August 6, 2008

Amanda Maxfield Green
Crowe & Dunlevy
20 N. Broadway, Suite 1800
Oklahoma City, Oklahoma 73102

Dear Ms. Green:

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

State Question Number 744
Initiative Petition Number 391

filed this 6th day of August, 2008 at 9:07 a.m.

Pursuant to Title 34 O.S. 2001, Section 8, the signatures for this petition are required to be filed within ninety (90) days after the filing of the petition.

Please be aware that once you file your petition signature pamphlets with this office, we are bound by law to charge for copies. To avoid this charge you may wish to make copies of your signature pages for future references before filing with this office.

If our office may be of further assistance, please do not hesitate to contact the Executive Legislative Division at (405) 522-4564.

Sincerely,

M. Susan Savage
Secretary of State

MSS/kj
State Question No. 244  Initiative Petition No. 391

WARNING

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

INITIATIVE PETITION

To the Honorable Brad Henry, Governor of Oklahoma: We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed new article to the Constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election, to be held on the 2nd day of November, 2010, (or such earlier 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 days from August 6, 2008. The question we herewith submit to our fellow voters is:

Shall the following proposed new Article XIII-C of the Constitution be approved?

BALLOT TITLE

This measure adds a new Article to the Oklahoma Constitution. The Article concerns the amount of money the State provides to support common schools, pre-kindergarten through twelfth grade. The Article requires the State each year to provide an amount of money per pupil that is at least equal to the average of the amounts spent per pupil by the states surrounding Oklahoma: Missouri, Texas, Kansas, Arkansas, Colorado, and New Mexico. If the average of the amounts spent per pupil by the surrounding states decreases for any year, the State must provide the same amount of money per pupil as the previous year. The amount spent per pupil means the amount spent for the day-to-day operations of schools and school districts, including instruction, support services, and non-instruction services, but not including building projects or debt. The Article requires annual reports on education spending and school performance. Common schools must be funded in this manner within three years.

Shall the following proposed new Article XIII-C of the Constitution 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.

BE IT ENACTED BY THE PEOPLE OF OKLAHOMA THAT A NEW ARTICLE XIII-C OF THE OKLAHOMA CONSTITUTION BE APPROVED:

AN AMENDMENT TO THE OKLAHOMA CONSTITUTION ADDING AN ARTICLE RELATING TO THE SUPPORT OF COMMON SCHOOLS, PRE-KINDERGARTEN THROUGH TWELFTH GRADE; REPEALING ARTICLE XIII, SECTION 1A OF THIS CONSTITUTION; REQUIRING THE LEGISLATURE TO DESIGNATE AND PROVIDE FUNDS FOR AN ANNUAL STATE PER PUPIL EXPENDITURE IN AN AMOUNT THAT IS AT LEAST EQUAL TO THE AVERAGE OF THE ANNUAL PER PUPIL EXPENDITURES OF THE SURROUNDING STATES; DEFINING “SURROUNDING STATES;” ESTABLISHING THAT THE STATE BOARD OF EQUALIZATION SHALL OBTAIN ANNUALLY FROM EACH SURROUNDING STATE THE MOST RECENTLY DETERMINED ANNUAL PER PUPIL EXPENDITURE FOR THAT STATE; DEFINING
“EXPENDITURE;” ESTABLISHING THE METHOD BY WHICH THE STATE BOARD OF
EQUALIZATION SHALL CALCULATE THE AVERAGE OF THE ANNUAL PER PUPIL
EXPENDITURES OF THE SURROUNDING STATES; REQUIRING THE STATE BOARD
OF EQUALIZATION ANNUALLY TO CERTIFY TO THE LEGISLATURE THE AVERAGE
OF THE PER PUPIL EXPENDITURES OF THE SURROUNDING STATES AND
PROVIDING THAT THE AVERAGE SHALL BE THE APPLICABLE ANNUAL STATE
PER PUPIL EXPENDITURE; ESTABLISHING THAT THE STATE BOARD OF
EQUALIZATION SHALL DETERMINE ANNUALLY THE NUMBER OF PUPILS IN THE
STATE WITH REFERENCE TO THE TOTAL STATEWIDE ENROLLMENT FOR THE
PRECEDING YEAR; REQUIRING THE STATE BOARD OF EQUALIZATION ANNUALLY
TO CERTIFY THE NUMBER OF PUPILS IN THE STATE TO THE LEGISLATURE;
SETTING FORTH THE CALCULATION TO DETERMINE THE MINIMUM AMOUNT OF
FUNDS THAT THE LEGISLATURE MUST DESIGNATE AND PROVIDE EACH YEAR;
PROVIDING THAT IF THE AVERAGE OF THE PER PUPIL EXPENDITURES OF THE
SURROUNDING STATES SHOULD DECREASE FROM THE PREVIOUS YEAR, THE
LEGISLATURE SHALL APPLY THE PREVIOUS YEAR’S STATE PER PUPIL
EXPENDITURE; PROVIDING THAT NO SCHOOL DISTRICT SHALL BE LIMITED TO
THE ANNUAL STATE PER PUPIL EXPENDITURE; PROVIDING FOR FULL
IMPLEMENTATION OF THESE PROVISIONS WITHIN THREE YEARS; SETTING
FORTH THE PROCESS OF IMPLEMENTATION OVER THREE YEARS; PROVIDING
THAT THE EDUCATION OVERSIGHT BOARD AND THE OFFICE OF
ACCOUNTABILITY SHALL PUBLISH AN ANNUAL REPORT ON THE EXPENDITURE
OF COMMON EDUCATION REVENUE, WHICH SHALL INCLUDE REPORTS
REGARDING THE EXPENDITURES FOR CLASSROOM INSTRUCTION AND FOR
ADMINISTRATIVE COSTS; PROVIDING THAT THE EDUCATION OVERSIGHT BOARD
AND THE OFFICE OF ACCOUNTABILITY SHALL ALSO PUBLISH AN ANNUAL
REPORT ON STUDENT ACHIEVEMENT RESULTS AND THE OVERALL
PERFORMANCE OF COMMON SCHOOLS; PROVIDING THAT THE ARTICLE SHALL
NOT CONFLICT WITH ARTICLE X, SECTION 23 OF THE CONSTITUTION; AND
PROVIDING FOR THE SEVERABILITY OF INVALID PROVISIONS.

A. Article XIII, Section 1a of this Constitution is hereby repeated.

B. The Legislature shall designate and provide funds for the support of common schools,
pre-kindergarten through twelfth grade, to provide for an annual State Per Pupil
Expenditure in an amount that is at least equal to the average of the annual per pupil
expenditures of the surrounding states, subject to the adjustment in paragraph E of this
Article. For purposes of this Article, "surrounding states" shall mean Missouri, Texas,
Kansas, Arkansas, Colorado, and New Mexico.

C. The State Board of Equalization shall obtain annually from each of the surrounding states
the most recently determined annual per pupil expenditure for that state. For the
purposes of this Article, “expenditure,” when used in the phrase “per pupil expenditure,”
shall mean the expenditures for the day-to-day operations of schools and school districts,
including instruction, support services, and non-instruction services, but not including
capital outlays or debt service expenditures. The State Board of Equalization shall
calculate the average of the annual per pupil expenditures of the surrounding states by
adding together the six surrounding states’ most recently determined annual per pupil
expenditures and dividing by six. The State Board of Equalization shall, not more than
forty-five (45) days or less than thirty-five (35) days prior to the convening of each
regular session of the Legislature, certify the resulting number to the Legislature as the
average of the per pupil expenditures of the surrounding states. That average shall,
subject to the adjustment contained in paragraph E of this Article, be the applicable
annual State Per Pupil Expenditure.

