



Melanie Wilson Rughani
Direct Tel: (405) 235-7714
Direct Fax: (405) 272-5245

melanie.rughani@crowedunlevy.com

January 4, 2022

The Honorable Brian Bingman
Oklahoma Secretary of State
Attn: Executive Legislative Division
2300 N. Lincoln Boulevard, Ste. 122
Oklahoma City, Oklahoma 73105

Re: Initiative Petition

Dear Mr. Secretary:

Please accept for filing the enclosed copy of an initiative petition regarding adult-use marijuana, as well as a proposed ballot title and gist on the forms provided by your office.

Very truly yours,

Melanie Wilson Rughani
CROWE & DUNLEVY
Braniff Building
324 N. Robinson Ave., Ste. 100
Oklahoma City, OK 73102

Counsel for Proponents

cc: Oklahoma Attorney General

A PROFESSIONAL CORPORATION

OKLAHOMA CITY • Braniff Building • 324 N. Robinson Ave., Ste. 100 • Oklahoma City, OK 73102 • T: 405.235.7700 • F: 405.235.6951
TULSA • 500 Kennedy Building • 321 S. Boston Ave. • Tulsa, OK 74103 • T: 918.592.9800 • F: 918.592.9611
DALLAS • 2525 McKinnon St., Ste. 425 • Dallas, TX 75201 • T: 214.420.2163 • F: 214.736.1762

crowedunlevy.com

RECEIVED

JAN 04 2022

OKLAHOMA SECRETARY
OF STATE

STATE QUESTION **820** INITIATIVE PETITION **434**

PROPONENT'S SUGGESTED BALLOT TITLE

Proponent's suggested ballot title is:

This measure is intended to generally legalize, regulate and tax adult-use marijuana under state law (but not alter the rights of medical marijuana patients or licensees). Specifically, it would protect the personal use of marijuana for persons aged 21+, while establishing quantity limits, safety standards, and other restrictions and penalties for violations thereof. It would not affect an employer's ability to restrict marijuana use by employees or prevent property owners from prohibiting or restricting marijuana-related conduct on that property in most cases. It also would not affect federal law regarding marijuana. It would vest in the Oklahoma Medical Marijuana Authority the power to license and regulate conduct under the Act and administer and enforce the Act pursuant to specified requirements. Local governments could regulate the time, place, and manner of operation of businesses licensed pursuant to this Act, but not limit the number or completely prohibit such businesses. It would restrict business licenses to existing medical marijuana licensees for the first two years. While the measure requires enforcement and thus may have a fiscal impact on the state, it is designed to be self-funding: it would impose a 15% excise tax on sales to consumers (not applicable to medical marijuana) to fund the Authority, with the surplus directed to localities where sales occur (10%), to the General Revenue Fund (30%), to courts (10%), to schools (for programs to prevent substance abuse and improve student retention and performance) (30%), and to drug addiction treatment programs (20%). The measure would provide a judicial process for people to seek modification, reversal, redesignation, or expungement of certain prior marijuana-related judgments and sentences. It would provide for severability and an effective date.

Shall the proposal 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.

FILED
JAN 04 2022
OKLAHOMA SECRETARY
OF STATE

Instructions for Proponents:

1. Please type and insert only the full text of the suggested ballot title.
2. Do not write or type anywhere on this form except where indicated.
3. Once completed, this form must be submitted for filing along with a full copy of the proposed measure and a completed 'Proponent's Gist of the Proposition' form.

(OKSOS-SWIP-Fm01-1021)

State Question No. 820, Initiative Petition No. 434 FILED

WARNING

JAN 04 2022

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

INITIATIVE PETITION

To the Honorable John Kevin Stitt, Governor of Oklahoma:

We the undersigned legal voters of the State of Oklahoma respectfully order that the following proposed law shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next regular general election (or at a special election as may be lawfully called by the Governor), and each for himself/herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my first name, last name, zip code, house number, and month and day of my birth are correctly written on this form. The time for filing this petition expires ninety (90) days from May 3, 2022. The question we herewith submit to our fellow voters is:

Shall the following proposed law be approved?

An Act relating to adult use marijuana: creating the Adult Use Marijuana Regulation Act; defining terms; specifying limitations on application of the Act; establishing legal protections for personal use of marijuana; setting age, quantity and other limitations; establishing penalties for use, possession, cultivation, production, transportation, delivery or distribution in violation of the Act; vesting authority to license, administer, enforce, and regulate under the Act in the Oklahoma Medical Marijuana Authority; providing for the issuance of rules and regulations related to adult use marijuana; setting requirements for and limitations on such licensing, administration, enforcement and regulation; establishing protections for licensees and contractors; establishing license eligibility requirements; establishing restrictions regarding cultivation, processing, testing, storage, transfer, import and export, security, and location; providing for local government regulation within limits; establishing the Oklahoma Marijuana Revenue Trust Fund; establishing an excise tax, and providing for collection and distribution of proceeds thereof; requiring annual reporting; providing for retroactive application; establishing a judicial process for resentencing, reversal of convictions, or modification of judgment and sentence for individuals previously convicted of certain marijuana-related offenses; establishing rules of construction; providing for codification, severability, and an effective date.

BE IT ENACTED BY THE PEOPLE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 431 of Title 63, unless there is created a duplication in numbering, reads as follows:

This Act shall be known and may be cited as the “Adult Use Marijuana Regulation Act.”

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 432 of Title 63, unless there is created a duplication in numbering, reads as follows:

Definitions

Terms used in this Act mean:

- A. “Adult use license” means a license issued pursuant to this Act.
- B. “Authority” means the Oklahoma Medical Marijuana Authority or any successor department, division, or agency.
- C. “Consumer” means a person twenty-one years of age or older. “Consumer” does not include licensed patients.
- D. “Entity” means an individual, a sole proprietorship, a general partnership, a limited partnership, a limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.
- E. “Marijuana” shall have the same meaning as such term is defined in Section 2-101 of this title and shall not include any plant or material which is grown, processed or sold pursuant to the provisions of the Oklahoma Industrial Hemp Program.
- F. “Marijuana accessory” means any equipment, product, or material, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.
- G. “Marijuana product” means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means including, but not limited to, oils, tinctures, edibles, pills, topical forms, gels, creams, vapors, patches, liquids, and forms administered by a nebulizer, excluding live plant forms.
- H. “Marijuana-infused product” means a product infused with marijuana including, but not limited to, edible products, ointments and tinctures.
- I. “Medical marijuana” means marijuana that is acquired, grown, processed, manufactured, dispensed, tested, transported, possessed, or used pursuant to 63 O.S. 420 et seq.

- J. "Medical marijuana business license" means a license issued pursuant to 63 O.S. § 427.14.
- K. "Medical marijuana license" means a license issued pursuant to 63 O.S. § 420 et seq.
- L. "Patient" or "Licensed patient" means a person who has been issued a medical marijuana patient license by the State Department of Health or Oklahoma Medical Marijuana Authority.
- M. "School" means a public or private elementary or secondary school which is primarily used for classroom instruction. A homeschool, daycare or child-care facility shall not be considered a "school" as used in this Act.
- N. "Unduly burdensome" means that the measures necessary to comply with the rules or ordinances adopted pursuant to this section subject adult use licensees or potential licensees to such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate a marijuana business.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 433 of Title 63, unless there is created a duplication in numbering, reads as follows:

Limitations

Notwithstanding any other provisions of this Act, this Act does not limit or affect laws that prohibit or otherwise regulate:

- A. Delivery or distribution of marijuana or marijuana accessories, with or without consideration, to a person younger than twenty-one (21) years of age;
- B. Operating or being in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana;
- C. Consumption of marijuana while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport, while it is being operated;
- D. Smoking marijuana while riding in the passenger seat or compartment of a motor vehicle, aircraft, motorboat, or other motorized form of transport, while it is being operated;
- E. Possession or consumption of marijuana or possession of marijuana accessories on the grounds of a public or private preschool, elementary school, or high school, in a school bus, or on the grounds of any correctional facility;
- F. Smoking or vaping marijuana in a public place; or

- G. Undertaking any task under the influence of marijuana, if doing so would constitute negligence or professional malpractice.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 434 of Title 63, unless there is created a duplication in numbering, reads as follows:

Employment, Property, and Patients

Notwithstanding any other provisions of this Act, this Act does not:

- A. Limit any privileges, rights, immunities, or defenses of a patient, medical marijuana licensee, or medical marijuana business licensee as provided under Oklahoma law;
- B. Require that an employer accommodate conduct permitted by this Act;
- C. Affect an employer's ability to restrict conduct permitted by this Act by employees;
- D. Limit the right of a person who occupies, owns, or controls private property from prohibiting or otherwise regulating conduct permitted by this Act on or in that property, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking; or
- E. Limit the ability of the state or a local government to prohibit or restrict any conduct permitted under this Act within a building owned, leased, or occupied by the state or the local government.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 435 of Title 63, unless there is created a duplication in numbering, reads as follows:

Personal Use Protections

- A. Subject to the limitations in this Act, the following acts are not unlawful and shall not be an offense under state law or the laws of any local government within the state or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government, if the person is at least twenty-one (21) years of age:
 - 1. Possessing, purchasing, using, ingesting, inhaling, processing, transporting, delivering without consideration, or distributing without consideration one (1) ounce or less of marijuana, eight (8) grams or less of marijuana in a concentrated form, and/or eight (8) grams or less of marijuana in concentrated form contained within marijuana products or marijuana-infused products.
 - 2. Possessing, planting, cultivating, harvesting, drying, processing, or manufacturing not more than six (6) mature marijuana plants and six (6) seedlings, and possessing the marijuana produced by the plants and seedlings, provided:

- (i) The plants and seedlings and any marijuana produced by the plants and seedlings in excess of one (1) ounce are kept in or on the grounds of one (1) private residence and are not visible and recognizable as marijuana by normal, unaided vision from a public place; and
 - (ii) Not more than twelve (12) plants and twelve (12) seedlings are kept in or on the grounds of a private residence at one time.
 - 3. Assisting another person who is at least twenty-one (21) years of age, or allowing property to be used, in any of the acts permitted by this Act.
 - 4. Possessing, purchasing, using, delivering, distributing, manufacturing, transferring, or selling marijuana accessories to persons twenty-one (21) years of age or older.
 - 5. Transporting not more than six (6) mature marijuana plants and six (6) seedlings cultivated in compliance with subsection A(2) of this section for testing and/or manufacturing, and/or donation of marijuana for scientific research, provided such transportation is permitted by the Authority.
- B. A person shall not be denied custody of or visitation or parenting time with a minor child, and there is no presumption of neglect or child endangerment, for conduct that is addressed and permitted by this Act, unless the behavior of the person creates an unreasonable danger to the safety of the minor child.
 - C. A person currently under parole, probation, or other state supervision, or released awaiting trial or other hearing, may not have that status revoked or be punished or otherwise penalized based solely on conduct that is addressed and permitted by this Act.
 - D. A consumer shall not be required to provide an adult use licensee with identifying information other than identification to determine the consumer's age, and an adult use licensee may not retain any personally identifying information about the consumer for more than sixty days (60) without the consumer's written permission.
 - E. No conduct addressed and permitted by this Act shall constitute the basis for detention, search, or arrest; and except when law enforcement is investigating whether a person is operating a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while impaired, the odor of marijuana or burnt marijuana, the possession or suspicion of possession of marijuana without evidence of quantity in excess of the lawful amount, or the possession of multiple containers of marijuana without evidence of quantity in excess of the lawful amount shall not individually or in combination with each other constitute reasonably articulable suspicion of a crime. Marijuana, marijuana products and marijuana-infused products as permitted by this Act are not contraband nor subject to seizure.

- F. A person shall not be denied eligibility in public assistance programs based solely on conduct that is addressed and permitted by this Act, unless required by federal law.
- G. A person shall not be denied by the state or local government the right to own, purchase or possess a firearm, ammunition, or firearm accessories based solely on conduct that is addressed and permitted by this Act. No state or local agency, municipal or county governing authority shall restrict, revoke, suspend or otherwise infringe upon the right of a person to own, purchase, or possess a firearm, ammunition, or firearm accessories or any related firearms license or certification based solely on conduct that is addressed and permitted by this Act.
- H. Nothing in this section or this Act may be construed to limit any privileges, rights, immunities or defenses of patients, medical marijuana licensees, or medical marijuana business licensees or to change or affect any law or regulation addressing medical marijuana or to apply any fine or other penalty to a patient. Any restrictions or limitations on persons or consumers set forth in this section or elsewhere in the Act do not apply to patients, medical marijuana licensees, or medical marijuana business licensees if the restriction or limitation is inconsistent with Oklahoma's laws related to medical marijuana.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 436 of Title 63, unless there is created a duplication in numbering, reads as follows:

Personal Use Penalties

- A. A consumer who, contrary to §5 of this Act, cultivates marijuana plants that are visible and recognizable as marijuana by normal, unaided vision from a public place is subject to a civil fine not exceeding two-hundred and fifty dollars (\$250).
- B. A consumer who smokes or vapes marijuana in a public place where the smoking of tobacco is prohibited is subject to a civil fine not exceeding twenty-five dollars (\$25). Smoking marijuana in a public place shall not constitute the basis for detention, search, or arrest.
- C. A person who is under twenty-one (21) years of age, is not a licensed patient, and possesses, uses, ingests, inhales, transports, delivers without consideration or distributes without consideration not more than the amount of marijuana allowed for adults twenty-one (21) years of age or older by § 5 of this Act or possesses, delivers without consideration, or distributes without consideration marijuana accessories is subject to a civil fine not to exceed one-hundred dollars (\$100) and forfeiture of the marijuana. The person shall be provided the option of attending up to four (4) hours of drug education or counseling in lieu of the fine.
- D. Subject to §5 of this Act, a consumer who possesses more than the amount of marijuana allowed pursuant to § 5 of this Act but not more than twice that amount, or produces more than the amount of marijuana allowed pursuant to §5 of this Act but not more than

twice that amount, or delivers without consideration or distributes without consideration to a person who is at least twenty-one (21) years of age more than the amount of marijuana allowed pursuant to § 5 of this Act but not more than twice the amount of marijuana allowed by §5 of this Act, or possesses with intent to deliver or distribute to a person who is at least twenty-one (21) years of age more than the amount of marijuana allowed pursuant to § 5 of this Act but not more than twice the amount of marijuana allowed by §5 of this Act is subject to a civil fine not exceeding two hundred dollars (\$200) and forfeiture of the marijuana. Any person under twenty-one (21) years of age who is subject to a fine under this Section shall be provided the option of attending up to eight (8) hours of drug education or counseling in lieu of the fine.

- E. A person shall not be subject to any additional fees, fines, or other penalties for the violations addressed in this section other than those set forth in this section. Further, a person shall not be subject to increased punishment for any other crime on the basis of their having undertaken any of the conduct listed in Sections 5 or 6 of this Act.
- F. It is expressly prohibited to operate extraction equipment or utilize extraction processes on marijuana if the equipment or process utilizes butane, propane, carbon dioxide or any potentially hazardous or volatile solvent in a residential property.
- G. Nothing in this section or this Act may be construed to limit any privileges, rights, immunities, or defenses of patients, medical marijuana licensees or medical marijuana business licensees or to change or affect any law or regulation addressing medical marijuana or to apply any fine or other penalty to a patient. Any restrictions or limitations on persons or consumers set forth in this section or elsewhere in the Act do not apply to patients, medical marijuana licensees, or medical marijuana business licensees if the restriction or limitation is inconsistent with Oklahoma's laws related to medical marijuana.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 437 of Title 63, unless there is created a duplication in numbering, reads as follows:

Licensing

- A. The Oklahoma Medical Marijuana Authority shall have the power to license and regulate the cultivation, processing, manufacture, testing, transport, delivery, and sale of marijuana in the state by adult use licensees and to administer and enforce this Act.
- B. The Authority shall accept applications for and issue adult use marijuana business licenses, including but not limited to:
 - 1. Adult use marijuana commercial grower;
 - 2. Adult use marijuana processor;
 - 3. Adult use marijuana dispensary;
 - 4. Adult use marijuana transporter; and
 - 5. Adult use marijuana testing laboratory.

- C. An entity may hold both a medical marijuana business license and a license under this Act of the same type to operate at the same location consistent with Authority regulations and this Act.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 438 of Title 63, unless there is created a duplication in numbering, reads as follows:

Rules and Regulations

- A. Not later than 90 days after the effective date of this Act, the Authority shall promulgate rules and issue regulations necessary for the implementation and enforcement of this Act. The rules shall be reasonable and shall include:
1. Procedures for issuing an adult use license and for renewing, suspending, and revoking an adult use license;
 2. Application, licensing, and renewal fees for adult use licenses, none of which shall exceed \$2,500;
 3. Qualifications for adult use licensure that are directly and demonstrably related to the operation of an adult use marijuana business;
 4. Requirements and standards for safe cultivation, processing, manufacture, dispensing, and distribution of marijuana, marijuana products and marijuana-infused products by adult use licensees, including health standards to ensure the safe preparation of marijuana products and marijuana-infused products and prohibitions on pesticides that are not safe for use on marijuana;
 5. Standards, procedures (including, but not limited to, process validation), and requirements to test marijuana, marijuana products and marijuana-infused products for components demonstrated to adversely impact human health; and a requirement that marijuana, marijuana products and marijuana-infused products be tested by an independent marijuana testing laboratory;
 6. Labeling standards that protect public health by requiring the listing of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving or percentage, the number of servings per package, and quantity limits per sale to comply with the allowable possession amount;
 7. Requirements that packaging and labels shall not be made to be attractive to children, requirements for warning labels, and requirements that marijuana, marijuana products, and marijuana-infused products be sold in resealable, child-

resistant packaging designed to be significantly difficult for children under five (5) years of age to open and not difficult for adults to use properly;

8. Security requirements, including lighting, physical security, and alarm requirements, and requirements for securely transporting marijuana between adult use licensees;
9. Packaging and labeling requirements to ensure consumer safety and accurate information;
10. Reasonable restrictions on the manufacture and sale of edible marijuana products or marijuana-infused products to ensure consumer and child safety;
11. Inspection, tracking, and record-keeping requirements to ensure regulatory compliance and to prevent diversion;
12. Restrictions on advertising, marketing, and display of marijuana by adult use licensees to prevent advertising and marketing to persons under twenty-one (21) years of age;
13. Requirements to ensure that all applicable statutory environmental, agricultural, waste management, waste disposal, and food and product safety requirements are followed;
14. Requirements to prevent the sale and diversion of marijuana to persons under twenty-one (21) years of age;
15. Requirements to ensure that no adult use licensee may process or sell edible marijuana products or marijuana-infused products in shapes or packages that are attractive to children or that are easily confused with commercially sold candy or products that do not contain marijuana;
16. A seed-to-sale tracking system that tracks marijuana throughout the distribution chain from either the seed or immature plant stage until the marijuana, marijuana product, or marijuana-infused product is sold to a consumer to ensure that no marijuana, marijuana products or marijuana-infused products are sold or otherwise transferred except as authorized by law and to aid the Authority in ensuring compliance with this act and the rules promulgated by the Authority;
17. Administrative penalties for the failure to comply with rules adopted pursuant to this Act; and
18. Such other matters as are necessary for the fair, impartial, and comprehensive administration of this Act.

19. The Authority shall, to the extent practicable, keep its regulation of adult-use licensees consistent with its regulation of medical marijuana business licensees, except as necessary to differentiate between differences in statute between medical and adult-use marijuana.
- B. The Authority shall not promulgate a rule or regulation or establish a fee that is unduly burdensome.
- C. The Authority shall approve an adult use license application and issue an adult use license if:
 1. The applicant has submitted the application in compliance with the rules promulgated by the Authority, is in compliance with this Act and the rules, and has paid the required fee; and
 2. The proposed adult use licensee would not be in violation of a local ordinance consistent with this Act that was in effect at the time of the application.
- D. For the first twenty-four (24) months after the Authority begins to accept license applications under this Act, the Authority shall accept applications from and issue adult use licenses only to entities that have held a medical marijuana business license for at least one year as of the date this Act takes effect.
- E. Any rule or regulation adopted by the Authority pursuant to this Act must comply with the Oklahoma Administrative Procedures Act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 439 of Title 63, unless there is created a duplication in numbering, reads as follows:

Licensee Protections

- A. Actions and conduct by an adult use licensee, an adult use licensee's employee, and an adult use licensee's agent, as permitted pursuant to an adult use license issued by the Authority, or by those who allow property to be used by an adult use licensee, an adult use licensee's employee, or an adult use licensee's agent, as permitted pursuant to an adult use license issued by the Authority, are not unlawful and shall not be an offense under state law, or the laws of any local government within the state, or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government within the state.
- B. No contract shall be unenforceable on the basis that marijuana is prohibited by federal law.
- C. A holder of a professional or occupational license is not subject to professional discipline for providing advice or services arising out of or related to adult use marijuana licensees

or applications for adult use marijuana licenses on the basis that marijuana is prohibited by federal law.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 440 of Title 63, unless there is created a duplication in numbering, reads as follows:

Licensee Restrictions

- A. An adult use licensee may not cultivate, process, test, or store marijuana at any location other than a physical address approved by the Authority and that is secured in a manner that prevents access by persons not permitted by the adult use licensee to access the area.
- B. An adult use licensee shall comply with security measures to prevent unauthorized access to marijuana, marijuana products and marijuana-infused products in accordance with Authority rules and this Act.
- C. No adult use licensee may refuse representatives of the Authority the right during the hours of operation to inspect the licensed premises or to audit the books and records of the adult use licensee.
- D. No adult use marijuana dispensary licensee that is permitted to sell marijuana to consumers may be located within 1,000 feet of a school, as set forth in 63 O.S. § 425(G).
- E. No adult use licensee may sell or otherwise transfer tobacco or alcoholic beverages from the same location as marijuana.
- F. No adult use licensee may import or export marijuana into or out of Oklahoma until allowed to do so under federal law.
- G. Nothing in this section or this Act may be construed to limit any privileges, rights, immunities, or defenses of patients, medical marijuana licensees or medical marijuana business licensees or to change or affect any law or regulation addressing medical marijuana or to apply any fine or other penalty to a patient, medical marijuana licensee, or medical marijuana business licensee. Any restrictions or limitations on persons or consumers set forth in this section or elsewhere in the Act do not apply to patients, medical marijuana licensees, or medical marijuana business licensees if the restriction or limitation is inconsistent with Oklahoma's laws related to medical marijuana.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 441 of Title 63, unless there is created a duplication in numbering, reads as follows:

Local Governments

Subject to sections 5 and 9 of this Act,

- A. A county or municipal government may regulate the time, place, and manner of operation of adult use business licensees licensed pursuant to this Act, so long as those regulations are not unduly burdensome, but may not limit the number or completely prohibit the establishment or operation of adult use business licensees licensed pursuant to this Act, or any category of license issued pursuant to this Act, within its boundaries.
- B. The State Department of Health shall make available to political subdivisions a list of marijuana-licensed premises, marijuana businesses or any other premises where marijuana or its by-products are licensed to be cultivated, grown, processed, stored or manufactured under this Act to aid county and municipal governments in identifying locations within their jurisdiction and ensure compliance with local regulations.
- C. All marijuana-licensed premises, marijuana businesses or any other premises where marijuana, marijuana products or marijuana-infused products are licensed to be cultivated, grown, processed, stored or manufactured under this Act shall submit with their application, after notifying the political subdivision of their intent, a certificate of compliance from the political subdivision where the facility of the applicant or use is to be located certifying compliance with zoning classifications, applicable municipal ordinances and all applicable safety, electrical, fire, plumbing, waste, construction and building specification codes.
- D. Nothing in this section or this Act may be construed to limit any privileges, rights, immunities, or defenses of patients, medical marijuana licensees or medical marijuana business licensees or to change or affect any law or regulation addressing medical marijuana or to apply any fine or other penalty to a patient, medical marijuana licensee, or medical marijuana business licensee. Any restrictions or limitations set forth in this section or elsewhere in the Act do not apply to patients, medical marijuana licensees, or medical marijuana business licensees if the restriction or limitation is inconsistent with Oklahoma's laws related to medical marijuana.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 442 of Title 63, unless there is created a duplication in numbering, reads as follows:

Marijuana Tax

- A. An excise tax of fifteen percent (15%) is imposed upon the gross receipts of all sales of marijuana sold by an adult use marijuana dispensary licensee to a consumer. This tax shall not apply to the sale of medical marijuana to a licensed patient or caregiver for use by a licensed patient.
- B. The Oklahoma Tax Commission shall by rule establish a procedure for the collection of this tax and shall collect the tax.
- C. This tax shall be paid in addition to any other applicable state or local sales tax.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 443 of Title 63, unless there is created a duplication in numbering, reads as follows:

Oklahoma Marijuana Revenue Trust Fund

- A. There is hereby created a trust fund to be known as the “Oklahoma Marijuana Revenue Trust Fund.” The trust fund shall consist of all monies received by the Oklahoma Tax Commission from tax proceeds collected pursuant to the marijuana excise tax established by this Act.
- B. Monies from the Oklahoma Marijuana Revenue Trust Fund will be applied first to finance the costs of the Authority reasonably necessary for implementation of this Act. Any monies that exceed the budgeted amount for running the Authority shall be expended only for the following purposes:
1. Ten percent (10%) to the municipalities (or counties, for unincorporated areas) where the retail sales occurred;
 2. Ten percent (10%) to the State Judicial Revolving Fund;
 3. Thirty percent (30%) to the General Revenue Fund;
 4. Thirty percent (30%) to grants to public schools to develop and support programs designed to prevent and reduce substance abuse and improve student retention and performance, by supporting students who are at risk of dropping out of school, promoting alternatives to suspension or expulsion that focus on student retention, remediation, and professional care, and providing after-school support and enrichment programs for students in kindergarten through 12th grade that include art, music, athletics, and academics; and
 5. Twenty percent (20%) to provide grants to agencies and not-for-profit organizations, whether government or community-based, to increase access to evidence-based low-barrier drug addiction treatment, prioritizing medically proven treatment and overdose prevention and reversal methods and public or private treatment options with an emphasis on reintegrating recipients into their local communities, to support overdose prevention education, and to support job placement, housing, and counseling for those with substance use disorders.
- C. Funds shall be appropriated from the Oklahoma Marijuana Revenue Trust Fund only for the purposes specified in subsection B of this section. Grants awarded pursuant to subparagraph B(4) of this section shall be awarded by the Oklahoma State Department of Education or its successor, and grants awarded pursuant to subparagraph B(5) of this section shall be awarded by the Oklahoma Department of Mental Health and Substance Abuse Services or its successor from funds appropriated from the trust fund. Even when the funds from the trust fund are used for these purposes, funds from the trust fund shall not be used to supplant or replace other state funds supporting the entities and programs specified in subsection B of this section.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 444 of Title 63, unless there is created a duplication in numbering, reads as follows:

Annual Report

The Authority shall publish an annual report that includes the number and types of adult use licenses issued, the number and types of adult use licenses denied and the reason therefor, demographic information on adult use licensees and adult use license denials, a description of any enforcement or disciplinary action taken against adult use licensees, a statement of revenues and expenses of the Authority related to the implementation, administration, and enforcement of this Act, and a statement from the Oklahoma Tax Commission of taxes collected in accordance with this Act, with an accounting for how those revenues were disbursed.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 445 of Title 63, unless there is created a duplication in numbering, reads as follows:

Retroactive Application

- A. A person currently serving a sentence for a conviction, whether by trial or by plea of guilty or *nolo contendere*, who would not have been guilty of an offense or who would have been guilty of a lesser offense under this Act had it been in effect at the time of the offense, may file a petition for resentencing, reversal of conviction and dismissal of case, or modification of judgment and sentence before the trial court that entered the judgment of conviction in the person's case to request resentencing, modification, or reversal in accordance with this Act.
- B. Upon receiving a petition under subsection (A), the court shall presume the petitioner satisfies the criteria in subsection (A) and without delay resentence, reverse the conviction as legally invalid, or modify the judgment and sentence unless the State opposes the petition or alleges that granting the petition would pose an unreasonable risk of danger to an identifiable individual's safety.
- C. In the event that the State opposes the petition or alleges that granting the petition would pose an unreasonable risk of danger to an identifiable individual's safety, the petitioner shall be entitled to a hearing on the record, including the opportunity to question witnesses and present evidence supporting the granting of an order for resentencing, reversal and dismissal, or modification of the judgment and sentence. The State shall bear the burden of proving, by clear and convincing evidence, that the petitioner does not satisfy the criteria in subsection (A) or that granting the petition would pose an unreasonable risk of danger to an identifiable individual if alleged. Unless the State sustains its burden, the court shall resentence, reverse the conviction as legally invalid and dismiss the case, or modify the judgment and sentence. Any outstanding fines, court costs, and fees imposed in connection with the conviction at issue shall be waived.
- D. Any persons brought before the court upon an application to revoke a suspended sentence for a conviction that would not have been an offense or would have been a lesser offense

had this Act been in effect at the time of the offense shall have their sentence vacated or modified in accordance with the provisions of this Act. Any persons brought before the court upon an application to accelerate a deferred sentence for charges that would not have been an offense or would have been a lesser offense had this Act been in effect at the time of the offense shall have their charges vacated or modified in accordance with the provisions of this Act. Any outstanding fines, court costs, and fees imposed in connection with the conviction at issue shall be waived.

