



January 27, 2016

The Honorable Chris Bengé  
Oklahoma Secretary of State  
2300 N. Lincoln Boulevard, Ste. 101  
Oklahoma City, Oklahoma 73105-4897

Re: Initiative Petition

Dear Mr. Secretary:

Please accept for filing the enclosed copy of an initiative petition and the Proponents' suggested ballot title. The initiative petition would amend statutes to reform criminal sentences for certain property and drug offenses.

Very truly yours,

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

Counsel for Proponents

cc: Oklahoma Attorney General

**RECEIVED**

**JAN 27 2016**

**OKLAHOMA SECRETARY  
OF STATE**

A P R O F E S S I O N A L C O R P O R A T I O N

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JAN 27 2016

OKLAHOMA SECRETARY  
OF STATE

**PROPOSED BALLOT TITLE**

This measure amends statutes to reform criminal sentences for certain property and drug offenses. It makes certain property offenses misdemeanors. It makes simple drug possession a misdemeanor. Property offenses where the value of the property is one thousand dollars or more remain felonies, and the distribution, possession with intent to distribute, transportation with intent to distribute, manufacture, or trafficking of drugs remain felonies.

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.

State Question No. 780, Initiative Petition No. 404

**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 THE PETITION WHEN HE IS NOT A LEGAL VOTER.**

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**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 law 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 8th day of November, 2016 (or at a special election as may be called by the Governor), and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from \_\_\_\_\_. The question we herewith submit to our fellow voters is:

Shall the following bill be approved?

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An Act relating to criminal justice reform for low-level offenses: stating factual findings and intent for the Act; amending 63 O.S. 2011, Section 2-402, relating to offenses involving controlled substances; amending 21 O.S. 2011, Sections 1704, 1705, 1713, 1719.1, 1722, 1731, relating to larceny; amending 21 O.S. 2011, Sections 1451, 1503, 1521, 1541.1, 1541.2, and 1541.3, relating to property offenses involving embezzlement or false pretenses; amending 59 O.S. 2011, Section 1512, relating to pawnbrokers; amending 21 O.S. 2011, Sections 1577, 1578, 1579, and 1621, relating to offenses involving forgery or counterfeiting; repealing 21 O.S. 2011, Section 51.3, related to punishments for second and subsequent offenses; providing for severability; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. The people of the state of Oklahoma find the fact that Oklahoma has the second-highest overall incarceration rate in the country, and the highest incarceration rate for women, is inconsistent with Oklahoma values, and drains resources away from investments that can do more to promote public safety. Therefore, the people intend, in enacting this initiative measure, to implement criminal justice reforms that: (1) stop wasting taxpayer money keeping people who commit low-level offenses behind bars for years; and (2) saddle fewer people who commit low-level offenses with felony convictions that will follow them through life and prevent them from getting an education or a job.

SECTION 2. This act shall be known and may be cited as the "Oklahoma Smart Justice Reform Act."

SECTION 3. AMENDATORY 63 O.S. 2011, Section 2-402, last amended by Section 10, Chapter 228, O.S.L. 2012 (63 O.S. Supp. 2012. Section 2-402), is amended to read as follows:

Section 2-402. A. 1. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by this act.

2. It shall be unlawful for any person to purchase any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of

this title in an amount or within a time interval other than that permitted by Section 2-313 of this title.

3. It shall be unlawful for any person or business to sell, market, advertise or label any product containing ephedrine, its salts, optical isomers, or salts of optical isomers, for the indication of stimulation, mental alertness, weight loss, appetite control, muscle development, energy or other indication which is not approved by the pertinent federal OTC Final Monograph, Tentative Final Monograph, or FDA-approved new drug application or its legal equivalent. In determining compliance with this requirement, the following factors shall be considered:

- a. the packaging of the product,
- b. the name of the product, and
- c. the distribution and promotion of the product, including verbal representations made at the point of sale.

B. Any person who violates this section is guilty of a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars (\$1,000.00).

C. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars (\$100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of this title.

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1704 is amended to read as follows:

Section 1704. Grand larceny is larceny committed in either of the following cases:

1. When the property taken is of value exceeding One Thousand Dollars (\$1,000.00).
2. When such property, although not of value exceeding One Thousand Dollars (\$1,000.00), is taken from the person of another.

Larceny in other cases is petit larceny.

SECTION 5. AMENDATORY 21 O.S. 2011, Section 1705 is amended to read as follows:

Section 1705. Grand larceny is a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years if the value of the property is One Thousand Dollars (\$1,000.00) or more and if the value of the property is less than One Thousand Dollars (\$1,000.00) punishable by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 6. AMENDATORY 21 O.S. 2011, Section 1713 is amended to read as follows:

Section 1713. A. Every person who buys or receives, in any manner, upon any consideration, any personal property of any value whatsoever that has been stolen, embezzled, obtained by false pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such property from the owner, shall, if the value of the property is One Thousand Dollars (\$1,000.00) or more be guilty of a felony punishable by imprisonment in the State Penitentiary not to exceed five (5) years, or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00) or by both such fine and imprisonment. If the value of the property received is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

B. Every person who, without making reasonable inquiry, buys, receives, conceals, withholds, or aids in concealing or withholding any property which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it

shall be presumed to have bought or received such property knowing it to have been so stolen or wrongfully obtained. This presumption may, however, be rebutted by proof.

SECTION 7. AMENDATORY 21 O.S. 2011, Section 1719.1 is amended to read as follows:

Section 1719.1. A. For the purpose of this section:

1. "Domesticated fish or game" means all birds, mammals, fish and other aquatic forms and all other animals, regardless of classifications, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall extend to and include every part of any individual species when such domesticated fish or game are not in the wild and are in the possession of a person currently licensed to possess such fish or game; and

2. "Taking" means the pursuing, killing, capturing, trapping, snaring and netting of domesticated fish or game or placing, setting, drawing or using any net, trap or other device for taking domesticated fish or game and includes specifically every attempt to take such domesticated fish or game.

B. Any domesticated fish or game shall be considered the personal property of the owner.

C. Any person who shall take any domesticated fish or game, with the intent to deprive the owner of said fish or game, and any person purchasing or receiving such domesticated fish or game knowing them to have been stolen, shall:

1. Upon conviction, if the current market value of said domesticated fish or game is less than One Thousand Dollars (\$1,000.00), be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment; or

2. Upon conviction, if the current market value of said domesticated fish or game is One Thousand Dollars (\$1,000.00) or more, be guilty of a felony and shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by both such fine and imprisonment.

SECTION 8. AMENDATORY 21 O.S. 2011, Section 1722 is amended to read as follows:

Section 1722. Any person who shall unlawfully take any crude oil or gasoline, or any product thereof, from any pipe, pipeline, tank, tank car, or other receptacle or container and any person who shall unlawfully take or cause to be taken any machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells, with intent to deprive the owner or lessee thereof of said crude oil, gas, gasoline, or any product thereof, machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells shall:

1. Be guilty of a misdemeanor if the value of said product so taken is less than One Thousand Dollars (\$1,000.00), and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment;

2. Be guilty of a felony if the value of such product so taken is One Thousand Dollars (\$1,000.00) or more and upon conviction thereof, shall be punished by forfeiture of the instrumentality of the crime and by a fine of not less than One Hundred Dollars (\$100.00), and not more than Fifty Thousand Dollars (\$50,000.00), or by imprisonment in the State Penitentiary for a term in the range of one (1) year to ten (10) years, or by both such fine and imprisonment.

SECTION 9. AMENDATORY 21 O.S. 2011, Section 1731 is amended to read as follows:

Section 1731. Larceny of merchandise held for sale in retail or wholesale establishments shall be punishable as follows:

1. For the first or second conviction, in the event the value of the goods, edible meat or other corporeal property which has been taken is less than One Thousand Dollars (\$1,000.00), the violator shall be punishable by imprisonment in the county jail for a term not exceeding thirty (30) days, and by a fine not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00); provided for the first or second conviction, in the event more than one item of goods, edible meat or other corporeal property has been taken, punishment shall be by imprisonment in

the county jail for a term not to exceed thirty (30) days, and by a fine not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

2. If it be shown, in the trial of a case in which the value of the goods, edible meat or other corporeal property is less than One Thousand Dollars (\$1,000.00), that the defendant has been two or more times before convicted of the same offense, the defendant shall, on a third or subsequent conviction, be punished by confinement in the county jail for a term of not more than one (1) year, and by a fine not exceeding One Thousand Dollars (\$1,000.00).

3. In the event the value of the goods, edible meat or other corporeal property is One Thousand Dollars (\$1,000.00) or more, punishment shall be imprisonment in the State Penitentiary for a term of not more than five (5) years.

SECTION 10. AMENDATORY 21 O.S. 2011, Section 1451, last amended by Section 1, Chapter 235, O.S.L. 2012 (21 O.S. Supp. 2012. Section 1451), is amended to read as follows:

Section 1451. A. Embezzlement is the fraudulent appropriation of property of any person or legal entity, legally obtained, to any use or purpose not intended or authorized by its owner, or the secretion of the property with the fraudulent intent to appropriate it to such use or purpose, under any of the following circumstances:

1. Where the property was obtained by being entrusted to that person for a specific purpose, use, or disposition and shall include, but not be limited to, any funds "held in trust" for any purpose;

2. Where the property was obtained by virtue of a power of attorney being granted for the sale or transfer of the property;

3. Where the property is possessed or controlled for the use of another person;

4. Where the property is to be used for a public or benevolent purpose;

5. Where any person diverts any money appropriated by law from the purpose and object of the appropriation;

6. Where any person fails or refuses to pay over to the state, or appropriate authority, any tax or other monies collected in accordance with state law, and who appropriates the tax or monies to the use of that person, or to the use of any other person not entitled to the tax or monies;

7. Where the property is possessed for the purpose of transportation, without regard to whether packages containing the property have been broken;

8. Where any person removes crops from any leased or rented premises with the intent to deprive the owner or landlord interested in the land of any of the rent due from that land, or who fraudulently appropriates the rent to that person or any other person; or

9. Where the property is possessed or controlled by virtue of a lease or rental agreement, and the property is willfully or intentionally not returned within ten (10) days after the expiration of the agreement.

Embezzlement does not require a distinct act of taking, but only a fraudulent appropriation, conversion or use of property.

B. Except as provided in subsection C of this section, embezzlement shall be punished as follows:

1. If the value of the property embezzled is less than One Thousand Dollars (\$1,000.00), any person convicted shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not more than one (1) year, or by both such fine and imprisonment;

2. If the value of the property embezzled is One Thousand Dollars (\$1,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, and a fine of not exceeding Five Thousand Dollars (\$5,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes; or

3. If the value of the property embezzled is Twenty-five Thousand Dollars (\$25,000.00) or more, any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, and a fine not exceeding Ten Thousand Dollars (\$10,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the party's intent to commit a continuing crime.

C. Any county or state officer, deputy or employee of such officer, who shall divert any money appropriated by law from the purpose and object of the appropriation, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than one (1) year nor more than ten (10) years, and a fine equal to triple the amount of money so embezzled and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes. The fine shall operate as a judgment lien at law on all estate of the party so convicted and sentenced, and shall be enforced by execution or other process for the use of the person whose money or other funds or property were embezzled. In all cases the fine, so operating as a judgment lien, shall be released or entered as satisfied only by the person in interest.

D. Any executor, administrator, trustee, beneficiary or other person benefiting from, acting in a fiduciary capacity for, or otherwise administering a probate, intestate, or trust estate, whether the trust is inter vivos or testamentary, upon conviction of embezzlement from the estate shall not receive any portion, share, gift or otherwise benefit from the estate.

SECTION 11. AMENDATORY 21 O.S. 2011, Section 1503 is amended to read as follows:

Section 1503. Any person who shall obtain food, lodging, services or other accommodations at any hotel, inn, restaurant, boarding house, rooming house, motel or auto camp, with intent to defraud the owner or keeper thereof, if the value of such food, lodging, services or other accommodations is less than One Thousand Dollars (\$1,000.00), shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Five Hundred Dollars (\$500.00), or be imprisoned in the county jail not exceeding three (3) months, or punished by both such fine and imprisonment, and if the value of such food, lodging, services or accommodations is valued at One Thousand Dollars (\$1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not exceeding five (5) years. Any person who shall obtain shelter, lodging, or any other services at any apartment house, apartment, rental unit, rental house, or trailer camp, with intent to defraud the owner or keeper thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding One Hundred Dollars (\$100.00), or be imprisoned in the county jail not exceeding three (3) months, or be punished by both fine and imprisonment. Proof that such lodging, food, services or other accommodations were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that he gave a check on which payment was refused, or that he left the hotel, inn, restaurant, boarding house, rooming house, motel, apartment house, apartment, rental unit or rental house, trailer camp or auto camp, without payment or offering to pay for such food, lodging, services or other accommodation, or that he surreptitiously removed or attempted to remove his baggage, or that he registered under a fictitious name, shall be prima facie proof of the intent to defraud mentioned in this section; but this section shall not apply where there has been an agreement in writing for delay in payment.

SECTION 12. AMENDATORY 21 O.S. 2011, Section 1521 is amended to read as follows:

Section 1521. Every person who shall lease or rent, for any period of time whatsoever, any motor vehicle and, with intent to cheat and defraud, who pays the fees for such lease or rental by means of a false, bogus or worthless check written for the sum of less than One Thousand Dollars (\$1,000.00) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both such fine and imprisonment. If the value of the worthless check is One Thousand Dollars (\$1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State

Penitentiary for a term not exceeding seven (7) years or by a fine not to exceed Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

SECTION 13. AMENDATORY 21 O.S. 2011, Section 1541.1 is amended to read as follows:

Section 1541.1. Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, of a value less than One Thousand Dollars (\$1,000.00), by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game", or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

SECTION 14. AMENDATORY 21 O.S. 2011, Section 1541.2 is amended to read as follows:

Section 1541.2. If the value of the money, property or valuable thing referred to in Section 1541.1 of this title is One Thousand Dollars (\$1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 15. AMENDATORY 21 O.S. 2011, Section 1541.3 is amended to read as follows:

Section 1541.3. Any person making, drawing, uttering or delivering two or more false or bogus checks, drafts or orders, as defined by Section 1541.4 of this title, the total sum of which is One Thousand Dollars (\$1,000.00) or more, even though each separate instrument is written for less than One Thousand Dollars (\$1,000.00), all in pursuance of a common scheme or plan to cheat and defraud, shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 16. AMENDATORY 59 O.S. 2011, Section 1512 is amended to read as follows:

Section 1512. A. Rule Making Power. The Administrator shall have the same authority to adopt, amend and repeal rules as is conferred upon him by paragraph (e) of subsection (1), and subsections (2) and (3) of Section 6-104 of Title 14A of the Oklahoma Statutes, as applicable, and such rules shall have the same effect as provided in subsection (4) of Section 6-104 thereunder. In addition, the Administrator may adopt, amend and repeal such other rules as are necessary for the enforcement of the provisions of Section 1501 et seq. of this title and consistent with all its provisions.

B. Administrative Enforcement. Compliance with the provisions of this act may be enforced by the Administrator who may exercise, for such purpose, all the powers enumerated in Part 1 of Article 6, Title 14A of the Oklahoma Statutes, in the same manner as in relation to consumer credit transactions under that act, as well as those powers conferred in this act.

C. Criminal Penalties. 1. Any person who engages in the business of operating a pawn shop without first securing the license prescribed by this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not in excess of One Thousand Dollars (\$1,000.00), by confinement in the county jail for not more than six (6) months or by both.

2. Any person selling or pledging property to a pawnbroker who uses false or altered identification or a false declaration of ownership as related to the provisions of Section 1515 of this title shall, if the value of the property is One Thousand Dollars (\$1,000.00) or more, be guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary not to exceed five (5) years or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine. However, if the property was acquired by means of robbery or burglary, the person shall be punished by imprisonment in the State Penitentiary not to exceed five (5) years or in the county

jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine, without regard to the value of the property.

3. Any person who fails to repay a pawnbroker the full amount received from a pawn or buy transaction after being officially notified by a peace officer that the goods he pledged or sold in that transaction were stolen or embezzled shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

D. Private Enforcement. 1. If any person engages in the business of operating a pawnshop without first securing the license prescribed by this act, or if any pawnbroker contracts for, charges or receives a pawn finance charge in excess of that authorized by this act, the pawn transaction shall be void and the customer is not obligated to pay either the amount financed or the pawn finance charge in connection with the transaction, and upon the customer's demand, the pawnbroker shall be obligated to return to the customer, as a refund, all amounts paid in connection with the transaction by the customer and the pledged goods delivered to the pawnbroker in connection with the pawn transaction or their value if the goods cannot be returned. If a customer is entitled to a refund under this section and a pawnbroker liable to the customer refuses to make the refund within a reasonable time after demand, the customer shall have an action against the pawnbroker and in the case of a successful action to enforce such liability, the costs of the action together with attorney's fees as determined by the court shall be awarded to the customer.

2. A pawnbroker who fails to disclose information to a customer entitled to the information under this act is liable to that person in an amount equal to the sum of:

a. twice the amount of the pawn finance charge in connection with the transaction, or One Hundred Dollars (\$100.00), whichever is greater; and

b. in the case of a successful action to enforce the liability under paragraph 1 of this subsection, the costs of the action together with reasonable attorneys' fees as determined by the court.

SECTION 17. AMENDATORY 21 O.S. 2011, Section 1577 is amended to read as follows:

Section 1577. Every person who sells, exchanges or delivers for any consideration any forged or counterfeited promissory note, check, bill, draft, or other evidence of debt, or engagement for the payment of money absolutely, or upon any contingency, knowing the same to be forged or counterfeited, with intent to have the same uttered or passed, or who offers any such note or other instrument for sale, exchange or delivery for any consideration, with the like knowledge and intent, or who receives any such note or other instrument upon a sale, exchange or delivery for any consideration with the like knowledge and intent, is guilty of forgery in the third degree.

SECTION 18. AMENDATORY 21 O.S. 2011, Section 1578 is amended to read as follows:

Section 1578. Every person who, with intent to defraud, has in his possession any forged, altered or counterfeit negotiable note, bill, draft or other evidence of debt issued or purporting to have been issued by any corporation or company duly authorized for that purpose by the laws of this state or of any other state, government or country, the forgery of which is hereinbefore declared to be punishable, knowing the same to be forged, altered or counterfeited, with intent to utter the same as true or as false, or to cause the same to be so uttered, is guilty of forgery in the third degree.

SECTION 19. AMENDATORY 21 O.S. 2011, Section 1579 is amended to read as follows:

Section 1579. Every person who has in his possession any forged or counterfeited instrument, the forgery of which is hereinbefore declared to be punishable, other than such as are enumerated in the last section, knowing the same to be forged, counterfeited or falsely altered with intent to injure or defraud by uttering the same to be true, or as false, or by causing the same to be uttered, is guilty of forgery in the third degree.

SECTION 20. AMENDATORY 21 O.S. 2011, Section 1621 is amended to read as follows:

Section 1621. Forgery is punishable as follows:

1. Forgery in the first degree is a felony punishable by imprisonment not less than seven (7) years nor more than twenty (20) years; and

2. Forgery in the second degree is a felony punishable by imprisonment not exceeding seven (7) years.

3. Forgery in the third degree is:

a. If the value of the forgery is less than One Thousand Dollars (\$1,000.00), a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars (\$1,000.00).

b. If the value of the forgery is One Thousand Dollars (\$1,000.00) or more, a felony punishable by imprisonment not exceeding seven (7) years.

