hitch)  
**Hitch Enterprises, Inc.**  
(<http://www.hitcho.com>)



(executive-committees/brad-  
krieger)  
**Brad Krieger,**  
Chairman (executive-committees/brad-krieger)  
**Arvest Bank** (<http://www.arvest.com>)



(executive-  
committees/greg-m-love)  
**Greg M. Love,**  
President and COO (executive-  
committees/greg-m-love)  
**Love's Travel Stops & Country  
Stores, Inc.** (<http://www.loves.com>)



(e)  
committees/greg-massey  
**Greg Massey,**  
President & CEO (exec-  
committees/greg-massey)  
**First United Bank & Tr**  
(<https://www.firstunitedban>)



(executive-  
committees/eddie-miller)  
**Eddie Miller,**  
CEO (executive-committees/eddie-  
miller)  
**Bios Management Company**  
(<http://bioscorp.com/>)



(executive-committees/chuck-  
mills)  
**Chuck Mills,**  
President (executive-committees/chuck-mills)  
**Mills Machine Company, Inc.**  
(<http://www.millsmachine.com>)



(executive-  
committees/fred-s-morgan)  
**Fred S. Morgan,**  
President and CEO (executive-  
committees/fred-s-morgan)  
**State Chamber of Oklahoma**  
(<http://www.okstatechamber.com>)



(e)  
committees/kristin-pec  
**Kristin Peck,**  
VP Government & Public  
(executive-committees/kristi)  
**Cox Communications,**  
(<http://www.cox.com>)



(executive-  
committees/renee-porter)  
**Renee Porter,**  
President (executive-  
committees/renee-porter)  
**Advancia Corporation**  
(<http://www.advancia.com>)



(executive-committees/h-j-  
reed)  
**H. J. Reed,**  
Manager, State Government Affairs, Mid-  
Continent (executive-committees/h-j-reed)  
**Phillips 66**  
(<http://www.phillips66.com/ENV/Pages/index.aspx>)



(executive-  
committees/t-hastings-siegfried)  
**T. Hastings Siegfried,**  
Vice Chairman (executive-  
committees/t-hastings-siegfried)  
**NORDAM** (<http://www.nordam.com>)

00055

COMMITTEE NAME & NUMBER Scott Pruitt For Attorney General  
2014 114038 REPORTING PERIOD: FROM Apr 01, 2013 to Ju

### SCHEDULE A1. MONETARY CONTRIBUTIONS from committees

**SCHEDULE A1. CONTRIBUTIONS.** Give the following information for the contributions of more than \$50 in the aggregate from a committee [p  
 committee, political party committee, or candidate committee] during the reporting period.

Name, Ethics Commission number, and address of contributor	Principal interest or principal business activity	Date accepted	Amount of contribution [written instrument only]	
McGuirewoods Federal PAC (513003) 901 East Cary Street Richmond, VA 23219	Support Candidates For Election	Jun 21, 2013	1,000.00	
Phillips Murrah PAC (f/k/a Phillips McFall PAC) (200009) Corporate Tower, 101 N Robinson 13th Fl Oklahoma City, OK 73102	Support Or Oppose Candidates.	Jun 17, 2013	1,000.00	
Chesapeake Oklahoma Pac (210032) P.o. Box 18496 Oklahoma City, OK 73154	To Support Oklahoma State And Local Candidates	Jun 06, 2013	1,000.00	
Oklahoma Medical PAC (OMPAC) (209016) PO Box 54520 Oklahoma City, OK 73154	Support Candidates For Election	Jun 04, 2013	1,000.00	
OGE ENERGY CORP EMPLOYEES PAC (597183) PO Box 321 Oklahoma City, OK 73101	This Is A Separate Segregated Fund.	Jun 04, 2013	1,500.00	
AT&T Oklahoma PAC (297312) 405 N Broadway Room 1128 Oklahoma City, OK 73102	To Promote And Support State Candidates.	Jun 04, 2013	5,000.00	
REFUNDS ONLY: Name, EC number and address of contributor	Principal interest or principal business activity	Date refunded	Refunded amount	Reason for refund
(a) Total contributions over \$50 in the aggregate (itemized above) during reporting period			10,500.00	
(b) Total contributions of \$50 or less in the aggregate during reporting period			.00	
Number of contributors making contributions of \$50 or less			0	
(c) TOTAL contributions during reporting period [(a) + (b); enter on line 7, column (a)]			10,500.00	

EC FORM C-1R Schedule A1 [Rev. 4/12]

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COMMITTEE NAME & NUMBER Scott Pruitt For Attorney General  
2014 114038 REPORTING PERIOD: FROM Jul 01, 2013 to Se

### SCHEDULE A1. MONETARY CONTRIBUTIONS from committees

SCHEDULE A1. CONTRIBUTIONS. Give the following information for the contributions of more than \$50 in the aggregate from a committee [p  
 committee, political party committee, or candidate committee] during the reporting period.