- E. Under no circumstances shall resentencing, reversal and dismissal, modification, revocation, or acceleration pursuant to this section result in the imposition of a supervision or imprisonment term longer than the original sentence, or the reinstatement of charges dismissed pursuant to a negotiated plea agreement, or require the payment of any additional fines or fees beyond those authorized by this Act.
- F. A person who has completed his or her sentence for a conviction, whether by trial or plea of guilty or *nolo contendere*, who would not have been guilty of an offense or who would have been guilty of a lesser offense under this Act had it been in effect at the time of the offense, may file a petition before the trial court that entered the judgment of conviction in the person's case to have the conviction dismissed, expunged, and vacated as legally invalid or redesignated as a civil infraction in accordance with this Act.
- G. The court shall presume the applicant satisfies the criteria in subsection (F) unless the State opposes the application and proves by clear and convincing evidence that the petitioner does not satisfy the criteria in subsection (F). If the petitioner satisfies the criteria in subsection (F), the court shall redesignate the conviction as a civil infraction or dismiss, expunge, and vacate the conviction as legally invalid in accordance with this Act. Any outstanding fines, court costs, and fees imposed in connection with the conviction at issue shall be waived.
- H. Unless requested by the applicant, no hearing is necessary to grant or deny an application filed under subsection (F).
- I. Any felony conviction or misdemeanor that is modified, resentenced, or redesignated as a civil infraction pursuant to subsection (B), (D), or (F) of this section shall be considered a civil infraction for all purposes.
- J. If the court that originally sentenced the petitioner is not available, the presiding judge shall designate another judge to rule on the petition or application.
- K. Nothing in this section shall be construed to diminish or abrogate any rights or remedies otherwise available to the petitioner or applicant.
- L. The provisions of this section shall apply equally to juvenile cases if the juvenile would have been guilty of a lesser offense under this Act.

- M. The Administrative Office of the Courts shall promulgate a simple form that may be used to file a petition under this section.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 446 of Title 63, unless there is created a duplication in numbering, reads as follows:

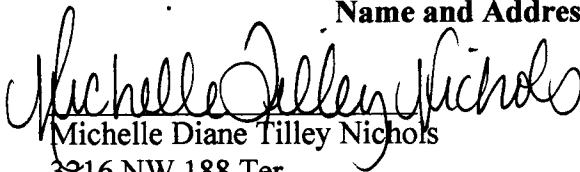
Severability

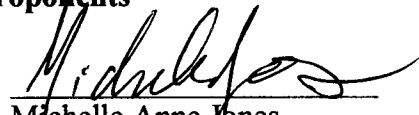
This Act shall be broadly construed to accomplish its purposes and intents. Nothing in this Act purports to supersede any applicable federal law, except where allowed by federal law. If any provision in this Act or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of the Act that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Act are severable.

SECTION 17. Effective Date

This Act shall become effective ninety (90) days after it is approved by the People.

Name and Address of Proponents


Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, OK 73012


Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, OK 74012

STATE QUESTION **820** INITIATIVE PETITION **434** FILED

JAN 04 2022

PROPONENT'S GIST OF THE PROPOSITION

OKLAHOMA SECRETARY
OF STATE

This gist statement will be affixed at the top of the signature sheet for circulation of signature

The gist of the proposition is:

This measure is intended to generally legalize, regulate and tax adult-use marijuana under state law (but not alter the rights of medical marijuana patients or licensees). Specifically, it would protect the personal use of marijuana for persons aged 21+, while establishing quantity limits, safety standards, and other restrictions and penalties for violations thereof. It would not affect an employer's ability to restrict marijuana use by employees or prevent property owners from prohibiting or restricting marijuana-related conduct on that property in most cases. It also would not affect federal law regarding marijuana. It would vest in the Oklahoma Medical Marijuana Authority the power to license and regulate conduct under the Act and administer and enforce the Act pursuant to specified requirements. Local governments could regulate the time, place, and manner of operation of businesses licensed pursuant to this Act, but not limit the number or completely prohibit such businesses. It would restrict business licenses to established medical marijuana licensees for the first two years. It would impose a 15% excise tax on sales to consumers (not applicable to medical marijuana) to fund the Authority, with the surplus directed to localities where sales occur (10%), to the General Revenue Fund (30%), to the courts (10%), to schools (for programs to prevent substance abuse and improve student retention and performance) (30%), and to drug addiction treatment programs (20%). It would provide a judicial process for people to seek modification, reversal, redesignation, or expungement of certain prior marijuana-related judgments and sentences. It would provide for severability and an effective date.

Instructions for Proponents:

1. Please type and insert only the full text of the suggested ballot title.
2. Do not write or type anywhere on this form except where indicated.
3. Once completed, this form must be submitted for filing along with a full copy of the proposed measure and a completed 'Proponent's Suggested Ballot Title' form.

(OKSOS-SWIP-Fm02-1021)

J. Brian Bingman
Secretary of State and
Native American Affairs



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

January 4, 2022

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

Dear Proponent(s):

This acknowledges receipt of the petition submitted to the Secretary of State office, which has been designated as **State Question Number 820, Initiative Petition Number 434** and filed accordingly this 4th day of January 2022.

Now that the petition has officially been filed for the record, per Title 34 O.S. Section 8, it is the duty of the Secretary of State to cause to be published, a notice of such filing and the apparent sufficiency or insufficiency of the petition, and shall also include notice that any citizen or citizens of the state may file a protest as to the *constitutionality* of the petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after the publication of the notice.

As soon as the ten (10) business day appeal/protest period has concluded our office will be in contact regarding the next steps in the process.

If we may provide any further assistance or should you have any questions, please do not hesitate to me.

Thank you,

A handwritten signature in black ink, appearing to read "Amy Canton".

Amy Canton
Director, Executive Legislative Services
405.522.4565 / executivelegislative@sos.ok.gov

J. Brian Bingman
Secretary of State and
Native American Affairs



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

January 4, 2022

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

Dear Ms. Shea:

Please find enclosed the following notices for publication.

- Notice of Filing for State Question 820, Initiative Petition 434

Per Title 34 O.S. § 8, the publication must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish the enclosed notice in *The Oklahoman*, *Tulsa World*, and the *Journal Record* as soon as possible.

Also, upon the completion of publication, please provide our office with the corresponding Affidavits of Publication. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Canton", written in a cursive style.

Amy Canton
Director, Executive Legislative Services
Oklahoma Secretary of State Office

**NOTICE OF THE FILING OF STATE QUESTION 820, INITIATIVE PETITION 434,
THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS OF THE
STATE THAT ANY SUCH PROTEST, AS TO THE CONSTITUTIONALITY OF SAID
PETITION, MUST BE FILED ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS
AFTER THIS NOTICE (Okla. Stat. tit. 34, § 8)**

NOTICE is hereby given that on January 4, 2022, State Question 820, Initiative Petition 434 was filed in the Office of the Oklahoma Secretary of State.

NOTICE is also hereby given that State Question 820, Initiative Petition 434 is SUFFICIENT for filing with the Office of the Oklahoma Secretary of State. The official record is available for public view via the Oklahoma Secretary of State website at <https://www.sos.ok.gov/documents/Questions/820.pdf>.

NOTICE is likewise, hereby given, as provided in Title 34 Section 8 of the Oklahoma Statutes, that any citizen or citizens of the state may file a protest as to the constitutionality of said petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after publication of this notice. Also, a copy of any such protest shall be filed with the Office of the Oklahoma Secretary of State.

Proponents of record for State Question 820, Initiative Petition 434:

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

J. Brian Bingman
Secretary of State
State of Oklahoma

Oklahoma Press Service

3601 North Lincoln Blvd.
Oklahoma City, OK 73105
Voice: (405) 499-0020 Fax: (405) 499-0048

Tuesday, January 11, 2022 09:39 AM

Page 1 of 1

Proof of Publication Order Number 22-01-23

I, Landon Cobb, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-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 OK-JOURNAL RECORD in consecutive issues on the following dates-to-wit:

Insertion: 1/7/2022

That said newspaper has been published continuously and uninterrupted 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 \$42.65

Landon Cobb

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
11 day of January 2022.

Cindy Shea
(Notary Public)



NOTICE OF THE FILING OF STATE QUESTION 820, INITIATIVE PETITION 434, THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS OF THE STATE THAT ANY SUCH PROTEST, AS TO THE CONSTITUTIONALITY OF SAID PETITION, MUST BE FILED ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS AFTER THIS NOTICE (Okla. Stat. tit. 34, § 8)

NOTICE is hereby given that on January 4, 2022, State Question 820, Initiative Petition 434 was filed in the Office of the Oklahoma Secretary of State.

NOTICE is also hereby given that State Question 820, Initiative Petition 434 is SUFFICIENT for filing with the Office of the Oklahoma Secretary of State. The official record is available for public view via the Oklahoma Secretary of State website at <https://www.sos.ok.gov/documents/Questions/820.pdf>.

NOTICE is likewise, hereby given, as provided in Title 34 Section 8 of the Oklahoma Statutes, that any citizen or citizens of the state may file a protest as to the constitutionality of said petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after publication of this notice. Also, a copy of any such protest shall be filed with the Office of the Oklahoma Secretary of State.

Proponents of record for State Question 820, Initiative Petition 434:

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

J. Brian Bingman
Secretary of State, State of Oklahoma

Oklahoma Press Service

3601 North Lincoln Blvd.

Oklahoma City, OK 73105

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

Tuesday, January 11, 2022 09:39 AM

Page 1 of 1

Proof of Publication Order Number 22-01-23

I, Landon Cobb, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-THE OKLAHOMAN, 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 OK-THE OKLAHOMAN in consecutive issues on the following dates-to-wit:

Insertion: 1/7/2022

That said newspaper has been published continuously and uninterrupted 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 \$42.65

Landon Cobb

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
11 day of January 2022.

Cindy Shea

(Notary Public)



NOTICE OF THE FILING OF STATE QUESTION 820, INITIATIVE PETITION 434, THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS OF THE STATE THAT ANY SUCH PROTEST, AS TO THE CONSTITUTIONALITY OF SAID PETITION, MUST BE FILED ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS AFTER THIS NOTICE (Okla. Stat. tit. 34, § 8)

NOTICE is hereby given that on January 4, 2022, State Question 820, Initiative Petition 434 was filed in the Office of the Oklahoma Secretary of State. NOTICE is also hereby given that State Question 820, Initiative Petition 434 is SUFFICIENT for filing with the Office of the Oklahoma Secretary of State. The official record is available for public view via the Oklahoma Secretary of State website at <https://www.sos.ok.gov/documents/Questions/820.pdf>.

NOTICE is likewise, hereby given, as provided in Title 34 Section 8 of the Oklahoma Statutes, that any citizen or citizens of the state may file a protest as to the constitutionality of said petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after publication of this notice. Also, a copy of any such protest shall be filed with the Office of the Oklahoma Secretary of State.

Proponents of record for State Question 820, Initiative Petition 434:

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

J. Brian Bingman
Secretary of State, State of Oklahoma

Oklahoma Press Service

3601 North Lincoln Blvd.
Oklahoma City, OK 73105
Voice: (405) 499-0020 Fax: (405) 499-0048

Tuesday, January 11, 2022 09:39 AM

Page 1 of 1

Proof of Publication Order Number 22-01-23

I, Landon Cobb, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-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 OK-TULSA WORLD - Legal in consecutive issues on the following dates-to-wit:

Insertion: 1/7/2022

That said newspaper has been published continuously and uninterrupted 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 \$42.65

Landon Cobb

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
11 day of January 2022.

Cindy Shea

(Notary Public)



**NOTICE OF THE FILING OF
STATE QUESTION 820, INITIATIVE PETITION 434,
THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS
OF THE STATE THAT ANY SUCH PROTEST, AS TO THE
CONSTITUTIONALITY OF SAID PETITION, MUST BE FILED
ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS
AFTER THIS NOTICE (Okla. Stat. tit. 34, § 8)**

NOTICE is hereby given that on January 4, 2022, State Question 820, Initiative Petition 434 was filed in the Office of the Oklahoma Secretary of State. NOTICE is also hereby given that State Question 820, Initiative Petition 434 is SUFFICIENT for filing with the Office of the Oklahoma Secretary of State. The official record is available for public view via the Oklahoma Secretary of State website at <https://www.sos.ok.gov/documents/Questions/820.pdf>.

NOTICE is likewise, hereby given, as provided in Title 34 Section 8 of the Oklahoma Statutes, that any citizen or citizens of the state may file a protest as to the constitutionality of said petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after publication of this notice. Also, a copy of any such protest shall be filed with the Office of the Oklahoma Secretary of State.

Proponents of record for State Question 820, Initiative Petition 434:

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

J. Brian Bingman
Secretary of State, State of Oklahoma



ORIGINAL

IN THE SUPREME COURT
STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

JAN 24 2022

JOHN D. HADDEN
CLERK

Jed Green,
Petitioner,
V.

Michelle Diane Tilley Nichols,
Michelle Anne Jones,
Respondents.

)
)
)
)
)
)

Case No.

#120170

APPLICATION FOR ORIGINAL JURISDICTION OF CHALLENGE TO THE
CONSTITUTIONALITY OF STATE QUESTION 820 INITIATIVE PETITION 434

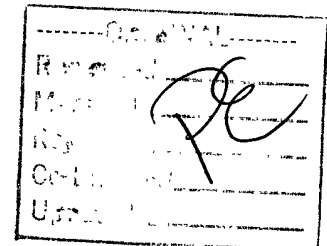
Comes now the Petitioner in challenge to Respondents filing of Initiative Petition 434. Petitioner respectfully requests The Court consider and hear the complaints contained herein regarding IP 434 and render a decision determining constitutionality of, and the appropriateness for gathering signatures by the Respondents and submission as a ballot measure before the People of Oklahoma.

Statements of the Case

Violation of Single Subject Rule

Initiative Petition 434 "The Adult Use Marijuana Regulation Act" would create new sections in Title 63 to include:

- a. Section 431 - "Adult Use Marijuana Regulation Act"
- b. Section 432 - "Definitions"
- c. Section 433 - "Limitations"
- d. Section 434 - "Employment, Property and Patients"
- e. Section 435 - "Personal Use Protections"
- f. Section 436 - "Personal Use Penalties"
- g. Section 437 - "Licensing"
- h. Section 438 - "Rules and Regulations"
- i. Section 439 - "Licensee Protections"
- j. Section 440 - "License Restrictions"
- k. Section 441 - "Local Governments"
- l. Section 442 - " Marijuana Tax"
- m. Section 443 - "Oklahoma Marijuana Revenue Trust Fund"
- n. Section 444 - "Annual Report"
- o. Section 445 - "Retroactive Application"



While the proposed Sections 431- 444 are generally within the subject of a state regulated marijuana program, proposed section 445 goes afield in establishing what could be generally described as retroactive processes, procedures and requirements of the courts. These subjects are typically addressed and more appropriately belong in one of: Title 20 "Courts", Title 21 "Crimes and Punishments", or Title 22 "Criminal Procedure" Initiative Petition 434 "The Adult Use Marijuana Regulation Act", a statutory proposal, also does not clearly express or address in its title the separate subject of retroactive justice reforms.

As stated in Oklahoma Constitution Article 5, Section 57:

"Every act of the Legislature shall embrace but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes. ..."

Conflicting and unclear proposed "Gist" and Ballot Title"

The proposed "Gist" and the proposed "Ballot Title" provide differing descriptions of what is contained in Initiative Petition 434. Title 34 Section 9 addresses requirements for the Ballot Title:

"Title 34 Section 9

A. When a referendum is ordered by petition of the people against any measure passed by the Legislature or when any measure is proposed by initiative petition, whether as an amendment to the Constitution or as a statute, it shall be the duty of the parties submitting the measure to prepare and file one copy of the measure with the Secretary of State and one copy with the Attorney General.

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, or three hundred (300) words if the proposed measure will have a fiscal impact on the state;**
- 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;"**

Examples of conflict, by subject, between the “Gist” and the Ballot Title” as evidence that both are written in a manner intended to influence two separate viewers of Initiative Petition 434:

1. POWERS OF REGULATION BY POLITICAL SUBDIVISIONS

- a. GIST: “providing for local government regulation within limits;”
- b. BALLOT TITLE: “ Local governments could regulate the time, place, and manner of operation of businesses licensed pursuant to this Act, but not limit the number or completely prohibit such businesses. ”
- c. The substantial difference between the two is that the Gist does not indicate that passage of IP 434 gives local governments the power to dictate core business operations.

2. EXCISE TAX ON ADULT USE MARIJUANA SALES

- a. GIST: “ establishing an excise tax, and providing for collection and distribution of proceeds thereof”
- b. BALLOT TITLE: ” it would impose a 15% excise tax on sales to consumers (not applicable to medical marijuana) to fund the Authority, with the surplus directed to localities where sales occur (10%), to the General Revenue Fund (30%) to courts (10%) to schools (for programs to prevent substance abuse and improve student retention and performance) (30%), and to drug addiction treatment programs (20%).”
- c. The substantial difference between the two is that the Gist does not inform consumers of the 15% excise tax rate on Adult Use Marijuana sales, or how that revenue would be expended.

3. RETROACTIVE JUSTICE REFORM

- a. GIST: “providing for retroactive application; establishing a judicial process for resentencing, reversal of convictions, or modification of judgment and sentence for individuals previously convicted of certain marijuana-related offenses; establishing rules of construction;”
- b. BALLOT TITLE:”The measure would provide a judicial process for people to seek modification, reversal, redesignation, or expungement of certain prior marijuana-related judgments and sentences.”
- c. The substantial difference between the two is that the Ballot Title does not make clear the retroactive nature of the proposal.

The obvious intent is to create two separate descriptions of IP 434 for the purpose of gathering support between two targeted demographic groups. The Gist is written to appeal to Oklahomans most likely to sign the document for ballot access. The Ballot title is written to appeal to a broader group of Oklahomans at the ballot box.

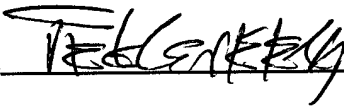
Creates requirement of Oklahoma Medical Marijuana Authority in conflict with administrative code procedures.

Section 8 of Initiative Petition 434, which would create Section 438 of title 63. It begins with section “A” to say:

"Not later than 90 days after the effective date of this Act, the Authority shall promulgate rules and issue regulations necessary for the implementation and enforcement of this Act...."

This timeline would clearly violate procedures outlined in Title 75 Section 303. Doing so would create conflict and deprive the people of Oklahoma from typically afforded input into those future rules and regulations.

Respectfully submitted for consideration this 24th day of January, 2022,

x  _____

Petitioner

Jed Green

2900 Venice Blvd

Oklahoma City, OK 73107

2022 OK 30
IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE: STATE QUESTION No. 820,
INITIATIVE PETITION No. 434

JED GREEN,

Petitioner/Protestant,

v.

MICHELLE DIANE TILLEY NICHOLS
and MICHELLE ANNE JONES

Respondents/Proponents.

FILED
SUPREME COURT
STATE OF OKLAHOMA

MAR 28 2022

JOHN D. HADDEN
CLERK

No. 120,170
FOR OFFICIAL PUBLICATION

ORDER

¶1 Original jurisdiction is assumed. Okla. Const. art. VII, § 4; 34 O.S.2021, § 8, <https://govt.westlaw.com/okjc> (follow hyperlink titled "General Provisions"); *In re Initiative Petition No. 409, State Question No. 785*, 2016 OK 51, ¶ 2, 376 P.3d 250, 252. Petitioner Jed Green challenges the legal sufficiency of State Question No. 820, Initiative Petition No. 434. Upon review, we hold that State Question No. 820 is constitutionally sufficient and its gist sufficiently informs signers of its intentions for the initiative petition to be submitted to the people of Oklahoma.

¶2 On January 4, 2022, Respondents/Proponents Michelle Diane Tilley Nichols and Michelle Anne Jones filed State Question No. 820, Initiative Petition 434, seeking to add new provisions to Title 63 that would legalize, regulate, and tax adult-use marijuana. Petitioner/Protestant Jed Green filed a timely petition to

RECEIVED

MAR 30 2022

OKLAHOMA SECRETARY
OF STATE

challenge State Question No. 820 on January 24, 2020. See 34 O.S.2021, § 8(b).

Mr. Green raises two pertinent challenges to State Question No. 820. He first arguing that State Question No. 820 violates Article V, Section 57 of the Oklahoma Constitution as it embraces multiple subjects, specifically that section 15 of State Question No. 820 embraces criminal justice reform, not adult-use marijuana. Mr. Green also challenges the gist of State Question No. 820, claiming that it is misleading.

¶3 State Question No. 820 would legalize the personal use of marijuana for adults, aged 21 and over, by adding a new act to Title 63 of the Oklahoma Statutes. It would also place an excise tax of 15% on the gross receipt of marijuana sales and direct the Oklahoma Medical Marijuana Authority to regulate adult-use marijuana according to the proposed statutory requirements laid out in State Question No. 820. The gist of SQ 820 explains its proposals as follows:

This measure is intended to generally legalize, regulate and tax adult-use marijuana under state law (but not alter the rights of medical marijuana patients or licensees). Specifically, it would protect the personal use of marijuana for persons aged 21+, while establishing quantity limits, safety standards, and other restrictions and penalties for violations thereof. It would not affect an employer's ability to restrict marijuana use by employees or prevent property owners from prohibiting or restricting marijuana-related conduct on that property in most cases. It also would not affect federal law regarding marijuana. It would vest in the Oklahoma Medical Marijuana Authority the power to license and regulate conduct under the Act and administer and enforce the Act pursuant to specified requirements. Local governments could regulate the time, place, and manner of operation of businesses licensed pursuant to this Act, but not limit the number or completely prohibit such businesses. It would restrict business licenses to established medical marijuana licensees for the first two years. It would impose a 15% excise tax on sale to consumers (not

applicable to medical marijuana) to fund the Authority, with the surplus directed to localities where sales occur (10%), to the General Revenue Fund (30%), to the courts (10%), to the schools (for programs to prevent substance abuse and improve student retention and performance) (30%), and to drug additional treatment programs (20%). It would provide a judicial process for people to seek modification, reversal, redesignation, or expungement of certain prior marijuana-related judgments and sentences. It would provide for severability and an effective date.

¶4 Mr. Green's challenge is governed by 34 O.S.2021, § 8, <https://govt.westlaw.com/okjc> (follow hyperlink titled "General Provisions").

The people of Oklahoma have a constitutional right to propose constitutional amendments and legislation by initiative petition; the right of initiative is one the Court "zealously" safeguards. *In re: State Question No. 813, Initiative Petition No. 429*, 2020 OK 79, ¶ 6, 476 P.3d 471, 473; *In re Initiative Petition No. 382, State Question No. 729*, 2006 OK 45, ¶¶ 3-4, 142 P.3d 400, 403-04. "[I]t is the duty of this Court to review the petition to ensure that it complies with the rights and restrictions established by the Oklahoma Constitution, legislative enactments, and this Court's jurisprudence." *In re: State Question No. 807, Initiative Petition No. 423*, 2020 OK 57, ¶ 11, 468 P.3d 383, 388. Mr. Green bears a heavy burden to establish constitutional insufficiency and any doubt "is resolved in favor of the initiative" petition. *Id.* ¶ 12, 468 P.3d at 388.

¶5 Initiative petitions must comply with all requirements set out in the Constitution, including Article V, § 57, or the single subject rule, which applies to proposed legislation by initiative. *In re Initiative Petition No. 382*,

2006 OK 45, ¶ 8, 142 P.2d at 405. If the provisions of State Question No. 820 are “germane, relative and cognate” to its common theme, the proposed legislation embraces one subject. *Id.* ¶ 9, 142 P.3d at 405. Mr. Green first contends that State Question No. 820 violates the single subject rule in that it concerns both adult-use marijuana and criminal justice reform, namely in section 15 which provides for retroactive application of the conduct State Question No. 820 seeks to legalize.¹ State Question No. 820 embraces only one subject, adult-use marijuana. It is hard to conceive how retroactive application of the legalization of certain uses of marijuana is not germane to the legalization of marijuana. In fact, it is not only germane but directly related to adult-use marijuana as section 15 merely changes the temporal application of the proposed legislation, from prospective to retroactive.

¶6 Mr. Green next contends that State Question No. 820’s gist is misleading.² The gist of an initiative petition must be “free from the taint of

¹ Section 15(A) of State Question No. 820 provides:

A person currently serving a sentence for a conviction, whether by trial or plea of guilty or *nolo contendere*, who would not have been guilty of an offense or who would have been guilty of a lesser offense under this Act had it been in effect at the time of the offense, may file a petition for resentencing, reversal of conviction and dismissal of case, or modification of judgment and sentence before the trial court that entered the judgment of conviction in the person’s case to request resentencing, modification, or reversal in accordance with this Act.