D. The State Board of Equalization shall determine annually the number of pupils in the
State with reference to the total statewide enrollment for the preceding year. The State
Board of Equalization shall, not more than forty-five (45) days or less than thirty-five
(35) days prior to the convening of each regular session of the Legislature, certify the
number of pupils in the State to the Legislature. The number of pupils in the State multiplied by the annual State Per Pupil Expenditure (as adjusted pursuant to paragraph E of this Article) shall define the minimum amount of funds that the Legislature shall designate and provide each year.

E. If the average of the annual per pupil expenditures of the surrounding states should decrease from the previous year, the Legislature shall apply the previous year’s State Per Pupil Expenditure.

F. Nothing herein shall be construed as limiting any particular school district to the annual State Per Pupil Expenditure specified herein.

G. The funding required by paragraph B of this Article shall be fully implemented no later than July 1 of the third fiscal year following the fiscal year in which this Article is approved. For the first fiscal year following the approval of this Article, the annual State Per Pupil Expenditure shall be no less than the State’s per pupil expenditure for the previous year plus an additional expenditure equal to 6% of the average of the most recently determined annual per pupil expenditures of the surrounding states. For the second fiscal year following the approval of this Article, the annual State Per Pupil Expenditure shall be no less than the first fiscal year’s State Per Pupil Expenditure plus an additional expenditure equal to 6% of the average of the most recently determined annual per pupil expenditures of the surrounding states. For the third fiscal year following the approval of this Article, the annual State Per Pupil Expenditure shall be no less than 100% of the average of the most recently determined annual per pupil expenditures of the surrounding states.

H. The Education Oversight Board and the Office of Accountability shall publish an annual report on the expenditure of common education revenue, which shall include reports regarding the expenditures for classroom instruction and for administrative costs. The Education Oversight Board and the Office of Accountability shall also publish an annual report on student achievement results and the overall performance of common schools.

I. Nothing in this Article shall be construed as conflicting with Article X, Section 23 of this Constitution.

J. In the event any portion of this Article is declared invalid for any reason, the invalid portion shall be severed, and the rest and remainder of the Article shall be saved and given full force and application.

Name and Address of Proponents:

Charles Edward Pack, II
1205 W. 1st St.
Tahlequah, OK 74464

Richard D. George
32552 Broadway St.
Waynoka, OK 73860

Lisa B. Connery, M.D.
1010 24th Ave. N.W., Suite 110
Norman, OK 73069
August 6, 2008

The Honorable Brad Henry  
Governor, State of Oklahoma  
Room 212, State Capitol  
Oklahoma City, Ok 73105

Dear Governor Henry:

Please be advised that Amanda Maxfield Green, Crowe & Dunlevy, 20 N. Broadway,  
State 1800, Oklahoma City, OK 73102, filed an initiative petition today with the  
Secretary of State. This petition is designated as State Question Number 744, Initiative  
Petition Number 391.

Pursuant to Title 34 O.S., Section 8, the signatures for this petition are required to be filed  
within ninety (90) days after the filing of the petition. The signature requirement for this  
petition is 138,970.

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

Sincerely,

M. Susan Savage  
Secretary of State

MSS/ks  
Enclosure: State Question 744
August 6, 2008

The Honorable Michael Clingman
Secretary, Oklahoma State Election Board
Room 3, State Capitol
Oklahoma City, Oklahoma 73105

Dear Secretary Clingman:

Please be advised that Amanda Maxfield Green, Crowe & Dunlevy, 20 N. Broadway, Suite 1800, Oklahoma City, OK 73102, filed an initiative petition today with the Secretary of State. This petition is designated as State Question Number 744, Initiative Petition Number 391.

Pursuant to Title 34 O.S., Section 8, the signatures for this petition are required to be filed within ninety (90) days after the filing of the petition. The signature requirement for this petition is 138,970.

If there is any further assistance, please do not hesitate to contact me.

Sincerely,

M. Susan Savage
Secretary of State

MSS/ks

Enclosure: State Question 744
August 6, 2008

The Honorable Drew Edmondson
Attorney General
313 N.E. 21st
Oklahoma City, Oklahoma 73105

Dear Attorney General Edmondson:

Please be advised that Amanda Maxfield Green, Crowe & Dunlevy, 20 N. Broadway, Suite 1800, Oklahoma City, OK 73102, filed an initiative petition today with the Secretary of State. This petition is designated as State Question Number 744, Initiative Petition Number 391.

Pursuant to Title 34 O.S., Section 8, the signatures for this petition are required to be filed within ninety (90) days after the filing of the petition. The signature requirement for this petition is 138,970.

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

Sincerely,

M. Susan Savage
Secretary of State

Enclosure: State Question 744
October 20, 2008

D. Kent Meyers
Crowe & Dunlevy
20 N. Broadway, Suite 1800
Oklahoma City, Oklahoma 73102

Dear Mr. Meyers:

This letter will acknowledge the receipt of State Question Number 744, Initiative Petition 391 for filing 43 boxes of signature pamphlets.

The boxes of petition pamphlets arrived this 20th day of October, 2008 at 10:14 a.m.

This office will notify you as soon as a room has been secured and a date has been set to begin the counting process. As required by law the petition boxes will be sealed. The seals will not be broken until the signature counting process begins.

Pursuant to the provisions of Title 34 O.S. Section 4, an individual from the petition drive must be present for the detaching of the signature sheets and affidavits during the process of counting and binding the signature sheets.

Sincerely,

M. Susan Savage
Secretary of State
October 21, 2008

D. Kent Meyers
Crowe & Dunlevy
20 N. Broadway Suite 1803
Oklahoma City Oklahoma 73102

Dear Mr. Meyers:

This letter is to notify you that the counting date for the signatures received on State Question 744, Initiative Petition 391 is scheduled to begin at 1:00 p.m. November 17, 2008 in Room 1011, of the Attorney General’s Building at 313 N.E. 21st Street, Oklahoma City. The counting process will occur Monday through Friday from 9:00 a.m. until 4:06 p.m. until the signature count is completed. There will be a one hour break for lunch. For reference, the contact information for Room 1011 is (405) 521-2926 or the Attorney General Receptionist is (405) 521-3921.

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 sheets and affidavits during the process of counting and binding the signature sheets.

Sincerely,

M. Susan Savage
Secretary of State
December 11, 2008

The Honorable James Winchester
Chief Justice, Oklahoma Supreme Court
Room 245, State Capitol
Oklahoma City, Oklahoma 73105

Dear Justice Winchester:

The Secretary of State’s (SOS) report to the Supreme Court for State Question 744, Initiative Petition 391 is provided for the Court’s review and action.