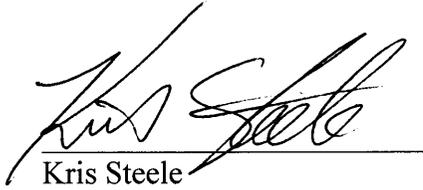
c. If the total or aggregate value of the forgery is Two Thousand Dollars (\$2,000.00) or more, a felony punishable by imprisonment not exceeding seven (7) years.

SECTION 21. REPEALER 21 O.S. 2011, Section 51.3 is hereby repealed.

SECTION 22. The provisions hereof are severable, and if any part or provision hereof shall be void, invalid, or unconstitutional, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions hereof, and the remaining provisions hereof shall continue in full force and effect.

SECTION 23. This act shall become effective on July 1 immediately following its passage.

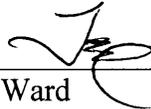
**Name and Address of Proponents**



Kris Steele  
1211 Cambridge Drive  
Shawnee, OK 74804



Rev. George Young  
2332 N.W. 121st Street  
Oklahoma City, OK 73120



Tom Ward  
19200 N. Rockwell  
Edmond, OK 73012

## SIGNATURES

**The gist of the proposition is as follows:** This measure amends statutes to reform criminal sentences for certain property and drug offenses. It makes certain property offenses misdemeanors. It makes simple drug possession a misdemeanor. Property offenses where the value of the property is one thousand dollars or more remain felonies, and the distribution, possession with intent to distribute, transportation with intent to distribute, manufacture, or trafficking of drugs remain felonies.

## 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 the petition when he is not a legal voter.**

1.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
2.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
3.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
4.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
5.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
6.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
7.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
8.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
9.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
10.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
11.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
12.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
13.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
14.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
15.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
16.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
17.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
18.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
19.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
20.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County





Chris Benge  
Secretary of State  
and  
Native American Affairs

Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

January 27, 2016

**FILED**

JAN 27 2016

OKLAHOMA SECRETARY  
OF STATE

Kris Steele  
1211 Cambridge Drive  
Shawnee, OK 74804

Rev. George Young  
2332 N.W. 121<sup>st</sup> Street  
Oklahoma City, OK 73120

Tom Ward  
19200 N. Rockwell  
Edmond, OK 73012

Dear Proponent(s):

This acknowledges receipt of the petition submitted to our office, which has been designated as **State Question Number 780, Initiative Petition Number 404**, and filed accordingly this January 27, 2016.

Per Title 34 O.S. Section 8, subsequent to the publication of the notice of filing of said petition, the apparent sufficiency or insufficiency thereof and notice that any citizen(s) of the state may file a protest as to the constitutionality of the petition, the Secretary of State will provide a notification to the proponent(s) setting the date to begin circulation for signatures. The date set shall not be less than fifteen (15) days nor more than thirty (30) days from the date when all appeals, protests and rehearings have been resolved or the period for filing such has expired.

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](mailto:executivelegislative@sos.ok.gov)).

Sincerely,

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

Chris Benge  
Secretary of State and  
Native American Affairs



Chris Benge  
Secretary of State  
and  
Native American Affairs

Mary Fallin  
Governor

SECRETARY OF STATE  
AND  
NATIVE AMERICAN AFFAIRS

RECEIVED

JAN 28 2016

OFFICE OF THE  
GOVERNOR

January 27, 2016

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

Dear Governor Fallin:

Please be advised that an initiative petition, designated as **State Question 780, Initiative Petition 404**, was sufficiently filed with the Office of the Secretary of State on Wednesday, January 27, 2016. Proponents of record for said petition are as follows;

Kris Steele  
1211 Cambridge Drive  
Shawnee, OK 74804

Rev. George Young  
2332 N.W. 121<sup>st</sup> Street  
Oklahoma City, OK 73120

Tom Ward  
19200 N. Rockwell  
Edmond, OK 73012

Please find enclosed a true and exact copy of State Question 780, Initiative Petition 404 on record with the Office of the Secretary of State.

Per Title 34 O.S. Section 8, subsequent to the publication of notice of filing of said petition, the apparent sufficiency thereof and notice that any citizen(s) of the state may file a protest as to the constitutionality of the petition, the Secretary of State will provide a notification to the proponent(s) setting the date to begin circulation for signatures. The date set shall not be less than fifteen (15) days nor more than thirty (30) days from the date when all appeals, protests and rehearings have been resolved or the period for filing such has expired.

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

Sincerely,

Chris Benge  
Secretary of State and  
Native American Affairs

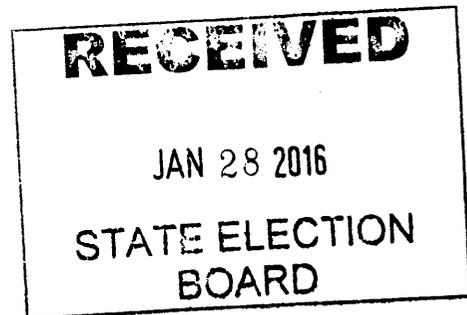


Chris Bengé  
Secretary of State  
and  
Native American Affairs

Mary Fallin  
Governor

SECRETARY OF STATE  
AND  
NATIVE AMERICAN AFFAIRS

January 27, 2016



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

Dear Secretary Ziriaux:

Please be advised that an initiative petition, designated as **State Question 780, Initiative Petition 404**, was sufficiently filed with the Office of the Secretary of State on Wednesday, January 27, 2016. Proponents of record for said petition are as follows;

Kris Steele  
1211 Cambridge Drive  
Shawnee, OK 74804

Rev. George Young  
2332 N.W. 121<sup>st</sup> Street  
Oklahoma City, OK 73120

Tom Ward  
19200 N. Rockwell  
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If I may be of any further assistance, please do not hesitate to contact me.

Sincerely,

Chris Bengé  
Secretary of State and  
Native American Affairs

Chris Bengé  
Secretary of State  
and  
Native American Affairs



SECRETARY OF STATE  
AND  
NATIVE AMERICAN AFFAIRS

Mary Fallin  
Governor

**FILED**

JAN 28 2016

OKLAHOMA SECRETARY  
OF STATE

January 27, 2016

*Hand Delivered*

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

Dear Ms. Shea:

Please find enclosed the following for publication;

- **Notice of Filing for State Question 780, Initiative Petition 404**
- **Notice of Filing for State Question 781, Initiative Petition 405**
- **Notice of Filing for State Question 782, Initiative Petition 406**

Per Title 34 O.S. § 8, the publications must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish the enclosed notices 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,

Chris Bengé  
Secretary of State and  
Native American Affairs

**NOTICE OF THE FILING OF STATE QUESTION 780, INITIATIVE PETITION 404, 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 27, 2016, State Question 780, Initiative Petition 404 was filed in the Office of the Oklahoma Secretary of State.

**NOTICE** is also hereby given that State Question 780, Initiative Petition 404 is **SUFFICIENT** for filing with the Office of the Oklahoma Secretary of State.

**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 proponents or proponents 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 780, Initiative Petition 404:

Kris Steele	Rev. George Young	Tom Ward
1211 Cambridge Drive	2332 N.W. 121 <sup>st</sup> Street	19200 N. Rockwell
Shawnee, OK 74804	Oklahoma City, OK 73120	Edmond, OK 73012

**Chris Bengé**  
**Oklahoma Secretary of State and**  
**Native American Affairs**

# Oklahoma Press Service

3601 North Lincoln Blvd.  
Oklahoma City, OK 73105-

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

Thursday, February 04, 2016 12:10 PM

Page 1

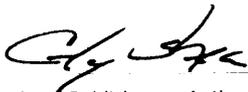
## Proof of Publication Order Number 16-01-58

I, Cindy Shea, 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: 01/31/2016

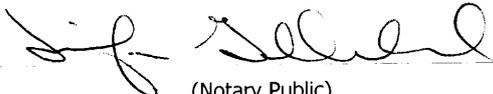
That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has 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 \$54.21



(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this  
4 day of February 2016.



(Notary Public)



**NOTICE OF THE FILING OF STATE QUESTION 780, INITIATIVE PETITION 404, 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)**

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Proponents of record for State Question 780, Initiative Petition 404:

Kris Steele	Rev. George Young	Tom Ward
1211 Cambridge Drive	2332 N.W. 121st Street	19200 N. Rockwell
Shawnee, OK 74804	Oklahoma City, OK 73120	Edmond, OK 73012

Chris Bengé  
Oklahoma Secretary of State and Native American Affairs

# Oklahoma Press Service

3601 North Lincoln Blvd.  
Oklahoma City, OK 73105-

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

Thursday, February 04, 2016 12:10 PM

Page 1

## Proof of Publication Order Number 16-01-58

I, Cindy Shea, 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: 01/31/2016

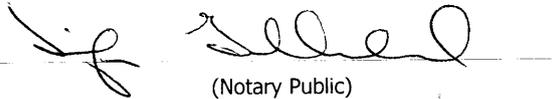
That said newspaper has been published continuously and uninterrupted in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has 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 \$931.18



(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this  
4 day of February 2016.



(Notary Public)



**NOTICE OF THE FILING OF STATE QUESTION 780, INITIATIVE PETITION 404, 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)**

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Chris Bengé  
Oklahoma Secretary of State and Native American Affairs

# Oklahoma Press Service

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Oklahoma City, OK 73105-

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

Thursday, February 04, 2016 12:10 PM

Page 1

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Insertion: 02/01/2016

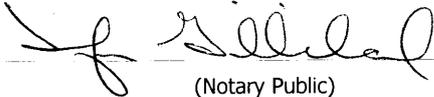
That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has 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 \$36.75



(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this  
4 day of February 2016.



(Notary Public)

**NOTICE OF THE FILING OF STATE QUESTION 780, INITIATIVE PETITION 404, 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)**

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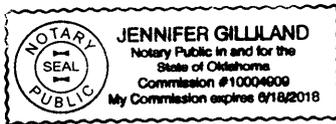
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Kris Steele	Rev. George Young	Tom Ward
1211 Cambridge Drive	2332 N.W. 121st Street	19200 N. Rockwell
Shawnee, OK 74804	Oklahoma City, OK 73120	Edmond, OK 73012

Chris Bengé

Oklahoma Secretary of State and Native American Affairs





Chris Bengé  
Secretary of State  
and  
Native American Affairs

Mary Fallin  
Governor

SECRETARY OF STATE  
AND  
NATIVE AMERICAN AFFAIRS

February 18, 2016

Kris Steele  
1211 Cambridge Drive  
Shawnee, OK 74804

Rev. George Young  
2332 N.W. 121<sup>st</sup> Street  
Oklahoma City, OK 73120

Tom Ward  
19200 N. Rockwell  
Edmond, OK 73012

Dear Proponent(s):

Per Title 34, Section 8 of the Oklahoma Statutes, no appeals or protests have been filed and the period for such has expired, therefore notice is hereby given that the signature gathering period for **State Question Number 780, Initiative Petition Number 404** is set to begin on March 10, 2016 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 June 7, 2016. The current signature requirement for amendments to the Oklahoma Statutes is 65,987.

Please find enclosed two true and accurate copies of said petition on record with the Secretary of State office and 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](mailto:executivelegislative@sos.ok.gov)).

Sincerely,

Chris Bengé  
Secretary of State and  
Native American Affairs

Cc: Crowe & Dunlevy



Chris Benge  
Secretary of State  
and  
Native American Affairs

Mary Fallin  
Governor

SECRETARY OF STATE  
AND  
NATIVE AMERICAN AFFAIRS

February 18, 2016

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1211 Cambridge Drive  
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Sincerely,

Chris Benge  
Secretary of State and  
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Cc: Crowe & Dunlevy



Chris Bengé  
Secretary of State  
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Governor

SECRETARY OF STATE  
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February 18, 2016

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Sincerely,

Chris Bengé  
Secretary of State and  
Native American Affairs

Cc: Crowe & Dunlevy



Chris Benge  
Secretary of State  
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SECRETARY OF STATE  
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February 18, 2016

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Sincerely,

Chris Benge  
Secretary of State and  
Native American Affairs

✓ Cc: Crowe & Dunlevy

State Question No. 780, Initiative Petition No. 404

**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 THE 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 law 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 8th day of November, 2016 (or at a special election as may be called by the Governor), and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from March 10, 2016. The question we herewith submit to our fellow voters is:

Shall the following bill be approved?

An Act relating to criminal justice reform for low-level offenses: stating factual findings and intent for the Act; amending 63 O.S. 2011, Section 2-402, relating to offenses involving controlled substances; amending 21 O.S. 2011, Sections 1704, 1705, 1713, 1719.1, 1722, 1731, relating to larceny; amending 21 O.S. 2011, Sections 1451, 1503, 1521, 1541.1, 1541.2, and 1541.3, relating to property offenses involving embezzlement or false pretenses; amending 59 O.S. 2011, Section 1512, relating to pawnbrokers; amending 21 O.S. 2011, Sections 1577, 1578, 1579, and 1621, relating to offenses involving forgery or counterfeiting; repealing 21 O.S. 2011, Section 51.3, related to punishments for second and subsequent offenses; providing for severability; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. The people of the state of Oklahoma find the fact that Oklahoma has the second-highest overall incarceration rate in the country, and the highest incarceration rate for women, is inconsistent with Oklahoma values, and drains resources away from investments that can do more to promote public safety. Therefore, the people intend, in enacting this initiative measure, to implement criminal justice reforms that: (1) stop wasting taxpayer money keeping people who commit low-level offenses behind bars for years; and (2) saddle fewer people who commit low-level offenses with felony convictions that will follow them through life and prevent them from getting an education or a job.

SECTION 2. This act shall be known and may be cited as the "Oklahoma Smart Justice Reform Act."

SECTION 3. AMENDATORY 63 O.S. 2011, Section 2-402, last amended by Section 10, Chapter 228, O.S.L. 2012 (63 O.S. Supp. 2012. Section 2-402), is amended to read as follows:

Section 2-402. A. 1. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by this act.

2. It shall be unlawful for any person to purchase any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of

this title in an amount or within a time interval other than that permitted by Section 2-313 of this title.

3. It shall be unlawful for any person or business to sell, market, advertise or label any product containing ephedrine, its salts, optical isomers, or salts of optical isomers, for the indication of stimulation, mental alertness, weight loss, appetite control, muscle development, energy or other indication which is not approved by the pertinent federal OTC Final Monograph, Tentative Final Monograph, or FDA-approved new drug application or its legal equivalent. In determining compliance with this requirement, the following factors shall be considered:

- a. the packaging of the product,
- b. the name of the product, and
- c. the distribution and promotion of the product, including verbal representations made at the point of sale.

B. Any person who violates this section is guilty of a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars (\$1,000.00).

C. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars (\$100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of this title.

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1704 is amended to read as follows:

Section 1704. Grand larceny is larceny committed in either of the following cases:

1. When the property taken is of value exceeding One Thousand Dollars (\$1,000.00).
2. When such property, although not of value exceeding One Thousand Dollars (\$1,000.00), is taken from the person of another.

Larceny in other cases is petit larceny.

SECTION 5. AMENDATORY 21 O.S. 2011, Section 1705 is amended to read as follows:

Section 1705. Grand larceny is a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years if the value of the property is One Thousand Dollars (\$1,000.00) or more and if the value of the property is less than One Thousand Dollars (\$1,000.00) punishable by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 6. AMENDATORY 21 O.S. 2011, Section 1713 is amended to read as follows:

Section 1713. A. Every person who buys or receives, in any manner, upon any consideration, any personal property of any value whatsoever that has been stolen, embezzled, obtained by false pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such property from the owner, shall, if the value of the property is One Thousand Dollars (\$1,000.00) or more be guilty of a felony punishable by imprisonment in the State Penitentiary not to exceed five (5) years, or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00) or by both such fine and imprisonment. If the value of the property received is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

B. Every person who, without making reasonable inquiry, buys, receives, conceals, withholds, or aids in concealing or withholding any property which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it

shall be presumed to have bought or received such property knowing it to have been so stolen or wrongfully obtained. This presumption may, however, be rebutted by proof.

SECTION 7. AMENDATORY 21 O.S. 2011, Section 1719.1 is amended to read as follows:

Section 1719.1. A. For the purpose of this section:

1. "Domesticated fish or game" means all birds, mammals, fish and other aquatic forms and all other animals, regardless of classifications, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall extend to and include every part of any individual species when such domesticated fish or game are not in the wild and are in the possession of a person currently licensed to possess such fish or game; and

2. "Taking" means the pursuing, killing, capturing, trapping, snaring and netting of domesticated fish or game or placing, setting, drawing or using any net, trap or other device for taking domesticated fish or game and includes specifically every attempt to take such domesticated fish or game.

B. Any domesticated fish or game shall be considered the personal property of the owner.

C. Any person who shall take any domesticated fish or game, with the intent to deprive the owner of said fish or game, and any person purchasing or receiving such domesticated fish or game knowing them to have been stolen, shall:

1. Upon conviction, if the current market value of said domesticated fish or game is less than One Thousand Dollars (\$1,000.00), be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment; or

2. Upon conviction, if the current market value of said domesticated fish or game is One Thousand Dollars (\$1,000.00) or more, be guilty of a felony and shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by both such fine and imprisonment.

SECTION 8. AMENDATORY 21 O.S. 2011, Section 1722 is amended to read as follows:

Section 1722. Any person who shall unlawfully take any crude oil or gasoline, or any product thereof, from any pipe, pipeline, tank, tank car, or other receptacle or container and any person who shall unlawfully take or cause to be taken any machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells, with intent to deprive the owner or lessee thereof of said crude oil, gas, gasoline, or any product thereof, machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells shall:

1. Be guilty of a misdemeanor if the value of said product so taken is less than One Thousand Dollars (\$1,000.00), and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment;

2. Be guilty of a felony if the value of such product so taken is One Thousand Dollars (\$1,000.00) or more and upon conviction thereof, shall be punished by forfeiture of the instrumentality of the crime and by a fine of not less than One Hundred Dollars (\$100.00), and not more than Fifty Thousand Dollars (\$50,000.00), or by imprisonment in the State Penitentiary for a term in the range of one (1) year to ten (10) years, or by both such fine and imprisonment.

SECTION 9. AMENDATORY 21 O.S. 2011, Section 1731 is amended to read as follows:

Section 1731. Larceny of merchandise held for sale in retail or wholesale establishments shall be punishable as follows:

1. For the first or second conviction, in the event the value of the goods, edible meat or other corporeal property which has been taken is less than One Thousand Dollars (\$1,000.00), the violator shall be punishable by imprisonment in the county jail for a term not exceeding thirty (30) days, and by a fine not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00); provided for the first or second conviction, in the event more than one item of goods, edible meat or other corporeal property has been taken, punishment shall be by imprisonment in

the county jail for a term not to exceed thirty (30) days, and by a fine not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

2. If it be shown, in the trial of a case in which the value of the goods, edible meat or other corporeal property is less than One Thousand Dollars (\$1,000.00), that the defendant has been two or more times before convicted of the same offense, the defendant shall, on a third or subsequent conviction, be punished by confinement in the county jail for a term of not more than one (1) year, and by a fine not exceeding One Thousand Dollars (\$1,000.00).

