

FILED
SUPREME COURT
STATE OF OKLAHOMA

IN THE SUPREME COURT FOR THE STATE OF OKLAHOMA

MAR 13 2008

IN RE:)
INITIATIVE PETITION NO. 387,)
STATE QUESTION NO. 737)

MICHAEL RICHIE
Case No. 105,525 CLERK

OBJECTION TO THE SIGNATURE COUNT

TO: THE SUPREME COURT OF THE STATE OF OKLAHOMA

-and-

HONORABLE W.A. DREW EDMONDSON
ATTORNEY GENERAL OF THE STATE OF OKLAHOMA
313 NE 21st Street
Oklahoma City, OK 73105

-and-

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF OKLAHOMA
Attn: Charles S. Thornton
3000 Paseo Drive
Oklahoma City, OK 73103

COME NOW W. Devin Resides, a citizen and elector of the State of Oklahoma, as well as the Proponent for this State Question Number 737, Initiative Petition Number 387, and the Oklahoma Civil Rights Initiative (collectively, the "Protestants"), pursuant to 34 O.S. Supp. 2007 § 8(C)(2), hereby protest the signature count made by the Oklahoma Secretary of State and certified to the Supreme Court pursuant to 34 O.S. Supp. 2007 § 8(C), and further state:

1. This objection is filed within ten (10) days of the publication of notice of the filing of SQ 737 pursuant to 34 O.S. Supp. 2007 § 8(C)(2), giving this Honorable Court jurisdiction over the cause.

2. On September 10, 2007, W. Devin Resides, Proponent, and the Oklahoma Civil Rights Initiative filed with the Oklahoma Secretary of State (hereinafter, "Secretary of State") an initiative petition and ballot title proposing an amendment to the Oklahoma Constitution. The petition was designated Initiative Petition No. 387, State Question No. 737 ("SQ 737").

3. On December 10, 2007, Protestants delivered signature pamphlets to the Secretary of State pursuant to 34 O.S. Supp. 2007 § 8(A). Approximately, one hundred and sixty one thousand (161,000) signatures were contained in the signature pamphlets delivered to the Secretary of State.

4. Pursuant to 34 O.S. Supp. 2007 § 6.1, the Secretary of State purportedly counted the signatures submitted in support of SQ 737.

5. On February 7, 2008, the Secretary of State submitted a tabulation of signatures and a report regarding SQ 737 (the "Report") to the Oklahoma Supreme Court. In the Report, the Secretary of State certified the total number of signatures counted for SQ 737 as 141,184. The Secretary of State also noted that there were a number of irregularities found during the tabulation of signatures for SQ 737. Contained in Appendices of the Report were lists of signatures that contained or created "discrepancies" in the physical count conducted by the Secretary of State. However, the Report did not include all the signatures that were not counted which are approximately twenty thousand (20,000) signatures.

6. Based on information and belief, the Protestants allege that the Secretary of State did not accurately tabulate the signatures and did not include valid signatures in the official count.

WHEREFORE, pursuant to 34 O.S. Supp. 2007 § 8(C)(2), Protestants request that this Honorable Court find that: 1) the signature count submitted by the Oklahoma Secretary of State is inaccurate; 2) the Oklahoma Secretary of State did not include valid signatures in its official tabulation submitted to this Court; 3) all valid signatures not included in the official count by the Oklahoma Secretary of State will be included when this Court considers whether SQ 737 is sufficient to be placed on the ballot; 4) award Protestants their costs and attorneys' fees incurred herein; and 5) grant such further relief as is fair and reasonable.

Submitted by:



Laure A. Resides, OBA #19521

Shaun T. Riley OBA#21887

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**ATTORNEYS FOR W. DEVIN RESIDES AND
THE OKLAHOMA CIVIL RIGHTS INITIATIVE**

CERTIFICATE OF SERVICE

The undersigned certifies that on the 13th day of March, 2008, a true and correct copy of the foregoing Objection to the Signature Count was filed with the Supreme Court of the State of Oklahoma, personally delivered to the office of the Honorable Attorney General W.A. Drew Edmondson at 313 NE 21st Street, Oklahoma City, OK and was mailed, postage prepaid, to the following at the address indicated:

Honorable W.A. Drew Edmondson
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