

Chris Bengé  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

April 11, 2014

Mr. Charles "Chip" Paul  
9717 East 42<sup>nd</sup> Street, Suite 109  
Tulsa, OK 74146

Dear Mr. Paul:

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

State Question Number 768  
Initiative Petition Number 398

filed this 11th day of April, 2014 at 2:02 p.m.

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

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

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

If our office may be of further assistance, please do not hesitate to contact the Executive Legislative Division at (405) 522-4565.

Sincerely,

Chris Bengé  
Secretary of State

**FILED**

**APR 11 2014**

**OKLAHOMA SECRETARY  
OF STATE**

State Question No. 768

Initiative Petition No. 398

**"WARNING"**

"It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter."

**INITIATIVE PETITION**

To the Honorable Mary Fallin, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed amendment to the constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election to be held on the 4th day of November, 2014, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety days from June 1st, 2014. The question we herewith submit to our fellow voters is: Shall the following proposed amendment to the Constitution be approved?

**BALLOT TITLE**

This measure adds a new Article to the Oklahoma Constitution, Article 31, sections 1.A to 1.E. It allows for the classification of marijuana as a herbal drug regulated by the Oklahoma State Department of Health and permits the use of marijuana, under a physician's guidance, for certain medical conditions including cancer, HIV, AIDS, hepatitis C, MS, and other conditions. It allows for the sale of marijuana to licensed patients by licensed dispensaries, it allows for the growth of marijuana for sale to licensed dispensaries by licensed growers. It permits licensed and unlicensed patients to assert medical reasons for using marijuana as a defense to any prosecution involving marijuana.

SHALL THE PROPOSED AMENDMENT TO THE CONSTITUTION BE APPROVED?

Yes - For the proposition

No - Against the proposition

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

Be it enacted by the people of the State of Oklahoma that the Oklahoma constitution shall be amended by adding a new article 31, sections 1.A to 1.E as follows:

Section 1 - Medical Marijuana

**Section 1.A - General Provisions and Individual Qualifications:**

- To provide that marijuana be classified as a non-legend herbal drug regulated by the Oklahoma State Department of Health
- Provides that the Oklahoma State Department of Health will be granted rule making authority under the Administrative Procedures Act to implement and enforce the provisions of this measure.
- Provides that the Oklahoma State Department of Health will regulate the awarding of medical marijuana licenses, dispensary licenses, transportation licenses, growing licenses, and packaging licenses. Further that the Oklahoma State Department of Health will only have oversight in three very specific areas. Those being the tracking of marijuana sales, the tracking of marijuana by weight of marijuana produced, sold, and repackaged, and the inspection and compliance of packagers producing food products with marijuana as an additive.
- To provide for the dispensing and consumption of marijuana for medicinal purposes.
- To provide that possession of up to one and a half (1.5) ounces of marijuana by persons who can state a qualifying medical condition, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed \$400
- To provide that possession of up to six (6) marijuana plants, by persons who can state a qualifying medical condition, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed \$400
- To provide that persons with a qualifying medical license can be in legal possession of up to three (3) ounces of marijuana and six (6) marijuana plants.
- To provide that persons with a qualifying medical license can be in possession of concentrated marijuana, in any form, which would equate to three (3) ounces of dried marijuana.
- To enact a regulatory office under the Oklahoma State Department of Health which will receive applications for medical license recipients, dispensaries, growers, and packagers within 120 days of the passage of this initiative.
- To provide for a tax on medical marijuana sales at 7% of total sale. This tax will be collected at the point of sale. Tax proceeds will go to first, finance the regulatory office. Should proceeds exceed the budgeted amount for running the regulatory office, any surplus would be split with 75% going to the Oklahoma State Education general fund and 25% going to the Oklahoma State Department of Health and earmarked for Drug and Alcohol rehabilitation.
- To provide that the Oklahoma State Department of Health shall, within 120 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana license. The application fee will be \$125 and the methods of payment will be provided on the website.
- To provide that medical marijuana license applicants will submit their application to the Oklahoma State Department of Health for approval and that the applicant must be an Oklahoma State resident and shall prove residency by a valid drivers license, utility bills, or other accepted methods.
- To provide that the Oklahoma State Department of Health shall review the medical marijuana application, approve/reject the application, and mail the applicants approval or rejection letter (stating reasons for rejection) to the applicant with 14 days of receipt of the application. Approved applicants will be issued a medical marijuana card which will act as proof of their approved status.
- To provide that the Oklahoma State Department of Health must approve all applications which meet the criteria specified in this initiative without application of any subjective criteria.

- To provide that a caregiver license will be made available for qualified caregivers of a medical marijuana license holder who is homebound. The caregiver license will give the caregiver the same rights as the medical license holder. Applicants for a caregiver license need to submit proof of the medical marijuana license holders homebound status, must submit proof that the caregiver is age 18 or older, and must submit proof the caregiver is an Oklahoma resident. This will be the only criteria for a caregiver license. Licensed caregivers will be issued a caregiver card which will give the cardholder the same rights as a medical marijuana licensee.
- Provides that all applicants must be 18 years or older. A special exception will be granted to an applicant under the age of 18, however these applications must be accompanied by a letter stating qualified medical conditions, and signed by 2 physicians and the applicants parent or legal guardian.
- Provides that once a medical marijuana license is approved it is approved for the applicants lifetime and that that applicant need not reapply
- To provide that all applications for a medical card must be signed by an Oklahoma Board certified physician.
- To provide that no signing physician be stigmatized or otherwise called out for being an application signatory by any state agency.
- To provide that qualifying conditions for a medical marijuana card be defined as follows:
  - Acquired immune deficiency syndrome (AIDS), HIV infection
  - Anorexia, Cachexia
  - Arthritis
  - Cancer
  - Chronic pain
  - Glaucoma
  - Migraine headaches or chronic headaches
  - Persistent muscle spasms, multiple sclerosis
  - Seizures and Epilepsy
  - Severe nausea
  - ADD, ADHD
  - Depression
  - Anxiety
  - Posttraumatic stress disorder (PTSD)
  - Insomnia
  - PMS symptoms
  - Painful Periods
  - Hepatitis C
  - Inflammatory bowel disease (IBS)
  - Colitis (Chron's Disease or Ulcerative Colitis)
  - Urinary incontinence
  - Chronic abdominal pain
  - Chronic pelvic pain
  - Neuropathy
  - Neuralgia
  - Chronic low back pain
  - Asthma
  - Parkinson's disease
  - Huntington's chorea
  - Multiple Sclerosis
  - Wasting syndrome
  - A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes:
    - Cachexia or wasting syndrome;
    - Severe and chronic pain;
    - Severe nausea;
    - Seizures, including those characteristic of epilepsy;
    - Severe or persistent muscle spasms, including those characteristic of multiple sclerosis
- To provide that in January and July of each calendar year, the Oklahoma State Department of Health will accept written requests to add a medical condition to the list of qualifying medical conditions. The requirements for completing a request to add a medical condition include:
  - The name of the medical condition or the treatment of the medical condition the

individual is requesting be added;

- o A description of the symptoms and how they make it hard to do daily living activities. The availability of conventional medical treatments to provide therapy or comfort for the condition;
- o A summary of the evidence that marijuana will provide therapy or comfort for the medical condition; and
- o Articles, published in peer-reviewed scientific journals, reporting research on the effects of marijuana on the medical condition or the treatment of the medical condition supporting why the medical condition or the treatment of the medical condition should be added.