3. In the event the value of the goods, edible meat or other corporeal property is One Thousand Dollars (\$1,000.00) or more, punishment shall be imprisonment in the State Penitentiary for a term of not more than five (5) years.

SECTION 10. AMENDATORY 21 O.S. 2011, Section 1451, last amended by Section 1, Chapter 235, O.S.L. 2012 (21 O.S. Supp. 2012. Section 1451), is amended to read as follows:

Section 1451. A. Embezzlement is the fraudulent appropriation of property of any person or legal entity, legally obtained, to any use or purpose not intended or authorized by its owner, or the secretion of the property with the fraudulent intent to appropriate it to such use or purpose, under any of the following circumstances:

1. Where the property was obtained by being entrusted to that person for a specific purpose, use, or disposition and shall include, but not be limited to, any funds "held in trust" for any purpose;

2. Where the property was obtained by virtue of a power of attorney being granted for the sale or transfer of the property;

3. Where the property is possessed or controlled for the use of another person;

4. Where the property is to be used for a public or benevolent purpose;

5. Where any person diverts any money appropriated by law from the purpose and object of the appropriation;

6. Where any person fails or refuses to pay over to the state, or appropriate authority, any tax or other monies collected in accordance with state law, and who appropriates the tax or monies to the use of that person, or to the use of any other person not entitled to the tax or monies;

7. Where the property is possessed for the purpose of transportation, without regard to whether packages containing the property have been broken;

8. Where any person removes crops from any leased or rented premises with the intent to deprive the owner or landlord interested in the land of any of the rent due from that land, or who fraudulently appropriates the rent to that person or any other person; or

9. Where the property is possessed or controlled by virtue of a lease or rental agreement, and the property is willfully or intentionally not returned within ten (10) days after the expiration of the agreement.

Embezzlement does not require a distinct act of taking, but only a fraudulent appropriation, conversion or use of property.

B. Except as provided in subsection C of this section, embezzlement shall be punished as follows:

1. If the value of the property embezzled is less than One Thousand Dollars (\$1,000.00), any person convicted shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not more than one (1) year, or by both such fine and imprisonment;

2. If the value of the property embezzled is One Thousand Dollars (\$1,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, and a fine of not exceeding Five Thousand Dollars (\$5,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes; or

3. If the value of the property embezzled is Twenty-five Thousand Dollars (\$25,000.00) or more, any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, and a fine not exceeding Ten Thousand Dollars (\$10,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the party's intent to commit a continuing crime.

C. Any county or state officer, deputy or employee of such officer, who shall divert any money appropriated by law from the purpose and object of the appropriation, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than one (1) year nor more than ten (10) years, and a fine equal to triple the amount of money so embezzled and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes. The fine shall operate as a judgment lien at law on all estate of the party so convicted and sentenced, and shall be enforced by execution or other process for the use of the person whose money or other funds or property were embezzled. In all cases the fine, so operating as a judgment lien, shall be released or entered as satisfied only by the person in interest.

D. Any executor, administrator, trustee, beneficiary or other person benefiting from, acting in a fiduciary capacity for, or otherwise administering a probate, intestate, or trust estate, whether the trust is inter vivos or testamentary, upon conviction of embezzlement from the estate shall not receive any portion, share, gift or otherwise benefit from the estate.

SECTION 11. AMENDATORY 21 O.S. 2011, Section 1503 is amended to read as follows:

Section 1503. Any person who shall obtain food, lodging, services or other accommodations at any hotel, inn, restaurant, boarding house, rooming house, motel or auto camp, with intent to defraud the owner or keeper thereof, if the value of such food, lodging, services or other accommodations is less than One Thousand Dollars (\$1,000.00), shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Five Hundred Dollars (\$500.00), or be imprisoned in the county jail not exceeding three (3) months, or punished by both such fine and imprisonment, and if the value of such food, lodging, services or accommodations is valued at One Thousand Dollars (\$1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not exceeding five (5) years. Any person who shall obtain shelter, lodging, or any other services at any apartment house, apartment, rental unit, rental house, or trailer camp, with intent to defraud the owner or keeper thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding One Hundred Dollars (\$100.00), or be imprisoned in the county jail not exceeding three (3) months, or be punished by both fine and imprisonment. Proof that such lodging, food, services or other accommodations were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that he gave a check on which payment was refused, or that he left the hotel, inn, restaurant, boarding house, rooming house, motel, apartment house, apartment, rental unit or rental house, trailer camp or auto camp, without payment or offering to pay for such food, lodging, services or other accommodation, or that he surreptitiously removed or attempted to remove his baggage, or that he registered under a fictitious name, shall be prima facie proof of the intent to defraud mentioned in this section; but this section shall not apply where there has been an agreement in writing for delay in payment.

SECTION 12. AMENDATORY 21 O.S. 2011, Section 1521 is amended to read as follows:

Section 1521. Every person who shall lease or rent, for any period of time whatsoever, any motor vehicle and, with intent to cheat and defraud, who pays the fees for such lease or rental by means of a false, bogus or worthless check written for the sum of less than One Thousand Dollars (\$1,000.00) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both such fine and imprisonment. If the value of the worthless check is One Thousand Dollars (\$1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State

Penitentiary for a term not exceeding seven (7) years or by a fine not to exceed Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

SECTION 13. AMENDATORY 21 O.S. 2011, Section 1541.1 is amended to read as follows:

Section 1541.1. Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, of a value less than One Thousand Dollars (\$1,000.00), by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game", or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

SECTION 14. AMENDATORY 21 O.S. 2011, Section 1541.2 is amended to read as follows:

Section 1541.2. If the value of the money, property or valuable thing referred to in Section 1541.1 of this title is One Thousand Dollars (\$1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 15. AMENDATORY 21 O.S. 2011, Section 1541.3 is amended to read as follows:

Section 1541.3. Any person making, drawing, uttering or delivering two or more false or bogus checks, drafts or orders, as defined by Section 1541.4 of this title, the total sum of which is One Thousand Dollars (\$1,000.00) or more, even though each separate instrument is written for less than One Thousand Dollars (\$1,000.00), all in pursuance of a common scheme or plan to cheat and defraud, shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 16. AMENDATORY 59 O.S. 2011, Section 1512 is amended to read as follows:

Section 1512. A. Rule Making Power. The Administrator shall have the same authority to adopt, amend and repeal rules as is conferred upon him by paragraph (e) of subsection (1), and subsections (2) and (3) of Section 6-104 of Title 14A of the Oklahoma Statutes, as applicable, and such rules shall have the same effect as provided in subsection (4) of Section 6-104 thereunder. In addition, the Administrator may adopt, amend and repeal such other rules as are necessary for the enforcement of the provisions of Section 1501 et seq. of this title and consistent with all its provisions.

B. Administrative Enforcement. Compliance with the provisions of this act may be enforced by the Administrator who may exercise, for such purpose, all the powers enumerated in Part 1 of Article 6, Title 14A of the Oklahoma Statutes, in the same manner as in relation to consumer credit transactions under that act, as well as those powers conferred in this act.

C. Criminal Penalties. 1. Any person who engages in the business of operating a pawn shop without first securing the license prescribed by this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not in excess of One Thousand Dollars (\$1,000.00), by confinement in the county jail for not more than six (6) months or by both.

2. Any person selling or pledging property to a pawnbroker who uses false or altered identification or a false declaration of ownership as related to the provisions of Section 1515 of this title shall, if the value of the property is One Thousand Dollars (\$1,000.00) or more, be guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary not to exceed five (5) years or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine. However, if the property was acquired by means of robbery or burglary, the person shall be punished by imprisonment in the State Penitentiary not to exceed five (5) years or in the county

jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine, without regard to the value of the property.

3. Any person who fails to repay a pawnbroker the full amount received from a pawn or buy transaction after being officially notified by a peace officer that the goods he pledged or sold in that transaction were stolen or embezzled shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

D. Private Enforcement. 1. If any person engages in the business of operating a pawnshop without first securing the license prescribed by this act, or if any pawnbroker contracts for, charges or receives a pawn finance charge in excess of that authorized by this act, the pawn transaction shall be void and the customer is not obligated to pay either the amount financed or the pawn finance charge in connection with the transaction, and upon the customer's demand, the pawnbroker shall be obligated to return to the customer, as a refund, all amounts paid in connection with the transaction by the customer and the pledged goods delivered to the pawnbroker in connection with the pawn transaction or their value if the goods cannot be returned. If a customer is entitled to a refund under this section and a pawnbroker liable to the customer refuses to make the refund within a reasonable time after demand, the customer shall have an action against the pawnbroker and in the case of a successful action to enforce such liability, the costs of the action together with attorney's fees as determined by the court shall be awarded to the customer.

2. A pawnbroker who fails to disclose information to a customer entitled to the information under this act is liable to that person in an amount equal to the sum of:

a. twice the amount of the pawn finance charge in connection with the transaction, or One Hundred Dollars (\$100.00), whichever is greater; and

b. in the case of a successful action to enforce the liability under paragraph 1 of this subsection, the costs of the action together with reasonable attorneys' fees as determined by the court.

SECTION 17. AMENDATORY 21 O.S. 2011, Section 1577 is amended to read as follows:

Section 1577. Every person who sells, exchanges or delivers for any consideration any forged or counterfeited promissory note, check, bill, draft, or other evidence of debt, or engagement for the payment of money absolutely, or upon any contingency, knowing the same to be forged or counterfeited, with intent to have the same uttered or passed, or who offers any such note or other instrument for sale, exchange or delivery for any consideration, with the like knowledge and intent, or who receives any such note or other instrument upon a sale, exchange or delivery for any consideration with the like knowledge and intent, is guilty of forgery in the third degree.

SECTION 18. AMENDATORY 21 O.S. 2011, Section 1578 is amended to read as follows:

Section 1578. Every person who, with intent to defraud, has in his possession any forged, altered or counterfeit negotiable note, bill, draft or other evidence of debt issued or purporting to have been issued by any corporation or company duly authorized for that purpose by the laws of this state or of any other state, government or country, the forgery of which is hereinbefore declared to be punishable, knowing the same to be forged, altered or counterfeited, with intent to utter the same as true or as false, or to cause the same to be so uttered, is guilty of forgery in the third degree.

SECTION 19. AMENDATORY 21 O.S. 2011, Section 1579 is amended to read as follows:

Section 1579. Every person who has in his possession any forged or counterfeited instrument, the forgery of which is hereinbefore declared to be punishable, other than such as are enumerated in the last section, knowing the same to be forged, counterfeited or falsely altered with intent to injure or defraud by uttering the same to be true, or as false, or by causing the same to be uttered, is guilty of forgery in the third degree.

SECTION 20. AMENDATORY 21 O.S. 2011, Section 1621 is amended to read as follows:

Section 1621. Forgery is punishable as follows:

1. Forgery in the first degree is a felony punishable by imprisonment not less than seven (7) years nor more than twenty (20) years; and

2. Forgery in the second degree is a felony punishable by imprisonment not exceeding seven (7) years.

3. Forgery in the third degree is:

a. If the value of the forgery is less than One Thousand Dollars (\$1,000.00), a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars (\$1,000.00).

b. If the value of the forgery is One Thousand Dollars (\$1,000.00) or more, a felony punishable by imprisonment not exceeding seven (7) years.

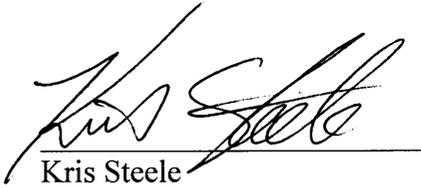
c. If the total or aggregate value of the forgery is Two Thousand Dollars (\$2,000.00) or more, a felony punishable by imprisonment not exceeding seven (7) years.

SECTION 21. REPEALER 21 O.S. 2011, Section 51.3 is hereby repealed.

SECTION 22. The provisions hereof are severable, and if any part or provision hereof shall be void, invalid, or unconstitutional, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions hereof, and the remaining provisions hereof shall continue in full force and effect.

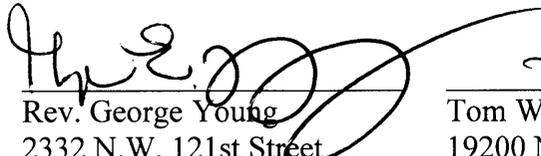
SECTION 23. This act shall become effective on July 1 immediately following its passage.

**Name and Address of Proponents**



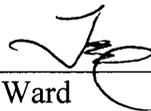
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Kris Steele  
1211 Cambridge Drive  
Shawnee, OK 74804



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Rev. George Young  
2332 N.W. 121st Street  
Oklahoma City, OK 73120



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Tom Ward  
19200 N. Rockwell  
Edmond, OK 73012

**SIGNATURES**

**The gist of the proposition is as follows:** This measure amends statutes to reform criminal sentences for certain property and drug offenses. It makes certain property offenses misdemeanors. It makes simple drug possession a misdemeanor. Property offenses where the value of the property is one thousand dollars or more remain felonies, and the distribution, possession with intent to distribute, transportation with intent to distribute, manufacture, or trafficking of drugs remain felonies.

**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 the petition when he is not a legal voter.**

1.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
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	Signature of Legal Voter	Print Name	Address	City	Zip	County
3.	_____	_____	_____	_____	_____	_____
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	Signature of Legal Voter	Print Name	Address	City	Zip	County
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	Signature of Legal Voter	Print Name	Address	City	Zip	County
19.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
20.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County





June 2, 2016

**FILED**

JUN 02 2016

OKLAHOMA SECRETARY  
OF STATE

The Honorable Chris Bengé  
Oklahoma Secretary of State  
2300 N. Lincoln Boulevard, Ste. 101  
Oklahoma City, Oklahoma 73105-4897

Re: State Question No. 780, Initiative Petition No. 404

Dear Mr. Secretary:

Enclosed on behalf of Kris Steele, Tom Ward Rev. George Young, the proponents (“Proponents”) of State Question No. 780, Initiative Petition No. 404, please accept for filing ~~24~~ <sup>33</sup> boxes of signature pamphlets in support of State Question No. 780, Initiative Petition No. 404.

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. No more petitions are in circulation; and
3. The Proponents will not circulate any more petitions.

Respectfully submitted,

D. Kent Meyers,  
Roger A. Stong  
Melanie Wilson Rughani

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

Counsel for the Proponents

cc: Oklahoma Attorney General

A P R O F E S S I O N A L C O R P O R A T I O N

OKLAHOMA CITY • Braniff Building • 324 N. Robinson Ave., Ste. 100 • Oklahoma City, OK 73102 • T: 405.235.7700 • F: 405.239.6651  
TULSA • 500 Kennedy Building • 321 S. Boston Ave. • Tulsa, OK 74103 • T: 918.592.9800 • F: 918.592.9801

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Chris Bengé  
Secretary of State  
and  
Native American Affairs

Mary Fallin  
Governor

SECRETARY OF STATE  
AND  
NATIVE AMERICAN AFFAIRS

June 2, 2016

**FILED**

JUN 02 2016

OKLAHOMA SECRETARY  
OF STATE

Kris Steele  
1211 Cambridge Drive  
Shawnee, OK 74804

Rev. George Young  
2332 N.W. 121<sup>st</sup> Street  
Oklahoma City, OK 73120

Tom Ward  
19200 N. Rockwell  
Edmond, OK 73012

Dear Proponent(s):

This letter is to acknowledge receipt of 33 boxes containing signature pamphlets filed for **State Question Number 780, Initiative Petition Number 404**. The boxes of petition pamphlets arrived this 2<sup>nd</sup> day of June, 2016 at 2:27 PM.

As required by law, the petition boxes have been sealed. Said seals will not be broken until the signature counting process begins. Pursuant to the provisions of Title 34 O.S. §8(G), proponents of said petition may terminate the signature circulation period at any time during the ninety-day circulation period by certifying to our office that all signed petitions have been filed, no more petitions are in circulation, and proponents will not circulate any more petitions. If such a certification is received from the proponents, our office will be able to begin the signature counting process.

Also, per Title 34 O.S. §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. Please refer to the enclosed Observer Details page for further instruction and information regarding such.

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](mailto:executivelegislative@sos.ok.gov)).

Sincerely,

Chris Bengé  
Secretary of State and  
Native American Affairs



Chris Bengt  
Secretary of State  
and  
Native American Affairs

Mary Fallin  
Governor

SECRETARY OF STATE  
AND  
NATIVE AMERICAN AFFAIRS

June 2, 2016

**TO: Proponents of SQ780, IP404**

**RE: OBSERVER - GENERAL INFORMATION and INSTRUCTION SHEET**

**Signature Counting Room:** The Secretary of State office  
Oklahoma State Capitol building, Room 101

**Monitors of the count  
and contact details:** Amy Canton and Harrison Guy  
405-522-4565 / [executivelegislative@sos.ok.gov](mailto:executivelegislative@sos.ok.gov)

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.

As required by law, one copy of the proposed measure will be attached to each volume of signatures during the binding process. The detached sheets not attached to a volume will be placed in a recycle bin located in the counting room unless otherwise instructed by the proponents.

The observer appointed by the proponents of SQ780, shall not distract the signature count nor the staff performing such. Any questions he or she may have must be directed to the monitor(s) of the count. Monitors of the count are Amy Canton and Harrison Guy.

The counting process begins at 1:00 p.m. on June 8, 2016 and will occur daily, Monday through Friday, 9:00 a.m. to 4:00 p.m., until the signature count is complete. There will be a one hour break for lunch from 12:00 p.m. to 1:00 p.m. daily. It is extremely important to remember that the observer must be present at all times during the detachment of the pamphlets, and seals on the boxes cannot be opened without his or her presence.



E. SCOTT PRUITT  
ATTORNEY GENERAL

June 9, 2016

**FILED**

JUN 09 2016

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

OKLAHOMA SECRETARY  
OF STATE

**RE: Ballot Title for State Question No. 780, Initiative Petition No. 404**

Dear Secretary Bengé:

In accordance with the provisions of 34 O.S.Supp.2015, § 9(D)(1), we have reviewed the Proposed Ballot Title for the above-referenced State Question and conclude that it does **not** comply with applicable laws for the following reasons.

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

1. It fails to explain that distinctions within simple drug possession charges are no longer made based on the type of drug possessed.
2. It fails to explain that enhancements based on the number of possession offenses and on the location of the offense have been removed.
3. It fails to state that the value of the property for the identified felony property offenses increased from \$500 to \$1000.

Having found that the ballot title does not comply with applicable laws, we will, in accordance with the provisions of 34 O.S.Supp.2015, §9(D)(1), within ten business days, prepare a ballot title which complies with the law and furnish a copy to you.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a long horizontal flourish extending to the right.

E. Scott Pruitt  
Attorney General



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

**FILED**

JUN 22 2016

OKLAHOMA SECRETARY  
OF STATE

June 22, 2016

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

RE: Ballot Title for State Question No. 780, Initiative Petition No. 404

Dear Secretary Benge:

Having found that the Proposed Ballot Title for the above-referenced State Question did not comply with applicable laws, we have, in accordance with 34 O.S.Supp.2015, § 9(D)(1), prepared the following Ballot Title. The Ballot Title reads as follows:

**BALLOT TITLE FOR STATE QUESTION NO. 780**

This measure changes state law to reduce the punishments for drug possession and certain property offenses.