Pursuant to the provisions of Title 34 O.S., Section 8, the Secretary of State reports the following details:

- The Secretary of State certifies the total signatures counted for State Question 744, Initiative Petition 391 are 234,446.
- Forty-three boxes of signature pamphlets were received on October 20, 2008, from D. Kent Meyers, Crowe & Dunlevy, 20 N. Broadway, Suite 1800, Oklahoma City, OK 73102.
- The Secretary of State began the signature count on November 17, 2008 after the end of the ninety day circulation period because no certification was filed by the proponents indicating early completion. The signature count was concluded on December 9, 2008.
- Individual signature sheets were numbered 1 through 13,783 and were bound in 69 volumes. Volumes 1 through 68 contained 200 signature sheets per volume; Volume 69 contained 183 signatures sheets.
- The Secretary of State affirms that the State Election Board certified a total of 926,462 votes were cast for the state office receiving the highest number of votes in the last general election.
Ms. Kathy Jekel, Manager of the SOS Executive/Legislative Division supervised the signature count. Any discrepancies noted during the physical count are enumerated in Attachment A and organized by those signatures included by the SOS in the total count and those not included in the final count.

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

Sincerely,

M. Sloan Savage
Secretary of State

MSS
Enclosures:  Attachment A
            SQ 744, IP 391
            Tabulation Sheets for SQ 744
            Total Votes Cast as certified by Election Board

Cc:  Kathy Jekel
     Manager, Executive Legislative Division

     Amanda Maxfield Green
     Crowe & Dunlevy
     20 N. Broadway, Suite 1800
     Oklahoma City, Oklahoma 73102

     The Honorable Drew Edmondson
     Attorney General
     313 NE 21 Street
     Oklahoma City, Oklahoma 73105
Discrepancies noted are not addressed in the statutory instructions to the SOS. The signatures below are included in the final count, and the information is being provided for the Court's review and final determination.

- 15 signatures on pages 13,618 through 13,626 listed an address of 800 W. Calif., 800 W. California, 800 W. Calif. Ave. or 800 W. California Ave. in OKC.
- 31 signatures on pages 13,627 through 13,637 listed an address of 1225 N. Kate Ave. OKC, or 1225 N. Kate, OKC.
- Page 13,638 has 16 signature lines instead of 20. This appears to be a printer's error.
- Page 13,639, Line 3 indicates an out of state address with a notation of "(OK voter registered – Active Navy)."
- Page 13,640, Line 1, specifies "Homeless" and provides an address of 3743 S.142 E. Ave., Tulsa Ok.
- Page 13,666 included an affidavit stating "I Rowena Murphy accidentally crossed out this page Sept 17th appearing at the top of the affidavit. Rowena Murphy was the circulator for this page.
- On page 13,667 the Circulator failed to list a city or zip code.
- On page 13,668 two different circulators are listed, with one marked through.
- The Circulator addresses on pages 13,669 and 13,670 were marked through and a different address added.
- The signatures on pages 13,687 through 13,702 appear to be in the same handwriting.
- Pages 13,643 through 13,665 were received with tabulations indicated in red ink already on the pages. The Secretary of State's tabulations were completed in blue ink on these pages.
- Various situations occur with notarization of the affidavit on pages 13,703 through 13,727. These include two different notarizations appearing on the same affidavit, some with one marked out; the notary failing to list an address; two different notary seals appearing on one affidavit, some marked through; two notarizations appearing on the same affidavit by the same notary.
- Various petition pages throughout the bound volumes contain x's, stars, dashes or check marks on both the signature pages and affidavit pages which were on those pages prior to the Secretary of State's tabulation.

The following discrepancies were not included in the final count:

- Signatures from page 13,641 were verified on the affidavit of pages 13,641 and page 13,642. Signatures on page 13,642 were not verified and were not counted.
- Pages 13,671 through 13,684, Circulators signed their own petitions. The signature of the Circulator was not counted.
- On page 13,728, the Affidavit page is crossed out.
- On page 13,729, the Circulator signed the petition and the Notary notarized the petition, however, no signatures or verification of signatures appear on the petition page.
- The Circulator failed to sign the affidavit on pages 13,730 through 13,740.
- Pages 13,741 through 13,748 and pages 13,750 through 13,783 have incomplete notarizations on the affidavit.
- Page 13,749 lacks the circulator signature and the notary signature on the affidavit.
November 16, 2006

FILED

NOV 16 2006

OKLAHOMA SECRETARY
OF STATE

The Honorable Susan Savage
Secretary of State
Room 101, State Capitol
Oklahoma City, Oklahoma 73105

Dear Ms. Savage:

Subsequent to the November 7, 2006, General Election, I am able to provide the following information.

The State office receiving the highest number of votes at said election was that of Governor, for which the total votes cast were 926,462. Signature requirements for the types of petitions listed below are derived by applying the parenthetical percentages indicated and are valid from November 16, 2006, through November 12, 2008.

- Referendum (5%) ........................................... 46,324
- Initiative (8%) ........................................... 74,117
- Initiative for Constitutional Change (15%) .................. 138,970
- Rejected Initiative or Referendum Measures (25%) .......... 231,616
- Formation of New Political Party (5%) .................. 46,324

As you are aware, signature requirements for certain types of petitions are based on the total votes cast in the last General Election for President. In the November 2, 2004, General Election, the total votes cast for Presidential Electors were 1,463,758. Signature requirements for the following types of petitions are derived by applying the parenthetical percentages indicated and are valid from November 10, 2004, through November 12, 2008.

- Independent Presidential Electors (3%) .................. 43,913
- Unrecognized Party Presidential Electors (3%) ........ 43,913

Sincerely,

[Signature]

MICHAEL CLINGMAN, Secretary
State Election Board

MC:MF/mf
State Question No. 244
Initiative Petition No. 391

WARNING

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

INITIATIVE PETITION

To the Honorable Brad Henry, Governor of Oklahoma: We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed new article to the Constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election, to be held on the 2nd day of November, 2010, (or such earlier 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 days from August 6, 2008. The question we herewith submit to our fellow voters is:

Shall the following proposed new Article XIII-C of the Constitution be approved?

BALLOT TITLE

This measure adds a new Article to the Oklahoma Constitution. The Article concerns the amount of money the State provides to support common schools, pre-kindergarten through twelfth grade. The Article requires the State each year to provide an amount of money per pupil that is at least equal to the average of the amounts spent per pupil by the states surrounding Oklahoma: Missouri, Texas, Kansas, Arkansas, Colorado, and New Mexico. If the average of the amounts spent per pupil by the surrounding states decreases for any year, the State must provide the same amount of money per pupil as the previous year. The amount spent per pupil means the amount spent for the day-to-day operations of schools and school districts, including instruction, support services, and non-instruction services, but not including building projects or debt. The Article requires annual reports on education spending and school performance. Common schools must be funded in this manner within three years.

Shall the following proposed new Article XIII-C of the Constitution 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.