**Section 1.B - Dispensary Application, Qualifications, and Regulatory Provisions**

- Provides that The Oklahoma State department of Health will within 120 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana dispensary license. Application fee will be \$2500 and a method of payment will be provided on the website.
- Provides that dispensary applicants must all be Oklahoma state residents. Any entity applying for a dispensary license must be owned by an Oklahoma State resident and must be registered to do business in Oklahoma. The Oklahoma State Department of Health has two (2) weeks to review the application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. The Oklahoma State Department of Health must approve all applications which meet the criteria specified in this initiative without subjective criteria.
- Provides that the Oklahoma State Department of Health will issue a dispensary license and a growing and transportation license to dispensaries that meet the following qualifications:
  - o Applicant must be age 25 or older
  - o Any applicant, applying as an Individual, must show residency in the state of Oklahoma
  - o All applying entities must show that all members, managers, board members, shareholders, or owners are Oklahoma residents
  - o All applying entities must be registered to conduct business in the state of Oklahoma
  - o All applicants must submit a letter of intent (LOI), with use clearly stated, or show proof of ownership of land/space to be used as a dispensary
  - o if additional growing sites are used these must be specified along with letter of intent or proof of ownership/rental
  - o All applicants must submit a business plan
  - o All applicant must show ability to invest at least \$100,000 into business startup and funds must be readily available (promise of a loan is unacceptable)
  - o All applicants must disclose all ownership
- Provides that an approved dispensary applicant be issued the following:
  - A dispensary license, which will be clearly displayed in the dispensary operation, and which will grant the dispensary the rights outlined in this initiative
  - A growing license, which will be clearly displayed in any area of the dispensary operation where marijuana is grown
  - A transportation license which will allow the legal transportation of marijuana as specified in Section 1.E
- Provides that dispensaries will be required to complete a monthly yield and sales report to the Oklahoma Department of Health. This report will be due on the 15<sup>th</sup> of each month and provide reporting on the previous month. This report will detail the amount of marijuana harvested in lbs, the amount of drying or dried marijuana on hand in lbs, the amount of marijuana sold to packagers in lbs, the amount of waste in lbs, and the amount of marijuana sold to card holders in lbs. Additionally, this report will show total sales in dollars, tax collected in dollars, and tax due in dollars. The Oklahoma state

department of health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A dispensary will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting will be an initial fine of \$5,000 (first) and revocation of licensing (second).

- Provides that only a licensed medical marijuana dispensary may conduct retail sales of marijuana, or marijuana derivatives in the form provided by licensed packagers, and that these products can only be sold to a medical marijuana license holder or their caregiver.

#### **Section 1.C - Growers Application, Qualification, and Regulatory Provisions**

- Provides that the Oklahoma State department of Health will within 120 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana grower. Application fee will be \$2500 and methods of payment will be provided on the website.
- Provides that grower applicants must all be Oklahoma state residents and be at least 21 years of age. Any entity applying for a growing license must be held by an Oklahoma State resident and must be registered to do business in Oklahoma.
- Provides that the Oklahoma State Department of Health has two (2) weeks to review the application, approve/reject the application, and mail the approval/rejection letter (stating reasons for rejection) to the applicant
- Provides that the Oklahoma State Department of Health must approve all applications which meet the criteria specified in this initiative and shall apply no subjective criteria for qualification.
- Provides that the Oklahoma State Department of Health will issue a growing and transportation license to growers who meet the following qualifications:
  - Any applicant, applying as an Individual, must show residency in the state of Oklahoma.
  - All applying entities must show that all members, managers, board members, shareholders, or owners are Oklahoma residents
  - All applying entities must be registered to conduct business in the state of Oklahoma
  - Applicants must show ownership/lease or have a letter of intent which clearly states use of land to be grown on. If additional growing sites are used these must be specified along with letter of intent or proof of ownership/rental
  - All applicants will be required to submit a business plan
  - All applicants must show ability to invest at least \$50,000 into business startup and funds must be readily available (promise of a loan is unacceptable)
  - All applicants must disclose all ownership
- Provides that an approved grower applicant be issued the following:
  - A growing license, which will be clearly displayed in any area of the growing operation where marijuana is grown
  - A transportation license which will allow the legal transportation of marijuana as specified in Section 1.E
- Provides that a licensed grower may sell marijuana to a licensed dispensary, or a licensed packager. Further, these sales will be consider wholesale sales and not subject to taxation.
- Provided that under no circumstances may a licensed grower sell marijuana directly to a medical marijuana license holder.
- Provides that growers will be required to complete a monthly yield and sales report to the Oklahoma Department of Health. This report will be due on the 15<sup>th</sup> of each month and provide reporting on the previous month. This report will detail amount of marijuana harvested in lbs, the amount of drying or dried marijuana on hand, the amount of marijuana sold to packagers in lbs, the amount of waste in lbs, and the amount of marijuana sold to dispensaries in lbs. Additionally, this report will show total wholesale sales in dollars. The Oklahoma state department of health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A licensed grower will only be subject to a penalty if a gross discrepancy exists

and cannot be explained. Penalties for fraudulent reporting will be an initial fine of \$5,000 (first) and revocation of licensing (second).

#### **Section 1.D - Packaging Application, Qualification, and Regulatory Provisions**

- Provides that the Oklahoma State department of Health will within 120 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana packaging. Application fee will be \$2500 and methods of payment will be provided on the website.
- Provides that a licensed packager may take marijuana plants and distill these plants into concentrates, edibles, and other forms for consumption.
- Provides that packaging applicants must all be Oklahoma state residents and be at least 21 years of age. Any entity applying for a packaging license must be held by an Oklahoma State resident and must be registered to do business in Oklahoma.
- Provides that the Oklahoma State Department of Health has two (2) weeks to review the application, approve/reject the application, and mail the approval/rejection letter (stating reasons for rejection) to the applicant
- Provides that the Oklahoma State Department of Health must approve all applications which meet the criteria specified in this initiative and shall apply no subjective criteria for the process.
- Provides that the Oklahoma State Department of Health will issue a packaging license and a transportation license to applicants who meet the following qualifying conditions:
  - Any applicant, applying as an Individual, must show residency in the state of Oklahoma.
  - All applying entities must show that all members, managers, board members, shareholders, or owners are Oklahoma residents
  - All applying entities must be registered to conduct business in the state of Oklahoma
  - Applicants must show ownership/lease or have a letter of intent which clearly states use of the space.
  - All applicants will be required to submit a business plan
  - Proof of capitalization. Must show ability in invest at least \$10,000 into business startup and funds must be readily available (promise of a loan is unacceptable)
- Provides that an approved grower applicant be issued the following:
  - A packaging license, which will be clearly displayed in any area of the operation where marijuana is being packaged
  - A transportation license which will allow the legal transportation of marijuana as specified in Section 1.E
- Provides that the Oklahoma State Department of Health will, within 120 days of passage of this initiative, make available a set of guidelines and inspection criteria for oversight of licensed packagers preparation of edible marijuana products. This should be in line with current food preparation guidelines and no excessive or punitive rules may be established by the Oklahoma State Department of Health.
- Provides that once a year, the Oklahoma State Department of Health may inspect a packaging operation and determine its compliance with the preparation guidelines. If deficiencies are found, a written report of deficiency will be issued to the packager. The packager will have one (1) month to correct the deficiency or be subject to a \$500 fine.
- Provides that a licensed packager may sell marijuana products it creates to a licensed dispensary, or a licensed packager. Further, these sales will be consider wholesale sales and not subject to taxation.
- Provides that under no circumstances may a licensed packager sell marijuana, or any marijuana product, directly to a medical marijuana license holder.
- Provides that packagers will be required to complete a monthly yield and sales report to the Oklahoma Department of Health. This report will be due on the 15<sup>th</sup> of each month and provide reporting on the previous month. This report will detail amount of marijuana purchased in lbs, the amount of marijuana cooked or processed in lbs, and the amount of waste in lbs. Additionally, this report will show total wholesale sales in dollars. The Oklahoma state department of health

will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A licensed packager will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting will be an initial fine of \$5,000 (first) and revocation of licensing (second).

#### **Section 1.E - Transportation**

- Provides that a marijuana transportation license will be issued to qualifying applicants for a marijuana dispensary, growing, or packaging license. The transportation license will be issued at the time of approval of a dispensary, growing, or packaging license.
- Provides that a transportation license will allow the holder, or holders employees, to transport marijuana from an Oklahoma licensed medical marijuana dispensary, licensed growing facility, or licensed packaging facility to an Oklahoma licensed medical marijuana dispensary, licensed growing facility, or licensed packaging facility.
- Provides that all marijuana or marijuana products be transported in a sealed container and clearly labeled "Medical Marijuana or Derivative"

Name and Address of Proponent(s):

Oklahomans For Health  
9717 East 42<sup>nd</sup> Street  
Suite 109  
Tulsa, OK 74146  
[www.oklahomansforhealth.com](http://www.oklahomansforhealth.com)

The gist of the proposition is it amends the state constitution and allows for the classification of marijuana as a herbal drug regulated by the Oklahoma State Department of Health and permits the use of marijuana, under a physician's guidance, for certain medical conditions including cancer, HIV, AIDS, hepatitis C, MS, and other conditions. It allows for the sale of marijuana to licensed patients by licensed dispensaries, it allows for the growth of marijuana for sale to licensed dispensaries by licensed growers. It permits licensed and unlicensed patients to assert medical reasons for using marijuana as a defense to any prosecution involving marijuana.