Under current law, drug possession is a felony when, for example:

- The drug is one that has a high potential for abuse;
- The person possessing the drug has a prior conviction for drug possession;
- The person possessed the drug within 1,000 feet of a public or private school or public park; or
- The person possessed the drug in the presence of a child under the age of twelve.

If voters approve this measure, these sorts of drug possession crimes would be misdemeanors instead of felonies.

The measure also changes the law for certain property crimes like grand larceny, embezzlement, and writing two or more bogus checks. Under current law, if the value of the property involved in

those crimes is more than \$500, the crime is a felony. If it is less than \$500, the crime is a misdemeanor. This measure would raise that amount to \$1000, so that any crime involving less than \$1000 worth of property would be a misdemeanor, rather than a felony.

SHALL THE MEASURE BE APPROVED?

FOR THE MEASURE – YES \_\_\_\_\_

AGAINST THE MEASURE – NO \_\_\_\_\_

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a long horizontal line extending to the right.

E. Scott Pruitt  
Attorney General



Chris Bengé  
Secretary of State  
and  
Native American Affairs

Mary Fallin  
Governor

**OKLAHOMA SECRETARY OF STATE**

**FILED  
SUPREME COURT  
STATE OF OKLAHOMA**

**JUN 24 2016**

**MICHAEL S. RICHIE**

**CLERK**

**#115113**

June 24, 2016

**HAND DELIVERED**

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

**RE: Certification of the Physical Signature Count - State Question 780, Initiative Petition 404**

Dear Chief Justice Reif:

Pursuant to the provisions of Title 34 O.S., Sections 6.1 and 8, the Secretary of State certifies to the Supreme Court the following details:

- Thirty-three (33) boxes of signature pamphlets, for State Question 780, Initiative Petition 404, were received by our office on June 2, 2016. Proponents terminated the signature circulation period early and filed accordingly a certification of such, with our office, on
  - June 2, 2016. The Secretary of State began the physical count of signatures on June 8, 2016 at 1:00 p.m. Said count was concluded on June 15, 2016 at 4:00 p.m.
- Individual signature sheets are page numbered 1 through 6,314 and bound in a total of 32 volumes. Volumes 1 through 31 contain 200 signature sheets per volume, and Volume 32 contains a total 114 signature sheets.
- Page numbers 6,296 through 6,314 were not included in such physical count due to either, improper notarization or an incomplete circulator affidavit.
- The Secretary of State certifies the total number of signatures counted for State Question 780, Initiative Petition 404 is **111,159**.
- The Secretary of State affirms the State Election Board has certified that a total of 824,831 votes were cast for the office of Governor at the General Election in November 2014.
- The Secretary of State also certifies that proponents' proposed ballot title was submitted to the Attorney General's office June 3, 2016. The Preliminary Ballot Title, as reviewed and rewritten by the Attorney General, was filed with our office June 22, 2016.

In support of the details so certified, please find enclosed the following documentation:

- Proponents' certification of early termination of signature circulation
- Copy of State Question 780, Initiative Petition 404
- Tabulation Sheets for SQ 780, IP 404
- Total votes cast as certified by Election Board (SOS Doc# 047220)
- Preliminary Ballot Title as reviewed and rewritten by the Attorney General's office

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris Bengtson".

Chris Bengtson  
Secretary of State and  
Native American Affairs

**CERTIFICATE OF MAILING**

I hereby certify that a true and accurate copy of the foregoing, SOS Certification of the Physical Signature Count of State Question 780, Initiative Petition 404 was hand delivered, on June 24, 2016, to the following party;

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

I also hereby certify that a true and accurate copy of the foregoing, SOS Certification of the Signature Count of State Question 780, Initiative Petition 404 was placed in USPS mail, regular first-class, on June 24, 2016, addressed to the following parties;

Kris Steele  
1211 Cambridge Drive  
Shawnee, OK 74804

Rev. George Young  
2332 N.W. 121<sup>st</sup> Street  
Oklahoma City, OK 73120

Tom Ward  
19200 N. Rockwell  
Edmond, OK 73012

**COUNSEL FOR PROPONENTS**

Melanie Wilson Rughani  
Crowe & Dunlevy  
Braniff Building  
324 N. Robinson Ave., Ste. 100  
Oklahoma City, Oklahoma 73102



---

**Chris Bengé**  
**Oklahoma Secretary of State and**  
**Native American Affairs**



June 2, 2016

**FILED**

JUN 02 2016

The Honorable Chris Bengé  
Oklahoma Secretary of State  
2300 N. Lincoln Boulevard, Ste. 101  
Oklahoma City, Oklahoma 73105-4897

OKLAHOMA SECRETARY  
OF STATE

Re: State Question No. 780, Initiative Petition No. 404

Dear Mr. Secretary:

Enclosed on behalf of Kris Steele, Tom Ward Rev. George Young, the proponents (“Proponents”) of State Question No. 780, Initiative Petition No. 404, please accept for filing 33 boxes of signature pamphlets in support of State Question No. 780, Initiative Petition No. 404.

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. No more petitions are in circulation; and
3. The Proponents will not circulate any more petitions.

Respectfully submitted,

D. Kent Meyers,  
Roger A. Stong  
Melanie Wilson Rughani

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

Counsel for the Proponents

cc: Oklahoma Attorney General

A P R O F E S S I O N A L C O R P O R A T I O N

OKLAHOMA CITY • Braniff Building • 324 N. Robinson Ave., Ste. 100 • Oklahoma City, OK 73102 • T: 405.235.7700 • F: 405.239.6651  
TULSA • 500 Kennedy Building • 321 S. Boston Ave. • Tulsa, OK 74103 • T: 918.592.9800 • F: 918.592.9801

[crowedunlevy.com](http://crowedunlevy.com)

State Question No. 780, Initiative Petition No. 404

**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 THE PETITION WHEN HE IS NOT A LEGAL VOTER.**

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**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 law 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 8th day of November, 2016 (or at a special election as may be called by the Governor), and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from March 10, 2016. The question we herewith submit to our fellow voters is:

Shall the following bill be approved?

---

An Act relating to criminal justice reform for low-level offenses: stating factual findings and intent for the Act; amending 63 O.S. 2011, Section 2-402, relating to offenses involving controlled substances; amending 21 O.S. 2011, Sections 1704, 1705, 1713, 1719.1, 1722, 1731, relating to larceny; amending 21 O.S. 2011, Sections 1451, 1503, 1521, 1541.1, 1541.2, and 1541.3, relating to property offenses involving embezzlement or false pretenses; amending 59 O.S. 2011, Section 1512, relating to pawnbrokers; amending 21 O.S. 2011, Sections 1577, 1578, 1579, and 1621, relating to offenses involving forgery or counterfeiting; repealing 21 O.S. 2011, Section 51.3, related to punishments for second and subsequent offenses; providing for severability; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. The people of the state of Oklahoma find the fact that Oklahoma has the second-highest overall incarceration rate in the country, and the highest incarceration rate for women, is inconsistent with Oklahoma values, and drains resources away from investments that can do more to promote public safety. Therefore, the people intend, in enacting this initiative measure, to implement criminal justice reforms that: (1) stop wasting taxpayer money keeping people who commit low-level offenses behind bars for years; and (2) saddle fewer people who commit low-level offenses with felony convictions that will follow them through life and prevent them from getting an education or a job.

SECTION 2. This act shall be known and may be cited as the "Oklahoma Smart Justice Reform Act."

SECTION 3. AMENDATORY 63 O.S. 2011, Section 2-402, last amended by Section 10, Chapter 228, O.S.L. 2012 (63 O.S. Supp. 2012. Section 2-402), is amended to read as follows:

Section 2-402. A. 1. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by this act.

2. It shall be unlawful for any person to purchase any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of

this title in an amount or within a time interval other than that permitted by Section 2-313 of this title.

3. It shall be unlawful for any person or business to sell, market, advertise or label any product containing ephedrine, its salts, optical isomers, or salts of optical isomers, for the indication of stimulation, mental alertness, weight loss, appetite control, muscle development, energy or other indication which is not approved by the pertinent federal OTC Final Monograph, Tentative Final Monograph, or FDA-approved new drug application or its legal equivalent. In determining compliance with this requirement, the following factors shall be considered:

- a. the packaging of the product,
- b. the name of the product, and
- c. the distribution and promotion of the product, including verbal representations made at the point of sale.

B. Any person who violates this section is guilty of a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars (\$1,000.00).

C. Any person convicted of any offense described in this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars (\$100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2530.9 of this title.

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1704 is amended to read as follows:

Section 1704. Grand larceny is larceny committed in either of the following cases:

1. When the property taken is of value exceeding One Thousand Dollars (\$1,000.00).
2. When such property, although not of value exceeding One Thousand Dollars (\$1,000.00), is taken from the person of another.

Larceny in other cases is petit larceny.

SECTION 5. AMENDATORY 21 O.S. 2011, Section 1705 is amended to read as follows:

Section 1705. Grand larceny is a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years if the value of the property is One Thousand Dollars (\$1,000.00) or more and if the value of the property is less than One Thousand Dollars (\$1,000.00) punishable by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 6. AMENDATORY 21 O.S. 2011, Section 1713 is amended to read as follows:

Section 1713. A. Every person who buys or receives, in any manner, upon any consideration, any personal property of any value whatsoever that has been stolen, embezzled, obtained by false pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such property from the owner, shall, if the value of the property is One Thousand Dollars (\$1,000.00) or more be guilty of a felony punishable by imprisonment in the State Penitentiary not to exceed five (5) years, or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00) or by both such fine and imprisonment. If the value of the property received is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

B. Every person who, without making reasonable inquiry, buys, receives, conceals, withholds, or aids in concealing or withholding any property which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it

shall be presumed to have bought or received such property knowing it to have been so stolen or wrongfully obtained. This presumption may, however, be rebutted by proof.

SECTION 7. AMENDATORY 21 O.S. 2011, Section 1719.1 is amended to read as follows:

Section 1719.1. A. For the purpose of this section:

1. "Domesticated fish or game" means all birds, mammals, fish and other aquatic forms and all other animals, regardless of classifications, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall extend to and include every part of any individual species when such domesticated fish or game are not in the wild and are in the possession of a person currently licensed to possess such fish or game; and

2. "Taking" means the pursuing, killing, capturing, trapping, snaring and netting of domesticated fish or game or placing, setting, drawing or using any net, trap or other device for taking domesticated fish or game and includes specifically every attempt to take such domesticated fish or game.

B. Any domesticated fish or game shall be considered the personal property of the owner.

C. Any person who shall take any domesticated fish or game, with the intent to deprive the owner of said fish or game, and any person purchasing or receiving such domesticated fish or game knowing them to have been stolen, shall:

1. Upon conviction, if the current market value of said domesticated fish or game is less than One Thousand Dollars (\$1,000.00), be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment; or

2. Upon conviction, if the current market value of said domesticated fish or game is One Thousand Dollars (\$1,000.00) or more, be guilty of a felony and shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00), or by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by both such fine and imprisonment.

SECTION 8. AMENDATORY 21 O.S. 2011, Section 1722 is amended to read as follows:

Section 1722. Any person who shall unlawfully take any crude oil or gasoline, or any product thereof, from any pipe, pipeline, tank, tank car, or other receptacle or container and any person who shall unlawfully take or cause to be taken any machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells, with intent to deprive the owner or lessee thereof of said crude oil, gas, gasoline, or any product thereof, machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells shall:

1. Be guilty of a misdemeanor if the value of said product so taken is less than One Thousand Dollars (\$1,000.00), and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment;

2. Be guilty of a felony if the value of such product so taken is One Thousand Dollars (\$1,000.00) or more and upon conviction thereof, shall be punished by forfeiture of the instrumentality of the crime and by a fine of not less than One Hundred Dollars (\$100.00), and not more than Fifty Thousand Dollars (\$50,000.00), or by imprisonment in the State Penitentiary for a term in the range of one (1) year to ten (10) years, or by both such fine and imprisonment.

SECTION 9. AMENDATORY 21 O.S. 2011, Section 1731 is amended to read as follows:

Section 1731. Larceny of merchandise held for sale in retail or wholesale establishments shall be punishable as follows:

1. For the first or second conviction, in the event the value of the goods, edible meat or other corporeal property which has been taken is less than One Thousand Dollars (\$1,000.00), the violator shall be punishable by imprisonment in the county jail for a term not exceeding thirty (30) days, and by a fine not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00); provided for the first or second conviction, in the event more than one item of goods, edible meat or other corporeal property has been taken, punishment shall be by imprisonment in

the county jail for a term not to exceed thirty (30) days, and by a fine not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

2. If it be shown, in the trial of a case in which the value of the goods, edible meat or other corporeal property is less than One Thousand Dollars (\$1,000.00), that the defendant has been two or more times before convicted of the same offense, the defendant shall, on a third or subsequent conviction, be punished by confinement in the county jail for a term of not more than one (1) year, and by a fine not exceeding One Thousand Dollars (\$1,000.00).

3. In the event the value of the goods, edible meat or other corporeal property is One Thousand Dollars (\$1,000.00) or more, punishment shall be imprisonment in the State Penitentiary for a term of not more than five (5) years.

SECTION 10. AMENDATORY 21 O.S. 2011, Section 1451, last amended by Section 1, Chapter 235, O.S.L. 2012 (21 O.S. Supp. 2012. Section 1451), is amended to read as follows:

Section 1451. A. Embezzlement is the fraudulent appropriation of property of any person or legal entity, legally obtained, to any use or purpose not intended or authorized by its owner, or the secretion of the property with the fraudulent intent to appropriate it to such use or purpose, under any of the following circumstances:

1. Where the property was obtained by being entrusted to that person for a specific purpose, use, or disposition and shall include, but not be limited to, any funds "held in trust" for any purpose;

2. Where the property was obtained by virtue of a power of attorney being granted for the sale or transfer of the property;

3. Where the property is possessed or controlled for the use of another person;

4. Where the property is to be used for a public or benevolent purpose;

5. Where any person diverts any money appropriated by law from the purpose and object of the appropriation;

6. Where any person fails or refuses to pay over to the state, or appropriate authority, any tax or other monies collected in accordance with state law, and who appropriates the tax or monies to the use of that person, or to the use of any other person not entitled to the tax or monies;

7. Where the property is possessed for the purpose of transportation, without regard to whether packages containing the property have been broken;

8. Where any person removes crops from any leased or rented premises with the intent to deprive the owner or landlord interested in the land of any of the rent due from that land, or who fraudulently appropriates the rent to that person or any other person; or

9. Where the property is possessed or controlled by virtue of a lease or rental agreement, and the property is willfully or intentionally not returned within ten (10) days after the expiration of the agreement.

Embezzlement does not require a distinct act of taking, but only a fraudulent appropriation, conversion or use of property.

B. Except as provided in subsection C of this section, embezzlement shall be punished as follows:

1. If the value of the property embezzled is less than One Thousand Dollars (\$1,000.00), any person convicted shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a term not more than one (1) year, or by both such fine and imprisonment;

2. If the value of the property embezzled is One Thousand Dollars (\$1,000.00) or more but less than Twenty-five Thousand Dollars (\$25,000.00), any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, and a fine of not exceeding Five Thousand Dollars (\$5,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes; or

3. If the value of the property embezzled is Twenty-five Thousand Dollars (\$25,000.00) or more, any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, and a fine not exceeding Ten Thousand Dollars (\$10,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the party's intent to commit a continuing crime.

C. Any county or state officer, deputy or employee of such officer, who shall divert any money appropriated by law from the purpose and object of the appropriation, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than one (1) year nor more than ten (10) years, and a fine equal to triple the amount of money so embezzled and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes. The fine shall operate as a judgment lien at law on all estate of the party so convicted and sentenced, and shall be enforced by execution or other process for the use of the person whose money or other funds or property were embezzled. In all cases the fine, so operating as a judgment lien, shall be released or entered as satisfied only by the person in interest.

D. Any executor, administrator, trustee, beneficiary or other person benefiting from, acting in a fiduciary capacity for, or otherwise administering a probate, intestate, or trust estate, whether the trust is inter vivos or testamentary, upon conviction of embezzlement from the estate shall not receive any portion, share, gift or otherwise benefit from the estate.

SECTION 11. AMENDATORY 21 O.S. 2011, Section 1503 is amended to read as follows:

Section 1503. Any person who shall obtain food, lodging, services or other accommodations at any hotel, inn, restaurant, boarding house, rooming house, motel or auto camp, with intent to defraud the owner or keeper thereof, if the value of such food, lodging, services or other accommodations is less than One Thousand Dollars (\$1,000.00), shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Five Hundred Dollars (\$500.00), or be imprisoned in the county jail not exceeding three (3) months, or punished by both such fine and imprisonment, and if the value of such food, lodging, services or accommodations is valued at One Thousand Dollars (\$1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not exceeding five (5) years. Any person who shall obtain shelter, lodging, or any other services at any apartment house, apartment, rental unit, rental house, or trailer camp, with intent to defraud the owner or keeper thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding One Hundred Dollars (\$100.00), or be imprisoned in the county jail not exceeding three (3) months, or be punished by both fine and imprisonment. Proof that such lodging, food, services or other accommodations were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that he gave a check on which payment was refused, or that he left the hotel, inn, restaurant, boarding house, rooming house, motel, apartment house, apartment, rental unit or rental house, trailer camp or auto camp, without payment or offering to pay for such food, lodging, services or other accommodation, or that he surreptitiously removed or attempted to remove his baggage, or that he registered under a fictitious name, shall be prima facie proof of the intent to defraud mentioned in this section; but this section shall not apply where there has been an agreement in writing for delay in payment.

SECTION 12. AMENDATORY 21 O.S. 2011, Section 1521 is amended to read as follows:

Section 1521. Every person who shall lease or rent, for any period of time whatsoever, any motor vehicle and, with intent to cheat and defraud, who pays the fees for such lease or rental by means of a false, bogus or worthless check written for the sum of less than One Thousand Dollars (\$1,000.00) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for not more than six (6) months, or both such fine and imprisonment. If the value of the worthless check is One Thousand Dollars (\$1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State

Penitentiary for a term not exceeding seven (7) years or by a fine not to exceed Five Hundred Dollars (\$500.00), or both such fine and imprisonment.

SECTION 13. AMENDATORY 21 O.S. 2011, Section 1541.1 is amended to read as follows:

Section 1541.1. Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, of a value less than One Thousand Dollars (\$1,000.00), by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game", or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

SECTION 14. AMENDATORY 21 O.S. 2011, Section 1541.2 is amended to read as follows:

Section 1541.2. If the value of the money, property or valuable thing referred to in Section 1541.1 of this title is One Thousand Dollars (\$1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 15. AMENDATORY 21 O.S. 2011, Section 1541.3 is amended to read as follows:

Section 1541.3. Any person making, drawing, uttering or delivering two or more false or bogus checks, drafts or orders, as defined by Section 1541.4 of this title, the total sum of which is One Thousand Dollars (\$1,000.00) or more, even though each separate instrument is written for less than One Thousand Dollars (\$1,000.00), all in pursuance of a common scheme or plan to cheat and defraud, shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 16. AMENDATORY 59 O.S. 2011, Section 1512 is amended to read as follows:

Section 1512. A. Rule Making Power. The Administrator shall have the same authority to adopt, amend and repeal rules as is conferred upon him by paragraph (e) of subsection (1), and subsections (2) and (3) of Section 6-104 of Title 14A of the Oklahoma Statutes, as applicable, and such rules shall have the same effect as provided in subsection (4) of Section 6-104 thereunder. In addition, the Administrator may adopt, amend and repeal such other rules as are necessary for the enforcement of the provisions of Section 1501 et seq. of this title and consistent with all its provisions.