² Mr. Green also challenges the gist as conflicting with the ballot title, but at the oral presentation before a Referee, Mr. Green conceded that he confused State Question No. 820’s legislative title with the ballot title. At this stage of the proceeding, the Court only reviews the constitutionality and the gist of an initiative petition. See 34 O.S.2021, § 3; *In re: Initiative Petition No. 426, State Question No. 810*, 2020 OK 44, ¶ 6. A challenge to the ballot title occurs only after the proponents of an initiative petition have collected signatures, submitted those signature to the Secretary of State, and the Supreme Court has confirmed the required number of signatures. 34 O.S.2021, §

misleading terms or deceitful language” and inform signers of the initiative petition of the “potential effects” so those signers understand the changes that would be made to Oklahoma’s statutory code. *In re Initiative Petition No. 409, State Question No. 785*, 2016 OK 51, ¶ 3, 376 P.3d 250, 252 (cleaned up). “A gist must present an outline, or rough sketch, of what the initiative petition will accomplish to fully inform potential signatories.” *In re State Question No. 813*, 2020 OK 79, ¶ 8, 476 P.3d at 473. The gist of State Question 820 informs signers of what State Question No. 820 seeks to implement by statutory change. The gist of State Question No. 820 informs signers that it seeks to legalize, regulate, and tax adult-use marijuana. It alerts signers that the state question does not impact medical marijuana rights, allows personal use of marijuana, and sets limits on the legal use of marijuana. The gist outlines that employers and landowners can restrict marijuana use and the Oklahoma Medical Marijuana Authority would administer the proposed legislative act and regulate adult-use marijuana. The gist explains the power of local governments to regulate marijuana use and sale, and the gist sets out how marijuana taxation would fund the State. Finally, the gist notes the retroactive provision to apply to conduct no longer criminalized. Mr. Green does not point out any other provisions in the initiative petition that the gist fails to outline. Therefore, State Question No.

8(H).


820's gist satisfactorily informs signers of the contours of State Question No. 820.³

~~¶ State Question No. 820 is legally sufficient for submission to the people of Oklahoma.~~ Petitioner Jed Green has failed to meet his burden in establishing that State Question No. 820 is clearly or manifestly unconstitutional and that the gist of State Question No. 820 is misleading.

~~The Court assumes original jurisdiction and denies Petitioner's motion to dismiss the constitutionality and sufficiency of State Question No. 820.~~

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS

~~128TH DAY OF MARCH, 2022~~


CHIEF JUSTICE

CONCUR: Darby, C.J., Kauger, Winchester, Edmondson, and Gurich, JJ.
CONCUR IN PART, DISSENT IN PART: Combs, Rowe (**by separate writing**),
and Kuehn, JJ.
DISSENT: Kane, V.C.J., (**by separate writing**).

3 Mr. Green raises a third argument against State Question No. 820, arguing that section 4, which requires the Oklahoma Medical Marijuana Authority to issue rules and regulations within 90 days, conflicts with the requirement in the Oklahoma Administrative Procedures Act, 75 O.S., § 303, to provide 30 days' notice when engaging in rulemaking. Mr. Green's third argument does not concern the constitutionality, legality, or the sufficiency of the initiative petition. 34 O.S.2021, § 8(D); *In re: State Question No. 80*, 2020 OK 57, ¶ 11, 468 P.3d at 387. Therefore, the Court need not address it here.

2022 OK 30
IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE: STATE QUESTION No. 820,
INITIATIVE PETITION No. 434,

JED GREEN,

Petitioner,

v.

MICHELLE DIANE TILLEY NICHOLS
and MICHELLE ANNE JONES,

Respondents.

FILED
SUPREME COURT
STATE OF OKLAHOMA

MAR 28 2022

JOHN D. HADDEN
CLERK

No. 120,170

FOR OFFICIAL
PUBLICATION

RECEIVED

MAR 30 2022

ROWE, J., concurring in part, dissenting in part:

OKLAHOMA SECRETARY
OF STATE

¶1 I concur with the Court's decision to assume original jurisdiction. I must dissent, however, from the Court's holding that State Question No. 820, Initiative Petition No. 434 ("SQ 820") is constitutionally sufficient to submit to the people of Oklahoma. SQ 820 is preempted by federal law and, thus, conflicts with the Oklahoma Constitution.

¶2 The right to an initiative petition is the first power reserved for the people of Oklahoma under Article 5, § 2 of the Oklahoma Constitution.¹ Our prior

¹ Article V, § 2 of the Oklahoma Constitution states:

The first power reserved by the people is the initiative, and eight per centum of the legal voters shall have the right to propose any legislative measure, and fifteen per centum of the legal voters shall have the right to propose amendments to the Constitution by petition, and every such petition shall include the full text of the measure so proposed. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health, or safety), either by

decisions make clear that the right of initiative is precious and warrants zealous protection. *In re State Question No. 807, Initiative Petition 423*, 2020 OK 57, ¶ 10, 468 P.3d 383, 388-89. The right of initiative, however, is not absolute; any citizen may protest the sufficiency or legality of an initiative petition. *Id.* ¶ 11, 468 P.3d at 389. When such a protest is made, this Court must review the petition to determine whether it complies with the Oklahoma Constitution, legislative enactments, and our own jurisprudence. *Id.*

¶3 Article 1, § 1 of the Oklahoma Constitution states, “The State of Oklahoma is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.” Likewise, the federal Supremacy Clause set out in the second paragraph of Article VI of the United States Constitution states:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding.

Pursuant to these provisions, when a potential conflict between state and federal law arises, the state law is preempted. *In re State Question 807*, 2020 OK 57, ¶ 17, 468 P.3d at 390. Federal law has identified three forms of preemption that may

petition signed by five per centum of the legal voters or by the Legislature as other bills are enacted. The ratio and per centum of legal voters hereinbefore stated shall be based upon the total number of votes cast at the last general election for the Office of Governor.

arise from federal action: express preemption, field preemption, and conflict preemption. *Id.* ¶ 17, 468 P.3d at 389.

Express preemption occurs when a federal statute includes a provision stating that it displaces state law and defining the extent to which state law is preempted. Field preemption occurs when Congress expresses an intent to occupy an entire field, such that even complementary state regulation in the same area is foreclosed. Finally, conflict preemption occurs when there is an actual conflict between state and federal law.

Id. (internal citations omitted).

¶4 The Controlled Substances Act (“CSA”), 21 U.S.C. §§ 801-904, the federal law which governs the use and trafficking of controlled substances, including marijuana, explicitly addresses the issue of federal preemption of state law:

No provision of this subchapter shall be construed as indicating an intent on the part of the Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the same subject matter which would otherwise be within the authority of the State, unless there is a positive conflict between that provision of this subchapter and that State law so that the two cannot consistently stand together.

21 U.S.C. § 903. Section 903 makes clear that the CSA was not intended to occupy the field to exclusion of state law with respect to regulating the use and trafficking of controlled substances. However, Section 903 does provide that the CSA preempts state law in instances where a “positive conflict” arises.

¶5 A “positive conflict” arises either when it is impossible to comply with both federal and state law, or where state law stands as an obstacle to the accomplishment and execution of Congress’s full purposes and objectives. See

Hillsborough City, Fla. v. Automated Med Labs, Inc., 471 U.S. 707, 713 (1985).

Even if the changes proposed in SQ 820 were to become law, it does not appear that compliance with state and federal law would be impossible. SQ 820 does not, for instance, contain any mandates that would require Oklahomans to violate the provisions of the CSA.

¶6 The passage of SQ 820 would, however, clearly present an obstacle to the accomplishment and execution of Congress's full purposes and objections expressed in the CSA. The purpose of the CSA was "to conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances." *Gonzalez v. Raich*, 545 U.S. 1, 12 (2005). Marijuana is considered a Schedule I controlled substance under the CSA. 21 C.F.R. § 1308.11(d)(23). It is illegal for any person to manufacture, distribute, or dispense marijuana and also illegal for any person to possess marijuana with the intent to manufacture, distribute, or dispense it. 21 U.S.C. §§ 841(a)(1), 844(a).

¶7 If SQ 820's proposed amendments become law, there will unquestionably be a proliferation in the cultivation, manufacture, distribution, dispensation, and recreational use of marijuana in Oklahoma. These outcomes are hardly hypothetical. With these activities sanctioned and licensed by the State of Oklahoma, it would be virtually impossible for federal law enforcement to accomplish Congress's objective in the CSA to control the production, sale, and use of controlled substances.

¶18 When we confronted this issue in the past, it was asserted that the CSA could not be understood as preempting state laws which legalize trafficking in marijuana because that would mean the CSA violates the anti-commandeering doctrine. See *In re State Question 807*, 2020 OK 57, 468 P.3d 383. The anti-commandeering doctrine operates as a limit on federal preemption. “We have always understood that even where Congress has the authority under the Constitution to pass laws requiring or prohibiting certain acts, it lacks the power to directly compel the States to require or prohibit those acts.” *Murphy v. Nat’l Collegiate Athletic Ass’n*, 138 S. Ct. 1461, 1477 (2018) (quotation omitted).

¶19 The CSA does not violate the anti-commandeering doctrine by preempting state laws which undermine its purpose and objectives. The CSA contains no direct mandate for the states to adopt drug enforcement regulations which mirror its provisions; the CSA merely prohibits certain conduct on behalf of individuals. Congress anticipated that states would adopt regulatory schemes that are generally complementary to federal law, even if not perfectly consistent with the CSA. Sanctioning activity that is proscribed by federal law, however, is in no sense complementary.

¶10 SQ 820’s proposed amendments clearly present a substantial obstacle to Congress’s objectives expressed in the CSA to control the production, sale, and use of controlled substances. SQ 820 is preempted by federal law and, thus, fails to comply with the Oklahoma Constitution. Accordingly, I cannot find that it is fit for submission to the people of Oklahoma.

2022 OK 30

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE: STATE QUESTION No. 820,
INITIATIVE PETITION No. 434,

JED GREEN,

Petitioner,

v.

MICHELLE DIANE TILLEY NICHOLS
and MICHELLE ANNE JONES,

Respondents.

FILED
SUPREME COURT
STATE OF OKLAHOMA

MAR 28 2022

JOHN D. HADDEN
CLERK

No. 120,170
FOR OFFICIAL PUBLICATION

RECEIVED

MAR 30 2022

OKLAHOMA SECRETARY
OF STATE

KANE, V.C.J., dissenting:

¶1 If we confine our analysis to determining the sufficiency of the gist, then the Initiative Petition must fail because the voters are not being informed that they are approving acts which violate Federal law. However, since the issue of the recreational use of marijuana clearly invokes a question pertaining to our Constitutional power to act, I must dissent to approval of the Petition, even if the gist were sufficient.

¶2 As I observed in *In re State Question No. 807*, 2020 OK 57, 468 P.3d 383 (Kane, J., dissenting), the sale, possession, and use of marijuana is preempted by Federal law, specifically the Federal Controlled Substances Act (CSA).¹

¹ Other Courts have come to the same conclusion. See, e.g., *Musta v. E Mendota Heights Dental Ctr.*, 965 N.W.2d 312 (Minn. 2021), wherein the Minnesota Supreme Court held that as a matter of first impression, the Controlled Substances Act (CSA) preempted the Minnesota Workers' (continued...)

¶3 I respectfully dissent.

¹ (...continued)
Compensation Act, which had attempted to mandate reimbursement of employee's medical cannabis purchase.

J. Brian Bingman
Secretary of State and
Native American Affairs



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

April 19, 2022

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

Dear Proponent(s):

Per Title 34, Section 8 of the Oklahoma Statutes, no appeals, or protests for rehearing have been filed and the period for such has expired, therefore notice is hereby given that the signature gathering period for **State Question Number 820, Initiative Petition Number 434** is set to begin on May 3, 2022 and all signatures are due within ninety (90) days of the date set. Signatures will not be accepted for filing after 5:00 p.m. on August 1, 2022. The current signature requirement for amendments or additions to the Oklahoma Statutes is 94,911.

An exact copy of the petition and signature circulation sheet (termed petition pamphlet) will be provided to proponents in PDF format via email. The email will contain instructions for reproducing the petition pamphlet for signature circulation. **IMPORTANT NOTE:** Prior to your organization mass printing the pamphlet, please submit 5 samples of the signature sheet / circulator affidavit page, to the SOS office, for testing with the State's verification system. This will ensure that the copies reproduced by your organization for circulation, can be accurately scanned and read by the verification system during the official SOS signature count.

Also, please find enclosed a copy of the current signature requirements for statewide petitions as certified by the Secretary of the Oklahoma State Election Board.

If we may provide any further assistance or should you have any questions, please do not hesitate to contact our office (405-522-4565 or executivelegislative@sos.ok.gov).

Thank you,

A handwritten signature in black ink that reads "Brian Bingman".

Brian Bingman
Secretary of State and
Native American Affairs

Cc: Crowe & Dunlevy



FILED

NOV 20 2018

OKLAHOMA SECRETARY
OF STATE

OKLAHOMA STATE ELECTION BOARD

November 19, 2018

The Honorable James A. Williamson
Secretary of State
State Capitol Building, Room 122
Oklahoma City, Oklahoma 73105

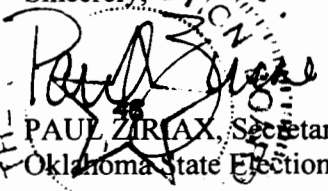
Dear Secretary Williamson:

Subsequent to the November 6, 2018, General Election, I am able to provide the following information.

The total votes cast for the office of Governor at the General Election in 2018 were 1,186,385. Signature requirements for the types of petitions listed below are derived by applying the parenthetical percentages indicated and are valid from November 14, 2018, through November 15, 2022.

Referendum (5%)	59,320
Initiative (8%)	94,911
Initiative for Constitutional Change (15%)	177,958
Rejected Initiative or Referendum Measures (25%)	296,597
Independent Presidential Electors (3%)	35,592
Unrecognized Party Presidential Electors (3%)	35,592
Formation of New Political Party (3%)	35,592

Sincerely,


PAUL ZIRBAX, Secretary
Oklahoma State Election Board



FILED

JUL 05 2022

**OKLAHOMA SECRETARY
OF STATE**

Melanie Wilson Rughani
Direct Tel: (405) 235-7714
Direct Fax: (405) 272-5284

melanie.rughani@crowedunlevy.com

July 5, 2022

The Honorable Brian Bingman
Oklahoma Secretary of State
2300 N. Lincoln Boulevard, Ste. 122
Oklahoma City, Oklahoma 73105-4897

Re: State Question No. 820, Initiative Petition No. 434

Dear Mr. Secretary:

On behalf of Michelle Diane Tilley Nichols and Michelle Anne Jones, the Proponents of State Question No. 820, Initiative Petition No. 434 ("the Petition"), please accept for filing the enclosed 118 boxes of signature pamphlets in support of the Petition.

Pursuant to 34 Okla.Stat. § 8(G), the Proponents hereby certify that:

1. All signed petitions have been filed with the Secretary of State;
2. To our knowledge, no more petitions are in circulation; and
3. The Proponents will not circulate any more petitions.

Respectfully submitted,

Melanie Wilson Rughani

CROWE & DUNLEVY, P.C.
Braniff Building
324 N. Robinson Ave., Ste. 100
Oklahoma City, OK 73102

Counsel for the Proponents

Brian Bingman
Secretary of State and
Native American Affairs



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

FILED

JUL 05 2022

**OKLAHOMA SECRETARY
OF STATE**

July 5, 2022

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

✓
Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

Dear Proponents:

This letter acknowledges receipt of 118 boxes containing signed petition pamphlets, with the Secretary of State this July 5, 2022, at 12:48 a.m. / p.m., on behalf of State Question 820, Initiative Petition 434.

This letter also serves as notification that proponents have, in accordance with Title 34 O.S. §8, officially certified to our office the following:

1. All signed petition pamphlets have been filed
2. No more petition pamphlets are in circulation
3. And proponents will not circulate any more petition pamphlets

As required by law, the boxes containing petition pamphlets have been sealed and will remain so until the signature count begins.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Canton".

Amy Canton
Director, Executive Legislative Services
Oklahoma Secretary of State office

Brian Bingman
Secretary of State and
Native American Affairs



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

FILED

JUL 05 2022

OKLAHOMA SECRETARY
OF STATE

July 5, 2022

✓ Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

Dear Proponents:

This letter acknowledges receipt of 118 boxes containing signed petition pamphlets, with the Secretary of State this July 5, 2022, at 10:48 a.m. p.m., on behalf of State Question 820, Initiative Petition 434.

This letter also serves as notification that proponents have, in accordance with Title 34 O.S. §8, officially certified to our office the following:

1. All signed petition pamphlets have been filed
2. No more petition pamphlets are in circulation
3. And proponents will not circulate any more petition pamphlets

As required by law, the boxes containing petition pamphlets have been sealed and will remain so until the signature count begins.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Canton".

Amy Canton
Director, Executive Legislative Services
Oklahoma Secretary of State office

Brian Bingman
Secretary of State and
Native American Affairs



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

July 5, 2022

The Honorable John O'Connor
Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

Dear Attorney General O'Connor:

Pursuant to 34 O.S., § 8(H), the proponents of **State Question 820, Initiative Petition 434** have timely filed signed copies of said petition. Also, in accordance with 34 O.S. §8(G), proponents have officially certified to the Secretary of State office the following:

1. All signed petitions have been filed
2. No more petition pamphlets are in circulation
3. And proponents will not circulate any more petition pamphlets

Per 34 O.S. § 9(D), the proposed ballot title for SQ 820, IP 434 is hereby submitted to you for review as to legal correctness. The enclosed are true and exact copies of the documents on record with the Secretary of State.

If additional information is needed, or if we may be of further assistance, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Brian Bingman".

Brian Bingman
Secretary of State

STATE QUESTION **800** INITIATIVE PETITION **434**

PROPONENT'S SUGGESTED BALLOT TITLE

Proponent's suggested ballot title is:

This measure is intended to generally legalize, regulate and tax adult-use marijuana under state law (but not alter the rights of medical marijuana patients or licensees). Specifically, it would protect the personal use of marijuana for persons aged 21+, while establishing quantity limits, safety standards, and other restrictions and penalties for violations thereof. It would not affect an employer's ability to restrict marijuana use by employees or prevent property owners from prohibiting or restricting marijuana-related conduct on that property in most cases. It also would not affect federal law regarding marijuana. It would vest in the Oklahoma Medical Marijuana Authority the power to license and regulate conduct under the Act and administer and enforce the Act pursuant to specified requirements. Local governments could regulate the time, place, and manner of operation of businesses licensed pursuant to this Act, but not limit the number or completely prohibit such businesses. It would restrict business licenses to existing medical marijuana licensees for the first two years. While the measure requires enforcement and thus may have a fiscal impact on the state, it is designed to be self-funding: it would impose a 15% excise tax on sales to consumers (not applicable to medical marijuana) to fund the Authority, with the surplus directed to localities where sales occur (10%), to the General Revenue Fund (30%), to courts (10%), to schools (for programs to prevent substance abuse and improve student retention and performance) (30%), and to drug addiction treatment programs (20%). The measure would provide a judicial process for people to seek modification, reversal, redesignation, or expungement of certain prior marijuana-related judgments and sentences. It would provide for severability and an effective date.

Shall the proposal 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.

FILED
JAN 04 2022
OKLAHOMA SECRETARY
OF STATE

Instructions for Proponents:

1. Please type and insert only the full text of the suggested ballot title.
2. Do not write or type anywhere on this form except where indicated.
3. Once completed, this form must be submitted for filing along with a full copy of the proposed measure and a completed 'Proponent's Gist of the Proposition' form.

(OKSOS-SWIP-Fm01-1021)



JOHN M. O'CONNOR
ATTORNEY GENERAL

July 12, 2022

FILED

JUL 12 2022

OKLAHOMA SECRETARY
OF STATE

Brian Bingman, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 122
Oklahoma City, Oklahoma 73105

Re: Ballot Title for State Question No. 820, Initiative Petition No. 434

Dear Secretary Bingman:

In accordance with the provisions of 34 O.S.2021, § 9(D), we have reviewed the proposed ballot title for the referenced State Question and conclude that it fails to comply with applicable laws for the following reasons:

1. It does not provide sufficient notice that the proposed measure will have a fiscal impact on the State. *See* 34 O.S.2021, § 9(B)(7).¹
2. It does not clearly explain the effect of the proposed measure, as required under 34 O.S.2021, § 9(B)(2) including, but not limited to, the following:
 - a) It does not indicate there are limitations on adult-use marijuana activities;
 - b) It does not accurately state that employers are not required to accommodate conduct involving adult use of marijuana;
 - c) It does not accurately state that employers are permitted to restrict adult use of marijuana;
 - d) It does not accurately state that a person who occupies, owns, or controls private property can regulate or prohibit adult-use marijuana conduct;
 - e) It does not accurately state that a lease agreement may not prohibit a tenant from "lawfully possessing and consuming marijuana by means other than smoking[.]";

¹ In November 2021, the Legislature amended Section 9 of Title 34 to require that ballot titles contain notice of fiscal impact. SB 947, 2021 OKLA. SESS. LAWS ch. 311, § 1. Presumably to ensure that notice of the fiscal impact on the State was provided to the electorate, the Legislature increased the word limit of a suggested ballot title from two hundred words to three hundred words where the "proposed measure will have a fiscal impact on the state[.]" 34 O.S.2021, § 9(B)(1).

- f) It does not explain that state or local governments can prohibit or restrict adult-use marijuana conduct in or on property owned, leased, or occupied by the state or local government;
- g) It does not explain that a moratorium will be placed on licensure to new persons and entities seeking a marijuana business license;
- h) It does not explain that local governments are precluded from limiting the number of, or completely prohibiting, adult use business licensees or any category of license issued pursuant to the Act;
- i) It does not explain that the Oklahoma Tax Commission would be responsible for collecting the 15% state excise tax and establishing rules with regard to the tax collection process;
- j) It does not explain that the 15% excise tax will be paid in addition to other applicable state or local sales tax;
- k) It does not sufficiently provide notice of the fiscal impact on the State, as outlined above in paragraph one and further constitutes an inadequate explanation of the effect of the proposition; and
- l) It does not explain explicitly that marijuana use and possession remains a crime under federal law and is thus prosecutable in federal courts.

Having found that the ballot title does not comply with applicable laws, we will, in accordance with the provisions of 34 O.S.2021, § 9(D), prepare a Preliminary Ballot Title that complies with the law and furnish a copy to you within ten (10) business days.

Sincerely,



LORI S. CARTER

First Assistant Attorney General



JOHN M. O'CONNOR
ATTORNEY GENERAL

FILED

JUL 26 2022

OKLAHOMA SECRETARY
OF STATE

July 26, 2022

Brian Bingman, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 122
Oklahoma City, Oklahoma 73105

Re: Ballot Title for State Question No. 820, Initiative Petition No. 434

Dear Secretary Bingman:

On July 12, 2022, we notified you that the proposed ballot title for the above-referenced State Question did not comply with applicable law. In accordance with 34 O.S.2021, § 9(D), we have prepared the attached Ballot Title.

Respectfully submitted,

A handwritten signature in black ink that reads "Lori S. Carter".

Lori S. Carter
FIRST ASSISTANT ATTORNEY GENERAL

BALLOT TITLE FOR STATE QUESTION NO. 820

This measure creates a state law legalizing recreational use marijuana for persons 21 or older. Marijuana use and possession remain crimes under federal law. The export of marijuana from Oklahoma is prohibited. The law will have a fiscal impact on the State. The Oklahoma Tax Commission will collect a 15% excise tax on recreational use sales, above applicable sales taxes. Excise tax revenues will fund implementation of the law, with any surplus revenues going to public school programs to address substance abuse and improve student retention (30%), the General Revenue Fund (30%), drug addiction treatment programs (20%), courts (10%), and local governments (10%). The law limits certain marijuana-related conduct and establishes quantity limits, safety standards, restrictions, and penalties for violations. A local government may prohibit or restrict recreational marijuana use on the property of the local government and regulate the time, place, and manner of the operation of marijuana businesses within its boundaries. However, a local government may not limit the number of, or completely prohibit, such businesses. Persons who occupy, own, or control private property may prohibit or regulate marijuana-related conduct, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking. The law does not affect an employer's ability to restrict employee marijuana use. For the first two years, marijuana business licenses are available only to existing licensees in operation one year or more. The law does not affect the rights of medical marijuana patients or licensees. The law requires resentencing, reversing, modifying, and expunging certain prior marijuana-related judgments and sentences unless the State proves an unreasonable risk to a person. The Oklahoma Medical Marijuana Authority is authorized to administer and enforce the law.

Shall the proposal be approved?

For the proposal – YES

Against the proposal – NO

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

AUG 22 2022

IN RE: INITIATIVE PETITION 434

STATE QUESTION 820

JOHN D. HADDEN
CLERK

#120641

Sup. Ct. Case No. _____

BRIAN BINGMAN, OKLAHOMA SECRETARY

OF STATE, IN HIS OFFICIAL CAPACITY

**SECRETARY OF STATE'S CERTIFICATION TO THE SUPREME COURT OF OKLAHOMA
OF THE SIGNATURE COUNT OF INITIATIVE PETITION 434, STATE QUESTION 820**

Pursuant to the provisions of Oklahoma Statutes, Title 34, Sections 6.1, 8, and 9, the Secretary of State certifies to the Court the following details for the signature verification and count of Initiative Petition 434, State Question 820.

1. One hundred eighteen (118) boxes of petition pamphlets were received by our office July 5, 2022, on behalf of Initiative Petition 434.
2. The Secretary of State began the verification and count of signatures on July 6, 2022, at 1:00 p.m. and concluded such on August 17, 2022, at 5:00 p.m.
3. Individual signature sheets are page numbered 1 through 23,043 and bound in a total of 116 volumes. Volumes 1 through 115 contain 200 signature sheets per volume and Volume 116 contains a total of 43 signature sheets.
4. Page numbers disqualified due to violations of 34 O.S. §§ 6 & 6.1;
 - a. Page 20,696; All the signers that appear on this page had already signed once on page 20,965
 - b. Pages 21,189 – 21,945; incomplete circulator and/or notary public address
 - c. Pages 22,621 – 23,041; incomplete circulator and/or notary public address
 - d. Page 23,043; Two signature sheets attached to one petition pamphlet. The first signature sheet attached (pg. 22,619) has been included in the count. The second signature sheet (pg. 23,043) was disqualified from the signature count.
5. The Secretary of State certifies the total number of signatures verified, with unique matches to the Oklahoma Voter Registration file for, Initiative Petition 434 is **117,257**.