No.	Signature	Printed Name	Residence Address	City/Town	State	County
1					OK	
2					OK	
3					OK	
4					OK	
5					OK	
6					OK	
7					OK	
8					OK	
9					OK	
10					OK	
11					OK	
12					OK	
13					OK	
14					OK	
15					OK	
16					OK	
17					OK	
18					OK	
19					OK	
20					OK	

AFFIDAVIT

STATE OF OKLAHOMA, )  
 )  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, being first duly sworn say:  
That I am a qualified elector of the State of Oklahoma and that

- |           |           |
|-----------|-----------|
| 1. _____  | 11. _____ |
| 2. _____  | 12. _____ |
| 3. _____  | 13. _____ |
| 4. _____  | 14. _____ |
| 5. _____  | 15. _____ |
| 6. _____  | 16. _____ |
| 7. _____  | 17. _____ |
| 8. _____  | 18. _____ |
| 9. _____  | 19. _____ |
| 10. _____ | 20. _____ |

signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, post office address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma.

\_\_\_\_\_  
Circulator's Signature  
  
\_\_\_\_\_  
Post Office Address  
  
\_\_\_\_\_  
City                      Zipcode

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

(seal)

\_\_\_\_\_  
Notary Public  
  
\_\_\_\_\_  
Post Office Address  
  
\_\_\_\_\_  
City

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

Chris Bengé  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

April 11, 2014

Hand delivered

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

**RECEIVED**

APR 11 2014

OFFICE OF THE  
GOVERNOR

Dear Governor Fallin:

Please be advised that Charles "Chip" Paul, Oklahomans for Health, 9717 East 42<sup>nd</sup> Street, Suite 109, Tulsa, OK 74146, filed an initiative petition on April 11, 2014, with the Secretary of State. This petition is designated as State Question Number 768, Initiative Petition Number 398.

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

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

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

Sincerely,

A handwritten signature in black ink that reads 'Chris Bengé'.

Chris Bengé  
Secretary of State

Enclosure: State Question 768

Chris Bengé  
Secretary of State



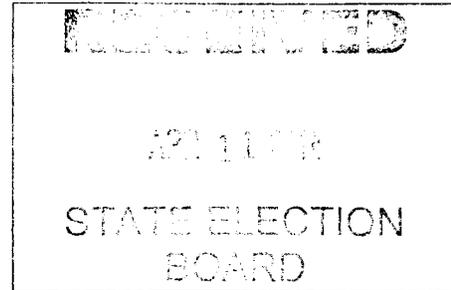
Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

April 11, 2014

Hand delivered

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



Dear Secretary Ziriak:

Please be advised that Charles "Chip" Paul, Oklahomans for Health, 9717 East 42<sup>nd</sup> Street, Suite 109, Tulsa, OK 74146, filed an initiative petition on April 11, 2014, with the Secretary of State. This petition is designated as State Question Number 768, Initiative Petition Number 398.

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

Sincerely,

Chris Bengé  
Secretary of State

Enclosure: State Question 768

Chris Bengé  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

April 11, 2014

INTERAGENCY MAIL

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

Dear Attorney General Pruitt:

You are hereby notified that Charles "Chip" Paul, Oklahomans for Health, 9717 East 42<sup>nd</sup> Street, Suite 109, Tulsa, OK 74146, filed an initiative petition on April 11, 2014, with the Secretary of State. This petition is designated as State Question Number 768, Initiative Petition Number 398.

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

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

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

Sincerely,

A handwritten signature in black ink that reads "Chris Bengé".

Chris Bengé  
Secretary of State

Enclosures: State Question 768  
Ballot Title



E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA

**FILED**

APR 18 2014

**OKLAHOMA SECRETARY  
OF STATE**

April 18, 2014

Chris Bengé, Secretary of State  
Office of the Secretary of State  
2300 N. Lincoln Blvd., Room 101  
Oklahoma City, Oklahoma 73105-4897

Dear Secretary Bengé:

**Re: Ballot Title for State Question No. 768, Initiative Petition No. 398**

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

It does not adequately explain the effect of the proposition as, among other things:

- it does not list all licenses authorized by the measure
- it does not explain that marijuana is classified as a non-prescription drug
- it inaccurately states that marijuana is used under a physician's guidance
- it does not explain that medical marijuana licenses are issued for the applicant's lifetime
- it does not explain that the measure provides for a tax on the sale of medical marijuana
- it does not explain the measure's effect on existing state law
- it does not explain that the measure would not affect constitutionally enacted federal law to the contrary

Having found that the Ballot Title does not comply with the applicable law, we will, in accordance with the provisions of 34 O.S.2011, § 9(D), within ten (10) business days, prepare a Ballot Title that complies with the law.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT  
ATTORNEY GENERAL

ESP/ab



E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA

May 2, 2014

**FILED**

**MAY 02 2014**

OKLAHOMA SECRETARY  
OF STATE

Chris Benge, Secretary of State  
Office of the Secretary of State  
2300 N. Lincoln Boulevard, Room 101  
Oklahoma City, Oklahoma 73105-4897

**Re: Ballot Title for State Question No. 768, Initiative Petition No. 398**

Dear Secretary Benge:

Having found that the proposed Ballot Title for the above-referenced State Question did not comply with applicable laws we, in accordance with the provisions of 34 O.S.2011, § 9(D), have prepared the following Ballot Title. As a Title 34 ballot title review, the following does not constitute an Attorney General Opinion on the merits or the constitutionality of the proposed changes in the law, nor the ability of federal law to preempt the changes in the law. The Ballot Title reads as follows:

### **BALLOT TITLE**

This measure adds to the Oklahoma Constitution. Currently, marijuana is an illegal drug. The measure legalizes the licensed use, sale and growth of marijuana in Oklahoma. Such legalized action may nonetheless violate federal law.

No prescription is required for use. Rather, the State Department of Health must issue medical marijuana licenses allowing limited possession if:

- the applicant is 18 or over;
- the applicant is an Oklahoma resident; and
- an Oklahoma board-certified physician signs the application, certifying the applicant has a qualifying condition.

The measure lists 37 qualifying medical conditions, ranging from cancer to insomnia, and permits additional conditions.

User licenses are lifetime licenses, regardless of the continuing existence of the condition.

The Department also issues seller, grower, packaging, transportation and caregiver licenses.

Sellers, whether individuals or retail businesses, must meet minimal requirements to be licensed to sell marijuana to licensees. Among other requirements, sellers must:

- be 25 or over;
- have a business plan;
- be registered to conduct business in Oklahoma; and
- show ability to invest \$100,000

The punishment for unlicensed possession of permitted amounts of marijuana by persons stating they have a qualifying medical condition is a fine not exceeding \$400.00.

A 7 % tax is imposed on medical marijuana sales.

**SHALL THE PROPOSAL BE APPROVED?**

**FOR THE PROPOSAL - YES**

\_\_\_\_\_

**AGAINST THE PROPOSAL - NO**

\_\_\_\_\_

Respectfully submitted,



E. Scott Pruitt  
Attorney General

ESP/ab

Chris Benge  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

May 5, 2014

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

Dear Ms. Shea:

Please publish the attached Notice of Filing for State Question Number 768, Initiative Petition Number 398. Pursuant to 34 O.S. § 8, the publication must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish in *The Oklahoman*, *Tulsa World*, and the *Journal Record* as soon as possible.

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

Sincerely,

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

Chris Benge  
Secretary of State

Enc: Notice of Filing

cc: Charles "Chip" Paul  
9717 East 42<sup>nd</sup> Street, Suite 109  
Tulsa, OK 74146

**NOTICE OF THE FILING OF  
STATE QUESTION NUMBER 768  
INITIATIVE PETITION NUMBER 398**

NOTICE is hereby given that on April 11, 2014, State Question Number 768, Initiative Petition Number 398 was filed in the Office of the Secretary of State.

The ballot title for this initiative petition is as follows:

This measure adds to the Oklahoma Constitution. Currently, marijuana is an illegal drug. The measure legalizes the licensed use, sale, and growth of marijuana in Oklahoma. Such legalized action may nonetheless violate federal law.

No prescription is required for use. Rather, the State Department of Health must issue medical marijuana licenses allowing limited possession if:

- the applicant is 18 or over;
- the applicant is an Oklahoma resident; and
- an Oklahoma board-certified physician signs the application, certifying the applicant has a qualifying condition.