Name, Ethics Commission number, and address of contributor	Principal interest or principal business activity	Date accepted	Amount of contribution [written instrument only]	
AHS Medical Holdings LLC Good Government Fund (505001) One Burton Hills Boulevard, Suite 250 Nashville, TN 37215	To Support Good Government	Sep 30, 2013	5,000.00	
Marathon Oil Company Employees PAC (597154) PO Box 75000 Detroit, MI 48275-2250	Political Action	Sep 30, 2013	5,000.00	
Oklahoma Dental Political Action Committee (DENPAC) (297209) 317 NE 13th St Oklahoma City, OK 73104	Support Candidates.	Sep 30, 2013	5,000.00	
OKla Bankers Public Affairs Committee [OKB PAC] (597182) 643 NE 41st St Oklahoma City, OK 73105	Political Action Committee	Sep 26, 2013	2,000.00	
OGE ENERGY CORP EMPLOYEES PAC (597183) PO Box 321 Oklahoma City, OK 73101	This Is A Separate Segregated Fund.	Sep 05, 2013	2,000.00	
Cardinal Health Inc Pac A/k/a Cardinal Health Companies Pac (513005) 7000 Cardinal Place Dublin, OH 43017	To Support Candidates & Committees Whose Views Coincide With Cardinal Health Inc	Aug 20, 2013	500.00	
Echostar Corporation And Dish Network Corporation PAC (512003) 1110 Vermont Avenue NW, Suite 750 Washington, DC 20005	To Support Oklahoma State Candidates	Aug 20, 2013	1,000.00	
Health Care Service Corporation Employees' Political Action Committee (512009) 300 E. Randolph Street. Legal Department Chicago, IL 60601	A Qualified Multicandidate PAC	Jul 31, 2013	1,500.00	
Koch Industries Inc Political Action Committee (597138) 600 14th Street, NW ; Suite 800 Washington, DC 20005	General Purpose Multi-candidate PAC	Jul 31, 2013	2,500.00	
<b>REFUNDS ONLY:</b> Name, EC number and address of contributor	Principal Interest or principal business activity	Date refunded	Refunded amount	Reason for refund
<b>(a) Total contributions over \$50 in the aggregate (itemized above) during reporting period</b>			24,500.00	
<b>(b) Total contributions of \$50 or less in the aggregate during reporting period</b>			.00	
<b>Number of contributors making contributions of \$50 or less</b>			0	
<b>(c) TOTAL contributions during reporting period [(a) + (b); enter on line 7, column (a)]</b>			24,500.00	

EC FORM C-1R Schedule A1 [Rev. 4/12]

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COMMITTEE NAME & NUMBER Scott Pruitt For Attorney General 2014 114038 REPORTING PERIOD: FROM Jul 01, 2013 to :**SCHEDULE A. MONETARY CONTRIBUTIONS from persons other than commit****SCHEDULE A. CONTRIBUTIONS.** Give the following information for the contributions of more than \$50 in the aggregate from a person other than the committee during the reporting period. In addition to reporting them on schedule B, list loans from persons other than committees.