B. Administrative Enforcement. Compliance with the provisions of this act may be enforced by the Administrator who may exercise, for such purpose, all the powers enumerated in Part 1 of Article 6, Title 14A of the Oklahoma Statutes, in the same manner as in relation to consumer credit transactions under that act, as well as those powers conferred in this act.

C. Criminal Penalties. 1. Any person who engages in the business of operating a pawn shop without first securing the license prescribed by this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not in excess of One Thousand Dollars (\$1,000.00), by confinement in the county jail for not more than six (6) months or by both.

2. Any person selling or pledging property to a pawnbroker who uses false or altered identification or a false declaration of ownership as related to the provisions of Section 1515 of this title shall, if the value of the property is One Thousand Dollars (\$1,000.00) or more, be guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary not to exceed five (5) years or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine. However, if the property was acquired by means of robbery or burglary, the person shall be punished by imprisonment in the State Penitentiary not to exceed five (5) years or in the county

jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine, without regard to the value of the property.

3. Any person who fails to repay a pawnbroker the full amount received from a pawn or buy transaction after being officially notified by a peace officer that the goods he pledged or sold in that transaction were stolen or embezzled shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

D. Private Enforcement. 1. If any person engages in the business of operating a pawnshop without first securing the license prescribed by this act, or if any pawnbroker contracts for, charges or receives a pawn finance charge in excess of that authorized by this act, the pawn transaction shall be void and the customer is not obligated to pay either the amount financed or the pawn finance charge in connection with the transaction, and upon the customer's demand, the pawnbroker shall be obligated to return to the customer, as a refund, all amounts paid in connection with the transaction by the customer and the pledged goods delivered to the pawnbroker in connection with the pawn transaction or their value if the goods cannot be returned. If a customer is entitled to a refund under this section and a pawnbroker liable to the customer refuses to make the refund within a reasonable time after demand, the customer shall have an action against the pawnbroker and in the case of a successful action to enforce such liability, the costs of the action together with attorney's fees as determined by the court shall be awarded to the customer.

2. A pawnbroker who fails to disclose information to a customer entitled to the information under this act is liable to that person in an amount equal to the sum of:

a. twice the amount of the pawn finance charge in connection with the transaction, or One Hundred Dollars (\$100.00), whichever is greater; and

b. in the case of a successful action to enforce the liability under paragraph 1 of this subsection, the costs of the action together with reasonable attorneys' fees as determined by the court.

SECTION 17. AMENDATORY 21 O.S. 2011, Section 1577 is amended to read as follows:

Section 1577. Every person who sells, exchanges or delivers for any consideration any forged or counterfeited promissory note, check, bill, draft, or other evidence of debt, or engagement for the payment of money absolutely, or upon any contingency, knowing the same to be forged or counterfeited, with intent to have the same uttered or passed, or who offers any such note or other instrument for sale, exchange or delivery for any consideration, with the like knowledge and intent, or who receives any such note or other instrument upon a sale, exchange or delivery for any consideration with the like knowledge and intent, is guilty of forgery in the third degree.

SECTION 18. AMENDATORY 21 O.S. 2011, Section 1578 is amended to read as follows:

Section 1578. Every person who, with intent to defraud, has in his possession any forged, altered or counterfeit negotiable note, bill, draft or other evidence of debt issued or purporting to have been issued by any corporation or company duly authorized for that purpose by the laws of this state or of any other state, government or country, the forgery of which is hereinbefore declared to be punishable, knowing the same to be forged, altered or counterfeited, with intent to utter the same as true or as false, or to cause the same to be so uttered, is guilty of forgery in the third degree.

SECTION 19. AMENDATORY 21 O.S. 2011, Section 1579 is amended to read as follows:

Section 1579. Every person who has in his possession any forged or counterfeited instrument, the forgery of which is hereinbefore declared to be punishable, other than such as are enumerated in the last section, knowing the same to be forged, counterfeited or falsely altered with intent to injure or defraud by uttering the same to be true, or as false, or by causing the same to be uttered, is guilty of forgery in the third degree.

SECTION 20. AMENDATORY 21 O.S. 2011, Section 1621 is amended to read as follows:

Section 1621. Forgery is punishable as follows:

1. Forgery in the first degree is a felony punishable by imprisonment not less than seven (7) years nor more than twenty (20) years; and

2. Forgery in the second degree is a felony punishable by imprisonment not exceeding seven (7) years.

3. Forgery in the third degree is:

a. If the value of the forgery is less than One Thousand Dollars (\$1,000.00), a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars (\$1,000.00).

b. If the value of the forgery is One Thousand Dollars (\$1,000.00) or more, a felony punishable by imprisonment not exceeding seven (7) years.

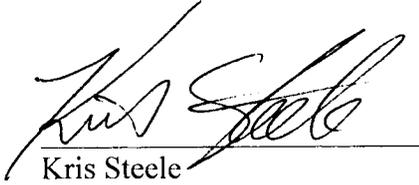
c. If the total or aggregate value of the forgery is Two Thousand Dollars (\$2,000.00) or more, a felony punishable by imprisonment not exceeding seven (7) years.

SECTION 21. REPEALER 21 O.S. 2011, Section 51.3 is hereby repealed.

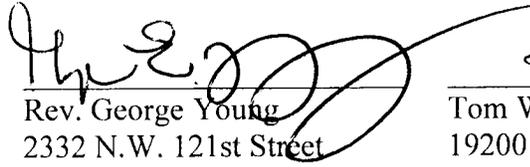
SECTION 22. The provisions hereof are severable, and if any part or provision hereof shall be void, invalid, or unconstitutional, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions hereof, and the remaining provisions hereof shall continue in full force and effect.

SECTION 23. This act shall become effective on July 1 immediately following its passage.

**Name and Address of Proponents**



Kris Steele  
1211 Cambridge Drive  
Shawnee, OK 74804



Rev. George Young  
2332 N.W. 121st Street  
Oklahoma City, OK 73120



Tom Ward  
19200 N. Rockwell  
Edmond, OK 73012

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**STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404**

**VOLUME NO. 1**

**Consisting of 200 signature sheets**

**Page numbered 1 through 200**

**with approximately 3,491 signatures**

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**STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404**

**VOLUME NO. 2**

**Consisting of 200 signature sheets**

**Page numbered 201 through 400**

**with approximately 3,321 signatures**

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**STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404**

**VOLUME NO. 8**

**consisting of 200 signature sheets**

**page numbered 1,401 through 1,600**

**with approximately 3,811 signatures**





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**STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404**

**VOLUME NO. 11**

**Consisting of 200 signature sheets**

**Page numbered 2,001 through 2,200**

**with approximately 3,365 signatures**

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**STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404**

**VOLUME NO. 13**

**Consisting of 200 signature sheets**

**Page numbered 2,401 through 2,600**

**with approximately 3,474 signature**

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**STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404**

**VOLUME NO. 14**

**Consisting of 200 signature sheets**

**Page numbered 2,601 through 2,800**

**with approximately 3,336 signatures**

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**STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404**

**VOLUME NO. 15**

**Consisting of 200 signature sheets**

**Page numbered 2,801 through 3,000**

**with approximately 3,249 signatures**

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**STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404**

**VOLUME NO. 16**

**Consisting of 200 signature sheets**

**Page numbered 3,001 through 3,200**

**with approximately 3,440 signatures**







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**STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404**

**VOLUME NO. 20**

**Consisting of 200 signature sheets**

**Page numbered 3,801 through 4,000**

**with approximately 3,891 signatures**

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**STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404**

**VOLUME NO. 25**

**Consisting of 200 signature sheets**

**Page numbered 4,801 through 5,000**

**with approximately 3,678 signatures**

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**STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404**

**VOLUME NO. 29**

**Consisting of 200 signature sheets**

**Page numbered 5,601 through 5,800**

**with approximately 3,327 signatures**

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**STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404**

**VOLUME NO. 30**

**Consisting of 200 signature sheets**

**page numbered 5,801 through 6,000**

**with approximately 3,575 signatures**

STATE QUESTION NO. 780  
INITIATIVE PETITION NO. 404

VOLUME NO. 31

Consisting of 200 signature sheets

Page numbered 6,001 through 6,200

with approximately 3,594 signatures

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# Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2311

**FILED**

November 20, 2014

**DEC 18 2014**

**OKLAHOMA SECRETARY  
OF STATE**

The Honorable Chris Bengé  
Secretary of State  
Room 101, State Capitol  
Oklahoma City, Oklahoma 73105

Dear Mr. Bengé:

Subsequent to the November 4, 2014, General Election, I am able to provide the following information.

The total votes cast for the office of Governor at the General Election in 2014 were 824,831. Signature requirements for the types of petitions listed below are derived by applying the parenthetical percentages indicated and are valid from November 13, 2014, through November 13, 2018.

Referendum (5%).....	41,242
Initiative (8%).....	65,987
Initiative for Constitutional Change (15%).....	123,725
Rejected Initiative or Referendum Measures (25%).....	206,208

Signature requirements for certain types of petitions are based on the total votes cast in the last General Election for President. In the November 6, 2012, General Election, the total votes cast for Presidential Electors were 1,334,872. Signature requirements for the following types of petitions are derived by applying the parenthetical percentages indicated and are valid from November 14, 2012, through November 15, 2016.

Independent Presidential Electors (3%).....	40,047
Unrecognized Party Presidential Electors (3%).....	40,047

047220

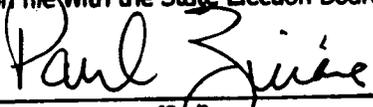
The signature requirement for a petition for formation of a new political party is based on the total votes cast in the last General Election either for Governor or for electors for President and Vice President. In the November 4, 2014, General Election, the total votes cast for Governor were 824,831. The signature requirement for the following petition is derived by applying the parenthetical percentage indicated and is valid from November 13, 2014, through November 15, 2016.

Formation of New Political Party (5%) .....41,242

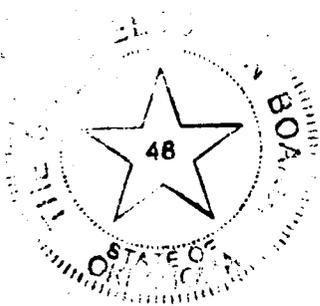
Sincerely,

  
PAUL ZIRIAX, Secretary  
State Election Board

This is a true and correct copy of a document  
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\_\_\_\_\_  
(802)

12-18-2014





OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

**FILED**

JUN 22 2016

OKLAHOMA SECRETARY  
OF STATE

June 22, 2016

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

RE: Ballot Title for State Question No. 780, Initiative Petition No. 404

Dear Secretary Bengel:

Having found that the Proposed Ballot Title for the above-referenced State Question did not comply with applicable laws, we have, in accordance with 34 O.S.Supp.2015, § 9(D)(1), prepared the following Ballot Title. The Ballot Title reads as follows:

**BALLOT TITLE FOR STATE QUESTION NO. 780**

This measure changes state law to reduce the punishments for drug possession and certain property offenses.

Under current law, drug possession is a felony when, for example:

- The drug is one that has a high potential for abuse;
- The person possessing the drug has a prior conviction for drug possession;
- The person possessed the drug within 1,000 feet of a public or private school or public park; or
- The person possessed the drug in the presence of a child under the age of twelve.

If voters approve this measure, these sorts of drug possession crimes would be misdemeanors instead of felonies.

The measure also changes the law for certain property crimes like grand larceny, embezzlement, and writing two or more bogus checks. Under current law, if the value of the property involved in

those crimes is more than \$500, the crime is a felony. If it is less than \$500, the crime is a misdemeanor. This measure would raise that amount to \$1000, so that any crime involving less than \$1000 worth of property would be a misdemeanor, rather than a felony.

SHALL THE MEASURE BE APPROVED?

FOR THE MEASURE – YES \_\_\_\_\_

AGAINST THE MEASURE – NO \_\_\_\_\_

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a long horizontal line extending to the right.

E. Scott Pruitt  
Attorney General



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED  
SUPREME COURT  
STATE OF OKLAHOMA

JUL 6 2016

MICHAEL S. RICHIE  
CLERK OF  
THE APPELLATE COURTS

IN RE: )  
INITIATIVE PETITION NO. 404, ) No. 115,113  
STATE QUESTION NO. 780. )

STATE OF OKLAHOMA, TO:

CHRIS BERGE, SECRETARY OF STATE, STATE OF OKLAHOMA

GREETINGS:

RECEIVED

JUL 07 2016

OKLAHOMA SECRETARY  
OF STATE

ORDER

The Court recognizes the Secretary of State's certification of the physical signature count for Initiative Petition 404, State Question 780, filed in this cause pursuant to 34 O.S.Supp.2015 § 8. The total certified number of signatures counted is 111,159. The minimum number required is 65,987, which, according to the Oklahoma State Election Board, constitutes 8% of the total number of votes cast for the state office receiving the highest number of votes cast at the last general election. See 34 O.S.Supp.2015 § 8(H)(2). The signatures as certified thus appear to be numerically sufficient.

The Secretary of State is directed forthwith 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 their apparent sufficiency. The text of the ballot title as rewritten by the

Attorney General shall be included in the public notice, which shall also advise that any citizen or citizens of the State may file an objection to the count made by the Secretary of State, and that such objection must be effected by written notice to the Supreme Court, with copies of the filed objection sent to the proponents of the Initiative Petition. The notice shall further advise that any 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, and that copies of the objection to the count or ballot title shall be filed with the Supreme Court, the Attorney General and the Secretary of State. 34 O.S.Supp.2015 § 8(I).

The Secretary of State shall obtain verified proof of publication of the notice and cause the same to be filed with the Clerk of this Court as a return to this order.

DONE BY THE ORDER OF THE SUPREME COURT IN CONFERENCE  
THIS 6<sup>TH</sup> DAY OF JULY, 2016.



VICE CHIEF JUSTICE

ALL JUSTICES CONCUR.



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NOTICE OF THE FILING OF SIGNATURES AND THE NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE AS REWRITTEN BY THE ATTORNEY GENERAL FOR STATE QUESTION NUMBER 781, INITIATIVE PETITION NUMBER 405 NOTICE is hereby given that on June 2, 2016 fourteen (14) boxes of signature pamphlets were received by the Office of the Secretary of State, from the proponents of record for

NOTICE OF THE FILING OF SIGNATURES AND THE NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE AS REWRITTEN BY THE ATTORNEY GENERAL FOR STATE QUESTION NUMBER 780, INITIATIVE PETITION NUMBER 404 NOTICE is hereby given that on June 2, 2016 thirty-three (33) boxes of signature pamphlets were received by the office of the Secretary of State, from the proponents of record for

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State Question 781, Initiative Petition 405. NOTICE is also hereby given that in accordance with Title 34 O.S., Supp. 2015 ? 8 and by order of the Supreme Court of Oklahoma, the Court recognizes the certification of the Secretary of State that the petition contains 110,135 signatures. The court further recognizes that the number of signatures necessary to place the measure before the electorate is 65,987, being 8% of the votes cast for the office of Governor at the General Election in November 2014. The signatures on the petition appear numerically sufficient. NOTICE is likewise, hereby given that any citizen or citizens of the state may file an objection, relating only to the signature count made by the Secretary of State or the Preliminary 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 proponents 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., Supp. 2015 ?? 8-11, and such other procedures as may be ordered by the Court. Proponents of record for State Question 781, Initiative Petition 405: Kris

State Question 780, Initiative Petition 404. NOTICE is also hereby given that in accordance with Title 34 O.S., Supp. 2015 ? 8 and by order of the Supreme Court of Oklahoma, the Court recognizes the certification of the Secretary of State that the petition contains 111,159 signatures. The court further recognizes that the number of signatures necessary to place the measure before the electorate is 65,987, being 8% of the votes cast for the office of Governor at the General Election in November 2014. The signatures on the petition appear numerically sufficient. NOTICE is likewise, hereby given that any citizen or citizens of the state may file an objection, relating only to the signature count made by the Secretary of State or the Preliminary 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 proponents 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., Supp. 2015 ?? 8-11, and such other procedures as may be ordered by the Court. Proponents of record for State Question 780, Initiative Petition 404: Kris

Dogs (101) (/classifieds/2016-07-14/animals/dogs/2016-07-14)

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Hay Grain Feed & Seed (1) (/classifieds/2016-07-14/animals/hay-grain-feed-and-seed/2016-07-14)

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#### **AUTOMOTIVE**

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Steele 1211 Cambridge Drive Shawnee, OK 74804 Rev. George Young 2332 N.W. 121st Street Oklahoma City, OK 73120 Tom Ward 19200 N. Rockwell Edmond, OK 73012 PRELIMINARY BALLOT TITLE FOR SQ 781, as rewritten by the Attorney General This measure creates the County Community Safety Investment Fund (? Fund?), but only if voters also approve State Question 780, the Oklahoma Smart Justice Reform Act. This measure presumes that the Oklahoma Smart Justice Reform Act will save the State money by making drug possession and certain property crimes misdemeanors instead of felonies. The measure requires the State's Office of Management and Enterprise Services to use either actual data or its best estimate to determine how much money was saved on a yearly basis. The amount that is determined or estimated to have been saved must be deposited into the Fund and distributed to counties in proportion to their population to pay for rehabilitative programs like mental health and substance abuse treatment programs. The measure does not identify a revenue source that will be used to pay the amount that is determined or estimated to have been saved. Payment into the Fund of this amount would be made from the General Revenue Fund, the primary fund used to pay for state government. SHALL THE

Stelle 1211 Cambridge Drive Shawnee, OK 74804 Rev. George Young 2332 N.W. 121st Street Oklahoma City, OK 73120 Tom Ward 19200 N. Rockwell Edmond, OK 73012 PRELIMINARY BALLOT TITLE FOR SQ 780, as rewritten by the Attorney General This measure changes state law to reduce the punishments for drug possession and certain property offenses. Under current law, drug possession is a felony when, for example: • The drug is one that has a high potential for abuse; • The person possessing the drug has a prior conviction for drug possession; • The person possessed the drug within 1,000 feet of a public or private school or public park; or • The person possessed the drug in the presence of a child under the age of twelve. If voters approve this measure, these sorts of drug possession crimes would be misdemeanors instead of felonies. The measure also changes the law for certain property crimes like, grand larceny, embezzlement, and writing two or more bogus checks. Under current law, if the value of the property involved in those crimes is more than \$500, the crime is a felony. If it is less than \$500, the crime is a misdemeanor. This measure would raise the amount to \$1,000, so that any crime involving less than \$1,000 worth of property would be a misdemeanor, rather than a felony. SHALL THE PROPOSAL BE