BE IT ENACTED BY THE PEOPLE OF OKLAHOMA THAT A NEW ARTICLE XIII-C OF THE OKLAHOMA CONSTITUTION BE APPROVED:

AN AMENDMENT TO THE OKLAHOMA CONSTITUTION ADDING AN ARTICLE RELATING TO THE SUPPORT OF COMMON SCHOOLS, PRE-KINDERGARTEN THROUGH TWELFTH GRADE; REPEALING ARTICLE XIII, SECTION 1A OF THIS CONSTITUTION; REQUIRING THE LEGISLATURE TO DESIGNATE AND PROVIDE FUNDS FOR AN ANNUAL STATE PER PUPIL EXPENDITURE IN AN AMOUNT THAT IS AT LEAST EQUIVALENT TO THE AVERAGE OF THE ANNUAL PER PUPIL EXPENDITURES OF THE SURROUNDING STATES, DEFINING “SURROUNDING STATES;” ESTABLISHING THAT THE STATE BOARD OF EQUALIZATION SHALL OBTAIN ANNUALLY FROM EACH SURROUNDING STATE THE MOST RECENTLY DETERMINED ANNUAL PER PUPIL EXPENDITURE FOR THAT STATE, DEFINING
"EXPENDITURE;" ESTABLISHING THE METHOD BY WHICH THE STATE BOARD OF
EQUALIZATION SHALL CALCULATE THE AVERAGE OF THE ANNUAL PER PUPIL
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OF EQUALIZATION ANNUALLY TO CERTIFY TO THE LEGISLATURE THE AVERAGE
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PROVIDING THAT THE AVERAGE SHALL BE THE APPLICABLE ANNUAL STATE
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SETTING FORTH THE CALCULATION TO DETERMINE THE MINIMUM AMOUNT OF
FUNDS THAT THE LEGISLATURE MUST DESIGNATE AND PROVIDE EACH YEAR,
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FORTH THE PROCESS OF IMPLEMENTATION OVER THREE YEARS; PROVIDING
THAT THE EDUCATION OVERSIGHT BOARD AND THE OFFICE OF
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REGARDING THE EXPENDITURES FOR CLASSROOM INSTRUCTION AND FOR
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AND THE OFFICE OF ACCOUNTABILITY SHALL ALSO PUBLISH AN ANNUAL
REPORT ON STUDENT ACHIEVEMENT RESULTS AND THE OVERALL
PERFORMANCE OF COMMON SCHOOLS; PROVIDING THAT THE ARTICLE SHALL
NOT CONFLICT WITH ARTICLE X, SECTION 23 OF THE CONSTITUTION; AND
PROVIDING FOR THE SEVERABILITY OF INVALID PROVISIONS.

A. Article XIII, Section 1a of this Constitution is hereby repeated.

B. The Legislature shall designate and provide funds for the support of common schools,
pre-kindergarten through twelfth grade, to provide for an annual State Per Pupil
Expenditure in an amount that is at least equal to the average of the annual per pupil
expenditures of the surrounding states, subject to the adjustment in paragraph E of this
Article. For purposes of this Article, “surrounding states” shall mean Missouri, Texas,
Kansas, Arkansas, Colorado, and New Mexico.

C. The State Board of Equalization shall obtain annually from each of the surrounding states
the most recently determined annual per pupil expenditure for that state. For the
purposes of this Article, “expenditure,” when used in the phrase “per pupil expenditure,”
shall mean the expenditures for the day-to-day operations of schools and school districts
including instruction, support services, and non-instruction services, but not including
capital outlays or debt service expenditures. The State Board of Equalization shall
calculate the average of the annual per pupil expenditures of the surrounding states by
adding together the six surrounding states’ most recently determined annual per pupil
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forty-five (45) days or less than thirty-five (35) days prior to the convening of each
regular session of the Legislature, certify the resulting number to the Legislature as the
average of the per pupil expenditures of the surrounding states. That average shall,
subject to the adjustment contained in paragraph E of this Article, be the applicable
annual State Per Pupil Expenditure.

D. The State Board of Equalization shall determine annually the number of pupils in the
State with reference to the total statewide enrollment for the preceding year. The State
Board of Equalization shall, not more than forty-five (45) days or less than thirty-five
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number of pupils in the State to the Legislature. The number of pupils in the State multiplied by the annual State Per Pupil Expenditure (as adjusted pursuant to paragraph E of this Article) shall define the minimum amount of funds that the Legislature shall designate and provide each year.

E. If the average of the annual per pupil expenditures of the surrounding states should decrease from the previous year, the Legislature shall apply the previous year’s State Per Pupil Expenditure.

F. Nothing herein shall be construed as limiting any particular school district to the annual State Per Pupil Expenditure specified herein.

G. The funding required by paragraph B of this Article shall be fully implemented no later than July 1 of the third fiscal year following the fiscal year in which this Article is approved. For the first fiscal year following the approval of this Article, the annual State Per Pupil Expenditure shall be no less than the State’s per pupil expenditure for the previous year plus an additional expenditure equal to 6% of the average of the most recently determined annual per pupil expenditures of the surrounding states. For the second fiscal year following the approval of this Article, the annual State Per Pupil Expenditure shall be no less than the first fiscal year’s State Per Pupil Expenditure plus an additional expenditure equal to 6% of the average of the most recently determined annual per pupil expenditures of the surrounding states. For the third fiscal year following the approval of this Article, the annual State Per Pupil Expenditure shall be no less than 100% of the average of the most recently determined annual per pupil expenditures of the surrounding states.

H. The Education Oversight Board and the Office of Accountability shall publish an annual report on the expenditure of common education revenue, which shall include reports regarding the expenditures for classroom instruction and for administrative costs. The Education Oversight Board and the Office of Accountability shall also publish an annual report on student achievement results and the overall performance of common schools.

I. Nothing in this Article shall be construed as conflicting with Article X, Section 23 of this Constitution.

J. In the event any portion of this Article is declared invalid for any reason, the invalid portion shall be severed, and the rest and remainder of the Article shall be saved and given full force and application.

Name and Address of Proponents:

Charles Edward Pack, II
1205 W. 1st St.
Tahlequah, OK 74464

Richard D. George
32552 Broadway St.
Waynoka, OK 73860

Lisa B. Connery, M.D.
1010 24th Ave. N.W., Suite 110
Norman, OK 73069
SIGNATURES

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure adds a new Article to the Oklahoma Constitution. The Article concerns the amount of money the State provides to support common schools, pre-kindergarten through twelfth grade. The Article requires the State each year to provide an amount of money per pupil that is at least equal to the average of the amounts spent per pupil by the states surrounding Oklahoma: Missouri, Texas, Kansas, Arkansas, Colorado, and New Mexico. If the average of the amounts spent per pupil by the surrounding states decreases for any year, the State must provide the same amount of money per pupil as the previous year. The amount spent per pupil means the amount spent for the day-to-day operations of schools and school districts, including instruction, support services, and non-instruction services, but not including building projects or debt. The Article requires annual reports on education spending and school performance. Common schools must be funded in this manner within three years.

<table>
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<th>Signature of Legal Voter</th>
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STATE OF OKLAHOMA

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I believe that each has stated his name, post office address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and the County of his residence as stated.

Circulator’s Signature

Address

City __________________ Zip Code __________

Subscribed and sworn to me this _____ day of ________________, 200__.

Notary Public

Address

City __________________ Zip Code __________

My Commission Expires: ______________________

My Commission Number: ____________________
FATE QUESTION NO. 744

INITIATIVE PETITION NO. 391

VOLUME NO. 1

Consisting of 200 signature sheets

Numbered 00001 through 01200

with approximately 3689 signatures
ATE QUESTION NO. 744

INITIATIVE PETITION NO. 391

VOLUME NO. 2

Consisting of 200 signature sheets

Numbered 00201 through 00400

with approximately 3618 signatures
QUESTION NO. 744
VE PETITION NO. 391
LUME NO. 3

Consisting of 200 signature sheets
Numbered 00401 through 00600
with approximately 3,784 signatures
STATE QUESTION NO. 744
SIATIVE PETITION NO. 391

VOLUME NO. 4

Consisting of 200 signature sheets

Numbered 00601 through 00800

with approximately 3705 signatures
ATE QUESTION NO. 744

INITIATIVE PETITION NO. 391

VOLUME NO. 6

Consisting of 200 signature sheets

Numbered 1001 through 1200

with approximately 3599 signatures
QUESTION NO. 744

VOL.