Name and address of contributor	Occupation and employer or principal business activity (if no employer)	Date accepted	Amount of contribution	Nature of contribution [cash or written instrument]
CURTIS DAVIDSON 205 Stonewall Ardmore, OK 73401	BANKER FIRST NATIONAL BANK & TRUST OF ARDMORE	Sep 30, 2013	250.00	Written Instrument
KEVIN HERN 8630 S. Peoria Ave. Tulsa, OK 74132	CEO FIRSTRIKE, LLC	Sep 30, 2013	1,000.00	Credit
W. PRESTON BALDWIN 30 Milbank Ave. Greenwich, CT 06830	PRESIDENT & CEO CENTERPOINT 360, LLC	Sep 30, 2013	1,000.00	Credit
BOB KHAJEHNOURI 14712 DALEA DR. OKLAHOMA CITY, OK 73142	SELF EMPLOYED BOB NOURI	Sep 30, 2013	2,500.00	Credit
BOB KHAJEHNOURI 14712 DALEA DR. OKLAHOMA CITY, OK 73142	SELF EMPLOYED BOB NOURI	Sep 30, 2013	2,500.00	Credit
MARIO MAX FAIRCHILD 5800 Country Club Terrace Edmond, OK 73003	OWNER AUTO MAX	Sep 30, 2013	5,000.00	Written Instrument
STEVEN P. HUDIBURG 6000 Tinker Diagonal Midwest City, OK 73110	PRESIDENT HUDIBURG INVESTMENTS	Sep 30, 2013	5,000.00	Written Instrument
DAVID J COOK P. O. Box 784 Laverne, OK 73848	PRESIDENT / CEO BANK OF LAVERNE	Sep 26, 2013	100.00	Written Instrument
BRUCE T BENBROOK P. O. Box 1008 Woodward, OK 73802-1008	CHAIRMAN STOCK EXCHANGE BANK	Sep 26, 2013	200.00	Written Instrument
ANN CAMERON 3408 Rena Dawn Ln. Edmond, OK 73013	COMMUNITY VOLUNTEER SELF	Sep 26, 2013	200.00	Credit
NEVYLE R CABLE 16425 Loop 56 Okmulgee, OK 74447	BANKER FIRST NATIONAL BANK & TRUST OF OKMULGEE	Sep 26, 2013	200.00	Written Instrument
PAUL H. CORNELL 5628 E. 115th St. Tulsa, OK 74137	PRESIDENT CITIZENS BANKSHARES	Sep 26, 2013	250.00	Written Instrument
GREGG L VANDAVEER 12024 Ashbury Ct. Oklahoma City, OK 73170	PRESIDENT/CEO SOONER STATE BANK	Sep 26, 2013	250.00	Written Instrument
BILL M ZALOUDEK P. O. Box 187 Kremlin, OK 73753	FARM SUPPLIES SELF EMPLOYED	Sep 26, 2013	500.00	Written Instrument
KEN BASS P. O. Box 100 Wilburton, OK 74578	BANKING WILBURTON STATE BANK	Sep 26, 2013	500.00	Written Instrument
ERIC M BOHNE 9836 S. 77th E. Ave. Tulsa, OK 74133	CEO / CHAIRMAN SECURITY BANK - TULSA	Sep 26, 2013	500.00	Written Instrument
STEVE MERRILL 1812 Highlands Landing Edmond, OK 73013	SVP GATHERING & PROCESSING OG&E ENERGY CORP.	Sep 26, 2013	500.00	Written Instrument
E. KEITH MITCHELL 37 Doyle Dr. Shawnee, OK 74801-8718	COO ENABLE MIDSTREAM	Sep 26, 2013	500.00	Written Instrument
DAVID E RAINBOLT 6226 N. Riviera Dr.	CEO BANCFIRST	Sep 26, 2013	500.00	Written Instrument

00058

**SCHEDULE A. CONTRIBUTIONS.** Give the following information for the contributions of more than \$50 in the aggregate from a person other than the reporting period. In addition to reporting them on schedule B, list loans from persons other than committees.

Oklahoma City, OK 73112 JOHN LEWIS MASSEY P. O. Box 130 Durant, OK 74702-0130	BANKER FIRST UNITED	Sep 26, 2013	500.00	Written Instrument
R. M. BEVERAGE 1908 Oak Valley Terrace Edmond, OK 73025	PRESIDENT & CEO OKLAHOMA BANKER'S ASSOCIATION	Sep 26, 2013	500.00	Written Instrument
GREG L MASSEY P. O. Box 130 Durant, OK 74702	BANKER FIRST UNITED BANK	Sep 26, 2013	500.00	Written Instrument
DOUG ALLEN P. O. Box 13337 Oklahoma City, OK 73113	GENERAL COUNSEL STATE OF OKLAHOMA	Sep 26, 2013	500.00	Written Instrument
RICHARD LANG 5454 Heyward Square Pl. Marietta, GA 30068	SVP MARKETING & SALES COMCAST CABLE	Sep 26, 2013	1,000.00	Credit
STEVE BURRAGE P. O. Box 671 Antlers, OK 74523	BANKER FIRSTBANK	Sep 26, 2013	2,500.00	Written Instrument
DAVID BURRAGE P. O. Box 960 Atoka, OK 74525	PRESIDENT / CEO FIRSTBANK	Sep 26, 2013	2,500.00	Written Instrument
DAVID G ALBERT 3169 St. Charles Pl. Ellicott City, MD 21042	VP EXTERNAL AFFAIRS SEXAT CORP.	Sep 09, 2013	250.00	Written Instrument
STEVEN D CRALL 19532 Talavera Ln. Edmond, OK 73012	TAX MANAGER OG&E ENERGY	Sep 05, 2013	75.00	Written Instrument
JERROD E MOSER 15300 N. Mustang Rd. Piedmont, OK 73078-9677	DIRECTOR CORP. HEALTH & SAFETY OG&E	Sep 05, 2013	75.00	Written Instrument
ROY (RAE) R RICE 6209 N. Midwest Blvd. Edmond, OK 73034	LOBBYIST OG&E ENERGY CORP.	Sep 05, 2013	100.00	Written Instrument
THOMAS M MCCURDY, III 1115 Parkview Circle Purcell, OK 73080	REGULATORY RELATIONS OG&E	Sep 05, 2013	100.00	Written Instrument
LEON HOWELL 3212 Olde Bridge Rd. Moore, OK 73160	PLANNING ENGINEER OG&E	Sep 05, 2013	100.00	Written Instrument
KATHLEEN A O'SHEA 7001 NW 161st St. Edmond, OK 73013	MANAGER OG&E ENERGY CORP.	Sep 05, 2013	100.00	Written Instrument
ROBERT J BURCH 13981 S. Anderson Rd. Arcadia, OK 73007	DIRECTOR POWER SUPPLY SERVICES OG&E	Sep 05, 2013	100.00	Written Instrument
IRBY CLARY 1492 Augusta Dr. Ada, OK 74820	MANAGER OG&E	Sep 05, 2013	100.00	Written Instrument
TAMMY TURNIPSEED 1708 Chickasha Circle Edmond, OK 73013	ENGINEERING OG&E	Sep 05, 2013	100.00	Written Instrument
TERENA BOYER 3304 Wauwinet Way Norman, OK 73071	DIRECTOR OG&E	Sep 05, 2013	100.00	Written Instrument
DONNIE O. JONES 23220 Running Deer Trl. Edmond, OK 73025	MANAGING DIRECTOR POWER PLANT OPERATIONS OG&E	Sep 05, 2013	100.00	Written Instrument
MERVIN PARKHURST 7500 S. Date Pl. Broken Arrow, OK 74011	RETIRED RETIRED	Sep 05, 2013	100.00	Credit
PETER M DAY 2709 SW 135th Oklahoma City, OK 73170	DIRECTOR TECH SERVICES OG&E	Sep 05, 2013	100.00	Written Instrument