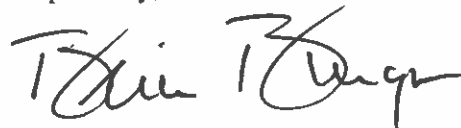
6. The Secretary of State affirms the State Election Board has certified that a total of 1,186,385 votes were cast for the office of Governor at the General Election in November 2018.
7. The Secretary of State also certifies that proponents' proposed ballot title was submitted to the Attorney General's office July 5, 2022, for review as to legal correctness. And, the Attorney General's ballot title review was filed for the record, with the Secretary of State's office, on July 12, 2022, and it concluded that proponent's proposed ballot title "fails to comply with applicable laws." And the Attorney General's rewritten ballot title for Initiative Petition 434 was filed with our office July 26, 2022.

In support of the details so certified, please find attached the following documents:

- A. True and exact copy of Initiative Petition 434,
- B. True and exact copy of Secretary of State's receipt for filing of boxes containing signed petition pamphlets,
- C. True and exact copy of SOS signature sheet volume cover pages containing the total amount of signatures verified for each of the 116 volumes for IP434, SQ820 (116 pages total),
- D. True and exact copy of the State of Election Board's certification of the number of votes cast at the November 2018 General Election (Secretary of State record number 049546, filed November 20, 2018),
- E. True and exact copy of Proponents' Proposed Ballot Title filed with the Secretary of State's office January 4, 2022, and
- F. True and exact copy of Oklahoma Attorney General's ballot title review and rewritten ballot title for Initiative Petition 434.

Please be advised that this office is prepared to provide the Court with additional information or assistance as needed.

Respectfully,



BRIAN BINGMAN
OKLAHOMA SECRETARY OF STATE

Office of the Oklahoma Secretary of State
State Capitol, Ste. 122
2300 N. Lincoln Blvd.
Oklahoma City, Oklahoma 73105
405-522-4565 / executivelegislative@sos.ok.gov

CERTIFICATE OF MAILING

I hereby certify that a true and accurate copy of the foregoing was hand delivered on August 29, 2022 to the following party;

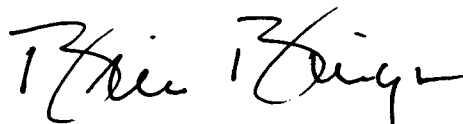
The Honorable John O'Connor
Oklahoma Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

I also hereby certify that a true and accurate copy of the foregoing was placed in USPS mail, regular first-class, on August 29, 2022 to the following parties;

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

Melanie Wilson Rughani
CROWE & DUNLEVY
324 North Robinson Ave., Ste. 100
Oklahoma City, OK 73102



BRIAN BINGMAN
OKLAHOMA SECRETARY OF STATE

Office of the Oklahoma Secretary of State
State Capitol, Ste. 122
2300 N. Lincoln Blvd.
Oklahoma City, Oklahoma 73105
405-522-4565 / executivelegislative@sos.ok.gov

Attachment 'A'

State Question No. 820, Initiative Petition No. 434 FILED

WARNING

JAN 04 2022

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

INITIATIVE PETITION

To the Honorable John Kevin Stitt, Governor of Oklahoma:

We the undersigned legal voters of the State of Oklahoma respectfully order that the following proposed law shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the next regular general election (or at a special election as may be lawfully called by the Governor), and each for himself/herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my first name, last name, zip code, house number, and month and day of my birth are correctly written on this form. The time for filing this petition expires ninety (90) days from May 3, 2022. The question we herewith submit to our fellow voters is:

Shall the following proposed law be approved?

An Act relating to adult use marijuana: creating the Adult Use Marijuana Regulation Act; defining terms; specifying limitations on application of the Act; establishing legal protections for personal use of marijuana; setting age, quantity and other limitations; establishing penalties for use, possession, cultivation, production, transportation, delivery or distribution in violation of the Act; vesting authority to license, administer, enforce, and regulate under the Act in the Oklahoma Medical Marijuana Authority; providing for the issuance of rules and regulations related to adult use marijuana; setting requirements for and limitations on such licensing, administration, enforcement and regulation; establishing protections for licensees and contractors; establishing license eligibility requirements; establishing restrictions regarding cultivation, processing, testing, storage, transfer, import and export, security, and location; providing for local government regulation within limits; establishing the Oklahoma Marijuana Revenue Trust Fund; establishing an excise tax, and providing for collection and distribution of proceeds thereof; requiring annual reporting; providing for retroactive application; establishing a judicial process for resentencing, reversal of convictions, or modification of judgment and sentence for individuals previously convicted of certain marijuana-related offenses; establishing rules of construction; providing for codification, severability, and an effective date.

BE IT ENACTED BY THE PEOPLE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 431 of Title 63, unless there is created a duplication in numbering, reads as follows:

This Act shall be known and may be cited as the “Adult Use Marijuana Regulation Act.”

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 432 of Title 63, unless there is created a duplication in numbering, reads as follows:

Definitions

Terms used in this Act mean:

- A. “Adult use license” means a license issued pursuant to this Act.
- B. “Authority” means the Oklahoma Medical Marijuana Authority or any successor department, division, or agency.
- C. “Consumer” means a person twenty-one years of age or older. “Consumer” does not include licensed patients.
- D. “Entity” means an individual, a sole proprietorship, a general partnership, a limited partnership, a limited liability company, a trust, an estate, an association, a corporation, or any other legal or commercial entity.
- E. “Marijuana” shall have the same meaning as such term is defined in Section 2-101 of this title and shall not include any plant or material which is grown, processed or sold pursuant to the provisions of the Oklahoma Industrial Hemp Program.
- F. “Marijuana accessory” means any equipment, product, or material, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.
- G. “Marijuana product” means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means including, but not limited to, oils, tinctures, edibles, pills, topical forms, gels, creams, vapors, patches, liquids, and forms administered by a nebulizer, excluding live plant forms.
- H. “Marijuana-infused product” means a product infused with marijuana including, but not limited to, edible products, ointments and tinctures.
- I. “Medical marijuana” means marijuana that is acquired, grown, processed, manufactured, dispensed, tested, transported, possessed, or used pursuant to 63 O.S. 420 et seq.

- J. "Medical marijuana business license" means a license issued pursuant to 63 O.S. § 427.14.
- K. "Medical marijuana license" means a license issued pursuant to 63 O.S. § 420 et seq.
- L. "Patient" or "Licensed patient" means a person who has been issued a medical marijuana patient license by the State Department of Health or Oklahoma Medical Marijuana Authority.
- M. "School" means a public or private elementary or secondary school which is primarily used for classroom instruction. A homeschool, daycare or child-care facility shall not be considered a "school" as used in this Act.
- N. "Unduly burdensome" means that the measures necessary to comply with the rules or ordinances adopted pursuant to this section subject adult use licensees or potential licensees to such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate a marijuana business.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 433 of Title 63, unless there is created a duplication in numbering, reads as follows:

Limitations

Notwithstanding any other provisions of this Act, this Act does not limit or affect laws that prohibit or otherwise regulate:

- A. Delivery or distribution of marijuana or marijuana accessories, with or without consideration, to a person younger than twenty-one (21) years of age;
- B. Operating or being in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana;
- C. Consumption of marijuana while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport, while it is being operated;
- D. Smoking marijuana while riding in the passenger seat or compartment of a motor vehicle, aircraft, motorboat, or other motorized form of transport, while it is being operated;
- E. Possession or consumption of marijuana or possession of marijuana accessories on the grounds of a public or private preschool, elementary school, or high school, in a school bus, or on the grounds of any correctional facility;
- F. Smoking or vaping marijuana in a public place; or

- G. Undertaking any task under the influence of marijuana, if doing so would constitute negligence or professional malpractice.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 434 of Title 63, unless there is created a duplication in numbering, reads as follows:

Employment, Property, and Patients

Notwithstanding any other provisions of this Act, this Act does not:

- A. Limit any privileges, rights, immunities, or defenses of a patient, medical marijuana licensee, or medical marijuana business licensee as provided under Oklahoma law;
- B. Require that an employer accommodate conduct permitted by this Act;
- C. Affect an employer's ability to restrict conduct permitted by this Act by employees;
- D. Limit the right of a person who occupies, owns, or controls private property from prohibiting or otherwise regulating conduct permitted by this Act on or in that property, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking; or
- E. Limit the ability of the state or a local government to prohibit or restrict any conduct permitted under this Act within a building owned, leased, or occupied by the state or the local government.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 435 of Title 63, unless there is created a duplication in numbering, reads as follows:

Personal Use Protections

- A. Subject to the limitations in this Act, the following acts are not unlawful and shall not be an offense under state law or the laws of any local government within the state or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government, if the person is at least twenty-one (21) years of age:
 - 1. Possessing, purchasing, using, ingesting, inhaling, processing, transporting, delivering without consideration, or distributing without consideration one (1) ounce or less of marijuana, eight (8) grams or less of marijuana in a concentrated form, and/or eight (8) grams or less of marijuana in concentrated form contained within marijuana products or marijuana-infused products.
 - 2. Possessing, planting, cultivating, harvesting, drying, processing, or manufacturing not more than six (6) mature marijuana plants and six (6) seedlings, and possessing the marijuana produced by the plants and seedlings, provided:

- (i) The plants and seedlings and any marijuana produced by the plants and seedlings in excess of one (1) ounce are kept in or on the grounds of one (1) private residence and are not visible and recognizable as marijuana by normal, unaided vision from a public place; and
 - (ii) Not more than twelve (12) plants and twelve (12) seedlings are kept in or on the grounds of a private residence at one time.
- 3. Assisting another person who is at least twenty-one (21) years of age, or allowing property to be used, in any of the acts permitted by this Act.
- 4. Possessing, purchasing, using, delivering, distributing, manufacturing, transferring, or selling marijuana accessories to persons twenty-one (21) years of age or older.
- 5. Transporting not more than six (6) mature marijuana plants and six (6) seedlings cultivated in compliance with subsection A(2) of this section for testing and/or manufacturing, and/or donation of marijuana for scientific research, provided such transportation is permitted by the Authority.
- B. A person shall not be denied custody of or visitation or parenting time with a minor child, and there is no presumption of neglect or child endangerment, for conduct that is addressed and permitted by this Act, unless the behavior of the person creates an unreasonable danger to the safety of the minor child.
- C. A person currently under parole, probation, or other state supervision, or released awaiting trial or other hearing, may not have that status revoked or be punished or otherwise penalized based solely on conduct that is addressed and permitted by this Act.
- D. A consumer shall not be required to provide an adult use licensee with identifying information other than identification to determine the consumer's age, and an adult use licensee may not retain any personally identifying information about the consumer for more than sixty days (60) without the consumer's written permission.
- E. No conduct addressed and permitted by this Act shall constitute the basis for detention, search, or arrest; and except when law enforcement is investigating whether a person is operating a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while impaired, the odor of marijuana or burnt marijuana, the possession or suspicion of possession of marijuana without evidence of quantity in excess of the lawful amount, or the possession of multiple containers of marijuana without evidence of quantity in excess of the lawful amount shall not individually or in combination with each other constitute reasonably articulable suspicion of a crime. Marijuana, marijuana products and marijuana-infused products as permitted by this Act are not contraband nor subject to seizure.

- F. A person shall not be denied eligibility in public assistance programs based solely on conduct that is addressed and permitted by this Act, unless required by federal law.
- G. A person shall not be denied by the state or local government the right to own, purchase or possess a firearm, ammunition, or firearm accessories based solely on conduct that is addressed and permitted by this Act. No state or local agency, municipal or county governing authority shall restrict, revoke, suspend or otherwise infringe upon the right of a person to own, purchase, or possess a firearm, ammunition, or firearm accessories or any related firearms license or certification based solely on conduct that is addressed and permitted by this Act.
- H. Nothing in this section or this Act may be construed to limit any privileges, rights, immunities or defenses of patients, medical marijuana licensees, or medical marijuana business licensees or to change or affect any law or regulation addressing medical marijuana or to apply any fine or other penalty to a patient. Any restrictions or limitations on persons or consumers set forth in this section or elsewhere in the Act do not apply to patients, medical marijuana licensees, or medical marijuana business licensees if the restriction or limitation is inconsistent with Oklahoma's laws related to medical marijuana.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 436 of Title 63, unless there is created a duplication in numbering, reads as follows:

Personal Use Penalties

- A. A consumer who, contrary to §5 of this Act, cultivates marijuana plants that are visible and recognizable as marijuana by normal, unaided vision from a public place is subject to a civil fine not exceeding two-hundred and fifty dollars (\$250).
- B. A consumer who smokes or vapes marijuana in a public place where the smoking of tobacco is prohibited is subject to a civil fine not exceeding twenty-five dollars (\$25). Smoking marijuana in a public place shall not constitute the basis for detention, search, or arrest.
- C. A person who is under twenty-one (21) years of age, is not a licensed patient, and possesses, uses, ingests, inhales, transports, delivers without consideration or distributes without consideration not more than the amount of marijuana allowed for adults twenty-one (21) years of age or older by § 5 of this Act or possesses, delivers without consideration, or distributes without consideration marijuana accessories is subject to a civil fine not to exceed one-hundred dollars (\$100) and forfeiture of the marijuana. The person shall be provided the option of attending up to four (4) hours of drug education or counseling in lieu of the fine.
- D. Subject to §5 of this Act, a consumer who possesses more than the amount of marijuana allowed pursuant to § 5 of this Act but not more than twice that amount, or produces more than the amount of marijuana allowed pursuant to §5 of this Act but not more than

twice that amount, or delivers without consideration or distributes without consideration to a person who is at least twenty-one (21) years of age more than the amount of marijuana allowed pursuant to § 5 of this Act but not more than twice the amount of marijuana allowed by § 5 of this Act, or possesses with intent to deliver or distribute to a person who is at least twenty-one (21) years of age more than the amount of marijuana allowed pursuant to § 5 of this Act but not more than twice the amount of marijuana allowed by § 5 of this Act is subject to a civil fine not exceeding two hundred dollars (\$200) and forfeiture of the marijuana. Any person under twenty-one (21) years of age who is subject to a fine under this Section shall be provided the option of attending up to eight (8) hours of drug education or counseling in lieu of the fine.

- E. A person shall not be subject to any additional fees, fines, or other penalties for the violations addressed in this section other than those set forth in this section. Further, a person shall not be subject to increased punishment for any other crime on the basis of their having undertaken any of the conduct listed in Sections 5 or 6 of this Act.
- F. It is expressly prohibited to operate extraction equipment or utilize extraction processes on marijuana if the equipment or process utilizes butane, propane, carbon dioxide or any potentially hazardous or volatile solvent in a residential property.
- G. Nothing in this section or this Act may be construed to limit any privileges, rights, immunities, or defenses of patients, medical marijuana licensees or medical marijuana business licensees or to change or affect any law or regulation addressing medical marijuana or to apply any fine or other penalty to a patient. Any restrictions or limitations on persons or consumers set forth in this section or elsewhere in the Act do not apply to patients, medical marijuana licensees, or medical marijuana business licensees if the restriction or limitation is inconsistent with Oklahoma's laws related to medical marijuana.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 437 of Title 63, unless there is created a duplication in numbering, reads as follows:

Licensing

- A. The Oklahoma Medical Marijuana Authority shall have the power to license and regulate the cultivation, processing, manufacture, testing, transport, delivery, and sale of marijuana in the state by adult use licensees and to administer and enforce this Act.
- B. The Authority shall accept applications for and issue adult use marijuana business licenses, including but not limited to:
 - 1. Adult use marijuana commercial grower;
 - 2. Adult use marijuana processor;
 - 3. Adult use marijuana dispensary;
 - 4. Adult use marijuana transporter; and
 - 5. Adult use marijuana testing laboratory.

- C. An entity may hold both a medical marijuana business license and a license under this Act of the same type to operate at the same location consistent with Authority regulations and this Act.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 438 of Title 63, unless there is created a duplication in numbering, reads as follows:

Rules and Regulations

- A. Not later than 90 days after the effective date of this Act, the Authority shall promulgate rules and issue regulations necessary for the implementation and enforcement of this Act. The rules shall be reasonable and shall include:
1. Procedures for issuing an adult use license and for renewing, suspending, and revoking an adult use license;
 2. Application, licensing, and renewal fees for adult use licenses, none of which shall exceed \$2,500;
 3. Qualifications for adult use licensure that are directly and demonstrably related to the operation of an adult use marijuana business;
 4. Requirements and standards for safe cultivation, processing, manufacture, dispensing, and distribution of marijuana, marijuana products and marijuana-infused products by adult use licensees, including health standards to ensure the safe preparation of marijuana products and marijuana-infused products and prohibitions on pesticides that are not safe for use on marijuana;
 5. Standards, procedures (including, but not limited to, process validation), and requirements to test marijuana, marijuana products and marijuana-infused products for components demonstrated to adversely impact human health; and a requirement that marijuana, marijuana products and marijuana-infused products be tested by an independent marijuana testing laboratory;
 6. Labeling standards that protect public health by requiring the listing of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content, the THC and other cannabinoid amount in milligrams per serving or percentage, the number of servings per package, and quantity limits per sale to comply with the allowable possession amount;
 7. Requirements that packaging and labels shall not be made to be attractive to children, requirements for warning labels, and requirements that marijuana, marijuana products, and marijuana-infused products be sold in resealable, child-

resistant packaging designed to be significantly difficult for children under five (5) years of age to open and not difficult for adults to use properly;

8. Security requirements, including lighting, physical security, and alarm requirements, and requirements for securely transporting marijuana between adult use licensees;
9. Packaging and labeling requirements to ensure consumer safety and accurate information;
10. Reasonable restrictions on the manufacture and sale of edible marijuana products or marijuana-infused products to ensure consumer and child safety;
11. Inspection, tracking, and record-keeping requirements to ensure regulatory compliance and to prevent diversion;
12. Restrictions on advertising, marketing, and display of marijuana by adult use licensees to prevent advertising and marketing to persons under twenty-one (21) years of age;
13. Requirements to ensure that all applicable statutory environmental, agricultural, waste management, waste disposal, and food and product safety requirements are followed;
14. Requirements to prevent the sale and diversion of marijuana to persons under twenty-one (21) years of age;
15. Requirements to ensure that no adult use licensee may process or sell edible marijuana products or marijuana-infused products in shapes or packages that are attractive to children or that are easily confused with commercially sold candy or products that do not contain marijuana;
16. A seed-to-sale tracking system that tracks marijuana throughout the distribution chain from either the seed or immature plant stage until the marijuana, marijuana product, or marijuana-infused product is sold to a consumer to ensure that no marijuana, marijuana products or marijuana-infused products are sold or otherwise transferred except as authorized by law and to aid the Authority in ensuring compliance with this act and the rules promulgated by the Authority;
17. Administrative penalties for the failure to comply with rules adopted pursuant to this Act; and
18. Such other matters as are necessary for the fair, impartial, and comprehensive administration of this Act.

19. The Authority shall, to the extent practicable, keep its regulation of adult-use licensees consistent with its regulation of medical marijuana business licensees, except as necessary to differentiate between differences in statute between medical and adult-use marijuana.
- B. The Authority shall not promulgate a rule or regulation or establish a fee that is unduly burdensome.
- C. The Authority shall approve an adult use license application and issue an adult use license if:
 1. The applicant has submitted the application in compliance with the rules promulgated by the Authority, is in compliance with this Act and the rules, and has paid the required fee; and
 2. The proposed adult use licensee would not be in violation of a local ordinance consistent with this Act that was in effect at the time of the application.
- D. For the first twenty-four (24) months after the Authority begins to accept license applications under this Act, the Authority shall accept applications from and issue adult use licenses only to entities that have held a medical marijuana business license for at least one year as of the date this Act takes effect.
- E. Any rule or regulation adopted by the Authority pursuant to this Act must comply with the Oklahoma Administrative Procedures Act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 439 of Title 63, unless there is created a duplication in numbering, reads as follows:

Licensee Protections

- A. Actions and conduct by an adult use licensee, an adult use licensee's employee, and an adult use licensee's agent, as permitted pursuant to an adult use license issued by the Authority, or by those who allow property to be used by an adult use licensee, an adult use licensee's employee, or an adult use licensee's agent, as permitted pursuant to an adult use license issued by the Authority, are not unlawful and shall not be an offense under state law, or the laws of any local government within the state, or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, or to deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local government within the state.
- B. No contract shall be unenforceable on the basis that marijuana is prohibited by federal law.
- C. A holder of a professional or occupational license is not subject to professional discipline for providing advice or services arising out of or related to adult use marijuana licensees

or applications for adult use marijuana licenses on the basis that marijuana is prohibited by federal law.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 440 of Title 63, unless there is created a duplication in numbering, reads as follows:

Licensee Restrictions

- A. An adult use licensee may not cultivate, process, test, or store marijuana at any location other than a physical address approved by the Authority and that is secured in a manner that prevents access by persons not permitted by the adult use licensee to access the area.
- B. An adult use licensee shall comply with security measures to prevent unauthorized access to marijuana, marijuana products and marijuana-infused products in accordance with Authority rules and this Act.
- C. No adult use licensee may refuse representatives of the Authority the right during the hours of operation to inspect the licensed premises or to audit the books and records of the adult use licensee.
- D. No adult use marijuana dispensary licensee that is permitted to sell marijuana to consumers may be located within 1,000 feet of a school, as set forth in 63 O.S. § 425(G).
- E. No adult use licensee may sell or otherwise transfer tobacco or alcoholic beverages from the same location as marijuana.
- F. No adult use licensee may import or export marijuana into or out of Oklahoma until allowed to do so under federal law.
- G. Nothing in this section or this Act may be construed to limit any privileges, rights, immunities, or defenses of patients, medical marijuana licensees or medical marijuana business licensees or to change or affect any law or regulation addressing medical marijuana or to apply any fine or other penalty to a patient, medical marijuana licensee, or medical marijuana business licensee. Any restrictions or limitations on persons or consumers set forth in this section or elsewhere in the Act do not apply to patients, medical marijuana licensees, or medical marijuana business licensees if the restriction or limitation is inconsistent with Oklahoma's laws related to medical marijuana.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 441 of Title 63, unless there is created a duplication in numbering, reads as follows:

Local Governments

Subject to sections 5 and 9 of this Act,

- A. A county or municipal government may regulate the time, place, and manner of operation of adult use business licensees licensed pursuant to this Act, so long as those regulations are not unduly burdensome, but may not limit the number or completely prohibit the establishment or operation of adult use business licensees licensed pursuant to this Act, or any category of license issued pursuant to this Act, within its boundaries.
- B. The State Department of Health shall make available to political subdivisions a list of marijuana-licensed premises, marijuana businesses or any other premises where marijuana or its by-products are licensed to be cultivated, grown, processed, stored or manufactured under this Act to aid county and municipal governments in identifying locations within their jurisdiction and ensure compliance with local regulations.
- C. All marijuana-licensed premises, marijuana businesses or any other premises where marijuana, marijuana products or marijuana-infused products are licensed to be cultivated, grown, processed, stored or manufactured under this Act shall submit with their application, after notifying the political subdivision of their intent, a certificate of compliance from the political subdivision where the facility of the applicant or use is to be located certifying compliance with zoning classifications, applicable municipal ordinances and all applicable safety, electrical, fire, plumbing, waste, construction and building specification codes.
- D. Nothing in this section or this Act may be construed to limit any privileges, rights, immunities, or defenses of patients, medical marijuana licensees or medical marijuana business licensees or to change or affect any law or regulation addressing medical marijuana or to apply any fine or other penalty to a patient, medical marijuana licensee, or medical marijuana business licensee. Any restrictions or limitations set forth in this section or elsewhere in the Act do not apply to patients, medical marijuana licensees, or medical marijuana business licensees if the restriction or limitation is inconsistent with Oklahoma's laws related to medical marijuana.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 442 of Title 63, unless there is created a duplication in numbering, reads as follows:

Marijuana Tax

- A. An excise tax of fifteen percent (15%) is imposed upon the gross receipts of all sales of marijuana sold by an adult use marijuana dispensary licensee to a consumer. This tax shall not apply to the sale of medical marijuana to a licensed patient or caregiver for use by a licensed patient.
- B. The Oklahoma Tax Commission shall by rule establish a procedure for the collection of this tax and shall collect the tax.
- C. This tax shall be paid in addition to any other applicable state or local sales tax.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 443 of Title 63, unless there is created a duplication in numbering, reads as follows:

Oklahoma Marijuana Revenue Trust Fund

- A. There is hereby created a trust fund to be known as the "Oklahoma Marijuana Revenue Trust Fund." The trust fund shall consist of all monies received by the Oklahoma Tax Commission from tax proceeds collected pursuant to the marijuana excise tax established by this Act.
- B. Monies from the Oklahoma Marijuana Revenue Trust Fund will be applied first to finance the costs of the Authority reasonably necessary for implementation of this Act. Any monies that exceed the budgeted amount for running the Authority shall be expended only for the following purposes:
 - 1. Ten percent (10%) to the municipalities (or counties, for unincorporated areas) where the retail sales occurred;
 - 2. Ten percent (10%) to the State Judicial Revolving Fund;
 - 3. Thirty percent (30%) to the General Revenue Fund;
 - 4. Thirty percent (30%) to grants to public schools to develop and support programs designed to prevent and reduce substance abuse and improve student retention and performance, by supporting students who are at risk of dropping out of school, promoting alternatives to suspension or expulsion that focus on student retention, remediation, and professional care, and providing after-school support and enrichment programs for students in kindergarten through 12th grade that include art, music, athletics, and academics; and
 - 5. Twenty percent (20%) to provide grants to agencies and not-for-profit organizations, whether government or community-based, to increase access to evidence-based low-barrier drug addiction treatment, prioritizing medically proven treatment and overdose prevention and reversal methods and public or private treatment options with an emphasis on reintegrating recipients into their local communities, to support overdose prevention education, and to support job placement, housing, and counseling for those with substance use disorders.
- C. Funds shall be appropriated from the Oklahoma Marijuana Revenue Trust Fund only for the purposes specified in subsection B of this section. Grants awarded pursuant to subparagraph B(4) of this section shall be awarded by the Oklahoma State Department of Education or its successor, and grants awarded pursuant to subparagraph B(5) of this section shall be awarded by the Oklahoma Department of Mental Health and Substance Abuse Services or its successor from funds appropriated from the trust fund. Even when the funds from the trust fund are used for these purposes, funds from the trust fund shall not be used to supplant or replace other state funds supporting the entities and programs specified in subsection B of this section.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 444 of Title 63, unless there is created a duplication in numbering, reads as follows:

Annual Report

The Authority shall publish an annual report that includes the number and types of adult use licenses issued, the number and types of adult use licenses denied and the reason therefor, demographic information on adult use licensees and adult use license denials, a description of any enforcement or disciplinary action taken against adult use licensees, a statement of revenues and expenses of the Authority related to the implementation, administration, and enforcement of this Act, and a statement from the Oklahoma Tax Commission of taxes collected in accordance with this Act, with an accounting for how those revenues were disbursed.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 445 of Title 63, unless there is created a duplication in numbering, reads as follows:

Retroactive Application

- A. A person currently serving a sentence for a conviction, whether by trial or by plea of guilty or *nolo contendere*, who would not have been guilty of an offense or who would have been guilty of a lesser offense under this Act had it been in effect at the time of the offense, may file a petition for resentencing, reversal of conviction and dismissal of case, or modification of judgment and sentence before the trial court that entered the judgment of conviction in the person's case to request resentencing, modification, or reversal in accordance with this Act.
- B. Upon receiving a petition under subsection (A), the court shall presume the petitioner satisfies the criteria in subsection (A) and without delay resentence, reverse the conviction as legally invalid, or modify the judgment and sentence unless the State opposes the petition or alleges that granting the petition would pose an unreasonable risk of danger to an identifiable individual's safety.
- C. In the event that the State opposes the petition or alleges that granting the petition would pose an unreasonable risk of danger to an identifiable individual's safety, the petitioner shall be entitled to a hearing on the record, including the opportunity to question witnesses and present evidence supporting the granting of an order for resentencing, reversal and dismissal, or modification of the judgment and sentence. The State shall bear the burden of proving, by clear and convincing evidence, that the petitioner does not satisfy the criteria in subsection (A) or that granting the petition would pose an unreasonable risk of danger to an identifiable individual if alleged. Unless the State sustains its burden, the court shall resentence, reverse the conviction as legally invalid and dismiss the case, or modify the judgment and sentence. Any outstanding fines, court costs, and fees imposed in connection with the conviction at issue shall be waived.
- D. Any persons brought before the court upon an application to revoke a suspended sentence for a conviction that would not have been an offense or would have been a lesser offense

had this Act been in effect at the time of the offense shall have their sentence vacated or modified in accordance with the provisions of this Act. Any persons brought before the court upon an application to accelerate a deferred sentence for charges that would not have been an offense or would have been a lesser offense had this Act been in effect at the time of the offense shall have their charges vacated or modified in accordance with the provisions of this Act. Any outstanding fines, court costs, and fees imposed in connection with the conviction at issue shall be waived.

