

FILED
SUPREME COURT
STATE OF OKLAHOMA

MAR - 7 2008

In re:)
)
INITIATIVE PETITION NO. 387,)
)
STATE QUESTION NO. 737)

Case No. 105,525 MICHAEL S. RICHIE
CLERK

**OBJECTION TO THE SIGNATURE COUNT
AND PROTEST TO THE INITIATIVE PETITION**

TO: THE SUPREME COURT OF THE STATE OF OKLAHOMA

- AND -

Oklahoma Civil Rights Initiative
W. Devin Resides
615 N. Broadway, Suite 203
Oklahoma City, OK 73102

Mike Shelton, Jabar Shumate, Fannie Bates, Randall T. Coyne, Bob Darcy, Bernadette Huber, Rey Madrid, Bernice Mitchell, Earl D. Mitchell, Jr., and Juanita Vasquez Sykes (“Protestants”), all of whom are citizens of the State of Oklahoma, protest Initiative Petition No. 387, State Question No. 737 (“IP 387”). IP 387 seeks to amend Article 2 of the Oklahoma Constitution by adding a new section. IP 387 was filed in the Office of the Secretary of State of Oklahoma (“Secretary of State”) on September 10, 2007.

The signature pamphlets for IP 387 were delivered to the Secretary of State on December 10, 2007. The Secretary of State published a report to the Supreme Court of Oklahoma certifying the signature count for IP 387 on February 7, 2008. In her Report, the Secretary of State noted:

The count of State Question 737, Initiative Petition 387 has resulted in an unprecedented situation where large numbers of duplicate names and addresses were discovered well into the signature counting process by the SOS. Even with the extensive effort made to manually cross check names and addresses, it is a reasonable assumption that not all duplicates have been discovered.

Okla. Secretary of State, Report to the Sup. Ct. Re: State Question 737, at 3 (Feb. 7, 2008). On February 25, 2008, the Supreme Court issued an order finding that the signatures on the petition appeared numerically sufficient and directed the Secretary of State to publish notice of the filing of IP 387 and the purported sufficiency of the signatures. *See In Re: State Question No. 737, No. 105,525* (Okla. Feb. 25, 2008). The Secretary of State published notice of the purported sufficiency of IP 387 on March 3, 2008.

Protestants object to the signature count verified by the Secretary of State. Protestants further allege that IP 387 violates the United States Constitution, the Oklahoma Constitution, and the laws of the State of Oklahoma.

The signature count with respect to IP 387 is, upon information and belief, defective for, without limitation, the following reasons:

1. IP 387 does not bear a sufficient number of valid signatures under Article 5, Section 2 of the Oklahoma Constitution.
2. IP 387 contains the signatures of persons who were not legal voters of the State of Oklahoma when they signed IP 387.
3. IP 387 contains the signatures of persons who signed their names more than once.
4. IP 387 was not validly circulated and/or the signatures thereon were not validly obtained or witnessed.
5. IP 387 was misleadingly and deceptively circulated.
6. Signatures on IP 387 are not valid.
7. Signatures on IP 387 were not properly verified or notarized.

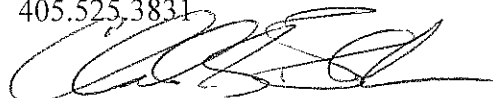
IP 387 violates the United States Constitution, the Oklahoma Constitution, and the laws of the State of Oklahoma for, without limitation, the following reasons:

1. IP 387 contains multiple unrelated subjects in violation of Article 24, Section 1 of the Oklahoma Constitution.
2. IP 387 denies the due process and the equal protection rights provided by the Fourteenth Amendment to the United States Constitution.
3. The gist of IP 387 as required by Title 34, Section 3 of the Oklahoma Statutes is insufficient and unfair so as to mislead, deceive, and provide inadequate notice of the scope, purpose, effects, and consequences of IP 387.
4. The language of IP 387 is insufficient and unfair so as to mislead, deceive, and provide inadequate notice of the scope, purpose, effects, and consequences of IP 387.
5. The language and the operation of IP 387 are so fundamentally flawed as to otherwise violate the United States Constitution, the Oklahoma Constitution, and the laws of the State of Oklahoma.

Accordingly, Protestants respectfully request that the Court declare IP 387 invalid for the aforementioned reasons.

Dated: March 7, 2008

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF OKLAHOMA
3000 Paseo Drive
Oklahoma City, OK 73103
405.525.3831



Charles S. Thornton (OBA No. 15915)
Tanya Cox (OBA No. 21147)

ATTORNEYS FOR PROTESTANTS

CERTIFICATE OF MAILING

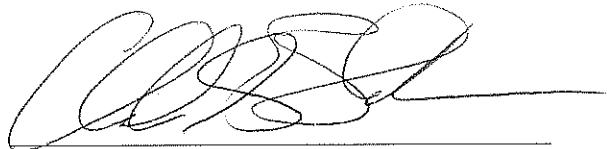
The undersigned certifies that on the 7th day of March, 2008, a true and correct copy of the above and foregoing Protest to Initiative Petition and Objection to the Signature Count was filed with the Supreme Court of the State of Oklahoma and was mailed, postage prepaid, to the following person at the address indicated:

R. Devin Resides
615 N. Broadway, Suite 203
Oklahoma City, Oklahoma 73102

Honorable W.A. (Drew) Edmondson
Attorney General Of Oklahoma
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105

Kathy Jeckel
c/o Secretary of State
101 State Capitol
2300 N. Lincoln Boulevard
Oklahoma City, Oklahoma 73105

M. Susan Savage
Secretary of State
101 State Capitol
2300 N. Lincoln Boulevard
Oklahoma City, Oklahoma 73105



Charles S. Thornton