7

VOLUME NO. 7

Consisting of 200 signature sheets

Numbered 1201 through 1400

with approximately 3281 signatures
ATE QUESTION NO. 744

INITIATIVE PETITION NO. 391

VOLUME NO. 8

Consisting of 200 signature sheets

Numbered 1401 through 1600

with approximately 3079 signatures
Consisting of 200 signature sheets
Numbered 1001 through 1200

VOLUME NO. 9

PETITION NO. 391

STATE QUESTION NO. 744

with approximately 3457 signatures
QUESTION NO. 744

ACTIVE PETITION NO. 391

VOLUME NO. 10

...string of 200 signature sheets...

Numbered 1801 through 2000

with approximately 3670 signatures
Consisting of 200 signature sheets

Numbered 2001 through 2200

with approximately 3,326 signatures
STATE QUESTION NO. 744

INITIATIVE PETITION NO. 391

VOLUME NO. 12

Consisting of 200 signature sheets

Numbered 2001 through 2400

with approximately 2914 signatures
VOLUME NO. 13

AMERICAN QUESTION NO. 744

JURISPRUDENCE NO. 391

VOLUME NO. 13

Consisting of 200 signature sheets

Numbered 2401 through 2600

with approximately 3379 signatures
ATE QUESTION NO. 744

TIATIVE PETITION NO. 391

VOLUME NO. 14

Consisting of 200 signature sheets

Numbered 2601 through 2800

with approximately 3436 signatures
QUESTION NO. 744

VIVE PETITION NO. 391

VOLUME NO. 15

ag of 200 signature sheets

Numbered 2801 through 3000

with approximately 2893 signatures
QUESTION NO. 744
FIVE PETITION NO. 391

VOLUME NO. 17

Consisting of 200 signature sheets
Numbered 3201 through 3400
with approximately 3538 signatures
QUESTION NO. 744
IVE PETITION NO. 391

VOL. 18

VOLUME NO. 18

Consisting of 200 signature sheets.
Numbered 3401 through 3600

with approximately 3478 signatures
Volume No. 19

Question No. 744

Ve Petition No. 391

Jume No. 19

Consisting of 200 signature sheets

Numbered 3601 through 3800

with approximately 3695 signatures
QUESTION NO. 744
TVE PETITION NO. 391
VOLUME NO. 20

Consisting of 200 signature sheets
Numbered 3501 through 4000
with approximately 3576 signatures
QUESTION NO. 744

TIVE PETITION NO. 391

VOLUME NO. 21

Consisting of 200 signature sheets

Numbered 11001 through 12000

with approximately 35400 signatures
Consisting of 200 signature sheets

Numbered 4201 through 4400

with approximately 2861 signatures
STATE QUESTION NO. 744
INITIATIVE-PETITION NO. 391

VOLUME NO. 23

Consisting of 200 signature sheets
Numbered 4201 through 4600

with approximately 3412 signatures
QUESTION NO. 744

TVE PETITION NO. 391

VOLUME NO. 24

Consisting of 200 signature sheets

Numbered 4001 through 4800

with approximately 3546 signatures
ATE QUESTION NO. 744

PATIENT PETITION NO. 391

VOLUME NO. 25

Consisting of 200 signature sheets

Numbered 4801 through 5000

with approximately 3275 signatures
REQUEST NO. 744

PETITION NO. 391

UME NO. 260

Consisting of 200 signature sheets.
Numbered 5001 through 5200
with approximately 3213 signatures
FE QUESTION NO. 744

LATIVELY PETITION NO. 391

VOLUME NO. 27

3493 signatures

Numbered 5201 through 5400

Consisting of 200 signature sheets

with approximately 3493 signatures
ATE QUESTION NO. 744

INATIVE PETITION NO. 391

VOLUME NO. 28

Consisting of 200 signature sheets

Numbered 5401 through 5600

with approximately 3041 signatures
VOLUME NO. 30

Consisting of 200 signature sheets

Numbered 5801 through 6000

with approximately 3571 signatures
ATE QUESTION NO. 744

INITIATIVE PETITION NO. 391

VOLUME NO. 31

Consisting of 200 signature sheets

Numbered 1001 through 1200

with approximately 3341 signatures
STATE QUESTION NO. 744
INITIATIVE PETITION NO. 391

VOLUME NO. 32

Consisting of 200 signature sheets

Numbered 10201 through 10400

with approximately 3298 signatures
QUESTION NO. 744

FIVE PETITION NO. 391

VOLUME NO. 34

Consisting of 200 signature sheets

Numbered 16601 through 16800

with approximately 3416 signatures
E QUESTION NO. 744
ACTIVE PETITION NO. 391

VOLUME NO. 36

Consisting of 200 signature sheets

Numbered 7001 through 7200

with approximately 3601 signatures
ATE QUESTION NO. 744

INITIATIVE PETITION NO. 391

VOLUME NO. 37

Consisting of 200 signature sheets

Numbered 7201 through 7400

with approximately 3611 signatures
QUESTION NO. 744

VOL. 38

VOLUME NO. 38

Consisting of 200 signature sheets

Numbered 7401 through 7600

with approximately 3483 signatures
TE QUESTION NO. 744

VOLATIVE PETITION NO. 391

VOLUME NO. 40

Consisting of 200 signature sheets

Numbered 7801 through 8000

with approximately 34461 signatures
ATE QUESTION NO. 744

VOLITIVE PETITION NO. 391

VOLUME NO. 41

Consisting of 200 signature sheets

Numbered 8001 through 8200

with approximately 2708 signatures
IE QUESTION NO. 744
IATIVE PETITION NO. 391
VOLUME NO. 42

Consisting of 200 signature sheets
Numbered 8201 through 8400
with approximately 3588 signatures
Vol. 43

QUESTION NO. 744

PE PLE TO PETITION NO. 391

CLUMNE NO. 43

Consisting of 200 signature sheets

Numbered 8401 through 8600

with approximately 3454 signatures
STATE QUESTION NO. 744
INITIATIVE PETITION NO. 391

VOLUME NO. 44

Consisting of 200 signature sheets
Numbered 8601 through 8800
with approximately 3,593 signatures
Consisting of 200 signature sheets

Numbered 8801 through 9000

with approximately 3601 signatures
Consisting of 200 signatures sheets
Numbered: 9401 through 9400

with approximately 3,151 signatures

VOLUME NO. 47

INITIATIVE PETITION NO. 391

154

IATE QUESTION NO. 744
Consisting of approximately 5,277 signatures

Numbered 440 through 9,000

ATTNATIVE PETITION NO. 391

VOLUME NO. 48

LATE QUESTION NO. 744
STATE QUESTION NO. 744
INITIATIVE PETITION NO. 391

VOLUME NO. 49

Consisting of 200 signature sheets

Numbered 9601 through 9800

With approximately 3221 signatures
Consisting of 200 signature sheets

Numbered 9801 through 10,000

with approximately 3390 signatures
E QUESTION NO. 744
ACTIVE PETITION NO. 391

VOLUME NO. 51

Consisting of 200 signature sheets

Numbered 10001 through 12000

with approximately 32866 signatures
VOLUME NO. 52

Consisting of 200 signature sheets

Numbered 10201 through 10400

with approximately 3354 signatures
VOLUME NO. 53

Consisting of 2000 signature sheets
Numbered 10401 through 10600
with approximately 3420 signatures
Consisting of 202 signature sheets