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**SCHEDULE A. CONTRIBUTIONS.** Give the following information for the contributions of more than \$50 in the aggregate from a person other than the reporting person during the reporting period. In addition to reporting them on schedule B, list loans from persons other than committees.

GENE FRYAR P. O. Box 129 Ardmore, OK 73402-0129	COMM. AFF. MGR. ARDMORE OG&E ENERGY CORP.	Sep 05, 2013	100.00	Written Instrument
RONALD GRIFFIN 6201 NE 113th St. Edmond, OK 73013	MANAGER OG&E	Sep 05, 2013	100.00	Written Instrument
RANDY LEWIS 16613 Sunny Hollow Rd. Edmond, OK 73012	MANAGEMENT OG&E	Sep 05, 2013	100.00	Written Instrument
SCOTT MILANOWSKI 2713 NE 133rd St. Edmond, OK 73013	DIRECTOR OG&E	Sep 05, 2013	100.00	Written Instrument
MELODY MARTIN 15104 Himalaya Ridge Edmond, OK 73013	ENV. AFFAIRS MANAGER OG&E ENERGY CORP.	Sep 05, 2013	100.00	Written Instrument
PATRICK D. OR JAN F. SHORE 3815 Marked Tree Dr. Edmond, OK 73013	ATTORNEY OG&E	Sep 05, 2013	100.00	Written Instrument
BRYAN J SCOTT 301 N. Walker Ave. Oklahoma City, OK 73102	DIRECTOR, PRICING & LOAD RESEARCH OG&E	Sep 05, 2013	100.00	Written Instrument
ROBERT GOTTSBALL 803 Amity Ln. El Reno, OK 73036	DIRECTOR OG&E	Sep 05, 2013	100.00	Written Instrument
MARVIN E VAN BEBBER 1702 Windsor Pl. Oklahoma City, OK 73116	DIRECTOR OG&E	Sep 05, 2013	125.00	Written Instrument
ROBERT KOENIG 1625 Exeter Ct. Oklahoma City, OK 73159	MANAGEMENT OG&E	Sep 05, 2013	200.00	Written Instrument
MATT JOHNSON 12636 Peppertree Pl. Oklahoma City, OK 73142	CPA OG&E ENERGY CORP.	Sep 05, 2013	200.00	Written Instrument
JAMES B SWICKEY P. O. Box 54882 Oklahoma City, OK 73154	BANKER VALLIANCE BANK	Sep 05, 2013	200.00	Written Instrument
JOHN D RHEA 3900 Hatterly Lane Norman, OK 73072	ATTORNEY OG&E ENERGY CORP.	Sep 05, 2013	250.00	Written Instrument
CRISTINA FERNANDEZ MCQUISTION 3900 N. Harvey Parkway Oklahoma City, OK 73118	VP STRATEGIC PLANNING & CIO OG&E	Sep 05, 2013	300.00	Written Instrument
JERRY A. PEACE 3820 Old Forest Lane Oklahoma City, OK 73131	EXECUTIVE OG&E ENERGY CORP.	Sep 05, 2013	500.00	Written Instrument
JEAN CONSTANT LEGER, JR. 2119 Brookhaven Dr. Edmond, OK 73034	ENGINEER OG&E	Sep 05, 2013	500.00	Written Instrument
BRIAN ALFORD 4804 NW 159th Edmond, OK 73013	CORPORATE COMMUNICATIONS OG&E ENERGY CORP.	Sep 05, 2013	500.00	Credit
USHA MARIA TURNER 14356 Terrazza Crossing Edmond, OK 73034	ENGINEER OG&E ENERGY	Sep 05, 2013	500.00	Written Instrument
WILLIAM J BULLARD 1900 Preston Pl. Edmond, OK 73013	ATTORNEY OG&E ENERGY	Sep 05, 2013	500.00	Written Instrument
PHILIP L CRISSUP 216 W. Meade Dr. Yukon, OK 73099	ENGINEER OG&E	Sep 05, 2013	500.00	Written Instrument
MIKE MATHEWS 733 Villa Ave. Yukon, OK 73099	VP POWER DELIVERY OG&E	Sep 05, 2013	500.00	Written Instrument
PATRICIA D HORN 7350 Bayliner Launch	EXECUTIVE OG&E ENERGY CORP.	Sep 05, 2013	500.00	Written Instrument