- E. Under no circumstances shall resentencing, reversal and dismissal, modification, revocation, or acceleration pursuant to this section result in the imposition of a supervision or imprisonment term longer than the original sentence, or the reinstatement of charges dismissed pursuant to a negotiated plea agreement, or require the payment of any additional fines or fees beyond those authorized by this Act.
- F. A person who has completed his or her sentence for a conviction, whether by trial or plea of guilty or *nolo contendere*, who would not have been guilty of an offense or who would have been guilty of a lesser offense under this Act had it been in effect at the time of the offense, may file a petition before the trial court that entered the judgment of conviction in the person's case to have the conviction dismissed, expunged, and vacated as legally invalid or redesignated as a civil infraction in accordance with this Act.
- G. The court shall presume the applicant satisfies the criteria in subsection (F) unless the State opposes the application and proves by clear and convincing evidence that the petitioner does not satisfy the criteria in subsection (F). If the petitioner satisfies the criteria in subsection (F), the court shall redesignate the conviction as a civil infraction or dismiss, expunge, and vacate the conviction as legally invalid in accordance with this Act. Any outstanding fines, court costs, and fees imposed in connection with the conviction at issue shall be waived.
- H. Unless requested by the applicant, no hearing is necessary to grant or deny an application filed under subsection (F).
- I. Any felony conviction or misdemeanor that is modified, resentenced, or redesignated as a civil infraction pursuant to subsection (B), (D), or (F) of this section shall be considered a civil infraction for all purposes.
- J. If the court that originally sentenced the petitioner is not available, the presiding judge shall designate another judge to rule on the petition or application.
- K. Nothing in this section shall be construed to diminish or abrogate any rights or remedies otherwise available to the petitioner or applicant.
- L. The provisions of this section shall apply equally to juvenile cases if the juvenile would have been guilty of a lesser offense under this Act.

- M. The Administrative Office of the Courts shall promulgate a simple form that may be used to file a petition under this section.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 446 of Title 63, unless there is created a duplication in numbering, reads as follows:

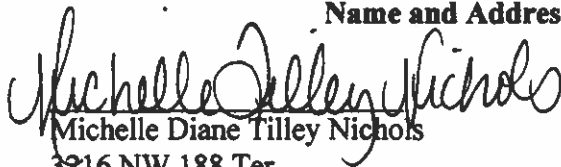
Severability


This Act shall be broadly construed to accomplish its purposes and intents. Nothing in this Act purports to supersede any applicable federal law, except where allowed by federal law. If any provision in this Act or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of the Act that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Act are severable.

SECTION 17. Effective Date

This Act shall become effective ninety (90) days after it is approved by the People.

Name and Address of Proponents


Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, OK 73012


Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, OK 74012

Attachment 'B'

Brian Bingman
Secretary of State and
Native American Affairs



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

FILED

JUL 05 2022

OKLAHOMA SECRETARY
OF STATE

July 5, 2022

✓ Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

Dear Proponents:

This letter acknowledges receipt of 118 boxes containing signed petition pamphlets, with the Secretary of State this July 5, 2022, at 10:48 a.m. p.m., on behalf of State Question 820, Initiative Petition 434.

This letter also serves as notification that proponents have, in accordance with Title 34 O.S. §8, officially certified to our office the following:

1. All signed petition pamphlets have been filed
2. No more petition pamphlets are in circulation
3. And proponents will not circulate any more petition pamphlets

As required by law, the boxes containing petition pamphlets have been sealed and will remain so until the signature count begins.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Canton".

Amy Canton
Director, Executive Legislative Services
Oklahoma Secretary of State office

Attachment 'C'

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 1

Consisting of 200 signature sheets

Pages numbered 1 through 200

with approximately 1054 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 2

Consisting of 200 signature sheets

Pages numbered 201 through 400

with approximately 949 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 3

Consisting of 200 signature sheets

Pages numbered 401 through 600

with approximately 997 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 4

Consisting of 200 signature sheets

Pages numbered 601 through 800

with approximately 978 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 5

Consisting of 200 signature sheets

Pages numbered 801 through 1000

with approximately 953 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 6

Consisting of 200 signature sheets

Pages numbered 1001 through 1200

with approximately 1049 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 7

Consisting of 200 signature sheets

Pages numbered 1201 through 1400

with approximately 1005 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 8

Consisting of 200 signature sheets

Pages numbered 1401 through 1600

with approximately 968 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 9

Consisting of 200 signature sheets

Pages numbered 1601 through 1800

with approximately 993 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 10

Consisting of 200 signature sheets

Pages numbered 1801 through 2000

with approximately 1044 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 11

Consisting of 200 signature sheets

Pages numbered 2001 through 2200

with approximately 955 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 12

Consisting of 200 signature sheets

Pages numbered 2201 through 2400

with approximately 974 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 13

Consisting of 200 signature sheets

Pages numbered 2401 through 2600

with approximately 1049 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 14

Consisting of 200 signature sheets

Pages numbered 2601 through 2800

with approximately 1038 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 15

Consisting of 200 signature sheets

Pages numbered 2801 through 3000

with approximately 1070 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 16

Consisting of 200 signature sheets

Pages numbered 3001 through 3200

with approximately 907 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 17

Consisting of 200 signature sheets

Pages numbered 3201 through 3400

with approximately 915 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 18

Consisting of 200 signature sheets

Pages numbered 3401 through 3600

with approximately 993 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 19

Consisting of 200 signature sheets

Pages numbered 3601 through 3800

with approximately 988 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 20

Consisting of 200 signature sheets

Pages numbered 3801 through 4000

with approximately 917 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 21

Consisting of 200 signature sheets

Pages numbered 4001 through 4200

with approximately 1026 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 22

Consisting of 200 signature sheets

Pages numbered 4201 through 4400

with approximately 920 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 23

Consisting of 200 signature sheets

Pages numbered 4401 through 4600

with approximately 994 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 24

Consisting of 200 signature sheets

Pages numbered 4601 through 4800

with approximately 1043 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 25

Consisting of 200 signature sheets

Pages numbered 4801 through 5000

with approximately 1068 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 26

Consisting of 200 signature sheets

Pages numbered 5001 through 5200

with approximately 1049 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 27

Consisting of 200 signature sheets

Pages numbered 5201 through 5400

with approximately 1064 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 28

Consisting of 200 signature sheets

Pages numbered 5401 through 5600

with approximately 960 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 29

Consisting of 200 signature sheets

Pages numbered 5601 through 5800

with approximately 892 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 30

Consisting of 200 signature sheets

Pages numbered 5801 through 6000

with approximately 1010 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 31

Consisting of 200 signature sheets

Pages numbered 6001 through 6200

with approximately 1073 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 32

Consisting of 200 signature sheets

Pages numbered 6201 through 6400

with approximately 1151 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 33

Consisting of 200 signature sheets

Pages numbered 6401 through 6600

with approximately 1063 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 34

Consisting of 200 signature sheets

Pages numbered 6601 through 6800

with approximately 1017 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 35

Consisting of 200 signature sheets

Pages numbered 6801 through 7000

with approximately 1064 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 36

Consisting of 200 signature sheets

Pages numbered 7001 through 7200

with approximately 983 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 37

Consisting of 200 signature sheets

Pages numbered 7201 through 7400

with approximately 1132 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 38

Consisting of 200 signature sheets

Pages numbered 7401 through 7600

with approximately 1082 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 39

Consisting of 200 signature sheets

Pages numbered 7601 through 7800

with approximately 1038 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 40

Consisting of **200** signature sheets

Pages numbered **7801** through **8000**

with approximately **1042** signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 41

Consisting of 200 signature sheets

Pages numbered 8001 through 8200

with approximately 1070 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 42

Consisting of 200 signature sheets

Pages numbered 8201 through 8400

with approximately 1039 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 43

Consisting of 200 signature sheets

Pages numbered 8401 through 8600

with approximately 1069 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 44

Consisting of 200 signature sheets

Pages numbered 8601 through 8800

with approximately 1017 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 45

Consisting of 200 signature sheets

Pages numbered 8801 through 9000

with approximately 1000 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 46

Consisting of 200 signature sheets

Pages numbered 9001 through 9200

with approximately 959 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 47

Consisting of 200 signature sheets

Pages numbered 9201 through 9400

with approximately 995 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 48

Consisting of 200 signature sheets

Pages numbered 9401 through 9600

with approximately 983 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 49

Consisting of 200 signature sheets

Pages numbered 9601 through 9800

with approximately 1036 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 50

Consisting of 200 signature sheets

Pages numbered 9801 through 10000

with approximately 1068 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 51

Consisting of **200** signature sheets

Pages numbered **10001** through **10200**

with approximately **1062** signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 52

Consisting of 200 signature sheets

Pages numbered 10201 through 10400

with approximately 1167 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 53

Consisting of 200 signature sheets

Pages numbered 10401 through 10600

with approximately 1110 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 54

Consisting of **200** signature sheets

Pages numbered **10601** through **10800**

with approximately **1042** signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 55

Consisting of 200 signature sheets

Pages numbered 10801 through 11000

with approximately 1062 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 56

Consisting of 200 signature sheets

Pages numbered 11001 through 11200

with approximately 1088 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 57

Consisting of 200 signature sheets

Pages numbered 11201 through 11400

with approximately 1010 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 58

Consisting of 200 signature sheets

Pages numbered 11401 through 11600

with approximately 1068 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 59

Consisting of 200 signature sheets

Pages numbered 11601 through 11800

with approximately 1055 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 60

Consisting of 200 signature sheets

Pages numbered 11801 through 12000

with approximately 1125 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 61

Consisting of 200 signature sheets

Pages numbered 12001 through 12200

with approximately 1033 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 62

Consisting of 200 signature sheets

Pages numbered 12201 through 12400

with approximately 1026 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 63

Consisting of 200 signature sheets

Pages numbered 12401 through 12600

with approximately 1133 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 64

Consisting of 200 signature sheets

Pages numbered 12601 through 12800

with approximately 1130 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 65

Consisting of 200 signature sheets

Pages numbered 12801 through 13000

with approximately 1060 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 66

Consisting of 200 signature sheets

Pages numbered 13001 through 13200

with approximately 1100 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 67

Consisting of 200 signature sheets

Pages numbered 13201 through 13400

with approximately 1064 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 68

Consisting of 200 signature sheets

Pages numbered 13401 through 13600

with approximately 1152 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 69

Consisting of 200 signature sheets

Pages numbered 13601 through 13800

with approximately 1119 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 70

Consisting of **200** signature sheets

Pages numbered **13801** through **14000**

with approximately **1083** signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 71

Consisting of 200 signature sheets

Pages numbered 14001 through 14200

with approximately 1153 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 72

Consisting of 200 signature sheets

Pages numbered 14201 through 14400

with approximately 1083 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 73

Consisting of 200 signature sheets

Pages numbered 14401 through 14600

with approximately 1190 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 74

Consisting of 200 signature sheets

Pages numbered 14601 through 14800

with approximately 1153 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 75

Consisting of 200 signature sheets

Pages numbered 14801 through 15000

with approximately 1092 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 76

Consisting of 200 signature sheets

Pages numbered 15001 through 15200

with approximately 1074 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 77

Consisting of 200 signature sheets

Pages numbered 15201 through 15400

with approximately 1012 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 78

Consisting of **200** signature sheets

Pages numbered **15401** through **15600**

with approximately **1111** signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 79

Consisting of 200 signature sheets

Pages numbered 15601 through 15800

with approximately 1104 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 80

Consisting of 200 signature sheets

Pages numbered 15801 through 16000

with approximately 1154 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 81

Consisting of 200 signature sheets

Pages numbered 16001 through 16200

with approximately 1100 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 82

Consisting of 200 signature sheets

Pages numbered 16201 through 16400

with approximately 1160 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 83

Consisting of 200 signature sheets

Pages numbered 16401 through 16600

with approximately 1162 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 84

Consisting of 200 signature sheets

Pages numbered 16601 through 16800

with approximately 1158 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 85

Consisting of 200 signature sheets

Pages numbered 16801 through 17000

with approximately 1200 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 86

Consisting of 200 signature sheets

Pages numbered 17001 through 17200

with approximately 1063 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 87

Consisting of 200 signature sheets

Pages numbered 17201 through 17400

with approximately 1108 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 88

Consisting of 200 signature sheets

Pages numbered 17401 through 17600

with approximately 1124 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 89

Consisting of 200 signature sheets

Pages numbered 17601 through 17800

with approximately 1194 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 90

Consisting of **200** signature sheets

Pages numbered **17801** through **18000**

with approximately **1231** signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 91

Consisting of 200 signature sheets

Pages numbered 18001 through 18200

with approximately 1075 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 92

Consisting of 200 signature sheets

Pages numbered 18201 through 18400

with approximately 1132 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 93

Consisting of 200 signature sheets

Pages numbered 18401 through 18600

with approximately 1183 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 94

Consisting of 200 signature sheets

Pages numbered 18601 through 18800

with approximately 1231 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 95

Consisting of 200 signature sheets

Pages numbered 18801 through 19000

with approximately 1150 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 96

Consisting of 200 signature sheets

Pages numbered 19001 through 19200

with approximately 1165 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 97

Consisting of 200 signature sheets

Pages numbered 19201 through 19400

with approximately 1166 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 98

Consisting of **200** signature sheets

Pages numbered **19401** through **19600**

with approximately **1248** signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 99

Consisting of 200 signature sheets

Pages numbered 19601 through 19800

with approximately 1111 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 100

Consisting of 200 signature sheets

Pages numbered 19801 through 20000

with approximately 1121 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 101

Consisting of 200 signature sheets

Pages numbered 20001 through 20200

with approximately 1105 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 102

Consisting of 200 signature sheets

Pages numbered 20201 through 20400

with approximately 1135 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 103

Consisting of 200 signature sheets

Pages numbered 20401 through 20600

with approximately 1201 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 104

Consisting of 200 signature sheets

Pages numbered 20601 through 20800

with approximately 1185 signatures verified with unique matches to Oklahoma's Public Voter Registration file.

Note: Sec 6 & 6.1 violation: page number 20,696 - disqualified, signers on page 20,695 signed a second time on page 20,696

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 105

Consisting of 200 signature sheets

Pages numbered 20801 through 21000

with approximately 1167 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 106

Consisting of 200 signature sheets

Pages numbered 21001 through 21200

with approximately 1126 signatures verified with unique matches to Oklahoma's Public Voter Registration file.

Note: Sec 6 & 6.1 violations, pages 21,189 - 21,200 have been disqualified from the count.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 107

Consisting of 200 signature sheets

Pages numbered 21201 through 21400

with approximately 0 signatures verified with unique matches to Oklahoma's Public Voter Registration file.

Note: Sec 6 & 6.1 violations, pages 21,201 - 21,400 have been disqualified from the count.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 108

Consisting of 200 signature sheets

Pages numbered 21401 through 21600

with approximately 0 signatures verified with unique matches to Oklahoma's Public Voter Registration file.

Note: Sec 6 & 6.1 violations, pages 21,401 - 21,600 have been disqualified from the count.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 109

Consisting of 200 signature sheets

Pages numbered 21601 through 21800

with approximately 0 signatures verified with unique matches to Oklahoma's Public Voter Registration file.

Note: Sec 6 & 6.1 violations, pages 21,601 - 21,800 have been disqualified from the count.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 110

Consisting of 200 signature sheets

Pages numbered 21801 through 22000

with approximately 283 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

Note: Sec 6 & 6.1 violations, pages 21,801 - 21,945 have been
disqualified from the count.

**STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434**

VOLUME NO. 111

Consisting of 200 signature sheets

Pages numbered 22001 through 22200

with approximately 1014 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 112

Consisting of 200 signature sheets

Pages numbered 22201 through 22400

with approximately 1103 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 113

Consisting of 200 signature sheets

Pages numbered 22401 through 22600

with approximately 1244 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 114

Consisting of 200 signature sheets

Pages numbered 22601 through 22800

with approximately 94 signatures verified with
unique matches to Oklahoma's Public Voter
Registration file.

Note: Sec 6 & 6.1 violations, pages 22,621 - 22,800 have been
disqualified from the count.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434
VOLUME NO. 115

Consisting of 200 signature sheets

Pages numbered 22801 through 23000

with approximately 0 signatures verified with unique matches to Oklahoma's Public Voter Registration file.

Note: Sec 6 & 6.1 violations, pages 22,801 - 23,000 have been disqualified from the count.

STATE QUESTION NO. 820
INITIATIVE PETITION NO. 434

VOLUME NO. 116

Consisting of 43 signature sheets

Pages numbered 23001 through 23043

with approximately 0 signatures verified with unique matches to Oklahoma's Public Voter Registration file.

Note: Sec 6 & 6.1 violations, pages 23,001 - 23,043 have been disqualified from the count.

Attachment 'D'



FILED

NOV 20 2018

**OKLAHOMA SECRETARY
OF STATE**

OKLAHOMA STATE ELECTION BOARD

November 19, 2018

The Honorable James A. Williamson
Secretary of State
State Capitol Building, Room 122
Oklahoma City, Oklahoma 73105

Dear Secretary Williamson:

Subsequent to the November 6, 2018, General Election, I am able to provide the following information.

The total votes cast for the office of Governor at the General Election in 2018 were 1,186,385. Signature requirements for the types of petitions listed below are derived by applying the parenthetical percentages indicated and are valid from November 14, 2018, through November 15, 2022.

Referendum (5%)	59,320
Initiative (8%)	94,911
Initiative for Constitutional Change (15%)	177,958
Rejected Initiative or Referendum Measures (25%)	296,597
Independent Presidential Electors (3%)	35,592
Unrecognized Party Presidential Electors (3%)	35,592
Formation of New Political Party (3%)	35,592

Sincerely,


PAUL ZIRBAX, Secretary
Oklahoma State Election Board

PZ/jk
STATE OF
OKLAHOMA

Attachment 'E'

STATE QUESTION **800** INITIATIVE PETITION **434**

PROPONENT'S SUGGESTED BALLOT TITLE

Proponent's suggested ballot title is:

This measure is intended to generally legalize, regulate and tax adult-use marijuana under state law (but not alter the rights of medical marijuana patients or licensees). Specifically, it would protect the personal use of marijuana for persons aged 21+, while establishing quantity limits, safety standards, and other restrictions and penalties for violations thereof. It would not affect an employer's ability to restrict marijuana use by employees or prevent property owners from prohibiting or restricting marijuana-related conduct on that property in most cases. It also would not affect federal law regarding marijuana. It would vest in the Oklahoma Medical Marijuana Authority the power to license and regulate conduct under the Act and administer and enforce the Act pursuant to specified requirements. Local governments could regulate the time, place, and manner of operation of businesses licensed pursuant to this Act, but not limit the number or completely prohibit such businesses. It would restrict business licenses to existing medical marijuana licensees for the first two years. While the measure requires enforcement and thus may have a fiscal impact on the state, it is designed to be self-funding: it would impose a 15% excise tax on sales to consumers (not applicable to medical marijuana) to fund the Authority, with the surplus directed to localities where sales occur (10%), to the General Revenue Fund (30%), to courts (10%), to schools (for programs to prevent substance abuse and improve student retention and performance) (30%), and to drug addiction treatment programs (20%). The measure would provide a judicial process for people to seek modification, reversal, redesignation, or expungement of certain prior marijuana-related judgments and sentences. It would provide for severability and an effective date.

Shall the proposal 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.

FILED
JAN 04 2022
OKLAHOMA SECRETARY
OF STATE

Instructions for Proponents:

1. Please type and insert only the full text of the suggested ballot title.
2. Do not write or type anywhere on this form except where indicated.
3. Once completed, this form must be submitted for filing along with a full copy of the proposed measure and a completed 'Proponent's Gist of the Proposition' form.

(OKSOS-SWIP-Fm01-1021)

Attachment 'F'



JOHN M. O'CONNOR
ATTORNEY GENERAL

July 12, 2022

FILED

JUL 12 2022

OKLAHOMA SECRETARY
OF STATE

Brian Bingman, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 122
Oklahoma City, Oklahoma 73105

Re: Ballot Title for State Question No. 820, Initiative Petition No. 434

Dear Secretary Bingman:

In accordance with the provisions of 34 O.S.2021, § 9(D), we have reviewed the proposed ballot title for the referenced State Question and conclude that it fails to comply with applicable laws for the following reasons:

1. It does not provide sufficient notice that the proposed measure will have a fiscal impact on the State. *See* 34 O.S.2021, § 9(B)(7).¹
2. It does not clearly explain the effect of the proposed measure, as required under 34 O.S.2021, § 9(B)(2) including, but not limited to, the following:
 - a) It does not indicate there are limitations on adult-use marijuana activities;
 - b) It does not accurately state that employers are not required to accommodate conduct involving adult use of marijuana;
 - c) It does not accurately state that employers are permitted to restrict adult use of marijuana;
 - d) It does not accurately state that a person who occupies, owns, or controls private property can regulate or prohibit adult-use marijuana conduct;
 - e) It does not accurately state that a lease agreement may not prohibit a tenant from "lawfully possessing and consuming marijuana by means other than smoking[.]";

¹ In November 2021, the Legislature amended Section 9 of Title 34 to require that ballot titles contain notice of fiscal impact. SB 947, 2021 OKLA. SESS. LAWS ch. 311, § 1. Presumably to ensure that notice of the fiscal impact on the State was provided to the electorate, the Legislature increased the word limit of a suggested ballot title from two hundred words to three hundred words where the "proposed measure will have a fiscal impact on the state[.]" 34 O.S.2021, § 9(B)(1).

- f) It does not explain that state or local governments can prohibit or restrict adult-use marijuana conduct in or on property owned, leased, or occupied by the state or local government;
- g) It does not explain that a moratorium will be placed on licensure to new persons and entities seeking a marijuana business license;
- h) It does not explain that local governments are precluded from limiting the number of, or completely prohibiting, adult use business licensees or any category of license issued pursuant to the Act;
- i) It does not explain that the Oklahoma Tax Commission would be responsible for collecting the 15% state excise tax and establishing rules with regard to the tax collection process;
- j) It does not explain that the 15% excise tax will be paid in addition to other applicable state or local sales tax;
- k) It does not sufficiently provide notice of the fiscal impact on the State, as outlined above in paragraph one and further constitutes an inadequate explanation of the effect of the proposition; and
- l) It does not explain explicitly that marijuana use and possession remains a crime under federal law and is thus prosecutable in federal courts.

Having found that the ballot title does not comply with applicable laws, we will, in accordance with the provisions of 34 O.S.2021, § 9(D), prepare a Preliminary Ballot Title that complies with the law and furnish a copy to you within ten (10) business days.

Sincerely,



LORI S. CARTER

First Assistant Attorney General



JOHN M. O'CONNOR
ATTORNEY GENERAL

FILED

JUL 26 2022

OKLAHOMA SECRETARY
OF STATE

July 26, 2022

Brian Bingman, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 122
Oklahoma City, Oklahoma 73105

Re: Ballot Title for State Question No. 820, Initiative Petition No. 434

Dear Secretary Bingman:

On July 12, 2022, we notified you that the proposed ballot title for the above-referenced State Question did not comply with applicable law. In accordance with 34 O.S.2021, § 9(D), we have prepared the attached Ballot Title.

Respectfully submitted,

Lori S. Carter
FIRST ASSISTANT ATTORNEY GENERAL

BALLOT TITLE FOR STATE QUESTION NO. 820

This measure creates a state law legalizing recreational use marijuana for persons 21 or older. Marijuana use and possession remain crimes under federal law. The export of marijuana from Oklahoma is prohibited. The law will have a fiscal impact on the State. The Oklahoma Tax Commission will collect a 15% excise tax on recreational use sales, above applicable sales taxes. Excise tax revenues will fund implementation of the law, with any surplus revenues going to public school programs to address substance abuse and improve student retention (30%), the General Revenue Fund (30%), drug addiction treatment programs (20%), courts (10%), and local governments (10%). The law limits certain marijuana-related conduct and establishes quantity limits, safety standards, restrictions, and penalties for violations. A local government may prohibit or restrict recreational marijuana use on the property of the local government and regulate the time, place, and manner of the operation of marijuana businesses within its boundaries. However, a local government may not limit the number of, or completely prohibit, such businesses. Persons who occupy, own, or control private property may prohibit or regulate marijuana-related conduct, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking. The law does not affect an employer's ability to restrict employee marijuana use. For the first two years, marijuana business licenses are available only to existing licensees in operation one year or more. The law does not affect the rights of medical marijuana patients or licensees. The law requires resentencing, reversing, modifying, and expunging certain prior marijuana-related judgments and sentences unless the State proves an unreasonable risk to a person. The Oklahoma Medical Marijuana Authority is authorized to administer and enforce the law.

Shall the proposal be approved?

For the proposal – YES

Against the proposal – NO



ORIGINAL

RECEIVED

August 26, 2022

Secretary of State

State of Oklahoma

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

AUG 25 2022

JOHN D. HADDEN
CLERK

IN RE:)
) No. 120,641
INITIATIVE PETITION NO. 434,)
)
STATE QUESTION NO. 820.)

STATE OF OKLAHOMA, TO:

BRIAN BINGMAN, SECRETARY OF STATE, STATE OF OKLAHOMA

GREETINGS:

Rec'd (date)	8-25-22
Posted	
Mailed	
Distrib	
Publish	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>

ORDER

An initiative petition has been circulated in the State of Oklahoma seeking the approval by the electorate of State Question 820, a proposed new law to be codified in the Oklahoma Statutes, Title 63, §§ 431 – 446, which would legalize, regulate, and tax adult-use marijuana.