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PROPOSAL BE APPROVED? FOR THE MEASURE - YES AGAINST THE MEASURE - NO A ? YES? MEASURE - 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 11th DAY OF JULY, 2016. Chris Benge Oklahoma Secretary of State and Native American Affairs

APPROVED? FOR THE MEASURE - YES AGAINST THE MEASURE - 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 11th DAY OF JULY, 2016. Chris Benge Oklahoma Secretary of State and Native American Affairs

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Published in the Tulsa World, Tulsa County, Oklahoma, July 14, 2016

NOTICE OF THE FILING OF SIGNATURES AND THE NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE AS REWRITTEN BY THE ATTORNEY GENERAL FOR STATE QUESTION NUMBER 780, INITIATIVE PETITION NUMBER 404 NOTICE is hereby given that on June 2, 2016 thirty-three (33) boxes of signature pamphlets were received by the office of the Secretary of State, from the proponents of record for State Question 780, Initiative Petition 404. NOTICE is also hereby given that in accordance with Title 34 O.S., Supp. 2015 § 8 and by order of the Supreme Court of Oklahoma, the Court recognizes the certification of the Secretary of State that the petition contains 111,159 signatures. The court further recognizes that the number of signatures necessary to place the measure before the electorate is 65,987, being 8% of the votes cast for the office of Governor at the General Election in November 2014. The signatures on the petition appear numerically sufficient. NOTICE is likewise, hereby given that any citizen or citizens of the state may file an objection, relating only to the signature count made by the Secretary of State or the Preliminary 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 proponents 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., Supp. 2015 §§ 8-11, and such other procedures as may be ordered by the Court. Proponents of record for State Question 780, Initiative Petition 404: Kris Steel 1211 Cambridge Drive Shawnee, OK 74804 Rev. George Young 2332 N.W. 121st Street Oklahoma City, OK 73120 Tom Ward 19200 N. Rockwell Edmond, OK 73012 PRELIMINARY BALLOT TITLE FOR SQ 780, as rewritten by the Attorney General This measure changes state law to reduce the punishments for drug possession and certain property offenses. Under current law, drug possession is a felony when, for example: The drug is one that has a high potential for abuse; The person possessing the drug has a prior conviction for drug possession; The person possessed the drug within 1,000 feet of a public or private school or public park; or The person possessed the drug in the presence of a child under the age of twelve. If voters approve this measure, these sorts of drug possession crimes would be misdemeanors instead of felonies. The measure also changes the law for certain property crimes like, grand larceny, embezzlement, and writing two or more bogus checks. Under current law, if the value of the property involved in those crimes is more than \$500, the crime is a felony. If it is less than \$500, the crime is a misdemeanor. This measure would raise the amount to \$1,000, so that any crime involving less than \$1,000 worth of property would be a misdemeanor, rather than a felony. SHALL THE PROPOSAL BE APPROVED? FOR THE MEASURE - YES \_\_\_\_\_ AGAINST THE MEASURE - NO \_\_\_\_\_ A "YES" vote is

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a vote in favor of this measure. A "NO" vote is a vote against this measure.  
DONE, BY ORDER OF THE SUPREME COURT THIS 11th DAY OF JULY,  
2016. Chris Benge Oklahoma Secretary of State and Native American Affairs

Location: 159 Signatures. The Court

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IN THE SUPREME COURT OF THE STATE OF OKLAHOMA JUL 20 2016

MICHAEL S. RICHIE  
CLERK

KRIS STEELE, REV. DR. GEORGE E. YOUNG, )  
TOM WARD and OKLAHOMANS FOR )  
CRIMINAL JUSTICE REFORM, INC., )

Petitioners, )

v. )

THE HONORABLE SCOTT PRUITT, ATTORNEY )  
GENERAL OF OKLAHOMA, )

Respondent. )

#115190  
Case No. \_\_\_\_\_

---

**PETITIONERS' APPLICATION TO ASSUME ORIGINAL JURISDICTION  
AND COMBINED PETITION TO REVIEW THE BALLOT TITLES OF  
INITIATIVE PETITIONS 404 AND 405**

---

D. KENT MEYERS, OBA #6168  
MELANIE WILSON RUGHANI, OBA #30421  
PAIGE MASTERS, OBA #31142  
CROWE & DUNLEVY  
A Professional Corporation  
Braniff Building  
324 N. Robinson Ave., Suite 100  
Oklahoma City, Oklahoma 73102  
(405) 235-7700  
(405) 239-6651 (Facsimile)  
kent.meyers@crowedunlevy.com  
melanie.rughani@crowedunley.com  
paige.masters@crowedunlevy.com

July 20, 2016

**ATTORNEYS FOR PETITIONERS**

Petitioners, Kris Steele, Rev. Dr. George E. Young, Tom Ward, and Oklahomans for Criminal Justice Reform, Inc. (collectively, “Proponents”), respectfully request that the Court assume original jurisdiction to review the ballot titles of Initiative Petition No. 404, State Question 780, and Initiative Petition No. 405, State Question 781 (collectively, “the ballot titles”). As shown in the brief supporting this application, the ballot titles prepared by the Attorney General are misleading, contain improper argument and express partiality, and are otherwise statutorily invalid. Proponents thus respectfully request that the Court accept its substitute ballot titles or prepare its own in compliance with 34 O.S. § 9.

### **PARTIES**

1. Oklahomans for Criminal Justice Reform, Inc. is a non-profit corporation incorporated with the Secretary of State of the State of Oklahoma and having its headquarters at 1330 North Classen, Suite G20, Oklahoma City, Oklahoma 73106. Oklahomans for Criminal Justice Reform is a bipartisan coalition of community leaders and experts from across the state, including prominent faith leaders, law enforcement officers, elected officials, health professionals, and business leaders, all working to pass Initiative Petitions 404 and 405 in an effort to reduce the prison population, save money, and make Oklahoma communities safer by addressing the root causes of crime and helping people who have committed low-level offenses to return to productive lives in the community. *See* <https://www.okjusticereform.org/who-we-are/>.
2. Petitioner Kris Steele, former Speaker of the House of Representatives of the State of Oklahoma and citizen and registered voter of Pottawatomie County, Oklahoma, signed Initiative Petitions 404 and 405 as a Proponent.
3. Petitioner Rev. Dr. George E. Young, Sr., State Representative for District 99 and citizen and registered voter of Oklahoma County, Oklahoma, signed Initiative Petitions 404 and 405 as a Proponent.

4. Petitioner Tom Ward, Chairman and CEO of Tapstone Energy and citizen and registered voter of Oklahoma County, Oklahoma, signed Initiative Petitions 404 and 405 as a Proponent.

5. The Honorable Scott Pruitt, Attorney General of Oklahoma, prepared the ballot titles at issue in this appeal, and is named as a party to this action pursuant to 34 O.S. § 11. *See In re Initiative Petition No. 397*, 2014 OK 23, ¶ 34, 326 P.3d 496.

## THE COURT'S JURISDICTION

### A. Procedure for Challenging a Ballot Title

Title 34, Section 10 provides that “[a]ny person who is dissatisfied with the wording of a ballot title may, within ten (10) business days after the same is published by the Secretary of State as provided in subsection I of Section 8 of this title, appeal to the Supreme Court by petition in which shall be offered a substitute ballot title for the one from which the appeal is taken.” 34 O.S. § 10(A); *see also id.* § 8(I). “Upon the hearing of such an appeal, the court may correct or amend the ballot title before the court, or accept the substitute suggested, or may draft a new one which will conform to the provisions of Section 9 of this title.” *Id.* § 10(A).

### B. Jurisdictional Facts

1. Initiative Petitions 404 and 405 were filed with the Oklahoma Secretary of State on January 27, 2016. App. Tabs 1 and 2. Along with this filing, Proponents also filed proposed ballot titles for each measure. App. Tabs 3 and 4.
2. The Initiative Petitions drew no challenges to their legal sufficiency within the specified statutory protest period; accordingly, they were circulated throughout the state for signature.
3. On June 2, 2016, Proponents filed the signed petitions with the Secretary of State. App. Tabs 9 and 10.
4. As required by statute, the Secretary of State submitted the proposed ballot titles to the Attorney General for review. On June 9, 2016, the Attorney General notified the Secretary

of State that, in his view, the proposed ballot titles did not comply with the law and he would thus be submitting an alternate ballot title. App. Tabs 5 and 6. On June 22, the Attorney General submitted his alternate ballot titles. App. Tabs 7 and 8.

5. On July 6, 2016, this Court determined that the signed petitions appeared to be numerically sufficient and ordered that the Secretary of State publish notices of this apparent sufficiency and the text of the ballot titles in at least one publication of general statewide circulation. The Notices were published on July 14, 2016. App. Tab 13. Pursuant to state law, the Notices provided that any citizen may file an objection to the ballot titles within 10 business days of publication.
6. The 10-business-day period for filing a challenge to the ballot titles expires on July 28, 2016. This Petition is filed within the statutory deadline.
7. The Proponents are citizens of this State qualified to protest the ballot titles.
8. This Court's jurisdiction to review a challenge to the ballot titles is set forth in 34 O.S. § 10 and 11.

### **PETITION TO REVIEW BALLOT TITLES**

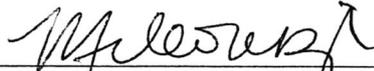
As explained in the brief in support of this Application and Petition, filed concurrently herewith, the ballot titles prepared by the Attorney General are clearly deficient in several ways: their descriptions of the propositions by way of selective, unrepresentative, and emotionally charged examples are misleading; they contain improper argument; their language and composition express partiality against the measures; and they exceed the statutory word limits.

Pursuant to 34 O.S. § 10(A), the Proponents submit substitute ballot titles that comply with the law. Copies of these proposed ballot titles are attached to this petition for review.

**CONCLUSION**

Proponents respectfully request that this Court assume original jurisdiction of this matter and, for the reasons set forth in the Brief in Support, find that the Attorney General’s ballot titles for Initiative Petitions 404 and 405 are deficient, and direct that Proponents’ substitute ballot titles be adopted or prepare its own in compliance with 34 O.S. § 9(B).

Respectfully submitted,



\_\_\_\_\_  
D. KENT MEYERS, OBA #6168  
MELANIE WILSON RUGHANI, OBA #30421  
PAIGE MASTERS, OBA #31142  
CROWE & DUNLEVY  
A Professional Corporation  
324 N. Robinson Ave., Suite 100  
Oklahoma City, Oklahoma 73102  
(405) 235-7700  
(405) 239-6651 (Facsimile)  
kent.meyers@crowedunlevy.com  
melanie.rughani@crowedunley.com  
paige.masters@crowedunlevy.com

**ATTORNEYS FOR PETITIONERS**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 20th day of July, 2016, a true and correct copy of the above and foregoing was served by U.S. mail, postage prepaid, on the following:

The Honorable Scott Pruitt  
Attorney General of Oklahoma  
313 Northeast 21st Street  
Oklahoma City, Oklahoma 73105

The Honorable Chris Benge  
Oklahoma Secretary of State  
101 State Capitol  
2300 North Lincoln Blvd.  
Oklahoma City, Oklahoma 73105

  
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**FILED**

JAN 27 2016

OKLAHOMA SECRETARY  
OF STATE

**PROPOSED BALLOT TITLE**

This measure amends statutes to reform criminal sentences for certain property and drug offenses. It makes certain property offenses misdemeanors. It makes simple drug possession a misdemeanor. Property offenses where the value of the property is one thousand dollars or more remain felonies, and the distribution, possession with intent to distribute, transportation with intent to distribute, manufacture, or trafficking of drugs remain felonies.

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 27 2016

OKLAHOMA SECRETARY  
OF STATE

**PROPOSED BALLOT TITLE**

This measure creates the County Community Safety Investment Fund. The fund consists of costs saved by reclassifying as misdemeanors certain property crimes and drug possession. The funds must be distributed to counties for the purpose of funding rehabilitative programs, such as mental health and substance abuse treatment programs. This measure only becomes effective if voters approve State Question ~~780~~ the Oklahoma Smart Justice Reform Act.

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.

2016 OK 87

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

KRIS STEELE, REV. DR. GEORGE E. YOUNG, )  
TOM WARD and OKLAHOMANS FOR )  
CRIMINAL JUSTICE REFORM, INC., )

Petitioners, )

vs. )

THE HONORABLE SCOTT PRUITT, ATTORNEY )  
GENERAL OF OKLAHOMA, )

Respondent. )

FILED  
SUPREME COURT  
STATE OF OKLAHOMA

AUG 8 2016

MICHAEL S. RICHIE  
CLERK OF  
THE APPELLATE COURTS

No. 115,190

FOR OFFICIAL  
PUBLICATION

**ORIGINAL PROCEEDING TO DETERMINE THE SUFFICIENCY OF THE  
REWRITTEN BALLOT TITLES FOR INITIATIVE PETITION NO. 404, STATE  
QUESTION 780 AND INITIATIVE PETITION NO. 405, STATE QUESTION 781**

¶10 The Petitioners filed an original proceeding to challenge the sufficiency of the Attorney General’s rewritten ballot titles for Initiative Petition No. 404, State Question 780 and Initiative Petition No. 405, State Question 781. We hold there are deficiencies in both the proposed and rewritten ballot titles. We hereby amend the ballot titles pursuant to 34 O.S. Supp. 2015, § 10.

**APPLICATION TO ASSUME ORIGINAL JURISDICTION IS GRANTED;  
BALLOT TITLES DECLARED DEFICIENT AND ARE HEREBY AMENDED  
BY THIS COURT PURSUANT TO TITLE 34 O.S. SUPP. 2015, § 10**

D. Kent Meyers, Melanie Wilson Rughani, and Paige Masters, Crowe & Dunlevy, Oklahoma City, Oklahoma, for Petitioners.

RECEIVED

AUG 09 2016

OKLAHOMA SECRETARY  
OF STATE

Cara N. Rodriguez, General Counsel and Sarah A. Greenwalt, Assistant Solicitor General, Office of the Attorney General, Oklahoma City, Oklahoma, for Respondent.

**COMBS, V.C.J.:**

**FACTS AND PROCEDURAL HISTORY**

¶1 On January 27, 2016, the proponents of Initiative Petition No. 404, State Question 780 and Initiative Petition No. 405, State Question 781, Kris Steele, Rev. Dr. George E. Young, Sr., Tom Ward, and Oklahomans for Criminal Justice Reform, Inc. (collectively Petitioners), filed both petitions and their ballot titles with the Secretary of State pursuant to 34 O.S. Supp. 2015, § 8 (A).

The ballot titles read as follows:

**The Petitioners' Original Filed Ballot Titles (January 27, 2016):**

**Initiative Petition No. 404:**

This measure amends statutes to reform criminal sentences for certain property and drug offenses. It makes certain property offenses misdemeanors. It makes simple drug possession a misdemeanor. Property offenses where the value of the property is one thousand dollars or more remain felonies, and the distribution, possession with intent to distribute, transportation with intent to distribute, manufacture, or trafficking of drugs remain felonies.

**Initiative Petition No. 405:**

This measure creates the County Community Safety Investment Fund. The fund consists of costs saved by reclassifying as misdemeanors certain property crimes and drug possession. The funds must be distributed to counties for the purpose of funding rehabilitative

programs, such as mental health and substance abuse treatment programs. This measure only becomes effective if voters approve State Question 780 the Oklahoma Smart Justice Reform Act.

¶2 Neither petition was challenged pursuant to 34 O.S. Supp. 2015, § 8 (C) and accordingly, both were circulated throughout the state for signatures. On June 2, 2016, the Petitioners filed their signed petitions with the Secretary of State. Thereupon, the Secretary of State submitted a copy of the Petitioners' proposed ballot titles to the Attorney General, Scott Pruitt (Respondent), pursuant to 34 O.S. Supp. 2015, §§ 8 (H) and 9 (D), for his review of their legal correctness. On June 9, 2016, the Respondent notified the Secretary of State that the ballot titles did not comply with the law and he would submit alternate ballot titles. The Respondent had the following issues with the Petitioners' ballot titles:

**Initiative Petition 404 Ballot Title<sup>1</sup>:**

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

1. It fails to explain that distinctions within simple drug possession charges are no longer made based on the type of drug possessed.
2. It fails to explain that enhancements based on the number of possession offenses and on the location of the offense have been removed.
3. It fails to state that the value of the property for the identified felony property offenses increased from \$500 to \$1000.

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<sup>1</sup> Letter dated June 9, 2016, from the Attorney General to the Secretary of State; Appendix to the Petitioners' Application to Assume Original Jurisdiction and Combined Petition to Review the Ballot Titles of Initiative Petitions 404 and 405, Appendix 5.

### **Initiative Petition 405 Ballot Title<sup>2</sup>:**

It fails to explain in basic words the effect of the proposition because it does not explain that the Office of Management and Enterprise Services will be responsible for calculating the funds to be deposited in the County Community Safety Investment Fund and that these calculations will be based on actual data or best available estimates.

¶3 On June 22, 2016, the Respondent submitted the following rewritten ballot titles:

### **AG Rewritten Initiative Petition 404 Ballot Title:**

This measure changes state law to reduce the punishments for drug possession and certain property offenses.

Under current law, drug possession is a felony when, for example:

- The drug is one that has a high potential for abuse;
- The person possessing the drug has a prior conviction for drug possession;
- The person possessed the drug within 1,000 feet of a public or private school or public park; or
- The person possessed the drug in the presence of a child under the age of twelve.

If voters approve this measure, these sorts of drug possession crimes would be misdemeanors instead of felonies.

The measure also changes the law for certain property crimes like grand larceny, embezzlement, and writing two or more bogus checks. Under current law, if the value of the property involved in those crimes is more than \$500, the crime is a felony. If it is less than \$500, the crime is a misdemeanor. This measure would raise

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<sup>2</sup> Letter dated June 9, 2016, from the Attorney General to the Secretary of State; Appendix to the Petitioners' Application to Assume Original Jurisdiction and Combined Petition to Review the Ballot Titles of Initiative Petitions 404 and 405, Appendix 6.

that amount to \$1000, so that any crime involving less than \$1000 worth of property would be a misdemeanor, rather than a felony.

**AG Rewritten Initiative Petition 405 Ballot Title:**

This measure creates the County Community Safety Investment Fund ("Fund"), but only if voters also approve State Question 780, the Oklahoma Smart Justice Reform Act.

This measure presumes that the Oklahoma Smart Justice Reform Act will save the State money by making drug possession and certain property crimes misdemeanors instead of felonies. The measure requires the State's Office of Management and Enterprise Services to use either actual data or its best estimate to determine how much money was saved on a yearly basis. The amount that is determined or estimated to have been saved must be deposited into the Fund and distributed to counties in proportion to their population to pay for rehabilitative programs like mental health and substance abuse treatment programs.

The measure does not identify a revenue source that will be used to pay the amount that is determined or estimated to have been saved. Payment into the Fund of this amount would be made from the General Revenue Fund, the primary fund used to pay for state government.

¶4 On July 6, 2016, this Court, pursuant to 34 O.S. Supp. 2015, § 8 (H), determined the signed petitions appeared to be numerically sufficient and ordered the Secretary of State to publish the notice required by 34 O.S. Supp. 2015, § 8 (I), informing the public that an objection may be filed.<sup>3</sup> The Secretary of State, on July 14, 2016, published the required notices. On

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<sup>3</sup> Case No. 115,113 (Initiative Petition 404) and Case No. 115,114 (Initiative Petition 405).