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**SCHEDULE A. CONTRIBUTIONS.** Give the following information for the contributions of more than \$50 in the aggregate from a person other than the reporting period. In addition to reporting them on schedule B, list loans from persons other than committees.

Edmond, OK 73013 DONALD R ROWLETT 2608 W. Country Club Dr. Oklahoma City, OK 73116	ACCOUNTANT OG&E	Sep 05, 2013	500.00	Written Instrument
JOSEPH L. 'LEW' MEIBERGEN 1508 Oak Hill Circle Enid, OK 73703	PRESIDENT JOHNSTON ENTERPRISES	Sep 05, 2013	500.00	Written Instrument
MAX J. MYERS 3325 Findhorn Dr. Edmond, OK 73034	TREASURER OG&E ENERGY CORP.	Sep 05, 2013	500.00	Written Instrument
JESSE B. LANGSTON 4401 NE 88th Oklahoma City, OK 73131	VICE PRESIDENT OG&E	Sep 05, 2013	500.00	Written Instrument
SCOTT FORBES 1109 Outabounds Dr. Edmond, OK 73034	ACCOUNTANT OG&E ENERGY CORP.	Sep 05, 2013	500.00	Written Instrument
KIMBER SHOOP 10300 Berrywood Dr. Oklahoma City, OK 73151	ATTORNEY OG&E	Sep 05, 2013	500.00	Written Instrument
GARY HUNERYAGER 4213 Tamarisk Dr. Oklahoma City, OK 73120	VP INTERNAL AUDITS OG&E ENERGY CORP.	Sep 05, 2013	500.00	Written Instrument
PAUL L RENFROW 8901 Oakmont Circle Oklahoma City, OK 73131	VP PUBLIC AFFAIRS OG&E ENERGY CORP.	Sep 05, 2013	1,000.00	Written Instrument
ROBERT SEAN TRAUSCHKE 11925 Stonemill Rd. Oklahoma City, OK 73131-7501	EXECUTIVE OG&E ENERGY CORP.	Sep 05, 2013	2,500.00	Written Instrument
PETER B DELANEY 6901 Avondale Dr. Oklahoma City, OK 73116	CHAIRMAN, PRESIDENT & CEO OG&E ENERGY CORP.	Sep 05, 2013	3,500.00	Written Instrument
ERICA SECHRIST 2000 Stokes Ln. Nashville, TN 37215	DIRECTOR GOVERNMENT AFFAIRS ADVANCE AMERICA	Aug 26, 2013	150.00	Credit
VIRGIL JURGENSMEYER 1920 7th Ave. NE Miami, OK 74354	FRESH MUSHROOM FARMER J-M FARMS, INC.	Aug 26, 2013	250.00	Credit
LOREN L. MONROE 1733 Fairview Ave. McLean, VA 22101	PRINCIPAL BGR GOVERNMENT AFFAIRS	Aug 21, 2013	1,000.00	Written Instrument
BGR PAC P. O. Box 14416 Washington, DC 20044	Qualified Committee FEC PAC	Aug 21, 2013	1,000.00	Written Instrument
C. BRUCE LAWRENCE 18809 Hunter Creek Edmond, OK 73012	EXECUTIVE INTEGRIS HEALTH	Jul 31, 2013	500.00	Written Instrument
MARC A. TOPAZ 6101 Joshua Rd. Fort Washington, PA 19034	PARTNER KESSLER, TOPAZ, METLZER, CHECK, LLP	Jul 22, 2013	1,000.00	Written Instrument
MICHAEL T BEATTIE 153 Janine Way West Grove, PA 19390	PRESIDENT CASH CUE, LLC	Jul 22, 2013	1,250.00	Written Instrument
PAGE C FAULK 3802 Porter St. NW, Apt. 30 Washington, DC 20016	ATTORNEY US CHAMBER INSTITUTE FOR LEGAL REFORM	Jul 18, 2013	250.00	Written Instrument
JERE M ERVIN 1116 Safety Harbor Cove Old Hickory, TN 37138	EXECUTIVE SPD FINANCIAL	Jul 09, 2013	1,000.00	Written Instrument
ROBERT A. GARRETT 5201 Kingston Park 6-361 Knoxville, TN 37919	EXECUTIVE SPD FINANCIAL	Jul 09, 2013	1,000.00	Written Instrument
S. MARCELLA BUTLER 3817 W. 4th St. Ft. Worth, TX 76107	HUMAN RESOURCES THINK FINANCE	Jul 09, 2013	2,500.00	Written Instrument

00061

**SCHEDULE A. CONTRIBUTIONS.** Give the following information for the contributions of more than \$50 in the aggregate from a person other than the reporting official during the reporting period. In addition to reporting them on schedule B, list loans from persons other than committees.

