



OKLAHOMA SECRETARY OF STATE
2300 N. LINCOLN BLVD. ROOM 101
OKLAHOMA CITY, OK 73105-4897
(405) 521-3912
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M. Susan Savage
Secretary of State

Brad Henry
Governor

April 30, 2009

Clarence W. Cooper II
1939 NW 12th
Oklahoma City, Ok 73106

FILED

APR 30 2009

OKLAHOMA SECRETARY
OF STATE

Dear Mr. Cooper:

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

State Question Number 749
Initiative Petition Number 393

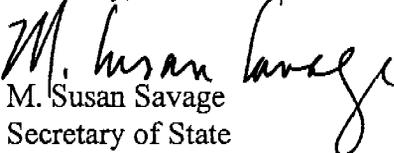
filed this 30 day of April, 2009 at 9:55 a.m.

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. Should your due date fall on a weekend or holiday or a day that this office is closed for business, pursuant to Title 25 O.S. 2001, Section 82.1 (C.), the due date for this petition will fall on the next succeeding business day that this office is open for business.

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. 749

Initiative Petition No. 393

WARNING

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INITIATIVE PETITION

FILED

APR 30 2009

**OKLAHOMA SECRETARY
OF STATE**

To the Honorable Brad Henry,
Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed amendment(s), provisions, and requests for establishment of language of law, within Titles 10, 21, 30, 43, and 63 of the Oklahoma Statutes, shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election (or such earlier special election as may be called by the Governor), to be held on the 2nd day of November, 2010, and each for himself / herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma, and my residence or post office are correctly written after my name. The time for filing this petition expires ninety days from April 30th, 2009. The question we herewith submit to our fellow voters is:

Shall the following proposed amendments, ratifications, renumbering, requests for establishment of language of law and provisions, within Titles 10, 21, 30, 43, and 63 of the Oklahoma Statutes, be approved?

BALLOT TITLE

This measure establishes, amends, ratifies, renumbers, and / or creates provisions within Titles 10, 21, 30, 43, and 63 of the Oklahoma Statutes. The measure, herein, calls for legislative action(s) and / or languages which will provide a clear definition of the "Best Interests of the Child", where there is not, currently, a clear set of criteria which establish the "Best Interests of the Child" in this state. This measure, additionally, calls to establish or amend Oklahoma Statutes in such a language as will subject any individual, State agency, affiliate organization, legal, medical, and mental health professional to criminal and / or civil penalties when unnecessary separation of child and family, wrongful termination of parental – rights, fraudulent activities, or other defined actions / infractions are proven. Furthermore, the measure removes and replaces the "Clear and Convincing Evidence" rule in Juvenile Court proceedings, and establishes a language of law which promotes the importance of Familial bond.

This measure seeks to "overhaul" the current OKDHS systems, re-engage and empower the citizens (both children and adults), of this state, and foster the ideal of community unity, sanctity of family, family union, unalienable civil and constitutional rights (for both parents and their children), while continuing to more properly protect the lives and interests of authentically – abused and / or neglected children.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL - NO

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA THAT THE FOLLOWING AMENDMENTS, LANGUAGE OF LAW REQUESTS, RENUMERATIONS, AND / OR PROVISIONS BE APPROVED:

WHEREAS many have perceived that the PARENTS, CHILDREN, and OTHER CITIZENS OF THE STATE OF OKLAHOMA have suffered egregious and obscene outrages, indignities, loss of affection, emotional trauma, economic loss, violations of unalienable civil, statutory, and constitutional rights and liberties, unnecessary separation of family, and false imprisonment through false and wrongful child abuse, sexual abuse and / or child neglect allegations brought about as a result of:

1. Malicious acts including, but not limited to: individuals who harass or duress a family through excessive and false child abuse and / or neglect reports; organized crime practices within the judicial, child protection, mental health and social work systems; and / or lack of appropriate protection of children who require intervention from either abuse and / or neglect within their families of origin, or abuse and / or neglect while under the care and supervision of foster – families and OKDHS.
2. Arrogant, corrupt, under - qualified, vindictive, and / or malicious State agency personnel, individuals working as Counselors, psychiatrists, psychologists, social workers, legal and medical practitioners who consistently violate unalienable civil, statutory, and constitutional liberties under color – of - law;
3. Counselors, psychiatrists, psychologists, legal and medical practitioners, State agency personnel, and individuals who engage in *fraudulent practices* through the use(s) of diagnostic tests which are manipulated to *produce false positives* in evaluations and child abuse, sexual abuse, and / or child neglect investigations; and
4. Judicial, Prosecutorial, Attorney Ad Litem, Public Defender, and Attorney misconduct in child abuse, sexual abuse, child neglect cases, and other family law proceedings.

We, the below signed CITIZENS OF OKLAHOMA, petition to remedy these egregious and obscene outrages, indignities, loss of affection, emotional trauma, economic loss, violations of unalienable civil, statutory, and constitutional rights and liberties, unnecessary separation of family, and false imprisonment caused by false child abuse allegations , elements perceived as State - abetted extortion, and child exploitation by any and all means including but not limited to as follows:

1. Establish, under all applicable Oklahoma Statutes, the following criteria - based “definition of the best interests of the child”: For purposes of conducting child abuse, neglect, or molestation allegation investigations, in addition to child custody or adoption decision making, the “best interests of the child” shall mean “the least detrimental alternative objectively determined to have the lowest rates of per capita occurrence with regard to the following criterions and standards”:
 - (1) deaths;
 - (2) administrative inefficiency;
 - (3) deprivation of affection;
 - (4) deprivation of constitutional and legal rights;
 - (5) disruption of cultural continuity;
 - (6) disruption of custody;
 - (7) disruption of extended family relationships;
 - (8) disruption of parental emotional relationship;
 - (9) disruption of parental relationships;
 - (10) disruption of religious affiliations;
 - (11) disruption of social affiliations;
 - (12) disruption of sustained intellectual development;
 - (13) disruption of sustained healthy physical development;
 - (14) disruption of sustained emotional development;
 - (15) disruption of visitation;
 - (16) economic exploitation;
 - (17) emotional abuse;
 - (18) emotional exploitation;

- (19) exploitation for criminal purposes;
- (20) false negative conclusions;
- (21) false positive conclusions;
- (22) fraud;
- (23) inaccurate records;
- (24) institutional abuse;
- (25) institutionalized abuse;
- (26) human experimentation;
- (27) legal/judicial exploitation;
- (28) nosocomial abuse;
- (29) organized criminal activity;
- (30) parental abuse of legal processes;
- (31) parental alienation;
- (32) physical abuse;
- (33) political exploitation;
- (34) science fraud;
- (35) unnecessary medication; and
- (36) use of the child as any form of leverage in disputes.

And that any individual, State agency and / or affiliate organization shall be subject to criminal and / or civil penalties for any deviation (intentional or unintentional) from this article.

- I. Establish a provision, which will equally hold all parties, involved in children's proceedings, accountable and subjected to criminal and / or civil penalties, for any action which violates a person's unalienable constitutional, civil, or statutory rights, and / or violates any of the criteria set forth in Article 1, sec. 1-36 (Definition of the Best Interests of the Child) of this initiative petition, and / or the Bill of Rights for the Preservation of Families, without regard to social, financial, professional, or official position.

2. Establish criminal penalties for any individual, State agency, and / or affiliate organization who directly or indirectly encroaches upon a parent's, child's, or guardian's, unalienable constitutional right to exercise visitation; **except where detriment to the best interests of either party can be proven, beyond reasonable doubt, in a court - of - law.**

3. Protect children from exploitation, abuse, experimentation, and unnecessary medication and treatment by establishing the following language of law:
 - I. **Criminal and / or civil penalties for any fraudulent practices of mental health, physical health, forensics, legal, social work practitioners, individual(s), and / or any State agencies; where the care and treatment of a child is to be determined and / or is being provided.**

4. Provide for the emotional and financial recovery of any parent and / or family who can establish that an allegation of abuse, neglect, or molestation, which subsequently lead to the unnecessary separation of that family, was false. Establish, under Oklahoma Statute, provisioning which ensures that this resource shall be available for a retro - active period of not more than ten (10) years, beginning January 1, 2009.
 - I. Establish and maintain a "victim's Fund", which will provide funding for therapeutic and other family services in addition to reparatory payments, for families who are proven to have been "unnecessarily separated" and, as a direct result, have been irreparably damaged with respect to the temporal, mental, and moral welfare of the parent(s) and child(ren).