July 20, 2016, the Petitioners filed their application to assume original jurisdiction to object to the rewritten ballot titles for Initiative Petition 404, State Question 780 and Initiative Petition 405, State Question 781, pursuant to 34 O.S. Supp. 2015, § 8 (I).

### **STANDARD OF REVIEW**

¶5 The ballot title must reflect the character and purpose of the measure and not be deceptive or misleading. *In re Initiative Petition No. 360, State Question No. 662*, 1994 OK 97, ¶25, 879 P.2d 810. The test is whether it is written so that voters are afforded an opportunity to fairly express their will and whether it apprises voters with substantial accuracy what they are asked to approve. *In re Initiative Petition No. 360, State Question No. 662*, 1994 OK 97 at ¶25.

### **ARGUMENTS AND ANALYSIS**

¶6 The Petitioners assert both rewritten ballot titles misrepresent the effect of the measures and are contrary to 34 O.S. Supp. 2015, § 9's prohibition on partiality and argument. Section 9 provides various requirements which must be met before the ballot title may be submitted to a vote of the people.<sup>4</sup> These requirements include: a ballot title shall use basic

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<sup>4</sup> Title 34 O.S. Supp. 2015, § 9 (B) provides:

words of general usage, shall not contain words with special meaning not commonly known, and shall not reflect partiality in its composition or contain any argument for or against the measure. Title 34 O.S. Supp. 2015, § 9 (B) (4). A person who is dissatisfied with the wording of a ballot title may appeal to this Court by petition and offer a substitute ballot title. 34 O.S. Supp. 2015, § 10. Upon review by this Court, we may correct or amend the ballot title, accept the substitute ballot title, or draft a new ballot title conforming to 34 O.S. Supp. 2015, § 9. *Id.*

## **I. Initiative Petition 404**

¶7 The Petitioners first challenge Initiative Petition 404's rewritten ballot title. They assert the Respondent's version is misleading

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B. The parties submitting the measure shall also submit a suggested ballot title to the Secretary of State which shall be filed on a separate sheet of paper and shall not be part of or printed on the petition. The suggested ballot title:

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

and fails to adequately explain the effect of the proposition. Section 3 of Initiative Petition 404 amends 63 O.S. Supp. 2012, § 2-402, a section of law concerning various crimes and punishments related to controlled dangerous substances. The section changes the classification of certain crimes from felonies to misdemeanors. The Petitioners argue the rewritten ballot title focuses on only portions of the law which evoke emotionally charged responses and uses other terms of art which are misleading and may not be well understood by the citizenry. Specifically, they allege the Respondent's rewritten ballot title focuses on isolated unrepresentative examples selected to appeal to public emotion and fear, then vaguely states "these sorts of drug possession crimes would be misdemeanors instead of felonies." These examples include possessing drugs within 1000 feet of a public or private school or public park and possessing drugs in the presence of children under the age of twelve. The Petitioners note that the current law applies to more than just public and private schools and public parks. It applies to "public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas." 63 O.S. Supp. 2012, § 2-402 (C). Emphasizing one aspect of the law over the others they claim is meant to cause fear. They assert, under current law a

college student found with marijuana or Adderall, without a prescription, would also be convicted under the same felony. The Petitioners argue that the complete omission of these far more problematic examples while including two examples focused on drugs and children is misleading. They cite *In re Initiative Petition No. 384*, 2007 OK 48, ¶12, 164 P.3d 125, for comparison. In that case, this Court reviewed the “gist” of a measure rather than the ballot title. We found the inclusion of one item in the gist in great detail while failing to mention another important item did not provide sufficient information for a potential signatory to make an informed decision. *In re Initiative Petition No. 384*, 2007 OK 48 at ¶12. We held the “cut and paste” approach resulted in a “gist that, at once, contains too much and not enough information.” *Id.*

¶8 The Petitioners also assert the Respondent’s statement that “[t]he drug is one that has a high potential for abuse” includes a term of art (“high potential for abuse”) used in the medical and legal fields to classify controlled substances (Schedule I-Schedule V) for purposes of differing treatment. It also contains an emotionally laden word “abuse” which they assert carries a number of other connotations and may be misunderstood. The Petitioners note that 34 O.S. Supp. 2015, § 9 expressly forbids the use

of terms which “have a special meaning for a particular profession” and their statement violates this provision.

¶9 The Petitioners argue that in addition to describing the terms of this section of the initiative petition with selective examples it also uses a completely subjective catch-all description, “these sorts of drug possession crimes” which fails to apprise voters with substantial accuracy what they are asked to approve.” *Citing Initiative Petition No. 360*, 1994 OK 97, ¶25, 879 P.2d 810.<sup>5</sup> The basic effect of this amendment that, “simple drug possession would become a misdemeanor rather than a felony in all cases,” was never mentioned by the Respondent. The Petitioners also note the rewritten ballot title does not mention other offenses, such as possession with intent to distribute, transportation with intent to distribute, distribution or manufacture of such drugs, will remain felonies under the proposal.

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<sup>5</sup> In *Initiative Petition No. 360*, 1994 OK 97, ¶25, 879 P.2d 810, this Court held:

Normally, where the ballot title submitted by the Attorney General is found sufficient it is generally used regardless of the sufficiency of those submitted by other parties. In re Initiative Petition No. 347, *supra*, 813 P.2d at 1032. However, the basic statutory requirements of § 9 must be met and we have outlined the requirements of a ballot title in previous cases. *Id*; *Arthur v. City of Stillwater*, 611 P.2d 637, 643 (Okla. 1980). These cases provide the title must be in a form to allow a voter to reach an informed decision on whether to approve or disapprove the measure. The question must be specific, but it is not required to contain the proposition from beginning to end. The title must reflect the character and purpose of the measure and it must not be deceptive or misleading. It must also be free from uncertainty and ambiguity. The test is whether the title is couched in such a way that voters are afforded an opportunity to fairly express their will, and whether the question is sufficiently definite to apprise voters with substantial accuracy what they are asked to approve.

¶10 The Petitioners assert similar arguments against the Respondent's description involving property crimes. They note the rewritten ballot title selects specific property crimes, e.g., grand larceny, embezzlement and writing two or more bogus checks, and states "any crime involving less than \$1000 worth of property would be a misdemeanor, rather than a felony." Petitioner points out that this is incorrect. Such crimes like theft of a car or automotive vehicle (21 O.S. § 1720), theft of a house (21 O.S. § 1723) and theft of certain domestic animals or livestock (21 O.S. § 1716) will remain felonies. They assert the Respondent's description is inaccurate and misleading and fails to meet the requirements of 34 O.S. Supp. 2015, § 9.

¶11 The Respondent asserts because of the 200-word limitation on the number of words in a ballot title, it is required to summarize the measure. Although the rewritten ballot title must be specific, the limitation prevents setting out every provision of a measure in the ballot title. The Respondent argues he did not use technical terms and emotionally charged examples in the ballot title. He notes the term "abuse" is used in the definitions of Schedule I and II drugs. Schedule I and II drugs are defined in 63 O.S. §§ 2-203 and 2-205. Under these definitions Schedule I drugs include the characteristics which have "(1) High potential for abuse" and

Schedule II's definition includes drugs that have "a potential for abuse." He asserts his explanation that "under current law, drug possession is a felony when, for example: the drug is one that has a high potential for abuse," clearly and plainly explains the current law that the proposal seeks to change.

¶12 The Respondent also asserts the reference in the rewritten ballot title concerning the removal of enhancement provisions for drug possession around schools and parks was not made to evoke fearful images. He argues the reference virtually mirrors the provisions of 63 O.S. § 2-402 (C) and is "one of the effects" of the proposal. However, as mentioned, 63 O.S. § 2-402 (C) is not limited to just public or private schools and parks, it applies also to institutions of higher education as well as vocational education.<sup>6</sup> In

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<sup>6</sup> Title 63 O.S. Supp. 2012, § 2-402 (C) provides:

C. Any person who violates any provision of this section by possessing or purchasing a controlled dangerous substance from any person, in or on, or within one thousand (1,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, or in the presence of any child under twelve (12) years of age, shall be guilty of a felony and punished by:

1. For a first offense, a term of imprisonment, or by the imposition of a fine, or by both, not exceeding twice that authorized by the appropriate provision of this section. In addition, the person shall serve a minimum of fifty percent (50%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence; or
2. For a second or subsequent offense, a term of imprisonment not exceeding three times that authorized by the appropriate provision of this section and the person shall serve a minimum of ninety percent (90%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence, and imposition of a fine not exceeding Ten Thousand Dollars (\$10,000.00).

addition, the Respondent takes issue with the Petitioners' simplistic explanation in their ballot title concerning drug possession. The Petitioners' ballot title, he argues, indicates the proposed amendments only concern "simple drug possession" when in fact much of what is being removed by the proposal concerns enhancement provisions. He asserts this description is at best, imprecise and at worst, misleading.

## **II. Initiative Petition 405**

¶13 Next, the Petitioners assert the rewritten ballot title for Initiative Petition 405, suffers from the same deficiencies found in Initiative Petition 404 by conveying partiality and bias and risks misleading voters. They argue the Respondent improperly expresses skepticism regarding the merits or likelihood of success by stating the measure "presumes" the Oklahoma Smart Justice Reform Act will save the State money. The Petitioners are concerned the rewritten ballot title suggests the initiative petition would siphon money traditionally devoted to other state programs by stating the "measure does not identify a revenue source that will be used to pay the amount that is determined or estimated to have been saved," and "[p]ayment into the Fund . . . would be made from the General Revenue Fund, the primary fund used to pay for state government." They believe this "gratuitous explanation" concerning the flow of funds serves only to suggest

that the self-funding mechanism is somehow unlawful, inadequate, or would reduce funds that would otherwise be used to pay for state government. All of which, they assert, is impermissible argument in violation of 34 O.S. Supp. 2015, § 9. They argue their version of the ballot title is correct in that it simply informs voters the measure would create a fund that “consists of costs saved by reclassifying as misdemeanors certain property crimes and drug possession,” regardless if the amount is \$0 or \$10 million.

¶14 The Respondent asserts his language does not convey partiality or bias against the measure. The word “presume” means “upon probable evidence.”<sup>7</sup> He argues it is quite possible but not definite that the Oklahoma Smart Justice Reform Act may save the State money. Because it is not definite then the word “presume” is appropriate. In addition, the Respondent asserts the Petitioner’s ballot title is deficient because it provides no explanation relating to the Office of Management and Enterprise Services’ (OMES) role in the calculation and expenditure of funds. Because OMES has a substantial role in the calculation and disbursement of these Funds provided for in the initiative petition, he alleges, it is misleading not to mention OMES.

### **III. Ballot Title Word Limitation**

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<sup>7</sup> Black’s Law Dictionary 1349 (4<sup>th</sup> ed. 1968).

¶15 Lastly, the Petitioners argue the two rewritten ballot titles exceed the 200-word limitation imposed by 34 O.S. Supp. 2015, § 9. Section 9 also requires language that clearly states a “yes” vote is a vote in favor of the proposition and a “no” vote is a vote against the proposition. 34 O.S. Supp. 2015, § 9 (B) (5). In order to comply with the law, the Respondent’s rewritten ballot titles include the following language:

SHALL THE MEASURE BE APPROVED?

FOR THE MEASURE-YES \_\_\_\_\_

AGAINST THE MEASURE-NO \_\_\_\_\_

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

The Petitioners believe this required language should be included when calculating the 200-word limitation. The Petitioners note this Court recently did not include such language when determining the word count on a ballot title. *See OCPA Impact, Inc. v. Sheehan*, 2016 OK 84, ¶11, \_\_P.3d\_\_. However, they assert the issue was not briefed in that case.

¶16 The Respondent finds this line of argument misleading. He believes our opinion in *OCPA Impact, Inc. v. Sheehan*, 2016 OK 84, ¶11, \_\_P.3d\_\_, was clear, because this Court did not count the “boilerplate language” at the end of a ballot title towards the 200-word limit. The Respondent argues, “[r]equiring the substance of the ballot title to include

boilerplate language that is 33-words long would detract from a proponent's or Attorney General's ability to include all of the relevant information." He requests this Court decline to read the 200-word limitation found in 34 O.S. Supp. 2015, § 9 to practically be only a 167-word limit.

#### **IV. Title 34 O.S. Supp. 2015, § 10**

¶17 The Petitioners reassert their original ballot titles are more appropriate than the two rewritten by the Respondent. We find the rewritten ballot titles to be misleading and partial. However, we conclude neither parties' proposed ballot titles sufficiently describe the measures involved. In addition, we reaffirm the purpose of a ballot title is to reflect the character and purpose of the measure. *See In re Initiative Petition No. 360, State Question No. 662*, 1994 OK 97, ¶25, 879 P.2d 810. We do not find the "boilerplate language" at the end of a ballot title, although a necessary part of the ballot title, was intended to reflect the character or purpose of the measure. We therefore hold, the 200-word limitation was intended for words that are used to reflect the character and purpose of a measure and is not applicable to the other required language found in 34 O.S. Supp. 2015, § 9 (B) (5). Under this interpretation, neither the Respondent's two rewritten ballot titles nor the Petitioners' proposed ballot titles exceed the 200-word limitation.

¶18 After considering the arguments and all the proposed ballot titles we hereby, pursuant to the authority vested in this Court by 34 O.S. Supp. 2015, § 10 (A)<sup>8</sup>, present our own draft of the ballot titles' language concerning the character and purpose of the measures, as follows:

**Initiative Petition 404 Ballot Title:**

This measure amends existing Oklahoma laws and would change the classification of certain drug possession and property crimes from felony to misdemeanor. It would make possession of a limited quantity of drugs a misdemeanor. The amendment also changes the classification of certain drug possession crimes which are currently considered felonies and cases where the defendant has a prior drug possession conviction. The proposed amendment would reclassify these drug possession cases as misdemeanors. The amendment would increase the threshold dollar amount used for determining whether certain property crimes are considered a felony or misdemeanor. Currently, the threshold is \$500. The amendment would increase the amount to \$1000. Property crimes covered by this change include; false declaration of a pawn ticket, embezzlement, larceny, grand larceny, theft, receiving or concealing stolen property, taking domesticated fish or game, fraud, forgery, counterfeiting, or issuing bogus checks. This measure would become effective July 1, 2017.

**Initiative Petition 405 Ballot Title:**

This measure creates the County Community Safety Investment Fund, only if voters approve State Question 780, the Oklahoma Smart Justice Reform Act. This measure would create a fund, consisting of

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<sup>8</sup> Title 34 O.S. Supp. 2015, § 10 (A) provides:

A. Any person who is dissatisfied with the wording of a ballot title may, within ten (10) business days after the same is published by the Secretary of State as provided for in subsection I of Section 8 of this title, appeal to the Supreme Court by petition in which shall be offered a substitute ballot title for the one from which the appeal is taken. Upon the hearing of such appeal, the court may correct or amend the ballot title before the court, or accept the substitute suggested, or may draft a new one which will conform to the provisions of Section 9 of this title.

any calculated savings or averted costs that accrued to the State from the implementation of the Oklahoma Smart Justice Reform Act in reclassifying certain property crimes and drug possession as misdemeanors. The measure requires the Office of Management and Enterprise Services to use either actual data or its best estimate to determine how much money was saved on a yearly basis. The amount determined to be saved must be deposited into the Fund and distributed to counties in proportion to their population to provide community rehabilitative programs, such as mental health and substance abuse services. This measure will not become effective if State Question 780, the Oklahoma Smart Justice Reform Act, is not approved by the people. The measure will become effective on July 1 immediately following its passage.

### CONCLUSION

¶19 For the foregoing reasons, we grant the Petitioners' application to assume original jurisdiction, find the proposed and rewritten ballot titles deficient, and rewrite the ballot titles pursuant to 34 O.S. Supp. 2015, § 10. Due to the exigencies related to the element of time affecting the situation involved herein, the usual 20-day period allowed by Okla.Sup.Ct.R. 1.13, 12 O.S. 2011, ch. 15, app.1, for the filing of petitions for rehearing generally, is, as applied to this case, reduced. The parties must file any petition for rehearing from this decision in the Office of the Clerk of the Supreme Court no later than 4:30 p.m. on Thursday, August 11, 2016.

**APPLICATION TO ASSUME ORIGINAL JURISDICTION IS GRANTED;  
BALLOT TITLES DECLARED DEFICIENT AND ARE HEREBY AMENDED  
BY THIS COURT PURSUANT TO TITLE 34 O.S. SUPP. 2015, § 10**

¶20 REIF, C.J., COMBS, V.C.J., and KAUGER, WATT, EDMONDSON, and GURICH, JJ., concur.

¶21 TAYLOR, J., with whom WINCHESTER, J., joins, dissenting:

I would approve the ballot titles written by the Attorney General.

¶22 COLBERT, J., not participating.

ORIGINAL



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED  
SUPREME COURT  
STATE OF OKLAHOMA

AUG 11 2016

MICHAEL S. RICHIE  
CLERK

KRIS STEELE, REV. DR. GEORGE E. YOUNG, )  
TOM WARD and OKLAHOMANS FOR )  
CRIMINAL JUSTICE REFORM, INC., )

Petitioners, )

v. )

THE HONORABLE SCOTT PRUITT, )  
ATTORNEY GENERAL OF OKLAHOMA, )

Respondent. )

Case No. 115190

Received	8-11-16
Docketed	
Mailed	
COA/OKC	
COA/TUL	

**PETITION FOR REHEARING AND BRIEF IN SUPPORT**

Pursuant to Oklahoma Supreme Court Rule 1.13, the Attorney General respectfully seeks rehearing of this matter. Rehearing is rare, but this matter presents an exceptional circumstance that warrants rehearing. Ballots must be printed soon, and the ballot title substituted by this Court in its August 8, 2016, order does not adequately explain to the public the effect of the dramatic changes to Oklahoma drug laws that are proposed by Initiative Petition No. 404, State Question 780. Unless this matter is reheard, and the ballot title revised, the people of Oklahoma will be forced to make a decision regarding a significant change to Oklahoma drug laws without the information necessary to make an adequately informed decision.

*First*, this petition for rehearing is limited to the Court's decision with respect to the ballot title for Initiative Petition No. 404, State Question 780. The Attorney General does not seek rehearing with respect to the Court's substituted ballot title for Initiative Petition No. 405, State Question 781. The Attorney General, of course, disagrees with the Court's conclusion that the ballot title written for that measure was "misleading and partial" given that no part of the Attorney General's ballot title for that measure has been determined to be factually or legally inaccurate, but nonetheless believes that the ballot title substituted by the Court for that measure

provides the voters with enough information to make an informed decision, and is legally sufficient.

*Second*, the Attorney General does not seek rehearing merely because he believes the Court improperly rejected his ballot title for State Question 780. This Court has a history of rewriting ballot titles, and the Attorney General has a history of not seeking rehearing in those cases. But this case is different. Rehearing is warranted because the ballot title substituted by this Court for State Question 780 does not adequately explain the effects of the measure, and this deficiency needs to be corrected before the ballots go to the printers at the end of this month.