REFUNDS ONLY:	Name and address of contributor receiving refund	Occupation and employer or principal business activity (if no employer)	Date refunded	Refunded amount	Reason for refund	Adjust
	WILLIAM STUART OR LINDA MITCHELL PRICE 113 E. 22nd St. Tulsa, OK 74114	OIL, GAS & ENERGY COMPANY SELF-EMPLOYED	Jul 01, 2013	1,000.00	Written Instrument	
	ROBERT E. HEALY 6709 W. 199th St., Suite 115 Overland Park, KS 66209-2013	EXECUTIVE MACFARLANE GROUP	Jul 01, 2013	1,250.00	Written Instrument	
<b>(a) Total Contributions over \$50 in the aggregate (itemized above) during reporting period</b>				59,675.00		
<b>(b) Total contributions of \$50 or less in the aggregate during reporting period</b>				730.00		
<b>Number of contributors making contributions of \$50 or less [# of persons]</b>				16		
<b>(c) Less contributions from lenders also reported on schedule B</b>				.00		
<b>(d) TOTAL contributions during reporting period [(a) + (b) - (c); enter on line 6, column (a)]</b>				<b>60,405.00</b>		

EC FORM C-1R schedule A [REV.4/12]

00062

"B"

**OFFICE OF THE ATTORNEY GENERAL**  
**STATE OF OKLAHOMA**

**CERTIFICATION OF PUBLIC RECORDS**

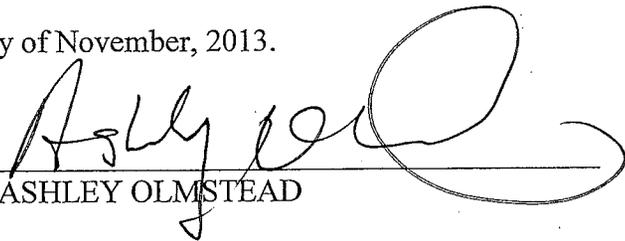
I, Ashley Olmstead, Executive Assistant to Oklahoma Attorney General E. Scott Pruitt, do hereby certify that the attached documents have been compared with the records on file in the Attorney General's Office of which they purport to be a copy, and that the same are full, true and correct copies of:

1. A September 19, 2013 letter from Assistant Secretary of State Chris Morris to Attorney General Pruitt,
2. A copy of the Initiative Petition for State Question No. 767, Initiative Petition No. 397 which was included with the September 19, 2013 letter to the Attorney General, and
3. Interagency envelope in which documents 1 and 2 were mailed and received that contains this office's date stamp, indicating that the records were filed in the Attorney General's Office on September 20, 2013.

**In testimony whereof**, I hereby set my hand and affix the seal of the Office of the Oklahoma State Attorney General.

Done in Oklahoma City, this 19<sup>th</sup> day of November, 2013.



  
ASHLEY OLMSTEAD



Larry V. Parman  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

September 19, 2013

INTERAGENCY MAIL

The Honorable E. Scott Pruitt  
Attorney General  
313 NE 21st Street  
Oklahoma City, Oklahoma 73105

Dear Attorney General Pruitt:

You are hereby notified that Kathryn Turner, 940 Eastlake Drive, Blanchard, OK 73010, filed an initiative petition on September 18, 2013, with the Secretary of State. This petition is designated as State Question Number 767, Initiative Petition Number 397.

Pursuant to 34 O.S., § 8, the signatures for this petition are required to be filed within ninety (90) days after the filing of the petition or determination of the sufficiency of the petition by the Supreme Court as provided in this section, whichever is later. The signature requirement for this petition is 155,216.

The proposed ballot title is hereby submitted to you for review as to legal correctness pursuant to the provisions of 34 O.S. § 9(D).

If additional information is needed from this office, or if we may be of further assistance, please contact me.

Sincerely,

Larry V. Parman  
Secretary of State

A handwritten signature in cursive script that reads "Chris Morriss".