5. Establish the following language under all applicable Oklahoma Statutes:

- I. **“A child’s needs are best met by his/her own parent(s) except when otherwise determined by consideration of all criterions and standards as set forth in Section 1, sub – sections 1 through 36, of this initiative, and due process in a court – of - law.”**
- II. All citizens shall be equally protected from abuse of individual, State agency and / or government power by criminalizing any acts which harass, molest, demoralize, alienate, or otherwise unnecessarily separate a family.

6. Amend all applicable Oklahoma Statutes as follows:

- I. Remove all “Prima Facie” privileges, currently exercised by any State agency; Judicial, Law Enforcement Officer, attorney, and / or any affiliated individuals or organizations; so that “Prima Facie” will no longer be recognized as an exercisable rule in any Family Court and / or Juvenile Deprived proceedings.
- II. Any item submitted to a court – of – law as “evidence” (including, but not limited to, sworn affidavits, amended affidavits, Statements of “Reasonable Efforts”, etc.) shall be submitted with credible supporting material(s) under penalty of perjury; and shall not be accepted for consideration of the court – of – law without said supporting material(s).

7. Amend all applicable Oklahoma Statutes to remove the “Clear and Convincing Evidence” (preponderance of evidence in adjudicatory proceedings) rule(s), where all matters of Juvenile and / or Family Court Proceedings are concerned, and replace with the following:

“Findings of fact and conclusion of law, Beyond Reasonable Doubt, as supported by physical evidence (including, but not limited to: Medical, Psychological, Psychiatric, and Forensic Investigative sworn reports or affidavits which are certified and filed with the County Court Clerk’s office of the prevailing jurisdiction)”.

I. Provide additional provisioning, under this amendment, as follows:

- a) Require that any Medical, Psychological, Psychiatric, Interrogative, State agency, and / or Forensic investigations be carried out by a properly – credentialed, experienced and thoroughly - trained Law Enforcement “Investigator” or “Detective”, who is NOT contracted by OKDHS or any of its affiliate organizations; with an OKDHS presence providing consult in a Social Services capacity only, and that any such investigative reports or findings acquired otherwise are to be deemed “inadmissible” in any Juvenile and / or Family Court proceeding(s), including, but not limited to, appellate proceedings.
- b) Upon receipt of an abuse and / or neglect report, an OKDHS – Child Welfare Specialist shall respond to the report in question; and perform an “Assessment” only. During or after an “Assessment”, should the OKDHS – Child Welfare Specialist determine that an “Investigation” is necessary, the OKDHS – Child Welfare Specialist shall immediately engage a “Child Abuse Response Team” “Investigator”; who shall serve in a capacity as defined under 74 O.S. § 150.38.
- c) In the event that the “Child Abuse Response Team” “Investigator(s)” determine(s), during or after the investigation, that probable cause for the determination of “imminent danger” exists, an Emergency Custody Order shall be filed, by the District Attorney’s Office, to the judicial authority of the prevailing jurisdiction requesting a warrant for the child(ren)’s removal.
- d) If the findings, of the “Child Abuse Response Team” “Investigator(s)”, indicate that “imminent danger” does not exist; the OKDHS – Child Welfare Specialist shall immediately pursue Social Services intervention methods which do NOT include the separation of the family. Except in such cases where “Assessment” and / or “Investigation” indicates that the report(s) / allegation(s) are “unfounded – services not needed”.