In accordance with 34 O.S. 2021, § 8(H), the Oklahoma Secretary of State has certified that the Petition contains 117,257 verified signatures. The Secretary of State also certified that 1,186,385 votes were cast for the office of Governor in the last general election in November 2018. 34 O.S. 2021, § 8(H)(2). The Court recognizes the number of signatures necessary to place the measure before the electorate is 94,911, that being 8% of the votes cast for the office of Governor in the last general election in November 2018. Okla. Const. art. V, § 2. The signatures on the Petition are numerically sufficient. 34 O.S. 2021, § 8(H)(2).

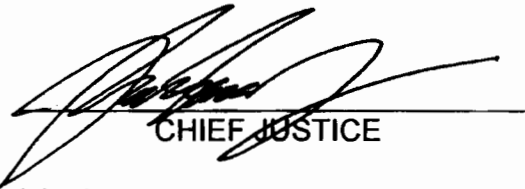
Accordingly, the Secretary of State is directed to publish, in at least one newspaper of general circulation in this State, a public notice of the filing of Initiative Petition 434, State

Question 820, and of the signed Petition's apparent sufficiency. 34 O.S. 2021, § 8(I). The Secretary of State shall also publish the text of the ballot title as rewritten by the Attorney General pursuant to 34 O.S. 2021, § 9(D).

The notice shall also advise that any citizen of the State of Oklahoma may file an objection to the signature count or the rewritten ballot title by filing a written objection with the Clerk of the Oklahoma Supreme Court and the Proponents of State Question 820, Initiative Petition 434, no later than ten (10) business days from the date of publication, and copies of the objection to the signature count or the rewritten ballot title must be filed with the Supreme Court, the Attorney General, and the Secretary of State. 34 O.S. 2021, § 8(I).

The Secretary of State shall obtain verified proof of publication of the required notice and shall file same with the Clerk of the Oklahoma Supreme Court as a return to this order.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 25TH DAY OF AUGUST, 2022.



CHIEF JUSTICE

Darby, C.J., Kauger, Edmondson, Combs, Gurich, JJ., concur;

Rowe, J., concurs in part; dissents in part;

Rowe, J., concurring part; dissenting in part:

"I concur that the signatures on the Petition appear to be numerically sufficient. I nonetheless dissent because SQ 820 is preempted by federal law based on the reasons set forth in my dissent in *In re State Question No. 820, Initiative Petition 434*, 2022 OK 30, 507 P.3d 1251.

Kane, V.C.J. dissents;

Kane, V.C.J., dissenting:

"I dissent to any ruling premised upon the proposition that the legalization of marijuana is within the purview of the State, for the reasons I have previously set forth in *In re State Question No. 820, Initiative Petition No. 434*, 2022 OK 30, 507 P.3d 1251 (Kane, V.C.J., dissenting)."

Winchester and Kuehn, JJ., not voting.

J. Brian Bingman
Secretary of State and
Native American Affairs



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

August 26, 2022

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

Dear Ms. Shea:

Please find enclosed the following notices for publication.

- NOTICE OF THE FILING OF SIGNATURES AND THE APPEARENT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE AS REWRITTEN BY THE ATTORNEY GENERAL FOR STATE QUESTION NUMBER 820, INITIATIVE PETITION NUMBER 434

Per Title 34 O.S. § 8, the publication must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish the enclosed notice in *The Oklahoman*, *Tulsa World*, and the *Journal Record* as soon as possible.

Also, upon the completion of publication, please provide our office with the corresponding Affidavits of Publication. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Canton".

Amy Canton
Director, Executive Legislative Services
Oklahoma Secretary of State Office

**NOTICE OF THE FILING OF SIGNATURES AND
THE APPEARENT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT
TITLE AS REWRITTEN BY THE ATTORNEY GENERAL FOR
STATE QUESTION NUMBER 820, INITIATIVE PETITION NUMBER 434**

NOTICE is hereby given that on July 5, 2022, one hundred and eighteen (118) boxes of petition pamphlets were received by the office of the Secretary of State, from the proponents of record for State Question 820, Initiative Petition 434.

NOTICE is also hereby given that in accordance with Title 34 O.S., § 8 and by order of the Supreme Court of Oklahoma, the Court recognizes the certification of the Secretary of State that the petition contains 117,257 verified signatures. The Court further recognizes that the number of signatures necessary to place the measure before the electorate is 94,911, being 8% of the votes cast for the office of Governor at the General Election in November 2018, and the signatures on the Petition are numerically sufficient.

NOTICE is likewise, hereby given that any citizen or citizens of the state may file an objection, relating only to the signature verification and count made by the Secretary of State or the ballot title as rewritten by the Attorney General, within ten (10) business days of the date of this publication, by a written notice to the Clerk of the Oklahoma Supreme Court and a copy directed to the proponent(s) of the petition and the Attorney General. Also, a copy of any such objection shall be filed with the Secretary of State. Proceedings in the Supreme Court to resolve a protest or objection shall be in accordance with Title 34 O.S., §§ 8-11, and such other procedures as may be ordered by the Court.

Proponent(s) of record for State Question 820, Initiative Petition 434:

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

BALLOT TITLE FOR SQ 820, IP434, as rewritten by the Attorney General

This measure creates a state law legalizing recreational use marijuana for persons 21 or older. Marijuana use and possession remain crimes under federal law. The export of marijuana from Oklahoma is prohibited. The law will have a fiscal impact on the State. The Oklahoma Tax Commission will collect a 15% excise tax on recreational use sales, above applicable sales taxes. Excise tax revenues will fund implementation of the law, with any surplus revenues going to public school programs to address substance abuse and improve student retention (30%), the General Revenue Fund (30%), drug addiction treatment programs (20%), courts (10%), and local governments (10%). The law limits certain marijuana-related conduct and establishes quantity limits, safety standards, restriction, and penalties for violations. A local government may prohibit or restrict recreational marijuana use on the property of the local government and regulate the time, place, and manner of the operation of marijuana businesses within its boundaries. However, a local government may not limit the number of, or completely prohibit, such businesses. Persons who occupy, own, or control private property may prohibit or regulate marijuana-related conduct, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking. The law does not affect an employer's ability to restrict employee marijuana use. For the first two years, marijuana business licenses are available only to existing licensees in operation one year or more. The law does not affect the rights of medical marijuana patients or licensees. The law requires resentencing, reversing, modifying, and expunging certain prior marijuana-related judgements and sentences unless the State proves an unreasonable risk to a person. The Oklahoma Medical Marijuana Authority is authorized to administer and enforce the law.

SHALL THE PROPOSAL 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.

DONE, BY ORDER OF THE SUPREME COURT, THIS 26TH DAY OF AUGUST 2022.

Brian Bingman
Oklahoma Secretary of State

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE: INITIATIVE PETITION 434)
STATE QUESTION 820)
)
)
)
)
)
)
)
)
)
)

FILED
SUPREME COURT
STATE OF OKLAHOMA

SEP - 1 2022

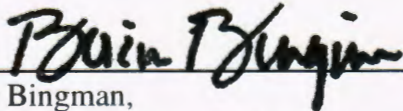
JOHN D. HADDEN
CLERK

CASE NO. IP-120,641

OKLAHOMA SECRETARY OF STATE'S PROOF OF PUBLICATION

In accordance with the Supreme Court order filed August 25, 2022, please find attached the Secretary of State's request for publication submitted to Oklahoma Press Service on August 26, 2022, and three (3) proofs of publication for the required "Notice of the Filing of Signatures and the Apparent Numerical Sufficiency thereof and the Text of the Preliminary Ballot Title as Rewritten by the Attorney General for State Question Number 820, Initiative Petition Number 434". Such notice was published in *The Oklahoman*, *Tulsa World* and *Journal Record* on **August 31, 2022.**

Respectfully submitted,



Brian Bingman,
Oklahoma Secretary of State and
Native American Affairs

Office of the Oklahoma Secretary of State
2300 N. Lincoln Blvd., Ste. 122
Oklahoma City, Oklahoma 73105
Telephone: 405-522-4565 / Email: executivelegislative@sos.ok.gov

J. Brian Bingman
Secretary of State and
Native American Affairs



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

August 26, 2022

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

Dear Ms. Shea:

Please find enclosed the following notices for publication.

- NOTICE OF THE FILING OF SIGNATURES AND THE APPEARENT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE AS REWRITTEN BY THE ATTORNEY GENERAL FOR STATE QUESTION NUMBER 820, INITIATIVE PETITION NUMBER 434

Per Title 34 O.S. § 8, the publication must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish the enclosed notice in *The Oklahoman*, *Tulsa World*, and the *Journal Record* as soon as possible.

Also, upon the completion of publication, please provide our office with the corresponding Affidavits of Publication. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Canton".

Amy Canton
Director, Executive Legislative Services
Oklahoma Secretary of State Office

Oklahoma Press Service

3601 North Lincoln Blvd.

Oklahoma City, OK 73105

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

Wednesday, August 31, 2022 07:23 AM

Page 1 of 1

Proof of Publication Order Number 22-08-59

I, Landon Cobb, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-THE OKLAHOMAN, 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 OK-THE OKLAHOMAN in consecutive issues on the following dates-to-wit:

Insertion: 8/31/2022

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 \$108.65

Landon Cobb

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
31 day of August 2022.

[Signature]
(Notary Public)



NOTICE OF THE FILING OF SIGNATURES AND THE APPEARENT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE AS REWRITTEN BY THE ATTORNEY GENERAL FOR

STATE QUESTION NUMBER 820, INITIATIVE PETITION NUMBER 434

NOTICE is hereby given that on July 5, 2022, one hundred and eighteen (118) boxes of petition pamphlets were received by the office of the Secretary of State, from the proponents of record for State Question 820, Initiative Petition 434.

NOTICE is also hereby given that in accordance with Title 34 O.S., § 8 and by order of the Supreme Court of Oklahoma, the Court recognizes the certification of the Secretary of State that the petition contains 117,257 verified signatures. The Court further recognizes that the number of signatures necessary to place the measure before the electorate is 94,911, being 8% of the votes cast for the office of Governor at the General Election in November 2018, and the signatures on the Petition are numerically sufficient.

NOTICE is likewise, hereby given that any citizen or citizens of the state may file an objection, relating only to the signature verification and count made by the Secretary of State or the ballot title as rewritten by the Attorney General, within ten (10) business days of the date of this publication, by a written notice to the Clerk of the Oklahoma Supreme Court and a copy directed to the proponent(s) of the petition and the Attorney General. Also, a copy of any such objection shall be filed with the Secretary of State. Proceedings in the Supreme Court to resolve a protest or objection shall be in accordance with Title 34 O.S., §§ 8-11, and such other procedures as may be ordered by the Court.

Proponent(s) of record for State Question 820, Initiative Petition 434:

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

BALLOT TITLE FOR SQ 820, IP434, as rewritten by the Attorney General

This measure creates a state law legalizing recreational use marijuana for persons 21 or older. Marijuana use and possession remain crimes under federal law. The export of marijuana from Oklahoma is prohibited. The law will have a fiscal impact on the State. The Oklahoma Tax Commission will collect a 15% excise tax on recreational use sales, above applicable sales taxes. Excise tax revenues will fund implementation of the law, with any surplus revenues going to public school programs to address substance abuse and improve student retention (30%), the General Revenue Fund (30%), drug addiction treatment programs (20%), courts (10%), and local governments (10%). The law limits certain marijuana-related conduct and establishes quantity limits, safety standards, restriction, and penalties for violations. A local government may prohibit or restrict recreational marijuana use on the property of the local government and regulate the time, place, and manner of the operation of marijuana businesses within its boundaries. However, a local government may not limit the number of, or completely prohibit, such businesses. Persons who occupy, own, or control private property may prohibit or regulate marijuana-related conduct, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking. The law does not affect an employer's ability to restrict employee marijuana use. For the first two years, marijuana business licenses are available only to existing licensees in operation one year or more. The law does not affect the rights of medical marijuana patients or licensees. The law requires resentencing, reversing, modifying, and expunging certain prior marijuana-related judgements and sentences unless the State proves an unreasonable risk to a person. The Oklahoma Medical Marijuana Authority is authorized to administer and enforce the law.

SHALL THE PROPOSAL 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.

DONE, BY ORDER OF THE SUPREME COURT,
THIS 26TH DAY OF AUGUST 2022.

Brian Bingman
Oklahoma Secretary of State

Oklahoma Press Service

3601 North Lincoln Blvd.

Oklahoma City, OK 73105

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

Wednesday, August 31, 2022 07:23 AM

Page 1 of 1

Proof of Publication Order Number 22-08-59

I, Landon Cobb, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-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 OK-TULSA WORLD - Legal in consecutive issues on the following dates-to-wit:

Insertion: 8/31/2022

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 \$108.65

Landa Cobb

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
31 day of August 2022.

Cindy Shea
(Notary Public)



NOTICE OF THE FILING OF SIGNATURES AND THE APPEARENT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE AS REWRITTEN BY THE ATTORNEY GENERAL FOR STATE QUESTION NUMBER 820, INITIATIVE PETITION NUMBER 434

NOTICE is hereby given that on July 5, 2022, one hundred and eighteen (118) boxes of petition pamphlets were received by the office of the Secretary of State, from the proponents of record for State Question 820, Initiative Petition 434.

NOTICE is also hereby given that in accordance with Title 34 O.S., § 8 and by order of the Supreme Court of Oklahoma, the Court recognizes the certification of the Secretary of State that the petition contains 117,257 verified signatures. The Court further recognizes that the number of signatures necessary to place the measure before the electorate is 94,911, being 8% of the votes cast for the office of Governor at the General Election in November 2018, and the signatures on the Petition are numerically sufficient.

NOTICE is likewise, hereby given that any citizen or citizens of the state may file an objection, relating only to the signature verification and count made by the Secretary of State or the ballot title as rewritten by the Attorney General, within ten (10) business days of the date of this publication, by a written notice to the Clerk of the Oklahoma Supreme Court and a copy directed to the proponent(s) of the petition and the Attorney General. Also, a copy of any such objection shall be filed with the Secretary of State. Proceedings in the Supreme Court to resolve a protest or objection shall be in accordance with Title 34 O.S., §§ 8-11, and such other procedures as may be ordered by the Court.

Proponent(s) of record for State Question 820, Initiative Petition 434:

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

BALLOT TITLE FOR SQ 820, IP434, as rewritten by the Attorney General

This measure creates a state law legalizing recreational use marijuana for persons 21 or older. Marijuana use and possession remain crimes under federal law. The export of marijuana from Oklahoma is prohibited. The law will have a fiscal impact on the State. The Oklahoma Tax Commission will collect a 15% excise tax on recreational use sales, above applicable sales taxes. Excise tax revenues will fund implementation of the law, with any surplus revenues going to public school programs to address substance abuse and improve student retention (30%), the General Revenue Fund (30%), drug addiction treatment programs (20%), courts (10%), and local governments (10%). The law limits certain marijuana-related conduct and establishes quantity limits, safety standards, restriction, and penalties for violations. A local government may prohibit or restrict recreational marijuana use on the property of the local government and regulate the time, place, and manner of the operation of marijuana businesses within its boundaries. However, a local government may not limit the number of, or completely prohibit, such businesses. Persons who occupy, own, or control private property may prohibit or regulate marijuana-related conduct, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking. The law does not affect an employer's ability to restrict employee marijuana use. For the first two years, marijuana business licenses are available only to existing licensees in operation one year or more. The law does not affect the rights of medical marijuana patients or licensees. The law requires resentencing, reversing, modifying, and expunging certain prior marijuana-related judgements and sentences unless the State proves an unreasonable risk to a person. The Oklahoma Medical Marijuana Authority is authorized to administer and enforce the law.

SHALL THE PROPOSAL 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.

DONE, BY ORDER OF THE SUPREME COURT,
THIS 26TH DAY OF AUGUST 2022.

Brian Bingman
Oklahoma Secretary of State

Oklahoma Press Service

3601 North Lincoln Blvd.

Oklahoma City, OK 73105

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

Wednesday, August 31, 2022 07:23 AM

Page 1 of 1

Proof of Publication Order Number 22-08-59

I, Landon Cobb, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-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 OK-JOURNAL RECORD in consecutive issues on the following dates-to-wit:

Insertion: 8/31/2022

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 \$108.65

Landon Cobb
(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
31 day of August 2022.

[Signature]
(Notary Public)



NOTICE OF THE FILING OF SIGNATURES AND THE APPEARENT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE AS REWRITTEN BY THE ATTORNEY GENERAL FOR STATE QUESTION NUMBER 820, INITIATIVE PETITION NUMBER 434

NOTICE is hereby given that on July 5, 2022, one hundred and eighteen (118) boxes of petition pamphlets were received by the office of the Secretary of State, from the proponents of record for State Question 820, Initiative Petition 434.

NOTICE is also hereby given that in accordance with Title 34 O.S., § 8 and by order of the Supreme Court of Oklahoma, the Court recognizes the certification of the Secretary of State that the petition contains 117,257 verified signatures. The Court further recognizes that the number of signatures necessary to place the measure before the electorate is 94,911, being 8% of the votes cast for the office of Governor at the General Election in November 2018, and the signatures on the Petition are numerically sufficient.

NOTICE is likewise, hereby given that any citizen or citizens of the state may file an objection, relating only to the signature verification and count made by the Secretary of State or the ballot title as rewritten by the Attorney General, within ten (10) business days of the date of this publication, by a written notice to the Clerk of the Oklahoma Supreme Court and a copy directed to the proponent(s) of the petition and the Attorney General. Also, a copy of any such objection shall be filed with the Secretary of State. Proceedings in the Supreme Court to resolve a protest or objection shall be in accordance with Title 34 O.S., §§ 8-11, and such other procedures as may be ordered by the Court.

Proponent(s) of record for State Question 820, Initiative Petition 434:

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones
405 N. Aster Ave.
Broken Arrow, Oklahoma 74012

BALLOT TITLE FOR SQ 820, IP434, as rewritten by the Attorney General

This measure creates a state law legalizing recreational use marijuana for persons 21 or older. Marijuana use and possession remain crimes under federal law. The export of marijuana from Oklahoma is prohibited. The law will have a fiscal impact on the State. The Oklahoma Tax Commission will collect a 15% excise tax on recreational use sales, above applicable sales taxes. Excise tax revenues will fund implementation of the law, with any surplus revenues going to public school programs to address substance abuse and improve student retention (30%), the General Revenue Fund (30%), drug addiction treatment programs (20%), courts (10%), and local governments (10%). The law limits certain marijuana-related conduct and establishes quantity limits, safety standards, restriction, and penalties for violations. A local government may prohibit or restrict recreational marijuana use on the property of the local government and regulate the time, place, and manner of the operation of marijuana businesses within its boundaries. However, a local government may not limit the number of, or completely prohibit, such businesses. Persons who occupy, own, or control private property may prohibit or regulate marijuana-related conduct, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking. The law does not affect an employer's ability to restrict employee marijuana use. For the first two years, marijuana business licenses are available only to existing licensees in operation one year or more. The law does not affect the rights of medical marijuana patients or licensees. The law requires resentencing, reversing, modifying, and expunging certain prior marijuana-related judgements and sentences unless the State proves an unreasonable risk to a person. The Oklahoma Medical Marijuana Authority is authorized to administer and enforce the law.

SHALL THE PROPOSAL 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.

DONE, BY ORDER OF THE SUPREME COURT,
THIS 26TH DAY OF AUGUST 2022.

Brian Bingman
Oklahoma Secretary of State

ORIGINAL



IN THE SUPREME COURT
STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

AUG 29 2022

JOHN D. HADDEN

Paul Tay Petitioner, V. Michelle Diane Tilley Nichols, Michelle Jones Respondents/ Proponents	CLERK #120657
---	-----------------------------

APPLICATION TO ASSUME ORIGINAL JURISDICTION CHALLENGING THE
VALIDITY OF SIGNATURES COLLECTED IN SUPPORT OF INITIATIVE
PETITION 434 ON INDIAN TREATY LAND

COMES NOW, the Petitioner, Paul Tay, files the above-cause on grounds the Respondents improperly collected signatures on Indian treaty land.

STATEMENTS OF FACTS

The Petitioner is a citizen of the State of Oklahoma and responsible cannabis activist.

The Respondents are proponents of Initiative Petition 434.

The Respondents collected signatures in support of IP 434 on treaty land ceded by the United States to the Muscogee (Creek) Nation and other Indian tribes.

CASELAW, FEDERAL LAW, AND TREATY INVOLVED

Worcester v. Georgia, 31 U.S. (6 Pet) 515 (1832), *Antoine v. Washington*, 420 U.S. 194 (1975): Treaties and law must be liberally construed in light most favorable to Indians.

-----ORIGINAL-----	
Received	_____
Marshall	_____
Reynolds	_____
Cert mailed	_____
Updated	_____

25 U.S.C. § 71: "No obligation of any treaty lawfully made and ratified with any Indian tribe or Nation, prior to March 3, 1871 shall be hereby invalidated or impaired.

Article 4, 1856 Treaty with Creeks and Seminoles: "No portion" of the Creek Reservation "shall ever be embraced, included within, or annexed to any Territory or State."

ANALYSIS

In *Oklahoma v. Castro-Huerta*, 597 U.S. _____ (2022), the Supreme Court majority announced a novel approach to substantive federal Indian law: "State jurisdiction may be preempted by federal law under ordinary principles of federal preemption."

By implicating Indian treaty, 25 U.S.C. § 71 presents such federal preemption. Respondents collected signatures in support of IP 434 on Indian treaty land which excludes the State from engaging in any political activities to include collecting signatures in support of ballot initiatives. Article 4, 1856 Treaty acts to preclude State jurisdiction, **VOID AB INITIO**.

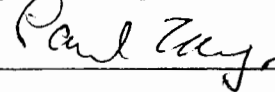
The State is want of authority or jurisdiction to exercise governmental interests on treaty land. Indian tribes and Nations executed treaties with the United States, precluding any State proprietary rights or governmental interests on treaty land. Because the State was not a party, the State is want of any claims to construe treaties in light most favorable to the State. The Supreme Court has repeatedly held that the United

States and all other parties must liberally construe in light most favorable to Indians.

CONCLUSION

Signatures collected on treaty land are void. Where Congress excluded State jurisdiction, all persons on treaty land are subject to tribal law, pursuant to treaties, and ineligible to participate in Oklahoma electoral process. If the rule of law of the Federal Union still prevails, the Court should grant the Application as stated.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Paul Tay", is written over a horizontal line.

Paul Tay
Pro se Petitioner
Day Center for the Homeless
415 W. Archer
Tulsa, OK 74103
(918) 324-3115
bettercallpaultay@gmail.com

CERTIFICATE OF SERVICE

The Petitioner mailed true and correct copies to counsel for Respondents/Proponents Melanie Wilson Rughani, Crowe & Dunlevy, Braniff Building, 324 N. Robinson Ste. 100, Oklahoma City, OK 73102; John O'Connor, Office of the Attorney General, 313 N.E. 21st, Oklahoma City, OK 73105; Brian Bingman, Office of the Secretary of State, 2300 N. Lincoln Ste. 122, Oklahoma City, OK 73105; Muscogee (Creek) Nation Attorney General Geri Wisner, P.O. Box 580, Okmulgee, OK 74447; Cherokee Nation Attorney General Sara Hill, P.O. Box 1533, Tahlequah, OK 74465; Chickasaw Nation Governor Bill Anoatubby, P.O. Box 1548, Ada, OK 74821; Chief of the Seminole Nation Lewis Johnson, 36645 US 270, Wewoka, OK 74884; Choctaw Nation Principal Chief Gary Batton, P.O. Box 1210, Durant, OK 74702-1210 on or about 24 AUG 2022.

Paul Tay.

Paul Tay

Pro se Petitioner



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

PAUL TAY,)
)
 Petitioner,)
)
 v.) No. 120,657
)
 MICHELLE DIANE TILLEY)
 NICHOLS and MICHELLE JONES,)
)
 Respondents.)

FILED
SUPREME COURT
STATE OF OKLAHOMA
SEP 16 2022
JOHN D. HADDEN
CLERK

ORIGINAL PROCEEDING TO DETERMINE CHALLENGE TO THE VALIDITY OF THE
SIGNATURES FOR INITIATIVE PETITION NO. 434, STATE QUESTION 820

Petitioner filed an original proceeding to challenge the validity of the signatures to Initiative Petition No. 434, State Question 820 on grounds that signatures collected on Tribal lands are void. Original jurisdiction is assumed. See Rule 1.194, *Oklahoma Supreme Court Rules*, Tit. 12, ch. 15, App. 1. Petitioner's challenge is hereby denied. 34 O.S. 2021, § 8(K).

APPLICATION TO ASSUME ORIGINAL JURISDICTION IS GRANTED; THE
CHALLENGE IS DENIED

FACTS AND PROCEDURAL HISTORY

On January 4, 2022, Respondents/Proponents Michelle Diane Tilley Nichols and Michelle Jones filed Initiative Petition No. 434, State Question 820 seeking to add new provisions to Title 63 that would legalize, regulate, and tax adult-use marijuana.

A timely protest was filed on January 24, 2022, challenging the gist and the constitutionality of the proposed measure. 34 O.S. 2021, § 8(C). On March 28, 2022, this Court assumed original jurisdiction and issued a written opinion holding that State Question 820 embraces only one subject in conformance with Okla. Const. art. V, § 57, the gist was not misleading, and State Question 820 was legally sufficient for submission to the people

of Oklahoma. See *In Re: State Question No. 820 Initiative Petition No. 434*, 2022 OK 30, ¶¶ 5-7, 507 P.3d 1251.

Proponents began gathering signatures for Initiative Petition No. 434, State Question 820 on May 3, 2022, and completed the signature-gathering process within the confines of the 90-day deadline set forth in 34 O.S. 2021, § 8(E).

On July 5, 2022, proponents of Initiative Petition No. 434, State Question 820 submitted to the Secretary of State 118 boxes of petition pamphlets.

In accordance with 34 O.S. 2021, § 8(H), the Secretary of State counted 23,043 signature sheets bound in 116 volumes. Volumes 1 through 115 each contained 200 signature sheets and Volume 116 contained 43 signature sheets.

Of the 23,043 signature sheets submitted, 1,178 signature sheets were disqualified as one sheet contained duplicate signatures, one sheet was attached with another to the same petition pamphlet, and 1,176 sheets contained incomplete signature circulator information and/or notary public addresses. See Secretary of State's Certification in Case No. 120,641, filed August 22, 2022.

Okla. Const. art. V, § 2 requires that a legislative measure proposed by citizens have the signatures of 8 percent of legal voters based upon the last general election for the office of Governor. The Legislature derives the number of “legal voters” from the “total number of votes cast for the state office receiving the highest number of votes cast at the last general election.” 34 O.S. 2021, § 8(H)(2).