The measure lists 37 qualifying medical conditions, ranging from cancer to insomnia, and permits additional conditions.

User licenses are lifetime licenses, regardless of the continuing existence of the condition.

The Department also issues seller, grower, packaging, transportation and caregiver licenses.

Sellers, whether individuals or retail businesses, must meet minimal requirements to be licensed to sell marijuana to licensees. Among other requirements, sellers must:

- be 25 or over;
- have a business plan;
- be registered to conduct business in Oklahoma; and
- show ability to invest \$100,000

The punishment for unlicensed possession of permitted amounts of marijuana by persons stating they have a qualifying medical condition is a fine not exceeding \$400.00.

A 7% tax is imposed on medical marijuana sales.

SHALL THE PROPOSED AMENDMENT TO THE CONSTITUTION BE APPROVED?

\_\_\_\_\_ Yes – For the proposition

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

NOTICE is hereby given that, as provided in 34 O.S. § 8 and 10, any citizen or citizens of the state may file a protest as to the constitutionality of the petition or as to the ballot title, by a written notice to the Oklahoma Supreme Court and to the proponent or proponents filing the petition. Proponent filing is: Oklahomans for Health, 9717 East 42<sup>nd</sup> Street, Suite 109, Tulsa, OK 74146. Any such protest must be filed within ten (10) days after this publication. A copy of the protest shall be filed with the Secretary of State.

Chris Bengé  
Secretary of State

INTERSTATE INN 444-1600, Wi-Fi  
\$25/day, \$110/week, guest laundry

3/2/2, 909 S. 31st St., BA, fenced  
backyard, 1900+ sf, great neigh-  
borhood, \$975/mo, \$800 Deposit,  
1 year lease, Pets allowed,  
No Section 8. Call 918-521-7717

DUPLEX: 3 bdrm, 2 ba, 2 Car  
updated w/ large closets, covered  
patio, no smoking,  
South BA Schools. 918-625-8425

Condo, 68th & Yale, 2 bdrm, 2  
bath, Appl., \$725 mo. 918-760-0129

2/2/2 + Den. All Appliances, Car-  
pet, Patio, Sliding Glass doors,  
Utility room. 250 S. 89th E. Ave.  
No Pets, Smoking or Sec. 8. Call  
918-266-0655 for more info.

3/2/1 Midtown, 15th & Yale area.  
Updated. Pet dep. 1 year lease.  
\$ 950  
918-951-9955

Published in the Tulsa World,  
May 7, 2014, Tulsa, OK

**NOTICE OF THE FILING OF  
STATE QUESTION  
NUMBER 768  
INITIATIVE PETITION  
NUMBER 398**

NOTICE is hereby given that  
on April 11, 2014, State Question  
Number 768, Initiative Petition  
Number 398 was filed in the Of-  
fice of the Secretary of State.

The ballot title for this initia-  
tive petition is as follows:

This measure adds to the Okla-  
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marijuana is an illegal drug.  
The measure legalizes the li-  
censed use, sale, and growth of  
marijuana in Oklahoma. Such  
legalized action may nonethe-  
less violate federal law.

No prescription is required for  
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limited possession if:

- the applicant is 18 or over,
- the applicant is an Oklahoma  
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- an Oklahoma board-certified  
physician signs the application,  
certifying the applicant has a  
qualifying condition.

The measure lists 37 qualifying  
medical conditions, ranging  
from cancer to insomnia, and  
permits additional conditions.

User licenses are lifetime licens-  
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existence of the condition.

The Department also issues sell-  
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Sellers, whether individuals or  
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- be 25 or over;
- have a business plan;
- be registered to conduct busi-  
ness in Oklahoma; and
- show ability to invest \$100,000

The punishment for unlicensed  
possession of permitted  
amounts of marijuana by per-  
sons stating they have a qualify-  
ing medical condition is a fine  
not exceeding \$400.00.

A 7% tax is imposed on medical  
marijuana sales.

**SHALL THE PROPOSED  
AMENDMENT TO THE CON-  
STITUTION BE APPROVED?**

Yes - For the proposition  
 No - Against the  
proposition

NOTICE is hereby given that,  
as provided in 34 O.S. § 8 and  
10, any citizen or citizens of the  
state may file a protest as to  
the constitutionality of the peti-  
tion or as to the ballot title, by a  
written notice to the Oklahoma  
Supreme Court and to the propo-  
nent or proponents filing the pe-  
tition. Proponent filing is:  
Oklahomans for Health, 9717  
East 42nd Street, Suite 109, Tul-  
sa, OK 74146. Any such protest  
must be filed within ten (10)  
days after this publication. A  
copy of the protest shall be filed  
with the Secretary of State.

Chris Bengé  
Secretary of State

The Oklahoman  
5/7/2014

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DANA L. MURPHY, Commissioner  
DONE AND PERFORMED THIS  
1st DAY OF MAY, 2014, BY  
ORDER OF THE COMMISSION:  
Peggy Mitchell,  
Commission Secretary

**NOTICE OF THE FILING OF  
STATE QUESTION NUMBER 768  
INITIATIVE PETITION  
NUMBER 398**

NOTICE is hereby given that on April 11, 2014, State Question Number 768, Initiative Petition Number 398 was filed in the Office of the Secretary of State.

The ballot title for this initiative petition is as follows:  
This measure adds to the Oklahoma Constitution. Currently, marijuana is an illegal drug. The measure legalizes the licensed use, sale, and growth of marijuana in Oklahoma. Such legalized action may nonetheless violate federal law.

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- be 25 or over;
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- be registered to conduct business in Oklahoma; and
- show ability to invest \$100,000

The punishment for unlicensed possession of permitted amounts of marijuana by persons stating they have a qualifying medical condition is a fine not exceeding \$400.00.

A 7% tax is imposed on medical marijuana sales.

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

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

NOTICE is hereby given that, as provided in 34 O.S. ss 8 and 10, any citizen or citizens of the state may file a protest as to the constitutionality of the petition or as to the ballot title, by a written notice to the Oklahoma Supreme Court and to the proponent or proponents filing the petition. Proponent filing is: Oklahomans for Health, 9717 East 42nd Street, Suite 109, Tulsa, OK 74146. Any such protest must be filed within ten (10) days after this publication. A copy of the protest shall be filed with the Secretary of State.

Chris Bengt  
Secretary of State

**Lost 720**

Lost Calico cat, NW 39th & Meridian OKC, mostly white, 6.5lbs, \$100 reward 405-234-0255

Female Golden Retriever "Molly", central Edmond. 348-3488 if seen.

Chris Bengé  
Secretary of State

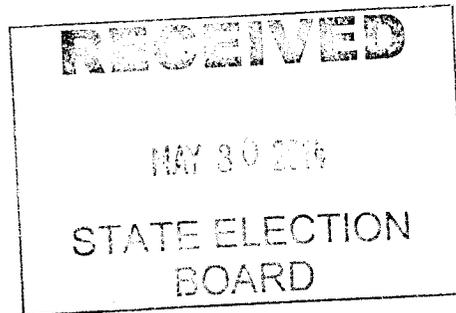


Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

May 30, 2014

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



Hand delivered

Dear Secretary Ziriak:

Enclosed is a copy of the Attorney General's Ballot Title for State Question Number 768, Initiative Petition Number 398. No appeals or protest were filed with the Supreme Court for this petition, therefore this concludes the Ballot Title process for this State Question.

Pursuant to 34 O.S., §8, the signatures for this petition are required to be filed after the ballot title procedure has occurred and all legal issues are resolved. Once the signatures for this petition have been counted and any appeals or protest to the signature count are concluded this office will file notification with your office.

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

Sincerely,

A handwritten signature in cursive script that reads 'Chris Bengé'.

Chris Bengé  
Secretary of State

Chris Bengé  
Secretary of State

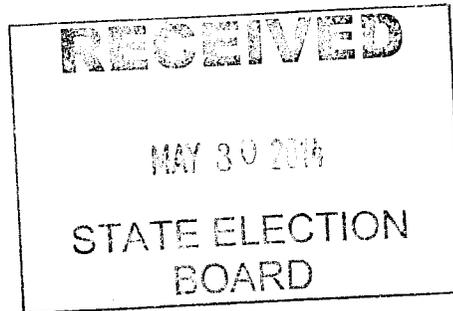


Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

May 30, 2014

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



Hand delivered

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

Sincerely,

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

Chris Bengé  
Secretary of State

Chris Benge  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

August 15, 2014

**FILED**

AUG 15 2014

OKLAHOMA SECRETARY  
OF STATE

Mr. Charles "Chip" Paul  
9717 East 42nd Street, Suite 109  
Tulsa, OK 74146

Dear Mr. Paul:

This letter is to acknowledge receipt of 37 boxes containing signature pamphlets filed for State Question 768, Initiative Petition 498.