Chris Morriss  
Assistant Secretary of State

Enclosures: State Question 767  
Ballot Title

**FILED**

SEP 18 2013

**OKLAHOMA SECRETARY  
OF STATE**

State Question No. 767 Initiative Petition No. 397

**WARNING**

IT IS A FELONY FOR ANYONE TO SIGN AN INITIATIVE OR REFERENDUM PETITION WITH ANY NAME OTHER THAN HIS OWN, OR KNOWINGLY TO SIGN HIS NAME MORE THAN ONCE FOR THE MEASURE, OR TO SIGN SUCH PETITION WHEN HIS IS NOT A LEGAL VOTER.

**INITIATIVE PETITION**

To the Honorable Mary Fallin, Governor of Oklahoma: We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed new section to the Oklahoma Constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election, to be held on the 10th day of November, 2014, (or such earlier special election as may be called by the Governor) and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety days from the 18<sup>th</sup> day of September, 2013. The question we herewith submit to our fellow voters is:

Shall the following proposed new Section 44 of Article 10 of the Constitution be approved?

**BALLOT TITLE**

This measure amends the Oklahoma Constitution. It adds a new Section 44 to Article 10. Bonds could be sold. Up to Five Hundred Million Dollars (\$500,000,000.00) could be available. Bond money would be used for school districts and career technology districts. Bond money would be used for storm shelters or secure areas. State franchise taxes would repay these bonds. If money from franchise tax was not enough, the Legislature could use the General Revenue Fund to repay the bonds. State bond money could be used by school districts or career technology districts to reduce local debt or eliminate local debt incurred for storm shelters or secure areas. If enough money from franchise tax remains after state bonds are paid for, the balance of franchise tax could be used for grants for storm shelters for people and businesses. When state bonds are paid off, additional bonds could be sold to keep the programs funded. Laws would be written for details about using bond money. State agencies could make rules about state bond money. These rules would have the effect of law. The Oklahoma Constitution is being amended to allow state bond money to pay for shelters and secure areas in schools.

Shall the following proposed new Article X, Section 44 of the Constitution be approved?

For the proposal - YES  
Against the proposal - NO

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

Section 44. A. The State of Oklahoma shall be authorized to issue bonds or other evidence of indebtedness in order to provide net proceeds equal to Five Hundred Million Dollars (\$500,000,000.00) for the purpose of acquiring, constructing or improving facilities to be used for the benefit of any common school district or career technology district within the state to provide shelter from dangerous weather conditions or to provide security to the students and employees of the district related to personal safety or both such purposes and for the purposes described by subsection I and subsection J of this section.

B. The maximum maturity for any obligation issued pursuant to subsection A of this section shall be twenty-five (25) years.

C. The Oklahoma Building Bonds Commission shall issue the obligations authorized by this section.

D. The Legislature, pursuant to enabling legislation enacted for such purpose, may define the types of facilities which may be acquired, constructed or improved with proceeds from the sale of obligations issued pursuant to this section in order to provide shelter from dangerous weather conditions, to provide secure areas and secure procedures to protect students and employees of common school districts and career technology districts from the threat or potential threat of violence or both such purposes.

E. The Legislature shall provide by law for the apportionment of the revenues currently derived from the levy of the franchise tax imposed for the privilege of doing business in the state as authorized pursuant to Section 1201 et seq. of Title 68 of the Oklahoma Statutes, as amended, so that one hundred percent (100%) of such franchise tax revenue, or so much thereof as may be required on an annual basis, is dedicated for the repayment of the obligations issued pursuant to the provisions of this section.

F. The Legislature may provide by law for the use of revenues derived from the levy of franchise tax which are not required for repayment of obligations issued pursuant to the provisions of this section in order to provide a grant program for construction of storm shelters for individuals and business entities. Such program shall be administered by the Office of Emergency Management or its successor. The use of franchise tax revenues for storm shelters as authorized by this subsection shall be deemed in furtherance of a public purpose and shall not be deemed a gift of state tax revenues.

G. If the revenues described by subsection E of this section are insufficient to repay the obligations issued pursuant to the provisions of this section, the Legislature may use monies in the General Revenue Fund of the state not otherwise obligated, committed or appropriated in order to ensure the repayment of such obligations.

H. If any obligations issued pursuant to the provisions of this section are defeased, within the limit prescribed by subsection A of this section, the principal amount of such obligation shall become available for issuance by the state governmental entity designated pursuant to subsection C of this section if authorized by an act of the Legislature or authorized by an initiative petition approved in the manner required for laws pursuant to Section 2 of Article V of the Oklahoma Constitution. The act of the Legislature or the law proposed by initiative petition shall specify the amount of any additional issuance authorized by this subsection.

I. Pursuant to laws enacted by the Legislature for such purpose, the proceeds from the obligations issued pursuant to this section may be used to reduce or eliminate any debt incurred by a school district or career technology district for the purpose of acquiring or constructing a storm shelter or secure facility. The debt must have been incurred not earlier than May 1, 2013, pursuant to a vote of the eligible voters of the respective district. If the debt was incurred prior to May 1, 2013, but not prior to July 1, 2007, the provisions of this subsection shall authorize the use of the proceeds in order to reduce or eliminate such debt with respect to construction of the eligible assets which begins on or after May 1, 2013.