*Third*, the Court's order concluded that the Attorney General's ballot title for State Question 780 was "misleading and partial," but did not explain why it believed this to be so. To the extent that the Court omitted the description of the categories of drug crimes altered by this measure out of a belief that including those categories rendered the ballot title "misleading and partial," the Attorney General respectfully submits that inclusion of those categories cannot, as a matter of law or fact, render the ballot title deficient. Indeed, with respect to its description of the changes to Oklahoma's drug laws, not even the proponents of the measure argued that the Attorney General's ballot title contained any factual or legal inaccuracies, and the Attorney General's description of those changes was unequivocally factually and legally correct. The proponents merely claimed that the Attorney General's ballot title "focuses on isolated unrepresentative examples selected to appeal to public emotion and fear."<sup>1</sup> But as the Attorney General explained in the briefing and at oral presentation, however, this simply is not true—the Attorney General's ballot title did not contain any "examples," but rather merely listed the statutory categories of drug possession that were affected by the measure.

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<sup>1</sup> *Steele v. Pruitt*, 2016 OK 87, ¶ 7, \_\_\_ P.3d \_\_\_.

Specifically, Initiative Petition 404 seeks to strike several sentencing enhancements from 63 O.S.2011 § 2-402(B)-(C). The categories of crimes listed by the Attorney General in his ballot title comprehensively summarized all of the enhancements that would be removed from the statutes. Namely, the enhancements removed are those for possession of Schedule I and II drugs except for marijuana, that is drugs with a “potential for abuse,”<sup>2</sup> (§ 2-402(B)(1)), for illicit possession of drugs while on probation or after having already been convicted of illicit possession (§ 2-402(B)(3)-(4)), for illicit possession or purchasing of a drug within 1,000 feet of a school, vocational school, university, or public park (§ 2-402(C)), or for illicit possession in the presence of a child under 12 years of age (§ 2-402(C)). No other enhancements are removed that the Attorney General did not include in his categorical list. Thus, the Attorney General’s ballot title dispassionately and comprehensively summarized the changes Initiative Petition 404 would make to current law.

By contrast, the proponent’s ballot title told the public only that the measure “makes simple drug possession a misdemeanor.” That is an untrue statement, and appeared designed to mislead the public into believing that the measure does nothing but make minor offenses like possession of marijuana a misdemeanor rather than a felony. The Attorney General was thus obligated by law to reject the proponent’s ballot title as deficient. In reality, in many cases such as possession of marijuana, “simple” drug possession is *already* a misdemeanor.<sup>3</sup> This measure is not about “simple” drug possession, rather, it is a measure that downgrades to a misdemeanor drug possessions involving an enhancing factor. By way of example, under current Oklahoma law, if someone is caught with heroin outside of a school, or caught with methamphetamine while with a child under the age of twelve, the law treats that sort of possession as an enhanced form of possession and punishes it more harshly than “simple” possession. Similarly, when someone has

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<sup>2</sup> See 63 O.S.2011 §§ 2-203, 2-205.

<sup>3</sup> See, e.g., 63 O.S. § 2-402(B)(1)-(2).

been repeatedly convicted of drug possession, current Oklahoma law treats those repeat offenders more harshly than first time offenders. This measure removes the enhancements for repeated convictions for drug possession, such that the person caught with methamphetamine for the 100th time is punished no more harshly than the first time offender.

While the proponents of this measure accused the Attorney General of including “emotionally charged” examples like these in the ballot title, that charge was patently false. The Attorney General’s ballot title in fact contained *no* examples, but rather merely listed—from statute—the categories of aggravated possession that this measure affected. The proponents likewise argued that the Attorney General should have included the (supposedly) more sympathetic example of a college student caught with illegal prescription drugs in his dorm room and thus charged with a felony, to show how the measure would eliminate such (arguably) inequitable results. But of course the Attorney General’s description of the statutory categories affected by the measure encompasses that sort of example, as it plainly explains that someone caught with drugs at a school will now be charged with a misdemeanor rather than a felony. So the very thing that the proponents argued should have been included by the Attorney General, was in fact subsumed in the accurate description provided by the Attorney General.

It is difficult to fathom how describing—straight from the statutes at issue—in an undisputably factually and legally accurate manner, the categories of aggravated drug possession that the measure downgrades from felony to misdemeanor can be “misleading and partial.” The Court did not explain why it so concluded, but it seems that the Court felt that providing *too much* accurate information about the effect of the measure would lead the voters to reject the measure. But simply because an accurate description of a measure might lead voters to conclude the measure is unwise does not make the description “partial.” Sometimes bad ideas are just bad ideas. If an accurate description of a measure’s effects reveal the measure’s possibly undesirable

effects, then so be it. The job of a ballot title is not to whitewash the measure so as to give it a fighting chance to pass. The job of a ballot title is to accurately describe the measure's effects, and in doing so, the ballot title must be fair to both the proponents *and* the opponents of the measure.

The point of all this is to say that the descriptors provided by the Attorney General are not only accurate and objective, but for those same reasons legally necessary. The Court seemed to implicitly acknowledge this principle with its rewrite of the portion of the ballot title relating to property crimes, where it chose to list out each specific property crime affected by the measure. There is inherent tension in the Court's conclusion that listing out the categories of drug crimes affected provides the voter with too *much* information, but not listing out each and every property crime affected provides the voter with too *little* information. That tension aside, the Court has erroneously concluded that the descriptors cannot (at least in one part of the ballot title) be included without showing "partiality" and has thus omitted them in favor of the following: "[t]he amendment also changes the classification of certain drug possession crimes which are currently considered felonies and cases where the defendant has a prior drug possession conviction. The proposed amendment would reclassify these drug possession cases as misdemeanors." That description is, unfortunately, inadequate. The public is told nothing about the "certain drug possession crimes" that are being reclassified. The public needs to know what those crimes are, so that they can make an informed decision about the measure. That is why the Attorney General's ballot title described the statutory categories of drug possession that will be altered by the measure, and that is why *any* ballot title should include those categories—they are the key feature of the measure.

Put another way, if you ask the question "would the voters want to be told the 'certain drug possession crimes' affected by the measure?," the answer is certainly "yes!," particularly in

light of the drug epidemic the State is currently battling. After seemingly turning the tide on its methamphetamine problem, Oklahoma is now in the middle of an opioid and prescription drug crisis. As the Oklahoman has reported, overall drug overdose deaths in Oklahoma increased eightfold from 1999 to 2012,<sup>4</sup> while its youth drug overdose death rate tripled over that same period.<sup>5</sup> Heroin overdose deaths, meanwhile, increased tenfold during a recent five-year period.<sup>6</sup> Oklahoma's prescription drug problem has gotten so bad that The Oklahoman has dedicated an entire series, called "Addicted Oklahoma," to reporting on the crisis.<sup>7</sup> So while the proponents of this measure might think that a case involving a college student charged with a felony after being caught with illegal prescription drugs illustrates why we need to reduce the penalties for such crimes, many others, including the hundreds of Oklahoma parents who have lost their children to prescription drug abuse, might well see it the other way. None of this is to say that the proposed measure should either be passed or defeated. Rather, these considerations illustrate that the issues addressed by the measure are of great importance to the people of this state. Because of the sweeping nature of the measure, and the importance of the subject matter it addresses, it is critically important that the people of the state know what they are voting on. The ballot title as it currently stands leaves far too much guesswork for the people.

*Fourth*, we do not propose that the Court scrap its ballot title altogether. The Attorney General understands that fair minds can disagree about the best way to word a description of a particular feature of a measure, and would not insist that his words be used to the exclusion of all others. But the portion of the Court's ballot title describing the impact of the measure on

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<sup>4</sup> Jaelyn Cosgrove, *As Oklahoma Cracks Down on Prescription Drugs, Heroin Deaths Increase*, The Oklahoman (Aug. 8, 2016), <http://newsok.com/article/5512754>.

<sup>5</sup> *Oklahoma Youth Drug Overdose Death Rate Triples in last 12 Years*, The Oklahoman (Nov. 19, 2015), <http://newsok.com/article/5461586>.

<sup>6</sup> Jaelyn Cosgrove, *Heroin Deaths Increased Tenfold in Oklahoma*, The Oklahoman (Feb. 17, 2015), <http://newsok.com/article/5394254>.

<sup>7</sup> *Addicted Oklahoma*, Special Coverage: Prescription Drugs, The Oklahoman, <http://newsok.com/prescription-drugs/> (last visited Aug. 10, 2016).

Oklahoma drug law must be bolstered. As such, the Attorney General suggests the following modified substitute ballot title:

This measure amends existing Oklahoma laws to reclassify certain drug possession and property crimes from felony to misdemeanor. Under current law, the illicit possession of drugs is a felony when the drug is one that has potential for abuse; the person possessing the drug is on probation or has a prior conviction for drug possession; the person possessed the drug within 1,000 feet of a public or private school, vocational school, college, university, recreation center, or public park; or the person possessed the drug in the presence of a child under the age of twelve. If voters approve this measure, these drug possession crimes would be reclassified as misdemeanors.

This measure would also increase the threshold dollar amount used for determining whether certain property crimes are considered a felony or misdemeanor. Currently, the threshold is \$500. This measure would increase the amount to \$1000. Property crimes covered by this change include: false declaration of a pawn ticket, embezzlement, larceny, grand larceny, theft, receiving or concealing stolen property, taking domesticated fish or game, fraud, forgery, counterfeiting, or issuing bogus checks. This measure would become effective July 1, 2017.

\* \* \*

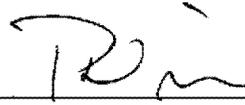
Petitioners—the proponents of the measure—will almost certainly object to this request, and continue to insist that the description of the statutory categories of drug possession to be affected by the measure be omitted from the ballot title. The significance of this should not be lost on the Court. The proponents do not want the public to know exactly what this measure does to our drug laws because they believe if the public knows, the public will reject the measure.<sup>8</sup> But that is a *policy* problem, not a partiality problem.

For these reasons, the Attorney General respectfully asks the Court to grant this petition for rehearing, and revise the ballot title for Initiative Petition No. 404, State Question 780.

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<sup>8</sup> See, e.g., Ian Schwartz, *David Gregory Asks Pelosi About "Pass The Bill So You Can Find Out What's In It" Comment*, Real Clear Politics Video (Nov. 17, 2013), <http://tinyurl.com/kzekv3q>.

Respectfully submitted,



**E. SCOTT PRUITT**, OBA #15828

*Attorney General of Oklahoma*

**PATRICK R. WYRICK**, OBA #21874

*Solicitor General*

**SARAH A. GREENWALT**, OBA #31566

*Assistant Solicitor General*

OFFICE OF THE ATTORNEY GENERAL

313 NE 21<sup>st</sup> Street

Oklahoma City, OK 73105

Phone: (405) 522-4448; Fax: (405) 522-0608

Email: scott.pruitt@oag.ok.gov

Email: patrick.wyrick@oag.ok.gov

Email: sarah.greenwalt@oag.ok.gov

**ATTORNEYS FOR THE STATE OF OKLAHOMA**

**CERTIFICATE OF MAILING**

This is to certify that on this 11<sup>th</sup> day of August, 2016, a true and correct copy of the foregoing instrument was hand-delivered to the following:

D. Kent Meyers  
Melanie Wilson Rughani  
Paige Masters  
Crowe & Dunlevy  
324 N. Robinson Avenue, Suite 100  
Oklahoma City, OK 73102

**Attorneys for Petitioners**



Patrick R. Wyrick



2016 OK 87

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

**FILED  
SUPREME COURT  
STATE OF OKLAHOMA**

KRIS STEELE, REV. DR. GEORGE E. YOUNG,  
TOM WARD and OKLAHOMANS FOR CRIMINAL  
JUSTICE REFORM, INC.

AUG 19 2016

MICHAEL S. RICHIE  
CLERK

Petitioners,

v.

No. 115,190

THE HONORABLE SCOTT PRUITT,  
ATTORNEY GENERAL OF OKLAHOMA

NOT FOR OFFICIAL  
PUBLICATION

Respondent,

**ORDER**

Upon consideration of the Oklahoma Attorney General's petition for rehearing and supporting brief, it is hereby ordered that the petition for rehearing filed by the respondent be denied.

**DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE**

**THIS 19<sup>th</sup> DAY OF August, 2016.**

CHIEF JUSTICE

Reif, C.J., Combs, V.C.J., Kauger, Watt, Edmondson and Gurich, JJ., concur;  
Winchester and Taylor, JJ., dissent;  
Colbert, J., not participating.

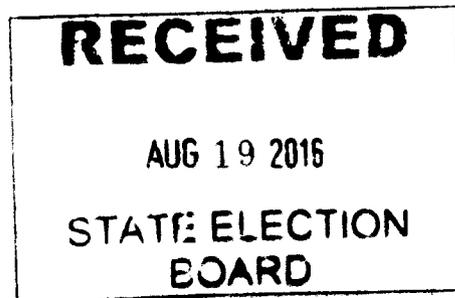


Chris Bengé  
Secretary of State  
and  
Native American Affairs

Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

August 19, 2016



### HAND DELIVERED

The Honorable Paul Ziriaux  
Secretary, State Election Board  
State Capitol, Room B-6  
Oklahoma City, Oklahoma 73105

**Re: State Question 780, Initiative Petition 404 – Certification of Final Ballot Title**

Dear Secretary Ziriaux:

In accordance with the provisions of 34 O.S. § 9, I hereby certify that all requirements of said section of law have been met for State Question 780, Initiative Petition 404, and therefore, I herewith transmit to you true and accurate copies of the following on record with this office;

- **State Question 780, Initiative Petition 404**
- **Oklahoma Supreme Court Order 2016 OK 87 \***
- **Oklahoma Supreme Court Order 2016 OK 87 – denying Attorney General's request for rehearing**

\*The Supreme Court's corrected and amended Final Ballot Title for State Question 780 is stated within said order.

If our office may be of any further assistance, please do let us know.

Sincerely,

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

Chris Bengé  
Secretary of State and  
Native American Affairs



Chris Bengé  
Secretary of State  
and  
Native American Affairs

Mary Fallin  
Governor

## OKLAHOMA SECRETARY OF STATE

August 19, 2016

**RECEIVED**

AUG 19 2016

OFFICE OF THE  
GOVERNOR

### HAND DELIVERED

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

**Re: State Question 780, Initiative Petition 404 – Certification of Final Ballot Title**

Dear Governor Fallin:

Pursuant to 34 O.S. § 9, the Secretary of State has certified to the State Election Board that all requirements of said section of law have been met for State Question 780, Initiative Petition 404, along with an attested copy of the above referenced measure and an attested copy of Supreme Court Order 2016 OK 87, which contains the Court's corrected and amended Final Ballot Title for State Question 780. Please find enclosed true and accurate copies of the following, on record with the Secretary of State office;

- **SOS transmittal letter to the State Election Board dated August 19, 2016**
- **State Question 780, Initiative Petition 404**
- **Supreme Court Order 2016 OK 87 received by this office August 9, 2016**
- **Supreme Court Order 2016 OK 87 – denying the Attorney General's request for rehearing**

If there are any questions, please do not hesitate to contact our office.

Sincerely,

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

Chris Bengé  
Secretary of State and  
Native American Affairs



*Mary Fallin*  
Governor

**FILED**

AUG 22 2016

OKLAHOMA SECRETARY  
OF STATE

**EXECUTIVE DEPARTMENT  
EXECUTIVE PROCLAMATION**

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I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the provisions of Section 3 of Article V and Section 1 of Article XXIV of the Oklahoma Constitution, Section 12 of Title 34 of the Oklahoma Statutes, and the referral by the Secretary of State, do hereby declare that Initiative Petition Number 404, State Question 780, be submitted to qualified electors of the State of Oklahoma for their approval or rejection at the general election to be held statewide on November 8, 2016.

This measure amends Section 2-402 of Title 63, Section 1704 of Title 21, Section 1705 of Title 21, Section 1713 of Title 21, Section 1719.1 of Title 21, Section 1722 of Title 21, Section 1731 of Title 21, Section 1451 of Title 21, Section 1503 of Title 21, Section 1521 of Title 21, Section 1541.1 of Title 21, Section 1541.2 of Title 21, Section 1541.3 of Title 21, Section 1512 of Title 59, Section 1577 of Title 21, Section 1578 of Title 21, Section 1579 of Title 21, 1621 of Title 21, and repeals Section 51.3 of Title 21. This act shall be known as the "Oklahoma Smart Justice Reform Act."

The substance of the measure is as follows:

- Amends existing Oklahoma laws and would change the classification of certain drug possession and property crimes from felony to misdemeanor;
- Makes possession of a limited quantity of a controlled dangerous substance a misdemeanor;
- Changes the classification of certain drug possession crimes which are currently considered felonies and cases where the defendant has a prior drug possession conviction, and reclassifies these drug possession cases as misdemeanors;
- Increases the threshold dollar amount used for determining whether certain property crimes are considered a felony or misdemeanor; currently, the threshold is \$500.00; this amendment increases the amount to \$1000.00;
- Property crimes covered by this change include: false declaration of a pawn ticket, embezzlement, larceny, grand larceny, theft, receiving or concealing stolen property, taking domesticated fish or game, fraud, forgery, counterfeiting, or issuing bogus checks;
- This measure would become effective July 1, 2017.

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Copies of this Executive Proclamation shall be delivered 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.

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 22<sup>nd</sup> day of August, 2016.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

  
\_\_\_\_\_  
MARY FALLIN

ATTEST:

  
\_\_\_\_\_  
CHRIS BENGE, SECRETARY OF STATE





# Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 17, 2016

**FILED**

NOV 18 2016

OKLAHOMA SECRETARY  
OF STATE

The Honorable Mike Hunter  
Secretary of State  
Room 101, State Capitol  
Oklahoma City, Oklahoma 73105

Dear Secretary Hunter:

Enclosed please find a copy of the official returns of the vote at the General Election on November 8, 2016, on the following measures, as certified to the Governor of the State of Oklahoma.

State Question No. 776, Legislative Referendum No. 367

State Question No. 777, Legislative Referendum No. 368

State Question No. 779, Initiative Petition No. 403

State Question No. 780, Initiative Petition No. 404

State Question No. 781, Initiative Petition No. 405

State Question No. 790, Legislative Referendum No. 369

State Question No. 792, Legislative Referendum No. 370

Sincerely,

PAUL ZIRIAX, Secretary  
State Election Board

PZ/ps

Receipt of the above hereby is acknowledged on this 18<sup>th</sup> day of November, 2016.

By:

Time: 2:00 pm

018343

STATE QUESTION No. 776  
LEGISLATIVE REFERENDUM No. 367

YES: 942,504  
NO: 477,717

STATE QUESTION No. 777  
LEGISLATIVE REFERENDUM No. 368

YES: 569,668  
NO: 864,827

STATE QUESTION No. 779  
INITIATIVE PETITION No. 403

YES: 583,429  
NO: 853,573

STATE QUESTION No. 780  
INITIATIVE PETITION No. 404

YES: 831,123  
NO: 596,070

STATE QUESTION No. 781  
INITIATIVE PETITION No. 405

YES: 795,475  
NO: 619,580

STATE QUESTION No. 790  
LEGISLATIVE REFERENDUM No. 369

YES: 607,482  
NO: 809,254

Secretary Hunter  
November 17, 2016  
Page 3

STATE QUESTION NO. 792  
LEGISLATIVE REFERENDUM NO. 370

YES: 939,848  
NO: 492,422