Numbered 10801 through 11000

with approximately 3,385 signatures
GATE QUESTION NO. 744

INITIATIVE PETITION NO. 391

VOLUME NO. 56

Consisting of _900_ signature sheets

Numbered _11001_ through _11200_

With approximately _3624_ signatures
QUESTION NO. 744
INA PETITION NO. 391

VOLUME NO. 59

Consisting of 200 signature sheets

Numbered 11601 through 11800

with approximately 3734 signatures
STATE QUESTION NO. 744

INITATIVE PETITION NO. 391

VOLUME NO. 60

Consisting of 200 signature sheets

Numbered 11801 through 12000

with approximately 3255 signatures
VOLUME NO. 61

Consisting of 200 signature sheets

Numbered 12001 through 12200

with approximately 3552 signatures

IE QUESTION NO. 744

LATIVETE PETITION NO. 391

200

3552
Consisting of 200 signature sheets

Numbered 22201 through 222400

with approximately 3425 signatures
Vol
63

E QUESTION NO. 744

PETITION NO. 391

VOLUME NO. 63

Consisting of 200 signature sheets

Numbered 12401 through 12600

with approximately 3392 signatures
QUESTION NO. 744

PE PETITION NO. 391

UUME NO. 64

Consisting of 200 signature sheets

Numbered 12601 through 12800

with approximately 3419 signatures
Numbered 12801 through 13000
with approximately 3,070 signatures.
Consisting of approximately 200 signatures sheets.

VOLUME NO. 65
LIATIVE PETITION NO. 744

167
STATE QUESTION NO. 744

NATIVE PETITION NO. 391

VOLUME NO. 169

Consisting of 200 signature sheets

Numbered 3001 through 3200

with approximately 32,740 signatures
CONSISTING OF 200 SIGNATURE SHEETS

NUMBERED 13201 THROUGH 13400

WITH APPROXIMATELY 3394 SIGNATURES
Consisting of 200 signature sheets

Numbered 13401 through 13600

with approximately 3507 signatures
Consisting of 183 signature sheets

Numbered 13601 through 13783

with approximately 2017 signatures
December 11, 2008

The Honorable Drew Edmondson
Attorney General
313 NE 21 Street
Oklahoma City, Oklahoma 73105

Dear Attorney General Edmondson:

Pursuant to the provisions of Title 34 O.S., Section 9D.1, the filing and binding of the petition pamphlets for State Question 744, Initiative Petition 391 have been completed. Submitted to you is a copy of the petition with the proposed ballot title for your review.

If there are any questions or if we may be of further assistance, please do not hesitate to contact this office.

Sincerely,

M. Susan Savage
Secretary of State

MSS/kj

Enclosure: SQ 744 – Proposed Ballot Title
IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA, TO:

SUSAN SAVAGE, SECRETARY OF STATE, STATE OF OKLAHOMA

GREETINGS:

ORDER

An initiative petition has been circulated in the State of Oklahoma, seeking the approval by the electorate of State Question No. 744, a proposed amendment to the Oklahoma Constitution, Art. XIII-C which would require the Legislature to support common schools, pre-kindergarten through 12th grade, by appropriating an amount of money per pupil not less than the average of the amounts spent per pupil in Missouri, Texas, Arkansas, Kansas, Colorado and New Mexico.

In accordance with 34 O.S.2001 § 8, the court recognizes the certification of the Secretary of State that the petition contains 234,446 signatures. The court further recognizes that the number of signatures necessary to place the measure before the electorate is 138,970, being 15% of the votes cast for the state office receiving the highest number of votes in the November 7, 2006 general election. The signatures on the petition thus appear 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 of Oklahoma, a public notice of the filing of State Question No. 744, Initiative Petition No. 391, and of the apparent numerical sufficiency of the signatures. The notice shall advise that any citizen of the State of Oklahoma may file a written protest of the petition or a written objection to the signature count in the office of the Clerk of the Supreme Court of the
State of Oklahoma, with a copy directed to the proponents of the petition. Any such protest or objection must be filed with the Clerk of the Supreme Court not later than ten (10) days from the date of publication. A copy of the protest or objection must also be filed with the Secretary of State.

Proceedings in the Supreme Court to resolve any protest or objection shall be in accordance with 34 O.S.2001 § 8, and such other procedures as may be ordered by the court.

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

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE

THIS 15th DAY OF December, 2008.

[Signature]
CHIEF JUSTICE

ALL JUSTICES CONCUR
Office of Attorney General
State of Oklahoma

December 18, 2008

M. Susan Savage, 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. 744, Initiative Petition No. 391

Dear Secretary Savage:

We have, in accordance with the provisions of 34 O.S Supp. 2008, § 9(C), reviewed the Ballot Title for the above referenced State Question and conclude that it does not comply with applicable laws for the following reasons:

• It is not written at the 8th grade reading comprehension level.

• It fails to apprise the voter that the measure repeals a section of the Oklahoma Constitution as well as proposing the adoption of a new Article in the Constitution.

• It does not indicate that the proposed new Article would require an increase in spending on education.

• It does not make clear that no new funding source is provided for the required increases in education spending, and

• In asking whether the voters approve the proposed measure, it does not use the "shall the proposal be approved?" language required by 26 O.S. 2001, § 6-113.

313 N.E. 21st Street • Oklahoma City, OK 73105 • (405) 521-3921 • Fax: (405) 521-6246
Having found that the Ballot Title does not comply with applicable laws, this office will, in conformity with the provisions of 34 O.S. Supp. 2008, § 9(D), within ten (10) business days, prepare and file a Ballot Title which complies with the law.

Respectfully submitted,

[Signature]

W. A. DREW EDMONDSON
ATTORNEY GENERAL

WAE/ab
December 18, 2008

Cindy Shea
Oklahoma Press Association
3601 N Lincoln Blvd
Oklahoma City Ok 73105-5499

Dear Ms. Shea:

This letter authorizes you to publish the attached Notice of Filing for State Question Number 744, Initiative Petition Number 391. The publication must appear in at least one newspaper of general circulation in the State of Oklahoma, pursuant to 34 O.S. 2001, Section 8 and Supreme Court Order Number 106,613.

Please include the publication in Monday's Oklahoman, Tulsa World and the Journal Record on December 29, 2008.

Please submit verified proof of publication of the Notice to us as soon as possible.

Should you have any questions, please do not hesitate to contact Kathy Jekel at 522-4564.

Sincerely,

M. Susan Savage
Secretary of State

MSS/aj

cc: Amanda Maxfield Green
    Charles Edward Pack, II
    Richard D. George
    Lisa B. Connerly, M.D.
NOTICE
OF THE FILING OF
STATE QUESTION NUMBER 744
INITIATIVE PETITION NUMBER 391

NOTICE is hereby given that on August 6, 2008, State Question Number 744, Initiative Petition Number 391 was filed in the Office of the Secretary of State. An initiative petition has been circulated in the State of Oklahoma, seeking the approval by the electorate of State Question 744, a proposed amendment to the Oklahoma Constitution, Art. XIII-C, which would require the Legislature to support common schools, pre-kindergarten through 12th grade, by appropriating an amount of money per pupil not less than the average of the amounts spent per pupil in Missouri, Texas, Arkansas, Kansas, Colorado and New Mexico.