The Secretary of State certified that 117,257 signatures were verified and matched to the Oklahoma Voter Registration files for Initiative Petition No. 434, State Question 820 and affirmed the State Election Board’s certification that 1,186,385 votes were cast in the November 2018 general election for Governor and 8% of the total number of votes cast is 94,911. See Secretary of State’s Certification, p. 2.

Proponents’ suggested ballot title was submitted to the Attorney General on July 5, 2022. On July 12, 2022, the Attorney General notified the Secretary of State that the proposed ballot title did not comply with the law and filed a rewritten ballot title in accordance with 34 O.S. 2021, § 9(D). This Court issued an order on August 25, 2022, finding the signatures on the Petition numerically sufficient. 34 O.S. 2021, § 8(I).

In accordance with 34 O.S. 2021, § 8(I), this Court directed the Secretary of State to publish notice of the filing of the signed petitions and their apparent sufficiency along with the text of the rewritten ballot title and the right of any citizen to object to the sufficiency of signatures or the ballot title within 10 business days.

According to the Secretary of State’s Proof of Publication filed September 1, 2022, the required notice was published in three newspapers of statewide circulation on Wednesday, August 31, 2022.

STANDARD OF REVIEW

When an initiative petition is challenged, the signatures on the petition are presumed to be valid, and the challenger has the burden of overcoming that presumption. *In re: Initiative Petition No. 317, State Question No. 556*, 1982 OK 78, ¶ 28, 648 P.2d 1207. “The law presumes the validity and regularity of the official acts of public officers within the line of their official duties.” *In Re Initiative Petition No. 23, State Question No. 38*, 1912 OK 611, ¶ 3, 127 P. 862.

ANALYSIS

Petitioner challenges the validity of signatures to Initiative Petition No. 434, State Question 820 on grounds that signatures collected on Tribal lands are void.

Petitioner premises his challenge on an 1856 Treaty between the United States and the Creek Nation and Seminole Nation which, according to Petitioner, prohibits the government from engaging in political activities on treaty land. Petitioner also cites *Oklahoma v. Castro-Huerta*, ___ U.S. ___, 142 S.Ct. 2486 (June 29, 2022), for his proposition that federal law preempts state jurisdiction and signatures to Initiative Petition No. 434, State Question 820 collected in Indian Country are invalid.

Petitioner raised similar arguments in *Tay v. Green*, 2022 OK 37, 508 P.3d 431, where Petitioner challenged the legal sufficiency of Initiative Petition No. 432, State Question 818. That measure sought to create a new Article in the Oklahoma Constitution to legalize, regulate, and tax adult-use marijuana and expand the regulatory framework for medical marijuana.

The Court rejected Petitioner’s arguments, and we held that signatures collected and elections in Indian Country are valid:

McGirt does not disenfranchise Oklahoma citizens residing in Indian country from the right to participate in state elections, which includes the right to sign an initiative petition.

Id. at ¶ 9. Here too, Petitioner states that all persons located on treaty land are subject to Tribal law and “ineligible to participate in [the] Oklahoma electoral process.” Application, at 3.

Neither the 1856 Treaty between the United States and the Creek Nation and Seminole Nation nor the U.S. Supreme Court’s decision in *Oklahoma v. Castro-Huerta*, ___ U.S. ___, 142 S.Ct. 2486 (June 29, 2022), affect our previous analysis. Well-settled principles of claim preclusion bar Petitioner’s present challenge. See *State ex rel. Tal v. City of Oklahoma City*, 2002 OK 97, ¶ 20, 61 P.3d 234.

Because the same arguments were raised in *Tay v. Green*, 2022 OK 37, 508 P.3d 431, considered by the Court, and rejected, we find Petitioner’s challenge to the validity of the signatures to Initiative Petition No. 434, State Question 820 is without merit and should be denied.

The Court further finds the challenge is frivolous and warrants the imposition of sanctions under 34 O.S. 2021, § 8(L).

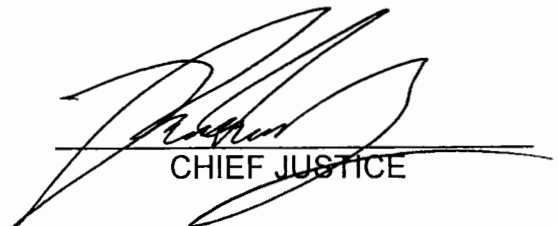
Petitioner has a history of filing original proceedings in this Court, many of which had no legitimate legal basis. A pauper’s affidavit accompanied all of Petitioner’s filings. Petitioner was admonished that future filings lacking in merit would result in the revocation of Petitioner’s pauperis status or other sanctions. See *Tay v. Honorable Mayor George Theron (G.T.) Bynum, et al.*, Case No. 119,411 (order dated May 17, 2021). Yet, Petitioner continues to file matters in this Court lacking in merit or without a good faith legal basis, including this proceeding.

Pursuant to 34 O.S. 2021, § 8(L) and the Court's inherent authority, Petitioner's pauperis status is hereby revoked. *Winters v. City of Oklahoma City*, 1987 OK 63, 740 P.2d 724 (affirming imposition of sanctions for party's oppressive litigation conduct). Unless Petitioner establishes that he is in immediate danger of serious physical injury, Petitioner shall be required to pay the cost deposit under 20 O.S. 2021, § 15 before filing any other matter in this Court.

34 O.S. 2021, § 8(K) requires this Court to resolve objections to the signature count or ballot title "with dispatch." Due to the exigencies related to the element of time affecting this matter, the ordinary 20-day period to file a petition for rehearing is shortened. See, e.g., *In Re: Initiative Petition No. 426, State Question No. 810*, 2020 OK 43, ¶ 31, 465 P.3d 1244; *Steele v. Pruitt*, 2016 OK 87, ¶ 19, 378 P.3d 47.

Any petition for rehearing under Rule 1.13, *Oklahoma Supreme Court Rules*, Tit. 12, ch. 15, App. 1, must be filed no later than 10:00 a.m., September 20, 2022.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 16TH DAY OF SEPTEMBER, 2022.



CHIEF JUSTICE

Darby, C.J., Winchester, Edmondson, Combs and Gurich, JJ., concur;
Kane, V.C.J., Kauger, Rowe (**by separate writing**) and Kuehn, JJ., concur in part; dissent in part.

Kane, V.C.J., with whom Kauger, J., joins, concurring in part; dissenting in part
I dissent to the imposition of sanctions against the challenger
under 34 O.S. 2021 § 8(L).



ORIGINAL

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

SEP - 7 2022

MICHAEL D REYNOLDS as resident taxpayer
and voter of the State of Oklahoma, Petitioner

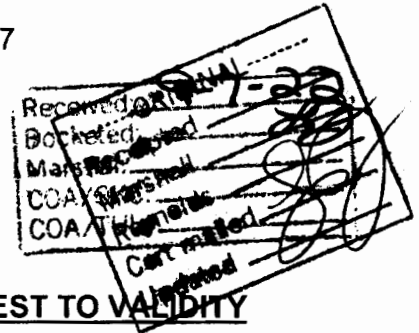
#120680

JOHN D. HADDEN
CLERK

vs.

Case No. 120657

BRIAN BINGMAN, OKLAHOMA SECRETARY
OF STATE, IN HIS OFFICIAL CAPACITY



APPLICATION FOR ORIGINAL JURISDICTION AND PROTEST TO VALIDITY
OF SIGNATURE VERIFICATION FOR INIATIVE PETITION 434

COMES NOW, the Petitioner, **MICHAEL D REYNOLDS**, as resident taxpayer and voter of the State of Oklahoma, and for the benefit of all other resident taxpayers and voters of the State of Oklahoma, and hereby notifies you that he protests the certification of the signature count of Initiative Petition No. 434, State Question No. 820 was filed in the Office of the Secretary of State of Oklahoma ("Secretary of State")

ORIGINAL JURISDICTION

1. The Petitioner files this application in the Supreme Court of the State of Oklahoma or reason of the "exclusive original jurisdiction" of this proceeding pursuant to 73 O.S. 1991 § 160 and said statute requires the court "to give such applications precedence over the other business of the court and to consider and pass upon such applications and any protests which may be filed thereto as speedily as possible".

- 2 The Petitioner further has the right to file this application in this court pursuant to:
- Constitution of Oklahoma, Art. 2, Sec. 6 (courts of justice of the State shall be open to every person)

- b. Constitution of Oklahoma, Art. 2, Sec. 7 (due process of law)
- c. Constitution of Oklahoma, Art. 1, Sec. 1 (Constitution of the U.S. is the supreme law of the land Oklahoma)
- d. Constitution of the United States, Amendment V (due process of law)
- e. Constitution of the United States, Amendment XIV (due process of law and equal protection of laws)
- f. Statutes of Oklahoma Title 34 Sec 8 (I, J)

I. Upon order of the Supreme Court it shall be the duty of the Secretary of State to forthwith cause to be published, in at least one newspaper of general circulation in the state, a notice of the filing of the signed petitions and the apparent sufficiency or insufficiency thereof, and shall also publish the text of the ballot title as reviewed and approved or, if applicable, as rewritten by the Attorney General pursuant to the provisions of subsection D of Section 9 of this title and notice that any citizen or citizens of the state may file an objection to the count made by the Secretary of State, by a written notice to the Supreme Court and to the proponent or proponents filing the petition. Any such objection must be filed within ten (10) business days after publication and must relate only to the validity or number of the signatures or a challenge to the ballot title. A copy of the objection to the count or ballot title shall be filed with the Supreme Court, the Attorney General and the Secretary of State.

J. Upon appeal and if ordered or directed by the Supreme Court, the Secretary of State shall deliver the bound volumes of signatures to the Supreme Court.

FACTS

1. On August 22nd, 2022 the Secretary of State's Office transmitted its report to the Court, having reviewed the petitions with a new process for verification.

2. Oklahoma Title 34 Sec 8 I reads in part

"Upon order of the Supreme Court it shall be the duty" "notice that any citizen or citizens of the state may file an objection to the count made by the Secretary of State, by a written notice to the Supreme Court and to the proponent or proponents filing the petition. Any such objection must be filed within ten (10) business days after publication and must relate only to the validity or number of the signatures or a challenge to the ballot title. A copy of the objection to the count or ballot title shall be filed with the Supreme Court, the Attorney General and the Secretary of State."

3. During the Legislative Session in 2020 HB3826 was passed. It amended Title 34 Sec 8 J. with the following language: "Upon appeal and if ordered or directed by the Supreme Court, the Secretary of State shall deliver the bound volumes of signatures to the Supreme Court."

This absurd language made it a practical impossibility to challenge signature, because you had to challenge the signatures in order to see them!

4. As of Sept 6th Petitioner, and presumably no other individual or group has been allowed to see the petitions or other information regarding the accuracy of the review.

VIOLATION

3. It is impossible to examine the bound volumes" or data entered by the Secretary's office or its agents without appealing the process.


CONCLUSION

WHEREFORE the Petitioners pray that:

- a. A response to this petition be filed by respondent and a hearing upon the merits of the application with the Petitioner arguing disapproval of all the signatures
- b. The Court order the immediate release of the bound volumes and all digitized information regarding the certification of signatures
- c. The Court order at least 10 days is allowed for examination by petitioner and any other interested parties after the requested information is released in order to determine the accuracy of the certification.
- d. Any other relief such as costs and attorney's fees as allowed by law

DATED this 9th day of September, 2022.

Respectfully submitted,



Michael D Reynolds , Pro Se
2609 SW 107th St
Oklahoma City, Ok 73170

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of September, 2022, I served a true and correct copy of the foregoing by mailing a copy thereof, postage prepaid, addressed to:

1. Brian Bingman, Oklahoma Secretary of State
421 NW 13th St
Oklahoma City, Oklahoma 73103

A handwritten signature in black ink, appearing to read "M. D. Reynolds", is written above a horizontal line.

Michael D Reynolds , Pro Se
2609 SW 107th St
Oklahoma City, Ok 73170

* 1 0 5 3 4 7 9 7 8 6 *

and Michelle Jones filed Initiative Petition No. 434, State Question 820 seeking to add new provisions to Title 63 that would legalize, regulate, and tax adult-use marijuana.

A timely protest was filed on January 24, 2022, challenging the gist and the constitutionality of the proposed measure. 34 O.S. 2021, § 8(C). On March 28, 2022, this Court assumed original jurisdiction and issued a written opinion holding that State Question 820 embraces only one subject in conformance with Okla. Const. art. V, § 57, the gist was not misleading, and State Question 820 was legally sufficient for submission to the people of Oklahoma. *See In Re: State Question No. 820 Initiative Petition No. 434*, 2022 OK 30, ¶¶ 5-7, 507 P.3d 1251.

Proponents began gathering signatures for Initiative Petition No. 434, State Question 820 on May 3, 2022, and completed the signature-gathering process within the confines of the 90-day deadline set forth in 34 O.S. 2021, § 8(E).

On July 5, 2022, proponents of Initiative Petition No. 434, State Question 820 submitted to the Secretary of State 118 boxes of petition pamphlets.

In 2020, the Legislature enacted and the Governor signed House Bill 3826 into law making changes to the Secretary of State's duties relating to the signature count and verification process. For instance, 34 O.S. 2021, § 2(B) now requires the Secretary of State to match at least three out of six data points on a signature sheet with the signatory's Oklahoma voter registration file in order for the signature to be approved. *See Okla. Sess. Laws 2020, c. 125, § 2, eff. Nov. 1, 2020.* The Secretary

of State must also make or cause to be made “a verification and count of the number of signatures on the petitions,” whereas prior to the new law only a count was required. 34 O.S. 2021, § 6.1. Laws 2020, c. 125, § 7, eff. Nov. 1, 2020.

In accordance with 34 O.S. 2021, § 8(H), the Secretary of State counted 23,043 signature sheets bound in 116 volumes. Volumes 1 through 115 each contained 200 signature sheets and Volume 116 contained 43 signature sheets.

Of the 23,043 signature sheets submitted, 1,178 signature sheets were disqualified as one sheet contained duplicate signatures, one sheet was attached with another to the same petition pamphlet, and 1,176 sheets contained incomplete signature circulator information and/or notary public address. See Secretary of State's Certification in Case No. 120,641, filed August 22, 2022.

Okla. Const. art. V, § 2 requires that a legislative measure proposed by citizens have the signatures of 8 percent of legal voters based upon the last general election for the office of Governor. The Legislature derives the number of “legal voters” from the “total number of votes cast for the state office receiving the highest number of votes cast at the last general election.” 34 O.S. 2021, § 8(H)(2).

The Secretary of State certified that 117,257 signatures were verified and matched to the Oklahoma Voter Registration files for Initiative Petition No. 434, State Question 820 and affirmed the State Election Board's certification that 1,186,385 votes were cast in the November 2018 general election for Governor and 8% of the total number of votes cast is 94,911. See Secretary of State's Certification, p. 2.

Proponents' suggested ballot title was submitted to the Attorney General on July 5, 2022. On July 12, 2022, the Attorney General notified the Secretary of State that the proposed ballot title did not comply with the law and filed a rewritten ballot title in accordance with 34 O.S. 2021, § 9(D).

This Court issued an order on August 25, 2022, finding the signatures on the Petition numerically sufficient. In accordance with 34 O.S. 2021, § 8(I), the Court directed the Secretary of State to publish notice of the filing of the signed petitions and their apparent sufficiency along with the text of the rewritten ballot title and notice that any citizen could object to the sufficiency of signatures or the ballot title within ten (10) business days.

Notice was published in three (3) newspapers of statewide circulation on August 31, 2022, beginning the ten-business-day period in which any citizen could challenge either the validity or number of the signatures or the rewritten ballot title. Petitioner filed this challenge on September 7, 2022.¹

STANDARD OF REVIEW

When an initiative petition is challenged, the signatures on the petition are presumed to be valid, and the challenger has the burden of overcoming that presumption. *In re: Initiative Petition No. 317, State Question No. 556*, 1982 OK

¹ The Court directed Petitioner to submit a required cost deposit, a Notice, and serve the parties in conformance with Oklahoma Supreme Court Rule 1.191, Tit. 12, ch. 15. App.1 and 34 O.S. 2021, § 8 by September 9, 2022. Petitioner complied on September 12, 2022, and filed a motion requesting that he be deemed to be in compliance. Petitioner's motion to file out of time is granted.

78, ¶ 28, 648 P.2d 1207. "The law presumes the validity and regularity of the official acts of public officers within the line of their official duties." *In Re Initiative Petition No. 23, State Question No. 38*, 1912 OK 611, ¶ 3, 127 P. 862.

ANALYSIS

Petitioner is not challenging the sufficiency or validity of the signatures for Initiative Petition No. 434, State Question 820 per se, but instead takes issue with the ten-business-day statutory period to bring a challenge. Petitioner claims this time period does not allow sufficient time for a citizen to examine the signatures.

Petitioner asks the Court to order the Secretary of State to deliver to this Court all the bound volumes of the signatures as well as all digitized information, and then allow a period of at least ten additional days for Petitioner to examine the signature sheets to determine the accuracy of the certification.

Petitioner also disagrees with legislative amendments made to 34 O.S. Supp. 2015, § 8(J) which no longer require the delivery of all the bound volumes of signature sheets to this Court, but instead grants this Court discretion whether to order the bound volumes of signature sheets when an appeal is filed. This change does not prevent any citizen, including Petitioner, from inspecting the signatures on file with the Secretary of State.

Okla. Const. art. V, § 3 provides that all elections on measures referred to the people "shall be had at the next election held throughout the state, except when the Legislature or the Governor shall order a special election for the express purpose of

making such reference.” Article V, § 3 authorizes the Legislature to enact “suitable” statutory means for carrying out the provisions of Article V. The Legislature has done so by enacting Title 34, a statutory framework that sets forth the requirements and time frames for the initiative process.

34 O.S. 2021, § 8(I) requires the Secretary of State to publish notice that any citizen “may file an objection to the count made by the Secretary of State.” The statute further reiterates that any such objection “must relate only to the validity or number of the signatures or a challenge to the ballot title.”

In *OCPA Impact, Inc. v. Sheehan*, 2016 OK 84, ¶ 8, 377 P.3d 138, the Court addressed a similar improper challenge. In *Sheehan*, petitioners attempted to challenge the gist of the measure in the post-circulation stage. This Court rejected the challenge, noting:

The only objections authorized at this stage are found in 34 O.S. Supp. 2015, § 8(I). In 2009, the Legislature amended this subsection, which at the time was subsection (H), to restrict the content of post-circulation objections. 2009 Okla. Sess. Laws c. 318, § 1. Following the 2015 amendments, post-circulation objections must now “relate only to the validity or number of the signatures or a challenge to the ballot title.” 2015 Okla. Sess. Laws c. 193, § 4.

As this Court held, “The validity of the signatures concerns only the genuineness of the signatures.” *Id.* Petitioner does not object to the validity or the number of the signatures per se. Petitioner admits that he is not concerned with whether the signatures are sufficient, but rather objects to the process and the period of time in

which a challenge may be brought. Petitioner's objection is improper. 34 O.S. 2021, § 8(I).

Aside from the fact that Petitioner's challenge is not valid pursuant to 34 O.S. 2021, § 8(I), Petitioner provides no legal authority demonstrating that the Legislature's ten-business-day protest period is unconstitutional, or even insufficient.²

Petitioner cites to 34 O.S. Supp. 2015, § 8(J) which formerly read: "The Secretary of State shall deliver the bound volumes of signatures to the Supreme Court." The Legislature passed HB 3826 in 2020 amending this provision to its current form. See Laws 2020, c. 125, § 8, eff. Nov. 1, 2020. 34 O.S. 2021, § 8(J) now provides that "upon appeal and if ordered or directed by the Supreme Court," the Secretary of State shall deliver the bound volumes of signatures to the Supreme Court. Therefore, the statute no longer *requires* the Secretary of State to deliver the bound volumes of signature pages to the Court.

Petitioner admits that there is a procedure for requesting public records on file with the Secretary of State, that *he employed that procedure*, and that he was "delivered a digitized version of the Petitions" hours after Petitioner filed this Application.

Okla. Const. art. V, § 3 authorizes the Legislature to make suitable statutory

² Insofar as Petitioner takes issue with the 2020 legislative amendments to 34 O.S. § 8(J), he has had almost two years to challenge the constitutionality of the statute.

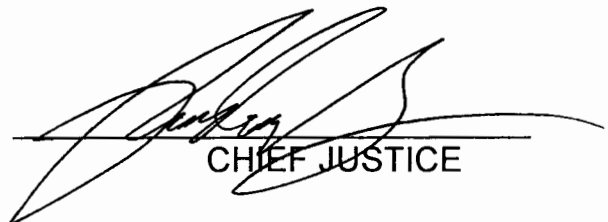
means for carrying out the provisions of Article V. The Legislature has done so. Petitioner has not established the provisions in Title 34 violate art. V, § 3.

Finally, Petitioner appears to be seeking an additional ten (10) days beyond the ten-business-day protest period to review the signatures so that Petitioner can *then* determine the accuracy of the certification. 34 O.S. 2021, § 8 does not allow for “extensions” of the 10-business-day protest period. Any such extension would violate both legislative intent and the plain language of the statute.

CONCLUSION

For the foregoing reasons, the Court denies Petitioner’s challenge to the validity of the signatures to Initiative Petition No. 434, State Question 820. 34 O.S. 2021, § 8(K) requires this Court to resolve objections to the signature count or ballot title “with dispatch.” Due to the exigencies related to the element of time affecting this matter, the ordinary 20-day period to file a petition for rehearing is shortened. *See, e.g., In Re: Initiative Petition No. 426, State Question No. 810*, 2020 OK 43, ¶¶ 31, 465 P.3d 1244; *Steele v. Pruitt*, 2016 OK 87, ¶ 19, 378 P.3d 47. Any petition for rehearing under Rule 1.13, *Oklahoma Supreme Court Rules*, Tit. 12, ch. 15, App. 1, must be filed no later than 10:00 a.m., September 20, 2022.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS
16TH DAY OF SEPTEMBER, 2022.



CHIEF JUSTICE

Darby, C.J., Kauger, Winchester, Edmondson, Combs and Gurich, concur;
Kane (**by separate writing**) V.C.J., Rowe and Kuehn (**by separate writing**), JJ. concur in result.



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

MICHAEL D. REYNOLDS, as resident)
taxpayer and voter of the State of)
Oklahoma,)

Petitioner,)

v.)

BRIAN BINGMAN, Oklahoma)
Secretary of State, in his official)
capacity,)

Respondent.)

FILED
SUPREME COURT
STATE OF OKLAHOMA

SEP 20 2022

JOHN D. HADDEN
CLERK

No. 120,680

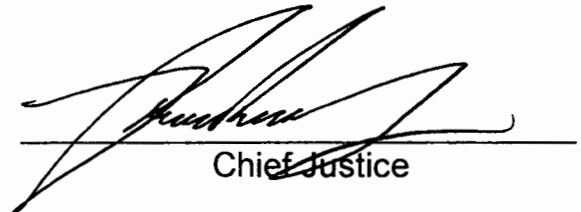
CORRECTION ORDER

Vice-Chief Justice Kane's Concurring in Result filed September 16, 2022 is hereby corrected to change "September 30, 2022" to "September 20, 2022" in sentence 5.

In all other respects the Concur in Result shall remain unchanged.

DONE BY ORDER OF THE SUPREME COURT THIS 20 DAY OF

September, 2022.


Chief Justice



ORIGINAL

**IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA**

FILED
SUPREME COURT
STATE OF OKLAHOMA

SEP 14 2022

JOHN D. HADDEN
CLERK

JOHN STOTTS,
KARMA ROBINSON,
and
MARY CHRIS BARTH,

Petitioners,

vs.

MICHELLE DIANE TILLEY NICHOLS,
and
MICHELLE ANNE JONES,

Respondents.

Case No. _____

#120698

ORIGINAL
Received
Marshall
Ronalds
Cert mailed

**APPLICATION TO ASSUME ORIGINAL JURISDICTION
AND PETITION TO REVIEW THE BALLOT TITLE
OF STATE QUESTION 820, INITIATIVE PETITION 434**

ROBERT G. MCCAMPBELL, OBA No. 10390
GABLEGOTWALS, P.C.
BOK Park Plaza
499 W. Sheridan Ave., Suite 2200
Oklahoma City, OK 73102
Telephone: (405) 235-5500
RMcCampbell@Gablelaw.com

Counsel for the Petitioners

September xx, 2022

**IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA**

JOHN STOTTS,
KARMA ROBINSON,
and
MARY CHRIS BARTH,

Petitioners,

vs.

Case No. _____

MICHELLE DIANE TILLEY NICHOLS,
and
MICHELLE ANNE JONES,

Respondents.

**APPLICATION TO ASSUME ORIGINAL JURISDICTION
AND PETITION TO REVIEW THE BALLOT TITLE
OF STATE QUESTION 820, INITIATIVE PETITION 434**

ROBERT G. MCCAMPBELL, OBA No. 10390
GABLEGOTWALS, P.C.
BOK Park Plaza
499 W. Sheridan Ave., Suite 2200
Oklahoma City, OK 73102
Telephone: (405) 235-5500
RMcCampbell@Gablelaw.com

Counsel for the Petitioners

September xx, 2022

I. INTRODUCTION

Petitioners John Stotts, Karma Robinson, and Mary Chris Barth (collectively "Petitioners") request that the Court assume original jurisdiction to review the ballot title of Initiative Petition 434, State Question 820 ("SQ 820"). 34 O.S. §10(A). As is shown in the brief supporting this application, the ballot title of SQ 820 is legally flawed and must be redrafted. 34 Okla. Stat. § 10(A).

Although the ballot title states that SQ 820 would be a law "legalizing recreational use marijuana for persons 21 or older," it does far more than that, and the ballot title should disclose the significant additional provisions to Oklahoma voters. For example,

What does SQ 820 actually contain?	What does the ballot reflect?
1. Several laws protecting children from marijuana would be removed. SQ 820 § 3(E), 5(A), 5(B), 6(B) and 6(C).	1. No disclosure to voters.
2. Possession of a firearm while under the influence of marijuana would be legalized. SQ 820 § 5(G).	2. No disclosure to voters.
3. "Distributing" and "cultivating" marijuana would be legalized in some instances. SQ 820 § 5(A)(1) and (2).	3. No disclosure to voters.
4. In addition to legalizing use and possession of up to one ounce, a number of other, more serious marijuana crimes would be legalized or decriminalized. SQ 820 § 5 and 6.	4. No disclosure to voters.
5. There will be a positive fiscal impact on the state. SQ 820 § 12 and 13.	5. Discusses the <u>positive</u> fiscal impact in detail, but omits any mention of the <u>negative</u> fiscal impact.

II. PARTIES

1. Petitioner John Stotts is a citizen of Oklahoma, a resident of Pottawatomie County and a registered voter in Pottawatomie County. He has been registered to vote in Pottawatomie county for over 25 years.

2. Petitioner Karma Robinson is a resident of Oklahoma County and a registered voter in Oklahoma County. She has been registered to vote in Oklahoma county for over 25 years.

3. Petitioner Mary Chris Barth is a resident of Beaver County and a registered voter in Beaver County. She has been registered to vote in that Beaver for over 25 years.