The boxes of petition pamphlets arrived this 15<sup>th</sup> day of August 2014 at 4:20 p.m.  
(No signature pamphlets shall be accepted for filing after 5:00 P.M. on the 90<sup>th</sup> day {34 O.S. Section 4}.)

As required by law, the petition boxes will be sealed. The seals will not be broken until the signature counting process begins.

Pursuant to the provisions of Title 34 O.S. Section 4, an individual from the petition drive must be present for the detaching of the signature pages and affidavits during the process of counting and binding the signature sheets. Notification will be provided separately to the Proponents with regards to the details of the location and schedule for the signature count (Please see attached letter "*Re: Observer – General Information Sheet*").

If our office may be of any further assistance, please do not hesitate to contact the Executive Legislative Division at (405) 522-4565.

Sincerely,

Chris Benge  
Secretary of State

Chris Benge  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

August 22, 2014

RECEIVED

AUG 25 2014

ADMINISTRATIVE OFFICE  
OF THE COURTS

Chief Justice Tom Colbert  
The Oklahoma Supreme Court  
2100 N. Lincoln Blvd., Suite 1  
Oklahoma City, Oklahoma 73105

**RE: Certification of Signature Count - State Question 768, Initiative Petition 398**

Dear Chief Justice Colbert,

Pursuant to the provisions of Title 34 O.S., Section 8(G), the Secretary of State certifies the following details:

- The Secretary of State certifies the total number of signatures counted for State Question 768, Initiative Petition 398 is **75,384**.
- Thirty-seven (37) boxes of signature pamphlets were received by our office on August 15, 2014, from Mr. Charles "Chip" Paul, 9717 East 42nd Street, Suite 109, Tulsa, OK 74146.
- The Secretary of State began the signature count on August 18, 2014 after the end of the ninety (90) day circulation period because no certification was filed by the proponents indicating early completion. The signature count was concluded on August 21, 2014.
- Individual signature sheets have been numbered 1 through 4,385 and were bound in a total of 22 Volumes. Volumes 1 through 21 contain 200 signature sheets per volume; Volume 22 contains 185 signature sheets.
- The Secretary of State affirms the State Election Board has certified that a total of 1,034,767 votes were cast for the state office receiving the highest number of votes in the last general election.

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

Sincerely,

Chris Benge  
Secretary of State

cc: Mr. Charles "Chip" Paul  
9717 East 42<sup>nd</sup> Street, Suite 109,  
Tulsa, Oklahoma 74146

The Honorable E. Scott Pruitt  
Oklahoma State Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105

Enc: - Copy of State Question 768, Initiative Petition 498  
- Tabulation Sheets for SQ 768  
- Total Votes Cast as certified by Election Board (SOS Doc# 044444)

"WARNING"

"It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter."

State Question No. 768 \_\_\_\_\_

Initiative Petition No. 398 \_\_\_\_\_

**"WARNING"**

"It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter."

**INITIATIVE PETITION**

To the Honorable Mary Fallin, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed amendment to the constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election to be held on the 4th day of November, 2014, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety days from May 21st, 2014. The question we herewith submit to our fellow voters is: Shall the following proposed amendment to the Constitution be approved?

**BALLOT TITLE**

This measure adds to the Oklahoma Constitution. Currently, marijuana is an illegal drug. The measure legalizes the licensed use, sale, and growth of marijuana in Oklahoma. Such legalized action may nonetheless violate federal law.

No prescription is required for use. Rather, the State Department of Health must issue medical marijuana licenses allowing limited possession if:

- the applicant is 18 or over;
- the applicant is an Oklahoma resident; and
- an Oklahoma board-certified physician signs the application, certifying the applicant has a qualifying condition.

The measure lists 37 qualifying conditions, ranging from cancer to insomnia, and permits additional conditions.

User licenses are lifetime licenses, regardless of the continuing existence of the condition.

The Department also issues seller, grower, packaging, transportation and caregiver licenses.

Sellers, whether individual or retail businesses, must meet minimal requirements to be licensed to sell marijuana to licensees. Among other requirements, seller must:

- be 25 or over;
- have a business plan;
- be registered to conduct business in Oklahoma; and
- show ability to invest \$100,000

The punishment for unlicensed possession of permitted amounts of marijuana by persons stating they have a qualifying medical condition is a fine not exceeding \$400.00

A 7% tax is imposed on medical marijuana sales.

SHALL THE PROPOSED AMENDMENT TO THE CONSTITUTION BE APPROVED?

\_\_\_\_\_ Yes - For the proposition

\_\_\_\_\_ No - Against the proposition

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

Name and Address of Proponent(s): Oklahomans For Health, 9717 East 42<sup>nd</sup> Street STE 109, Tulsa, OK

Be it enacted by the people of the State of Oklahoma that the Oklahoma constitution shall be amended by adding a new article 31, sections 1.A to 1.E as follows:

Section 1 - Medical Marijuana

**Section 1.A - General Provisions and Individual Qualifications:**

- To provide that marijuana be classified as a non-legend herbal drug regulated by the Oklahoma State Department of Health
- Provides that the Oklahoma State Department of Health will be granted rule making authority under the Administrative Procedures Act to implement and enforce the provisions of this measure.
- Provides that the Oklahoma State Department of Health will regulate the awarding of medical marijuana licenses, dispensary licenses, transportation licenses, growing licenses, and packaging licenses. Further that the Oklahoma State Department of Health will only have oversight in three very specific areas. Those being the tracking of marijuana sales, the tracking of marijuana by weight of marijuana produced, sold, and repackaged, and the inspection and compliance of packagers producing food products with marijuana as an additive.
- To provide for the dispensing and consumption of marijuana for medicinal purposes.
- To provide that possession of up to one and a half (1.5) ounces of marijuana by persons who can state a qualifying medical condition, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed \$400
- To provide that possession of up to six (6) marijuana plants, by persons who can state a qualifying medical condition, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed \$400
- To provide that persons with a qualifying medical license can be in legal possession of up to three (3) ounces of marijuana and six (6) marijuana plants.
- To provide that persons with a qualifying medical license can be in possession of concentrated marijuana, in any form, which would equate to three (3) ounces of dried marijuana.
- To enact a regulatory office under the Oklahoma State Department of Health which will receive applications for medical license recipients, dispensaries, growers, and packagers within 120 days of the passage of this initiative.
- To provide for a tax on medical marijuana sales at 7% of total sale. This tax will be collected at the point of sale. Tax proceeds will go to first, finance the regulatory office. Should proceeds exceed the budgeted amount for running the regulatory office, any surplus would be split with 75% going to the Oklahoma State Education general fund and 25% going to the Oklahoma State Department of Health and earmarked for Drug and Alcohol rehabilitation.
- To provide that the Oklahoma State Department of Health shall, within 120 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana license. The application fee will be \$125 and the methods of payment will be provided on the website.
- To provide that medical marijuana license applicants will submit their application to the Oklahoma State Department of Health for approval and that the applicant must be an Oklahoma State resident and shall prove residency by a valid drivers license, utility bills, or other accepted methods.
- To provide that the Oklahoma State Department of Health shall review the medical marijuana application, approve/reject the application, and mail the applicants approval or rejection letter (stating reasons for rejection) to the applicant with 14 days of receipt of the application. Approved applicants will be issued a medical marijuana card which will act as proof of their approved status.
- To provide that the Oklahoma State Department of Health must approve all applications which meet the criteria specified in this initiative without application of any subjective criteria.