In accordance with 34 O.S. 2001, § 8, and Supreme Court Order No. 106,623 the Court recognizes the certification of the Secretary of State that the petition contains 234,446 signatures. The court further recognizes that the number of signatures necessary to place the measure before the electorate is 138,970, being 15% of the votes cast for the state office receiving the highest number of votes in the November 7, 2006 general election. The signatures on the petition thus appear numerically sufficient.

Notice is hereby given that any citizen of the State of Oklahoma may file a written protest of the petition or a written objection to the signature count in the office of the Clerk of the Supreme Court of the State of Oklahoma, with a copy directed to the proponents of the petition: Charles Edward Pack, II, 1205 W. 1st St., Tahlequah, OK 74464; Richard D. George, 32552 Broadway St., Waynoka, OK 73866; Lisa B. Connery, M.D., 1010 24th Ave. N.W., Suite 110, Norman, OK 73069. Any such protest or objection must be filed with the Clerk of the Supreme Court not later than ten (10) days from the date of publication. A copy of the protest or objection must also be filed with the Secretary of State: 2300 N. Lincoln, Suite 101, Oklahoma City, OK 73105.

Proceedings in the Supreme Court to resolve any protest or objection shall be in accordance with 34 O.S. 2001, Section 8, and such other procedures as may be ordered by the court.


M. Susan Savage
Secretary of State
January 5, 2009

M. Susan Savage, 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. 744, Initiative Petition No. 391

Dear Secretary Savage:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S.Supp.2008, § 9(D), prepared the following Substitute Ballot Title for filing. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Substitute Ballot Title reads as follows:

**BALLOT TITLE FOR STATE QUESTION NO. 744**

The measure repeals a Section of the State Constitution. The repealed section required the Legislature annually to spend $42.00 for each common school student. Common schools offer pre-kindergarten through twelfth grade.

The measure also adds a new Article to the Constitution. It sets a minimum average amount the State must annually spend on common schools. It requires the State to spend annually, no less than the average amount spent on each student by the surrounding states. Those surrounding states are Missouri, Texas, Kansas, Arkansas, Colorado and New Mexico. When the average amount
spent by surrounding states declines, Oklahoma must spend the amount it spent the year before.

The measure deals with money spent on day-to-day operations of the schools and school districts. This includes spending on instructions, support services and non-instruction services. The measure does not deal with money spent to pay debt, on buildings or on other capital needs.

The measure requires that increased spending begin in the first fiscal year after its passage. It requires that the surrounding state average be met in the third fiscal year after passage.

The measure does not raise taxes, nor does it provide new funding for the new spending requirements.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

Respectfully submitted,

TOM GRUBER
FIRST ASSISTANT ATTORNEY GENERAL
Acting in the Attorney General’s Absence*

WAE/ab

*In accordance with 74 O.S. 2001 § 28
IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE: STATE QUESTION NO. 744, INITIATIVE PETITION NO. 391

NO. 106,623

PROPRIETOR'S NOTICE REGARDING ATTORNEY GENERAL'S SUBSTITUTE BALLOT TITLE

On January 5, 2009, the Oklahoma Attorney General filed with the Oklahoma Secretary of State a substitute ballot title for the above-referenced initiative petition. (See Exhibit 1, attached hereto). The proponents of the above-referenced initiative petition hereby notify the Court that they accept this substitute ballot title and do not plan to appeal it to this Court.

Proponents note that there is a scrivener's error in the third paragraph of the substitute ballot title. Where the title currently reads, "This includes spending on instructions, support services and non-instruction services," it should read "This includes spending on instruction, support services and non-instruction services."

Respectfully submitted,

[Signature]

D. KENT MEYERS, OBA # 6168
AMANDA L. MAXFIELD GREEN, OBA # 19876
- Of the Firm-
CROWE & DUNLEVY
20 North Broadway, Suite 1800
Oklahoma City, Oklahoma 73102-8273
Telephone (405) 234-3241
Facsimile (405) 272-5286

ATTORNEYS FOR PETITION PROponents
CERTIFICATE OF SERVICE

I hereby certify that on this day, the 14th day of January, 2009, a true and correct copy of the above and foregoing instrument was sent via U.S. Mail and faxed to:

Tom Gruber
First Assistant Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105
Fax: (405) 521-6246

M. Susan Savage
Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City OK, 73105
Fax: (405) 521-3771

Amanda L. Maxfield Green
January 5, 2009

M. Susan Savage, 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. 744, Initiative Petition No. 391

Dear Secretary Savage:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S.Supp.2008, § 9(D), prepared the following Substitute Ballot Title for filing. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Substitute Ballot Title read as follows:

BALLOT TITLE FOR STATE QUESTION NO. 744

The measure repeals a Section of the State Constitution. The repealed section required the Legislature annually to spend $42.00 for each common school student. Common schools offer pre-kindergarten through twelfth grade.

The measure also adds a new Article to the Constitution. It sets a minimum average amount the State must annually spend on common schools. It requires the State to spend annually, no less than the average amount spent on each student by the surrounding states. Those surrounding states are Missouri, Texas, Kansas, Arkansas, Colorado and New Mexico. When the average amount

315 N.E. 21ST STREET • OKLAHOMA CITY, OK 73105 • (405) 521-3921 • FAX: (405) 521-6266
recycled paper
spent by surrounding states declines, Oklahoma must spend the amount it spent the year before.

The measure deals with money spent on day-to-day operations of the schools and school districts. This includes spending on instructions, support services and non-instruction services. The measure does not deal with money spent to pay debt, on buildings or on other capital needs.

The measure requires that increased spending begin in the first fiscal year after its passage. It requires that the surrounding state average be met in the third fiscal year after passage.

The measure does not raise taxes, nor does it provide new funding for the new spending requirements.

**SHALL THE PROPOSAL BE APPROVED?**

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

Respectfully submitted,

[Signature]

TOM GRUBER
FIRST ASSISTANT ATTORNEY GENERAL
Acting in the Attorney General's Absence

WAE/ab

*In accordance with 74 O.S.2001 § 28*
IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE:  
STATE QUESTION NO. 744,  
INITIATIVE PETITION NO. 391.

No. 106,623

FILED
JAN 29, 2009

ORDER

In accordance with this Court's order of December 16, 2008, the Secretary of State has given legally sufficient notice by publication of the filing of this initiative petition, the apparent numerical sufficiency of the signatures, and the right of the citizens of the State of Oklahoma to protest the petition or challenge the signature count by filing a protest or challenge in the office of the Clerk of the Supreme Court within ten days from the date of publication. Verified proof of publication has been filed.

Examination of the files and records of this Court indicates that no protest, challenge or objection has been filed within the interval allowed by law, and that as consequence, there is no justiciable controversy before the Court.

This facially-adequate initiative petition is remanded to the Oklahoma Secretary of State, to be submitted to a vote of the electorate.

DONE BY THE ORDER OF THE SUPREME COURT IN CONFERENCE THIS 26th DAY OF JANUARY, 2009.