4. The Petitioners are natural persons, citizens of this State, and qualified to protest this Petition. 34 O.S. § 10.

5. Respondent Michelle Diane Tilley Nichols signed the Initiative Petition as a Proponent.

6. Respondent Michelle Anne Jones signed the Initiative Petition as a Proponent.

III. THE COURT'S JURISDICTION

7. SQ 820 was filed with the Oklahoma Secretary of State on January 4, 2022. (Initiative Petition 434, App. at Tab A.). The proponents also filed a ballot title. ("Proponents' Ballot Title", App. at Tab B.)

8. On July 5, 2022, the Secretary of State filed and submitted a copy of the proponent's proposed ballot title to the Attorney General for review as to legal correctness. (Ltr. from Sec. of State to A.G. re: Ballot Title, App. at Tab C.) On July 12, 2022, the Attorney General found that the proponent's proposed ballot title did not comply with the law. (Ltr. from A.G. to Sec. of State re: Ballot Title, App. at Tab D.) Accordingly, the

Attorney General submitted an alternate ballot title on July 26, 2022. (“A.G.’s Ballot Title”, App. at Tab E.)

9. On August 25, 2022, this Court made the determination of the numerical sufficiency of signatures for State Question 820. *In re Initiative Petition No. 434*. (Order re Sufficiency of Signatures, App. at Tab F.) The Secretary of State published notice of the text of the A.G.’s Office ballot title and the numerical sufficiency of the initiative petition on August 31, 2022. (Notice re: State Question Number 820, App. at Tab G.) Pursuant to state law, the notice provided that any citizen may file an objection to the ballot title “within ten (10) business days of the date of this publication.” (*Id.*).

10. The deadline for filing a protest is September 15, 2022. This Petition is timely filed. 34 O.S. §10(A).

11. This Court’s jurisdiction to review a challenge to the ballot title is set forth in 34 O.S. § 10.

IV. THE DEFECTS IN THE BALLOT TITLE

12. This Court should find the ballot title defective for a number of reasons, any one of which is sufficient to require that a new ballot title be drafted.

13. SQ 820 goes beyond “legalizing recreational use marijuana for persons 21 or older.” It also includes: (a) protecting marijuana users’ rights to possess a firearm while under the influence of marijuana, (b) providing marijuana users rights to use the drug near an elementary school or in the presence of a child less than 12, (c) making it more difficult to restrict parental rights of marijuana users, (d) decriminalizing use and distribution of marijuana by people under the age of 21, and (e) protecting marijuana users from criminal sanctions even if they exceed the one ounce personal use amount. These material changes to the law should be disclosed to Oklahoma voters in the ballot title.

14. Also, the effect of SQ 820 is to provide marijuana users with a bundle of new rights on various marijuana related issues. The ballot title should give Oklahoma voters notice of this effect of SQ 820 and disclose more than just some of the details about personal use by adults.

A. FAILURE TO DISCLOSE TO REMOVAL OF PROVISIONS PROTECTING CHILDREN

15. The ballot title is deficient in failing to disclose to voters that in addition to legalizing use and possession by adults, SQ 820 would also negate multiple protections for people under the age of 21 years old existing in the law.

16. Under SQ 820:

- a. Possession of marijuana within 1,000 feet of an elementary school would no longer be a crime unless it occurred actually on the school grounds. SQ 820, § 5(A)(1) and 3(E)
- b. Use and possession of marijuana in the presence of a child under 12 years of age would no longer be a crime. SQ 820 § 5(A)(1).
- c. Possession and use of marijuana by a person under the age of 21 years old would no longer be a crime. SQ 820 § 6(C).
- d. Distribution of personal use amounts of marijuana by a person under the age of 21 years old would no longer be a crime, SQ 820 § 6(C), thereby increasing the chance that one person less than 21 would receive marijuana from another person less than 21.
- e. It would become materially more difficult for a court to deny custody, visitation, or parenting time with a child of a marijuana user. SQ 820 § 5(B).

17. These changes are the effects of § 5(A)(1), § 3(E), and § 6(C) of SQ 820, and voters are entitled to notice of these provisions.

18. Voters reading the ballot title would have no way to anticipate that hand to hand distribution from one 20 year old to another would be decriminalized or that use in the presence of a child less than 12 would become legal. Voters would have no way to anticipate that child custody/visitation hearings would be affected.

19. The omission of the provisions relating to minors results in a ballot title which does not reflect the effect of the petition in violation of 34 O.S. § 9(B)(2) and which reflects partiality in violation of 34 O.S. § 9(B)(4).

B. FAILURE TO MENTION THAT POSSESSION OF A FIREARM WHILE UNDER THE INFLUENCE WOULD BECOME LEGAL

20. The ballot should also disclose that SQ 820 would make it legal to possess a firearm while in possession of or under the influence of marijuana.

21. Possession of a firearm while under the influence of marijuana is currently a crime. 21 O.S. 1289.9. Under SQ 820 it would be legal. § 5(A)(1). Further, § 5(G) specifically provides that a person cannot be denied the right to possess a firearm based on conduct permitted by SQ 820, to wit: use and possession of marijuana.

22. A voter reading the ballot title's recitation that use and possession of marijuana for personal use will be legalized would have no way to anticipate that SQ 820 would also give marijuana users rights to possess firearms greater than the rights possess by users of other drugs or alcohol.

23. This is a significant change. The ballot title's omission that possession of a firearm while under the influence of marijuana would become legal results in a ballot title that does not reflect the effect of SQ 820 as required by 34 O.S. § 9(B)(2).

24. The ballot title's mention of only use and possession while omitting mention of the more serious crime concerning firearms which would also be legalized, reflects partiality in violation of 34 O.S. § 9(B)(4).

C. **FAILURE TO DISCLOSE THAT DISTRIBUTION AND CULTIVATION WOULD BE LEGALIZED**

25. Although the ballot title discloses multiple times that "use" and "possession" of marijuana would become legal under SQ 820, the ballot title fails to disclose to voters that "distribution" and "cultivation" would also become legal.

26. It is materially misleading for the ballot title to mention only that "use" and "possession" would be legalized since "distribution" and "cultivation" are different crimes, and more serious crimes. Voters should receive notice of the more serious criminal conduct that would become legal under SQ 820.

27. Furthermore, the ballot title states "Marijuana use and possession remain crimes under federal law." While technically true, the statement is materially misleading because it fails to disclose the multiple more serious conflicts with federal law that would be created by SQ 820 including that (a) possession of a firearm while under the influence, (b) distribution, (c) cultivation, and (d) distribution by a person less than 21 years old would all be legalized or decriminalized under the state law.

28. The ballot title's disclosure concerning only use and possession of marijuana does not reflect "the effect" of SQ 820 as required by 34 O.S. § 9(B)(2).

29. The ballot title's discussion of only use and possession of marijuana while conspicuously omitting any mention of the more serious conduct which would also be legalized or decriminalized, reflects partiality in violation of 34 O.S. § 9(B)(4).

D. FAILURE TO MENTION DECRIMINALIZATION PROVISIONS

30. The ballot title is further deficient in failing to disclose that in addition to legalizing personal use and possession, it will decriminalize a number of crimes involving an amount of marijuana exceeding the personal use amount.

31. SQ 820, § 5(A)(1) legalizes for personal use “one (1) ounce or less of marijuana, eight (8) grams or less of marijuana in a concentrated form, and/or eight grams or less of marijuana in a concentrated form contained within marijuana products or marijuana – infused products.” This quantity limit is abbreviated in the petitioners’ pleadings as “one ounce.”

32. SQ 820 would decriminalize conduct that is currently a crime including possession and distribution of more than one ounce and less than two ounces. (One ounce or less would be legal.) It would also decriminalize use and distribution by a minor.

33. The omission of decriminalization results in a ballot title which does not reflect the effect of the petition in violation of 34 O.S. §9(B)(2) and reflects partiality in violation of 34 O.S. § 9(B)(4).

34. This Court has repeatedly acted to protect voters from a ballot title or gist which handpicks certain items to emphasize while omitting mention of other material items. (A chart analyzing relevant cases is included in the Appendix at Tab J.) This ballot title is improper in mentioning legalization of “use” and “possession” of marijuana while omitting to mention “distribution,” “cultivation” and “firearm possession” on the list of conduct that will be legalized.

E. OMISSION OF NEGATIVE FISCAL IMPACT

35. The ballot title correctly states “the law will have a fiscal impact on the State.” The ballot title, however, then goes on to explain only the positive fiscal impacts on the state.

It describes in detail how taxes will be collected and spent for the benefit of our state. The ballot title is materially deficient in omitting any mention that there will be negative fiscal impacts for our state as well.

36. As detailed in the Brief in Support, when a state legalizes recreational marijuana, that state will incur many material costs including an increase in health costs, an increase in crime, an increase in traffic accidents caused by impaired driving, a loss of productivity, and other costs.

37. 34 O.S. § 9(B)(7) requires that if a measure will have a fiscal impact the potential source of funding must be identified. However, nothing in § 9(B)(7) states that it is the only thing which can be disclosed. Indeed, this ballot title goes beyond the requirements of § 9(B)(7) to inform voters that surplus tax revenue will be used to improve student retention, address substance abuse, support drug addiction programs, and support courts and local governments. In the course of this detailed discussion, there should be at least one mention that SQ 820 would have a negative fiscal impact as well.

38. The ballot title's disclosure of only the positive fiscal impacts does not reflect the effect of SQ 820 as required by 34 O.S. § 9(B)(2) and reflects partiality in violation of 34 O.S. § 9(B)(4).

F. OVERALL EFFECT OF SQ 820

39. Each of the deficiencies discussed above is, by itself, sufficient to require redrafting the ballot title.

40. Furthermore, the issues discussed show that the overall effect of SQ 820 is to do more than merely "legalize recreational use of marijuana for persons 21 and older."

41. As discussed in the Brief in Support, voters should receive notice of the true nature, the underlying purpose, and the design of an initiative petition.

42. SQ 820 creates a bundle of rights beneficial to marijuana users which includes rights which are not necessary to or logically connected with allowing recreational use by persons 21 or older.

43. For example, SQ 820:

- Legalizes use and possession of marijuana in the presence of children.
- Creates a right for users of marijuana (but not drugs or alcohol) to possess a firearm while under the influence.
- Makes it materially more difficult for courts to address parental rights of marijuana users.
- Decriminalizes offenses involving marijuana above the personal use amount.
- Decriminalizes use and distribution of marijuana by persons less than 21 years old.

44. The ballot title does not meet the requirements of 34 O.S. § 9(B)(2) and (4).

V. PETITIONERS PROPOSED BALLOT TITLE

45. In accordance with 34 O.S. § 10(A), Petitioners submit a substitute ballot title, which is attached to this Petition as required by Okla. Sup. Ct. R. 1.161(e) and complies with 34 O.S. § 9(B). A redline comparison between the Attorney General's Preliminary Ballot Title and Petitioners' Substitute Ballot Title is also included in the Appendix at Tab H.

VI. CONCLUSION

46. A ballot title must reflect the "character and purpose" of the proposition to give voters "an opportunity to fairly express their will." *OCPA Impact v. Sheehan*, 2016 OK 84, ¶ 9. The ballot title fails to meet the standard and should be redrafted.

47. Importantly, the Petitioners are not asking the Court to accept any policy arguments opposing SQ 820. The Petitioners' request in this case is that the ballot title should

disclose to Oklahoma voters what is in the actual language of SQ 820 so the voters can decide the policy issues.

48. This Court should (1) assume original jurisdiction of this matter (2) strike the current ballot title, and (3) adopt the ballot title proposed by Petitioners or redraft the ballot title as permitted by 34 O.S. §10(A).



Robert G. McCampbell, OBA No. 10390

GableGotwals, P.C.

499 W. Sheridan Ave., Suite 2200

Oklahoma City, OK 73102

Telephone: (405) 235-5500

RMcCampbell@Gablelaw.com

Counsel for the Petitioners

CERTIFICATE OF MAILING

I hereby certify that on this 14th day of September, 2022, a true and correct copy of the forgoing Application and Petition was served as follows:

BY EMAIL AND U.S. MAIL POSTAGE PREPAID:

Melanie Wilson Rughani
Counsel for Respondents
Crowe & Dunlevy, P.C.
324 N. Robinson, Suite 100
Oklahoma City, OK 73102

Attorney General's Office
c/o Lori S. Carter, First Assistant,
313 N.E. 21st Street
Oklahoma City, OK 73105

Michelle Tilley Nichols
c/o her attorney
Melanie Wilson Rughani

Michelle Anne Jones
c/o her attorney
Melanie Wilson Rughani

Secretary of State's Office
State of Oklahoma
101 State Capitol
Oklahoma City, OK 73105



Robert G. McCampbell

S615689

**PETITIONERS' PROPOSED
BALLOT TITLE FOR STATE QUESTION NO. 820**

This measure changes laws relating to marijuana including legalizing recreational use by persons 21 and older, legalizing distribution and cultivation in some instances, legalizing possession of a firearm while under the influence of marijuana, decriminalizing some other marijuana crimes and removing certain provisions designed to protect people under the age of 21 from marijuana. The legalized or decriminalized offenses would remain crimes under federal law. The export of marijuana from Oklahoma is prohibited. The law will have both positive and negative fiscal impacts on the State. The Oklahoma Tax Commission will collect a 15% excise tax on recreational use sales, above applicable sales taxes. The law provides for regulation of certain marijuana-related conduct, commercial standards, and penalties for violations. A local government may prohibit or restrict recreational marijuana use on the property of the local government and regulate the time, place, and manner of the operation of marijuana businesses within its boundaries. However, a local government may not limit the number of, or completely prohibit, such businesses. Persons who occupy, own, or control private property may prohibit or regulate marijuana-related conduct, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking. The law does not affect an employer's ability to restrict employee marijuana use. For the first two years, marijuana business licenses are available only to existing licensees in operation one year or more. The law does not affect the rights of medical marijuana patients or licensees. The law requires resentencing, reversing, modifying, and expunging certain prior marijuana-related judgments and sentences unless the State proves an unreasonable risk to a person. The Oklahoma Medical Marijuana Authority is authorized to administer and enforce the law.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____
AGAINST THE PROPOSAL - NO _____

ORIGINAL



2022 OK 77

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

**FILED
SUPREME COURT
STATE OF OKLAHOMA**

JOHN STOTTS, KARMA ROBINSON,
and MARY CHRIS BARTH,

Petitioners,

v.

MICHELLE DIANE TILLEY NICHOLS,
and MICHELLE ANNE JONES,

Respondents.

SEP 21 2022

JOHN D. HADDEN
CLERK

Case No. 120,698

FOR OFFICIAL
PUBLICATION

Rec'd (date)	9-21-22
Posted	PC
Mailed	PC
Distrib	R
Publish	to yes no

ORDER

On September 14, 2022, the Petitioners filed an Application to Assume Original Jurisdiction and Petition to Review the sufficiency of the re-written ballot title for State Question 820, Initiative Petition 434. 34 O.S. 2021, § 10(A). We find the following ballot title as re-written by the Attorney General and submitted on July 26, 2022 is sufficient:

This measure creates a state law legalizing recreational use marijuana for persons 21 or older. Marijuana use and possession remain crimes under federal law. The export of marijuana from Oklahoma is prohibited. The law will have a fiscal impact on the State. The Oklahoma Tax Commission will collect a 15% excise tax on recreational use sales, above applicable sales taxes. Excise tax revenues will fund implementation of the law, with any surplus revenues going to public school programs to address substance abuse and improve student retention (30%), the General Revenue Fund (30%), drug addiction treatment programs (20%), courts (10%), and local governments (10%). The law limits certain marijuana-related conduct and establishes quantity limits, safety standards, restrictions, and penalties for violations. A local government may prohibit or restrict recreational marijuana use on the property of the local government and regulate the time, place, and manner of the operation of marijuana businesses within its boundaries. However, a local government may not limit the number of, or completely

prohibit, such businesses. Persons who occupy, own, or control private property may prohibit or regulate marijuana-related conduct, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking. The law does not affect an employer's ability to restrict employee marijuana use. For the first two years, marijuana business licenses are available only to existing licensees in operation one year or more. The law does not affect the rights of medical marijuana patients or licensees. The law requires resentencing, reversing, modifying, and expunging certain prior marijuana-related judgments and sentences unless the State proves an unreasonable risk to a person. The Oklahoma Medical Marijuana Authority is authorized to administer and enforce the law.

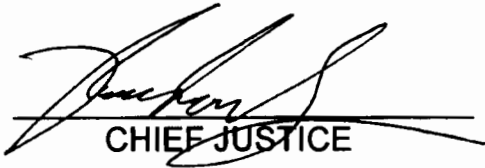
Shall the proposal be approved?

For the proposal – YES

Against the proposal – NO

Original jurisdiction is assumed. Okla. Const. Art. 7, § 4. All other relief is denied. Any rehearing on this matter must be filed with this Court by 12:00 p.m., noon, on Monday, September 26, 2022.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS
21ST DAY OF SEPTEMBER, 2022.



CHIEF JUSTICE

Darby, C.J., Kauger, Winchester, Edmondson, Combs, Gurich and Rowe, JJ.,
concur;

Kane, V.C.J. (**by separate writing**), dissents;

Kuehn, J. (**by separate writing**), concurs in part; dissents in part.

ORIGINAL



FILED
SUPREME COURT
STATE OF OKLAHOMA

SEP 15 2022

JOHN D. HADDEN
CLERK

IN THE SUPREME COURT
STATE OF OKLAHOMA

Jed Green, Oklahomans for
Responsible Cannabis Action,
Petitioner,

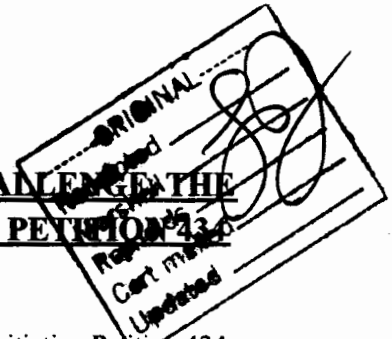
V.
The Honorable John O'Connor,
Attorney General of Oklahoma,
Respondents.

)
)
)
)
)
)
)

#120702

Case No. _____

**APPLICATION FOR ORIGINAL JURISDICTION TO CHALLENGE THE
BALLOT TITLE OF STATE QUESTION 820 INITIATIVE PETITION 434**



Comes now the Petitioner in challenge to Respondents proposed ballot title for Initiative Petition 434, State Question 820. Petitioner respectfully requests The Court hear and consider the proposed substitute ballot title contained herein for IP 434, State Question 820. and render a decision determining the appropriateness for gathering signatures by the Respondents and submission as a ballot measure before the People of Oklahoma.

Statements of the Case

With respect and appreciation of the effort evidenced in the ballot title proposed by the Attorney General, the ballot title, as submitted, does not describe the following provisions contained within SQ 820. These provisions are fundamental to the law and may be included, in an objective manner, as required of a ballot title, without compromising the integrity of the ballot title proposed by the Attorney General: These provisions are:

- State Question 820 may be amended by the Legislature.
- State Question 820 limits fines for smoking marijuana in a public place to \$25
- State Question 820 requires medical marijuana businesses to carry a separate recreational marijuana business license, and comply with separate rules for each license

The subsequent proposed substitute ballot title incorporates these additional provisions into the ballot title provided by the Attorney General, and does so within the 300 word limit as prescribed in Title 74 for ballot titles that describe measures which have a fiscal impact.

Proposed Substitute Ballot Title

This measure legalizes recreational marijuana use for persons 21 and over, and may be amended by the Legislature. Marijuana possession, use and export remain crimes under federal law. The law will have a fiscal impact on the State. The Oklahoma Tax Commission will collect a 15% excise tax on recreational use sales above applicable sales taxes. Excise tax revenues will fund implementation of the law, with any surplus revenues going to fund public school programs (30%), the General Revenue Fund (30%), drug addiction treatment programs (20%), courts (10%), and local governments (10%). The law limits certain marijuana-related conduct, and establishes quantity limits, safety standards, restrictions, and penalties for violations. A local government may prohibit or restrict recreational marijuana use on the property of the local government, with a fine not to exceed twenty-five (\$25), and regulate the time, and manner of recreational marijuana businesses within its boundaries. However a local government may not limit the number of, or completely prohibit, such businesses. Persons who occupy, own or control private property may prohibit or regulate marijuana-related conduct, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking. The law does not prohibit employer's ability to restrict employee marijuana use. Requires medical marijuana businesses to carry a separate recreational marijuana business license, and comply with separate rules for each license. For the first two years, marijuana business licenses are available only to existing licensees in operation one year or more. The law does not affect the rights of medical marijuana patients or licensees. The law requires resentencing, reversing, modifying, and expunging certain prior marijuana-related judgements and sentences unless the state proves an unreasonable risk to a person. The Oklahoma Medical Marijuana Authority is authorized to administer and enforce the law.

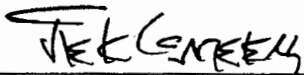
Shall the proposal be approved?

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.

Respectfully submitted for consideration,

X  _____

Jed Green

2900 Venice Blvd.

OKC, OK 73107

405-208-9449

director@orcaok.com



ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

SUPREME COURT
STATE OF OKLAHOMA

SEP 21 2022

JOHN D. HADDEN
CLERK

JED GREEN, OKLAHOMANS FOR,
RESPONSIBLE CANNABIS ACTION,

Petitioners,

v.

THE HONORABLE JOHN O'CONNOR,
ATTORNEY GENERAL OF OKLAHOMA,

Respondent.

Case No. 120,702

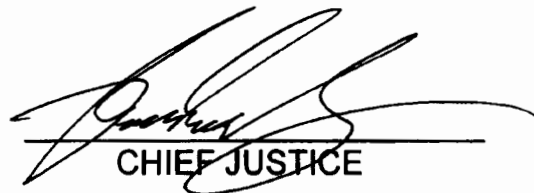
Rec'd (date)	9-21-22
Posted	
Mailed	
Distrib	
Publish	yes <input checked="" type="checkbox"/> no

ORDER

On September 15, 2022, the Petitioners filed an Application to Assume Original Jurisdiction to challenge the sufficiency of the re-written ballot title for State Question 820, Initiative Petition 434. 34 O.S. 2021, § 10(A).

Original jurisdiction is assumed. Okla. Const. Art. 7, § 4. All relief is denied. Any rehearing on this matter must be filed with this Court by 12:00 p.m., noon, on Monday, September 26, 2022.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS
21ST DAY OF SEPTEMBER, 2022.


CHIEF JUSTICE

Darby, C.J., Kauger, Winchester, Edmondson, Combs, Gurich and Rowe, and
Kuehn, JJ., concur;

Kane, V.C.J. (by separate writing), dissents.

J. Brian Bingman
Secretary of State and
Native American Affairs



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

September 27, 2022

HAND DELIVERED

The Honorable Paul Ziriaux
Secretary, State Election Board
State Capitol, Room G-28
Oklahoma City, Oklahoma 73105

Re: State Question 820, Initiative Petition 434 – Certification of Ballot Title

Dear Secretary Ziriaux:

In accordance with the provisions of Title 34 O.S. §9, I hereby certify that all requirements of said section of law have been met for State Question 820, Initiative Petition 434, and therefore, I herewith transmit to you, true and exact copies of the following records on file with this office.

- SQ820, IP434 Ballot Title (as reviewed and rewritten by the Attorney General)
- Initiative Petition 434 full text of the measure

If we may be of any further assistance, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Brian Bingman".

Brian Bingman
Secretary of State

RECEIVED

SEP 27 2022
STATE ELECTION
BOARD

J. Brian Bingman
Secretary of State and
Native American Affairs



J. Kevin Stitt
Governor

OKLAHOMA SECRETARY OF STATE

September 27, 2022

RECEIVED

SEP 27 2022

OFFICE OF THE GOVERNOR
LEGAL DEPT

HAND DELIVERED

The Honorable Kevin Stitt
Governor, State of Oklahoma
State Capitol, Ste. 212
Oklahoma City, Oklahoma 73105

Re: State Question 820, Initiative Petition 434 – Certification of Ballot Title

Dear Governor Stitt:

In accordance with the provisions of Title 34 O.S. §9, I hereby certify that all requirements of said section of law have been met for State Question 820, Initiative Petition 434, and therefore, I herewith transmit to you, true and exact copies of the following records on file with this office.

- SQ820, IP434 Ballot Title (as reviewed and rewritten by the Attorney General)
- Initiative Petition 434 full text of the measure
- Secretary of State's Certification of SQ820, IP434's Ballot Title to the State Election Board

If we may be of any further assistance, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Brian Bingman".
Brian Bingman
Secretary of State



FILED

October 18, 2022
OKLAHOMA SECRETARY
OF STATE

J. Kevin Stitt
Office of the Governor
State of Oklahoma

**EXECUTIVE DEPARTMENT
EXECUTIVE PROCLAMATION**

I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the provisions of Section 3 of Article V of the Oklahoma Constitution, Sections 12 and 25 of Title 34 of the Oklahoma Statutes, and the referral by the Secretary of State, do hereby declare that State Question Number 820, Initiative Petition 434, be submitted to qualified electors of the State of Oklahoma for their approval or rejection at a special election to be held statewide on Tuesday, March 7, 2023.

The substance of the measure is as follows:

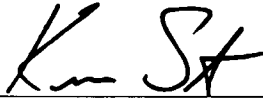
State Question 820 creates a state law legalizing recreational use marijuana for persons 21 or older. Marijuana use and possession remain crimes under federal law. The export of marijuana from Oklahoma is prohibited. The law will have a fiscal impact on the State. The Oklahoma Tax Commission will collect a 15% excise tax on recreational use sales, above applicable sales taxes. Excise tax revenues will fund implementation of the law, with any surplus revenues going to public school programs to address substance abuse and improve student retention (30%), the General Revenue Fund (30%), drug addiction treatment programs (20%), courts (10%), and local governments (10%). The law limits certain marijuana-related conduct and establishes quantity limits, safety standards, restrictions, and penalties for violations. A local government may prohibit or restrict recreational marijuana use on the property of the local government and regulate the time, place, and manner of the operation of marijuana businesses within its boundaries. However, a local government may not limit the number of, or completely prohibit, such businesses. Persons who occupy, own, or control private property may prohibit or regulate marijuana-related conduct, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marijuana by means other than smoking. The law does not affect an employer's ability to restrict employee marijuana use. For the first two years, marijuana business licenses are available only to existing licensees in operation one year or more. The law does not affect the rights of medical marijuana patients or licensees. The law requires resentencing, reversing, modifying, and expunging certain prior marijuana-related judgments and sentences unless the State proves an unreasonable risk to a person. The Oklahoma Medical Marijuana Authority is authorized to administer and enforce the law.

Copies of this Executive Proclamation shall be distributed to the Secretary of State, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Secretary of the State Election Board, who shall cause this proclamation to be implemented as appropriate.

51964

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 18th day of October, 2022.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



J. KEVIN STITT

ATTEST:



BRIAN BINGMAN, Secretary of State