- To provide that a caregiver license will be made available for qualified caregivers of a medical marijuana license holder who is homebound. The caregiver license will give the caregiver the same rights as the medical license holder. Applicants for a caregiver license need to submit proof of the medical marijuana license holders homebound status, must submit proof that the caregiver is age 18 or older, and must submit proof the caregiver is an Oklahoma resident. This will be the only criteria for a caregiver license. Licensed caregivers will be issued a caregiver card which will give the cardholder the same rights as a medical marijuana licensee.
- Provides that all applicants must be 18 years or older. A special exception will be granted to an applicant under the age of 18, however these applications must be accompanied by a letter stating qualified medical conditions, and signed by 2 physicians and the applicants parent or legal guardian.
- Provides that once a medical marijuana license is approved it is approved for the applicants lifetime and that that applicant need not reapply
- To provide that all applications for a medical card must be signed by an Oklahoma Board certified physician.
- To provide that no signing physician be stigmatized or otherwise called out for being an application signatory by any state agency.
- To provide that qualifying conditions for a medical marijuana card be defined as follows:
  - Acquired immune deficiency syndrome (AIDS), HIV infection
  - Anorexia, Cachexia
  - Arthritis
  - Cancer
  - Chronic pain
  - Glaucoma
  - Migraine headaches or chronic headaches
  - Persistent muscle spasms, multiple sclerosis
  - Seizures and Epilepsy
  - Severe nausea
  - ADD, ADHD
  - Depression
  - Anxiety
  - Posttraumatic stress disorder (PTSD)
  - Insomnia
  - PMS symptoms
  - Painful Periods
  - Hepatitis C
  - Inflammatory bowel disease (IBS)
  - Colitis (Chron's Disease or Ulcerative Colitis)
  - Urinary incontinence
  - Chronic abdominal pain
  - Chronic pelvic pain
  - Neuropathy
  - Neuralgia
  - Chronic low back pain
  - Asthma
  - Parkinson's disease
  - Huntington's chorea
  - Multiple Sclerosis
  - Wasting syndrome
  - A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes:
    - Cachexia or wasting syndrome;
    - Severe and chronic pain;
    - Severe nausea;
    - Seizures, including those characteristic of epilepsy;
    - Severe or persistent muscle spasms, including those characteristic of multiple sclerosis
- To provide that in January and July of each calendar year, the Oklahoma State Department of Health will accept written requests to add a medical condition to the list of qualifying medical conditions. The requirements for completing a request to add a medical condition include:
  - The name of the medical condition or the treatment of the medical condition the

- individual is requesting be added;
- o A description of the symptoms and how they make it hard to do daily living activities. The availability of conventional medical treatments to provide therapy or comfort for the condition;
- o A summary of the evidence that marijuana will provide therapy or comfort for the medical condition; and
- o Articles, published in peer-reviewed scientific journals, reporting research on the effects of marijuana on the medical condition or the treatment of the medical condition supporting why the medical condition or the treatment of the medical condition should be added.

**Section 1.B - Dispensary Application, Qualifications, and Regulatory Provisions**

- Provides that The Oklahoma State department of Health will within 120 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana dispensary license. Application fee will be \$2500 and a method of payment will be provided on the website.
- Provides that dispensary applicants must all be Oklahoma state residents. Any entity applying for a dispensary license must be owned by an Oklahoma State resident and must be registered to do business in Oklahoma. The Oklahoma State Department of Health has two (2) weeks to review the application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant. The Oklahoma State Department of Health must approve all applications which meet the criteria specified in this initiative without subjective criteria.
- Provides that the Oklahoma State Department of Health will issue a dispensary license and a growing and transportation license to dispensaries that meet the following qualifications:
  - o Applicant must be age 25 or older
  - o Any applicant, applying as an Individual, must show residency in the state of Oklahoma
  - o All applying entities must show that all members, managers, board members, shareholders, or owners are Oklahoma residents
  - o All applying entities must be registered to conduct business in the state of Oklahoma
  - o All applicants must submit a letter of intent (LOI), with use clearly stated, or show proof of ownership of land/space to be used as a dispensary
  - o if additional growing sites are used these must be specified along with letter of intent or proof of ownership/rental
  - o All applicants must submit a business plan
  - o All applicant must show ability to invest at least \$100,000 into business startup and funds must be readily available (promise of a loan is unacceptable)
  - o All applicants must disclose all ownership
- Provides that an approved dispensary applicant be issued the following:
  - A dispensary license, which will be clearly displayed in the dispensary operation, and which will grant the dispensary the rights outlined in this initiative
  - A growing license, which will be clearly displayed in any area of the dispensary operation where marijuana is grown
  - A transportation license which will allow the legal transportation of marijuana as specified in Section 1.E
- Provides that dispensaries will be required to complete a monthly yield and sales report to the Oklahoma Department of Health. This report will be due on the 15<sup>th</sup> of each month and provide reporting on the previous month. This report will detail the amount of marijuana harvested in lbs, the amount of drying or dried marijuana on hand in lbs, the amount of marijuana sold to packagers in lbs, the amount of waste in lbs, and the amount of marijuana sold to card holders in lbs. Additionally, this report will show total sales in dollars, tax collected in dollars, and tax due in dollars. The Oklahoma state

department of health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A dispensary will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting will be an initial fine of \$5,000 (first) and revocation of licensing (second).

- Provides that only a licensed medical marijuana dispensary may conduct retail sales of marijuana, or marijuana derivatives in the form provided by licensed packagers, and that these products can only be sold to a medical marijuana license holder or their caregiver.

### **Section 1.C - Growers Application, Qualification, and Regulatory Provisions**

- Provides that the Oklahoma State department of Health will within 120 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana grower. Application fee will be \$2500 and methods of payment will be provided on the website.
- Provides that grower applicants must all be Oklahoma state residents and be at least 21 years of age. Any entity applying for a growing license must be held by an Oklahoma State resident and must be registered to do business in Oklahoma.
- Provides that the Oklahoma State Department of Health has two (2) weeks to review the application, approve/reject the application, and mail the approval/rejection letter (stating reasons for rejection) to the applicant
- Provides that the Oklahoma State Department of Health must approve all applications which meet the criteria specified in this initiative and shall apply no subjective criteria for qualification.
- Provides that the Oklahoma State Department of Health will issue a growing and transportation license to growers who meet the following qualifications:
  - Any applicant, applying as an Individual, must show residency in the state of Oklahoma.
  - All applying entities must show that all members, managers, board members, shareholders, or owners are Oklahoma residents
  - All applying entities must be registered to conduct business in the state of Oklahoma
  - Applicants must show ownership/lease or have a letter of intent which clearly states use of land to be grown on. If additional growing sites are used these must be specified along with letter of intent or proof of ownership/rental
  - All applicants will be required to submit a business plan
  - All applicants must show ability to invest at least \$50,000 into business startup and funds must be readily available (promise of a loan is unacceptable)
  - All applicants must disclose all ownership
- Provides that an approved grower applicant be issued the following:
  - A growing license, which will be clearly displayed in any area of the growing operation where marijuana is grown
  - A transportation license which will allow the legal transportation of marijuana as specified in Section 1.E
- Provides that a licensed grower may sell marijuana to a licensed dispensary, or a licensed packager. Further, these sales will be consider wholesale sales and not subject to taxation.
- Provided that under no circumstances may a licensed grower sell marijuana directly to a medical marijuana license holder.
- Provides that growers will be required to complete a monthly yield and sales report to the Oklahoma Department of Health. This report will be due on the 15<sup>th</sup> of each month and provide reporting on the previous month. This report will detail amount of marijuana harvested in lbs, the amount of drying or dried marijuana on hand, the amount of marijuana sold to packagers in lbs, the amount of waste in lbs, and the amount of marijuana sold to dispensaries in lbs. Additionally, this report will show total wholesale sales in dollars. The Oklahoma state department of health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A licensed grower will only be subject to a penalty if a gross discrepancy exists

and cannot be explained. Penalties for fraudulent reporting will be an initial fine of \$5,000 (first) and revocation of licensing (second).