CHIEF JUSTICE

ALL JUSTICES CONCUR.
February 2, 2009

The Honorable Brad Henry
Governor, State of Oklahoma
Room 212, State Capitol
Oklahoma City, Oklahoma 73105

Dear Governor Henry:

Enclosed is a copy of the Supreme Order No. 106,623, determining State Question Number 744, Initiative Petition Number 391 sufficient for submission to a vote of the electorate.

Also, enclosed is a copy of the Attorney General’s review of the Ballot Title.

According to Title 34 O.S. Section 12, the election proclamation setting forth the substance of the measure and the date on which the vote will be held may be issued.

If I can provide you with additional information please do not hesitate to let me know.

Sincerely,

M. Susan Savage
Secretary of State

MSS/kj
February 2, 2009

The Honorable Paul Ziriax
Oklahoma State Election Board
Room 6, State Capitol
Oklahoma City, Oklahoma 73105

Dear Secretary Ziriax:

Enclosed is a copy of the Supreme Order No. 106,623, determining State Question Number 744, Initiative Petition Number 391 sufficient for submission to a vote of the electorate.

Also, enclosed is a copy of the Attorney General’s review of the Ballot Title.

The state question has been certified to the Governor and the election proclamation setting the election date will be delivered to your office upon receipt from that office.

If I can provide you with additional information please do not hesitate to let me know.

Sincerely,

M. Susan Savage
Secretary of State

MSS/kj
I, Brad Henry, 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, and Section 12 of Title 34 of the Oklahoma Statutes, and the referral by the Secretary of State do hereby declare that Initiative Petition Number 391, State Question 744, 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 2, 2010.

The substance of the measure is as follows:

The measure repeals a Section of the State Constitution. The repealed section required the Legislature annually to spend $42.00 for each common school student. Common schools offer pre-kindergarten through twelfth grade.

The measure also adds a new Article to the Constitution. It sets a minimum average amount the State must annually spend on common schools. It requires the State to spend annually, no less than the average amount spent on each student by the surrounding states. Those surrounding states are Missouri, Texas, Kansas, Arkansas, Colorado and New Mexico. When the average amount spent by surrounding states declines, Oklahoma must spend the amount it spent the year before.

The measure deals with money spent on day-to-day operations of the schools and school districts. This includes spending on instructions, support services and non-instruction services. The measure does not deal with money spent to pay debt, on buildings or on other capital needs.

The measure requires that increased spending begin in the first fiscal year after its passage. It requires that the surrounding state average be met in the third fiscal year after passage.

The measure does not raise taxes, nor does it provide new funding for the new spending requirements.

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 9th day of August, 2010.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

[Signature]

BRAD HENRY

SECRETARY OF STATE

STATE CAPITOL BUILDING • 2300 N. LINCOLN BOULEVARD, SUITE 212 • OKLAHOMA CITY, OKLAHOMA 73105 • (405) 521-2342 • FAX (405) 521-3353
August 10, 2010

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

Dear Secretary Ziriax:

Enclosed are copies of the Governor’s Proclamations calling for the election on:

State Question Number 744, Initiative Petition Number 391
State Question Number 746, Legislative Referendum Number 347
State Question Number 747, Legislative Referendum Number 348
State Question Number 748, Legislative Referendum Number 349
State Question Number 750, Legislative Referendum Number 350
State Question Number 751, Legislative Referendum Number 351
State Question Number 752, Legislative Referendum Number 352
State Question Number 754, Legislative Referendum Number 354
State Question Number 755, Legislative Referendum Number 355
State Question Number 756, Legislative Referendum Number 356
State Question Number 757, Legislative Referendum Number 357

If there are any questions, or if our office may be of further assistance, please do not hesitate to let us know.

Sincerely,

M. Susan Savage
Secretary of State

RECEIVED
AUG 10 2010
STATE ELECTION BOARD
December 12, 2010

The Honorable M. Susan Savage
Secretary of State
Room 101, State Capitol
Oklahoma City, Oklahoma 73105

Dear Ms. Savage:

Enclosed please find a copy of the official returns of the vote at the General Election on November 2, 2010, on the following measures, as certified to the Governor of the State of Oklahoma. The results of the vote on State Question 755, Legislative Referendum 355, have not been certified by the State Election Board and are not included.

State Question No. 744, Initiative Petition No. 391
State Question No. 746, Legislative Referendum No. 347
State Question No. 747, Legislative Referendum No. 348
State Question No. 748, Legislative Referendum No. 349
State Question No. 750, Legislative Referendum No. 350
State Question No. 751, Legislative Referendum No. 351
State Question No. 752, Legislative Referendum No. 352
State Question No. 754, Legislative Referendum No. 354
State Question No. 756, Legislative Referendum No. 356
State Question No. 757, Legislative Referendum No. 357

Sincerely,

Paul Ziriax
Secretary
State Election Board

PZ-mf

Receipt of the above hereby is acknowledged on this ___ day of November, 2010.

By: ____________________________

Time: ________________ AM.
November 12, 2010

The Honorable Brad Henry  
Governor of the State of Oklahoma  
Room 212, State Capitol  
Oklahoma City, Oklahoma 73105

Dear Governor Henry:

Pursuant to the provisions of 26 O.S. 2001, §12-118, the State Election Board herewith certifies the results of the vote at the General Election on November 2, 2010, on the following measures. The results of the vote on State Question 755, Legislative Referendum 355, have not been certified by the State Election Board and are not included.

STATE QUESTION No. 744  
INITIATIVE PETITION No. 391

YES: 189,164  
NO: 828,589

STATE QUESTION No. 746  
LEGISLATIVE REFERENDUM No. 347

YES: 746,053  
NO: 257,523

STATE QUESTION No. 747  
LEGISLATIVE REFERENDUM No. 348

YES: 695,592  
NO: 299,789
STATE QUESTION NO. 748
LEGISLATIVE REFERENDUM NO. 349

YES: 567,288
NO: 403,733

STATE QUESTION NO. 750
LEGISLATIVE REFERENDUM NO. 350

YES: 485,703
NO: 478,042

STATE QUESTION NO. 751
LEGISLATIVE REFERENDUM NO. 351

YES: 740,918
NO: 239,904

STATE QUESTION NO. 752
LEGISLATIVE REFERENDUM NO. 352

YES: 606,805
NO: 358,925

STATE QUESTION NO. 754
LEGISLATIVE REFERENDUM NO. 354

YES: 361,907
NO: 614,219
STATE QUESTION NO. 756
LEGISLATIVE REFERENDUM NO. 356

YES: 638,530
NO: 347,956

STATE QUESTION NO. 757
LEGISLATIVE REFERENDUM NO. 357

YES: 499,287
NO: 479,353

Sincerely,

Paul Ziriax
PAUL ZIRIAX, Secretary
State Election Board

PZ/mf

Receipt of the above hereby is acknowledged on this 16th day of November, 2010.

By: ____________________________

Time: 9:30am
EXECUTIVE DEPARTMENT

EXECUTIVE PROCLAMATION

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Section 12-118 of Title 26 of the Oklahoma Statutes and the Certification by the State Election Board, do hereby proclaim State Question Number 744 to have failed. The results of the election held on November 2, 2010, on State Question 744, Initiative Petition Number 391, are as follows:

Total Votes – 1,017,753

YES – 189,164
NO – 828,589

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 5th day of January, 2011.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Brad Henry

SECRETARY OF STATE

BRAD HENRY