J. Pursuant to laws enacted by the Legislature for such purpose, the proceeds from the obligations issued pursuant to this section may be used to reimburse a common school district or a career technology district for expenditures made from a building fund created pursuant to Section 10 of Article X of the Oklahoma Constitution, with respect to a common school district, or for expenditures made from the revenue derived from a millage levy authorized pursuant to Section 9B of Article X of the Oklahoma Constitution, with respect to a career technology district, to the extent the expenditure was for the purpose of acquiring, constructing or improving a storm shelter or secure facility. The expenditure for such storm shelter or secure facility must have been incurred no earlier than May 1, 2013.

K. The obligations authorized pursuant to the provisions of this section may be issued in series, may be issued in either tax-exempt or taxable status for purposes of the Internal Revenue Code of 1986, as amended, and in such form as required in order to promote the marketability of such obligations.

L. Pursuant to laws enacted by the Legislature for such purpose, any administrative rule adopted by an agency of state government that imposes a condition or requirement upon a common school district or career technology district related to the use of proceeds from sale of the obligations authorized by this section shall be binding upon such school district or career technology district.

M. The proceeds from the sale of obligations issued pursuant to the provisions of this section may be made available to any common school district or any career technology district for the purposes authorized by this section and enabling legislation enacted pursuant to this section notwithstanding any other provision of the Oklahoma Constitution that would otherwise prohibit or restrict the use of such proceeds or the use of tax revenue for the repayment of principal, interest, reserves, issuing costs or other costs related to the sale of the obligations authorized by this section. Any provision of the Oklahoma Constitution that would otherwise restrict the issuance of obligations pursuant to this section, restrict the use of the proceeds from the sale of such obligations, restrict the use of tax revenues for repayment of the obligations or in any way restrict the operation of the provisions of this section shall be deemed to have been amended in order to remove any such restrictions.

Name and Address of Proponents:

Kathryn Turner

940 E. Lake

Blanchard, OK 73010

Mikki Davis

717 Woodbriar

Noble, OK 73068

Jered Davidson

11200 N. Kickapoo Avenue

Shawnee, OK 74804

Signatures

The gist of the proposition is: This measure amends the Oklahoma Constitution. It adds a new Section 44 to Article 10. Bonds could be sold. Up to Five Hundred Million Dollars (\$500,000,000.00) could be available. Bond money would be used for school districts and career technology districts. Bond money would be used for storm shelters or secure areas. State franchise taxes would repay these bonds. If money from franchise tax was not enough, the Legislature could use the General Revenue Fund to repay the bonds. State bond money could be used by school districts or career technology districts to reduce local debt or eliminate local debt incurred for storm shelters or secure areas. If enough money from franchise tax remains after state bonds are paid for, the balance of franchise tax could be used for grants for storm shelters for people and businesses. When state bonds are paid off, additional bonds could be sold to keep the programs funded. Laws would be written for details about using bond money. State agencies could make rules about state bond money. These rules would have the effect of law. The Oklahoma Constitution is being amended to allow state bond money to pay for shelters and secure areas in schools.

	Signature	Printed Name	Voting Address	City, Zip Code	County
01				OK	
02				OK	
03				OK	
04				OK	
05				OK	
06				OK	
07				OK	
08				OK	
09				OK	
10				OK	
11				OK	
12				OK	
13				OK	
14				OK	
15				OK	
16				OK	
17				OK	
18				OK	
19				OK	
20				OK	

AFFIDAVIT

STATE OF OKLAHOMA, )

) ss.

COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, being first duly sworn say:

That I collected the signatures of the persons on the foregoing petition and that:

- |           |           |
|-----------|-----------|
| 01. _____ | 11. _____ |
| 02. _____ | 12. _____ |
| 03. _____ | 13. _____ |
| 04. _____ | 14. _____ |
| 05. _____ | 15. _____ |
| 06. _____ | 16. _____ |
| 07. _____ | 17. _____ |
| 08. _____ | 18. _____ |
| 09. _____ | 19. _____ |
| 10. _____ | 20. _____ |

each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, address in which the signer is registered to vote, and that each signer is a legal voter in the State of Oklahoma.

\_\_\_\_\_  
Circulator's Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
Zip Code

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
Zip Code

My Commission Number is: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(SEAL)



SECRETARY OF STATE  
2300 N LINCOLN BLVD. ROOM 101  
OKLAHOMA CITY, OK 73105-4897

INTERAGENCY MAIL

The Honorable E. Scott Pruitt  
Attorney General  
313 NE 21st Street  
Oklahoma City, Oklahoma 73105

INTERAGENCY MAIL

RECEIVED  
5-27-2016  
ATTORNEY GENERAL