#### **Section 1.D - Packaging Application, Qualification, and Regulatory Provisions**

- Provides that the Oklahoma State department of Health will within 120 days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana packaging. Application fee will be \$2500 and methods of payment will be provided on the website.
- Provides that a licensed packager may take marijuana plants and distill these plants into concentrates, edibles, and other forms for consumption.
- Provides that packaging applicants must all be Oklahoma state residents and be at least 21 years of age. Any entity applying for a packaging license must be held by an Oklahoma State resident and must be registered to do business in Oklahoma.
- Provides that the Oklahoma State Department of Health has two (2) weeks to review the application, approve/reject the application, and mail the approval/rejection letter (stating reasons for rejection) to the applicant
- Provides that the Oklahoma State Department of Health must approve all applications which meet the criteria specified in this initiative and shall apply no subjective criteria for the process.
- Provides that the Oklahoma State Department of Health will issue a packaging license and a transportation license to applicants who meet the following qualifying conditions:
  - Any applicant, applying as an Individual, must show residency in the state of Oklahoma.
  - All applying entities must show that all members, managers, board members, shareholders, or owners are Oklahoma residents
  - All applying entities must be registered to conduct business in the state of Oklahoma
  - Applicants must show ownership/lease or have a letter of intent which clearly states use of the space.
  - All applicants will be required to submit a business plan
  - Proof of capitalization. Must show ability in invest at least \$10,000 into business startup and funds must be readily available (promise of a loan is unacceptable)
- Provides that an approved grower applicant be issued the following:
  - A packaging license, which will be clearly displayed in any area of the operation where marijuana is being packaged
  - A transportation license which will allow the legal transportation of marijuana as specified in Section 1.E
- Provides that the Oklahoma State Department of Health will, within 120 days of passage of this initiative, make available a set of guidelines and inspection criteria for oversight of licensed packagers preparation of edible marijuana products. This should be in line with current food preparation guidelines and no excessive or punitive rules may be established by the Oklahoma State Department of Health.
- Provides that once a year, the Oklahoma State Department of Health may inspect a packaging operation and determine its compliance with the preparation guidelines. If deficiencies are found, a written report of deficiency will be issued to the packager. The packager will have one (1) month to correct the deficiency or be subject to a \$500 fine.
- Provides that a licensed packager may sell marijuana products it creates to a licensed dispensary, or a licensed packager. Further, these sales will be consider wholesale sales and not subject to taxation.
- Provides that under no circumstances may a licensed packager sell marijuana, or any marijuana product, directly to a medical marijuana license holder.
- Provides that packagers will be required to complete a monthly yield and sales report to the Oklahoma Department of Health. This report will be due on the 15<sup>th</sup> of each month and provide reporting on the previous month. This report will detail amount of marijuana purchased in lbs, the amount of marijuana cooked or processed in lbs, and the amount of waste in lbs. Additionally, this report will show total wholesale sales in dollars. The Oklahoma state department of health

will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A licensed packager will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting will be an initial fine of \$5,000 (first) and revocation of licensing (second).

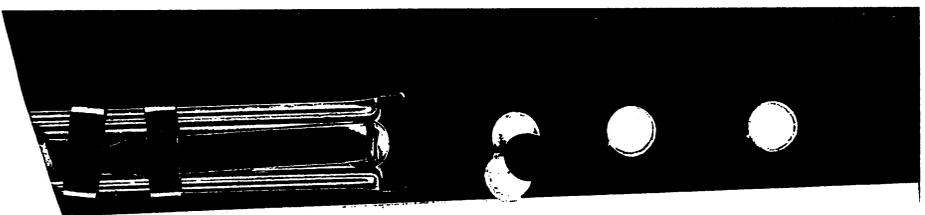
#### **Section 1.E - Transportation**

- Provides that a marijuana transportation license will be issued to qualifying applicants for a marijuana dispensary, growing, or packaging license. The transportation license will be issued at the time of approval of a dispensary, growing, or packaging license.
- Provides that a transportation license will allow the holder, or holders employees, to transport marijuana from an Oklahoma licensed medical marijuana dispensary, licensed growing facility, or licensed packaging facility to an Oklahoma licensed medical marijuana dispensary, licensed growing facility, or licensed packaging facility.
- Provides that all marijuana or marijuana products be transported in a sealed container and clearly labeled "Medical Marijuana or Derivative"

Name and Address of Proponent(s):

Oklahomans For Health  
9717 East 42<sup>nd</sup> Street  
Suite 109  
Tulsa, OK 74146  
[www.oklahomansforhealth.com](http://www.oklahomansforhealth.com)

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**STATE QUESTION NO. 768**  
**INITIATIVE PETITION NO. 398**  
**VOLUME NO. 1**

Consisting of 200 signature sheets  
Numbered 000001 through 000200  
with approximately 3,742 signatures

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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 2**

**Consisting of 200 signature sheets**

**Numbered 000201 through 000400**

**with approximately 3,595 signatures**

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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 3**

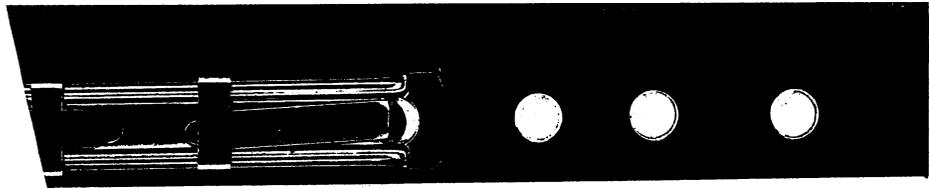
**Consisting of 200 signature sheets**

**Numbered 000401 through 000600**

**with approximately 3,610 signatures**

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3,610.\*



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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 4**

**Consisting of 200 signature sheets**

**Numbered 000601 through 000800**

**with approximately 3,586 signatures**

200

3,586.\*

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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 5**

Consisting of 200 signature sheets

Numbered 000801 through 001000

with approximately 3,553 signatures

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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 6**

**Consisting of 200 signature sheets**

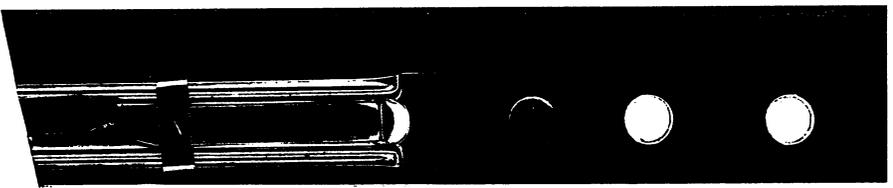
**Numbered 001001 through 001200**

**with approximately 3,296 signatures**

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3,296.\*

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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 7**

Consisting of 200 signature sheets

Numbered 001201 through 001400

with approximately 3,472 signatures

200

3,472.\*

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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 8**

**Consisting of 200 signature sheets**

**Numbered 001401 through 001600**

**with approximately 3,324 signatures**

18.+  
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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 9**

Consisting of 200 signature sheets

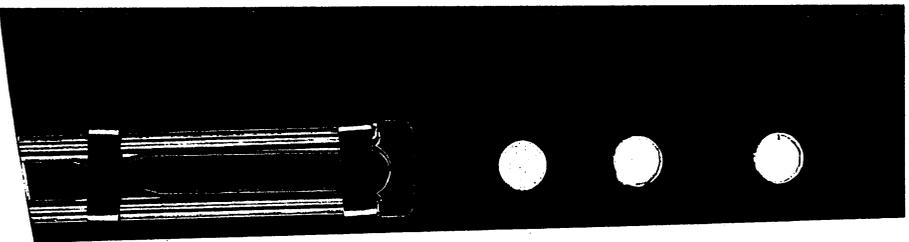
Numbered 001601 through 001800

with approximately 3,437 signatures

200

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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 10**

**Consisting of 200 signature sheets**

**Numbered 001801 through 002000**

**with approximately 3,462 signatures**

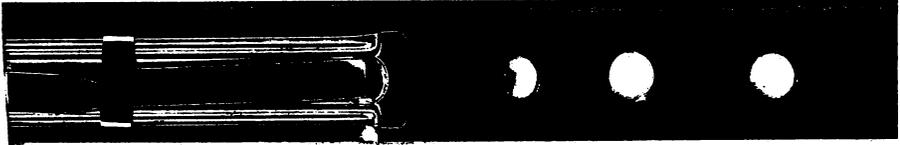
20.+  
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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 11**

**Consisting of 200 signature sheets**

**Numbered 002001 through 002200**

**with approximately 3670 signatures**

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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 12**

**Consisting of 200 signature sheets**

**Numbered 002201 through 002400**

**with approximately 3,368 signatures**

20.+  
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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 13**

**Consisting of 200 signature sheets**

**Numbered 002401 through 002600**

**with approximately 3,423 signatures**

3,423.\*

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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 14**

**Consisting of 200 signature sheets**

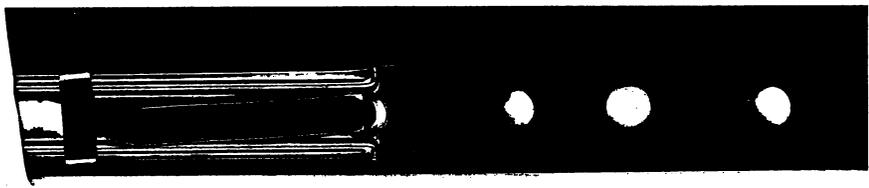
**Numbered 002601 through 002800**

**with approximately 3,729 signatures**

200

3,729.\*

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**STATE QUESTION NO. 768**  
**INITIATIVE PETITION NO. 398**  
**VOLUME NO. 15**

Consisting of 200 signature sheets

Numbered 002801 through 003000

with approximately 3,306 signatures

200

3,306.\*

18.+  
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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 16**

**Consisting of 200 signature sheets**

**Numbered 003001 through 003200**

**with approximately 3,540 signatures**

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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

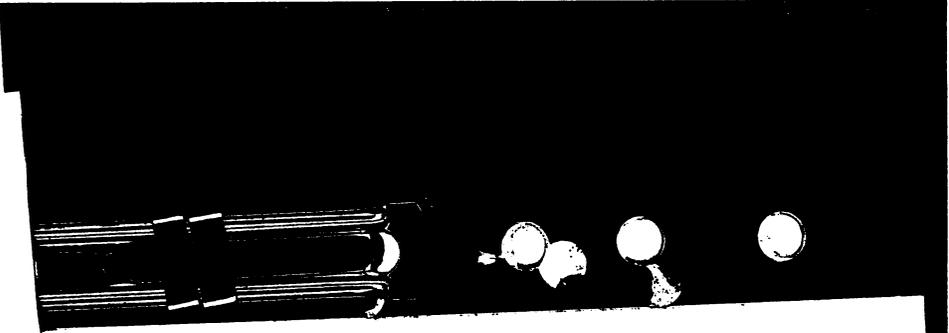
**VOLUME NO. 17**

**Consisting of 200 signature sheets**

**Numbered 003201 through 003400**

**with approximately 3,663 signatures**

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20.+



**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 18**

**Consisting of 200 signature sheets**

**Numbered 003401 through 003600**

**with approximately 3,384 signatures**

20.+  
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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 19**

**Consisting of 200 signature sheets**

**Numbered 003601 through 203800**

**with approximately 3,113 signatures**

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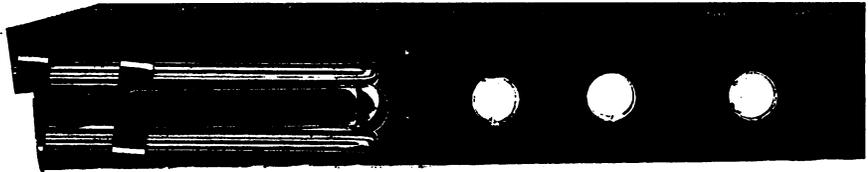
**STATE QUESTION NO. 768**  
**INITIATIVE PETITION NO. 398**  
**VOLUME NO. 20**

Consisting of 200 signature sheets  
Numbered 003801 through 00400  
with approximately 3,034 signatures

200

3,034\*

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**STATE QUESTION NO. 768  
INITIATIVE PETITION NO. 398**

**VOLUME NO. 21**

**Consisting of 200 signature sheets**

**Numbered 004001 through 004200**

**with approximately 3,348 signatures**



2014 OK 76  
IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED  
SUPREME COURT  
STATE OF OKLAHOMA  
SEP - 8 2014

In re Certification of Signature Count )  
State Question 768, Initiative Petition )  
398 )

No. 113,156  
For Official Publication

MICHAEL S. RICHIE  
CLERK

**FILED**

SEP 09 2014

ORDER

Pursuant to section 8(G) of title 34 of the Oklahoma Statutes, the

OKLAHOMA SECRETARY  
OF STATE

Oklahoma Secretary of State has certified to this Court: (1) the total number of signatures counted regarding the initiative petition and (2) the total number of votes cast for the state office receiving the highest number of votes cast at the last general election.

THIS COURT FINDS:

- (1) The total number of signatures counted for State Question 768, Initiative Petition 398 is 75,384.
- (2) Based on the total number of votes cast for the office of Governor in the 2010 General Election, the number of votes necessary for a numerically sufficient initiative to change the Oklahoma Constitution is presently 155,216.

IT IS THEREFORE ADJUDGED, ORDERED, AND DECREED:

- (1) State Question 768, Initiative Petition 398, fails for numerical insufficiency of signatures.
- (2) Pursuant to section 8(H) of title 34, the Secretary of State is directed to 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 insufficiency thereof and notice that any citizen or citizens of the state may file an objection relating only to the validity or number of the signatures within ten days of the date of publication.

(3) The Secretary of State is directed to obtain verified proof of publication of the notice herein directed and to file the same with the Clerk of this Court as a return to this order.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE this 8th day of September, 2014.



CHIEF JUSTICE

2014 OK 76  
IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

In re Certification of Signature Count )  
State Question 768, Initiative Petition )  
398 )

No. 113,156

FILED  
SUPREME COURT  
STATE OF OKLAHOMA  
SEP - 9 2014  
MICHAEL J. RICHIE  
CLERK

**FILED**

SEP 09 2014

ORDER

OKLAHOMA SECRETARY  
OF STATE

The order promulgated on September 8, 2014, in this matter is hereby corrected to include the following vote taken in conference: ALL JUSTICES CONCUR. Further, the three paragraphs of text comprising the order are numbered as ¶ 1, ¶ 2, and ¶ 3. In all other respects the order remains unchanged.

DONE BY ORDER OF THE SUPREME COURT this 9th day of September, 2014.

  
\_\_\_\_\_  
CHIEF JUSTICE

Chris Benge  
Secretary of State



Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

September 9, 2014

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

Dear Ms. Shea:

Please publish the enclosed NOTICE OF THE FILING OF SIGNATURES AND THE INSUFFICIENCY THEREOF FOR STATE QUESTION NUMBER 768, INITIATIVE PETITION NUMBER 398. Pursuant to 34 O.S. § 8, the publication must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish in *The Oklahoman*, *Tulsa World*, and the *Journal Record* as soon as possible.

Also, please provide the Secretary of State with the Affidavits of Publication at your earliest convenience. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

Chris Benge  
Secretary of State

cc: Mr. Charles "Chip" Paul  
9717 East 42<sup>nd</sup> Street, Suite 109  
Tulsa, Oklahoma 74146

Enc: Notice of Filing for SQ **768**, IP **398**

**NOTICE OF THE FILING OF SIGNATURES AND  
THE INSUFFICIENCY THEREOF FOR  
STATE QUESTION NUMBER 768  
INITIATIVE PETITION NUMBER 398**

NOTICE is hereby given that on August 15, 2014 thirty-seven (37) boxes of signature pamphlets were received by the office of the Secretary of State, from Mr. Charles "Chip" Paul, for State Question 768, Initiative Petition 398.

NOTICE is hereby given that, in accordance with Title 34 O.S., § 8 and the Supreme Court of Oklahoma Order No. 113,156, the Court recognizes the certification of the Secretary of State that the petition contains 75,384 signatures. The court further recognizes that the number of signatures necessary to place the measure before the electorate is 155,216 being 15% of the votes cast for the state office receiving the highest number of votes in the November 2, 2010 general election. State Question 768, Initiative Petition 398, fails for numerical insufficiency of signatures.

NOTICE is hereby given that any citizen or citizens of the state may file an objection relating only to the validity or number of the signatures, within ten (10) days of the date of this publication, by a written notice to the Oklahoma Supreme Court and to the proponent or proponents filing the petition. Proponent filing is: Mr. Charles "Chip" Paul, 9717 East 42nd Street, Suite 109, Tulsa, Oklahoma 74146. Plus, a copy of the 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., Section 8, and such other procedures as may be ordered by the Court.

DONE, BY ORDER OF THE SUPREME COURT THIS 9<sup>TH</sup> DAY OF SEPTEMBER 2014.



Chris Bengé  
Secretary of State



www.OkPress.com

# Oklahoma Press Service

3601 North Lincoln Blvd.

Oklahoma City, OK 73105-

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

Friday, September 12, 2014 08:23 AM

Page 1

## ***Proof of Publication - Order Number 14-09-30***

I, Cindy Shea, 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: 09/11/2014

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 \$47.10

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this 12 day of September 2014.

(Notary Public)

### **NOTICE OF THE FILING OF SIGNATURES AND THE INSUFFICIENCY THEREOF FOR STATE QUESTION NUMBER 768 INITIATIVE PETITION NUMBER 398**

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PUBLICATION FEE \$830.28

(Editor, Publisher or Authorized Agent)

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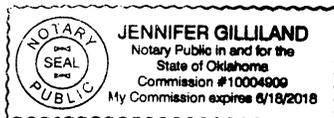
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PUBLICATION FEE \$380.99

(Editor, Publisher or Authorized Agent)

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