- e) Any child – abuse and / or neglect investigation which is documented as “unfounded – services not needed”, or “founded” but has been “closed”, shall not be admissible as “evidence” against any parent or child during any juvenile – deprived or family court proceeding; and that any such action which is contrary to the above shall be deemed as grounds for immediate “motion for mistrial”, and that the juvenile – deprived or family court proceeding shall be halted, and the hearing dismissed, without prejudice, by the presiding judicial authority.

- II. Families have a right to receive an objective “Assessment” of abuse and / or neglect allegations; and to not be irreparably traumatized, by separation of family members, when social services can be provided within the family’s home or place of sanctuary, in such situations where “imminent danger” has been determined to not exist; but providing social services to the family are determined, by and through such “Assessments”, to be of a greater benefit to the family..

- III. Every effort shall be made to prevent the separation of families, except where sufficient evidence of “imminent danger” exists, during or after an investigation.

- IV. “Imminent Risk” shall be fully revoked from Oklahoma Statute, and replaced with a thoroughly - detailed definition of “Imminent Danger” which shall be adopted through cooperative community and legislative process, and strictly observed by every individual, State agency and / or affiliate organization.

- 8. Establish, under all applicable Oklahoma Statutes, language of law which strictly prohibits “incentive – based” funding, “grant – payments”, or “bonus - payouts” for any State agency and / or affiliated organization; especially where such “incentives” are “metrics – dependant”, or would encourage any individual(s), State agency(ies) and / or affiliate organization(s), Medical, Psychiatric, Psychological, Legal, Law Enforcement, or Social Work professional(s) to engage in any fraudulent activity(ies) prior to, during, or after any child abuse / neglect investigations, Juvenile and / or Family Court proceedings.

- 9. Establish the following language under all applicable Oklahoma Statutes:
 - I. “Permanency” shall, first and foremost, be defined as “reunification of child(ren) and family”; with “adoptive”, “guardianship”, or “permanent Foster care” placement to only be considered as a “no other recourse” alternative.

 - II. “No other recourse” shall be defined as the “verifiable exhaustion of all possible avenues of treatment in pursuit of the “Permanency” goal of reunification of the child(ren) and family”.

 - III. Any attempts to accelerate the termination of parental rights, and / or the “Foster Adopt” placement of a child / sibling group before termination of parental rights proceedings begin, shall be absolutely blocked. Except where the parent / guardian willfully relinquishes his / her / their parental – rights, notwithstanding any situation where parent and / or child indicates that a parent, child, or sibling group have been coerced or were under duress at the time of relinquishment.

- 10. Establish, under Oklahoma Statute, the following language:
 - I. Any child, who has been separated from his / her family, shall possess the incontestable right to challenge the separation, termination and / or relinquishment of their “familial bond” at any time.

 - II. “Parental Rights” are to be incontestably recognized as an element of “familial bond”.

 - III. Children, who have been separated from their families, have the incontestable right to receive a “challenge of ruling / action” hearing within 20 days of their request(s) for such action; that every child shall be thoroughly informed of this incontestable right; and there be no statute of limitations placed upon any child who acts under this article.

11. Renumber and ratify the following language into O.S. 10 (Oklahoma Children's Code):

O.S. 21, §,844: "Provided, however, that nothing contained in this Act shall prohibit any parent, teacher or other person from using ordinary force as a means of discipline, including but not limited to spanking, switching or paddling."

and attach the following sub - section to the aforementioned language:

- I. During the course of treatment for any reunification plan, no State agency, individual, or affiliate organization shall penalize the parent(s) for the use of ordinary force as a means of discipline; but shall encourage and educate the parent(s) in alternative methods of discipline. So as to reinforce the ideals of "Parental Authority", "Stability of family and community", and positive direction and upbringing of the child(ren)

Name and Address of Proponent(s):

Clarence W. Cooper, II
1939 NW 12th Street
Oklahoma City, OK - 73106

William H. Moore
2131 S. 91st East Ave.
Tulsa, OK - 74129

Robert Followwill
2616 N. Adams Ave.
Oklahoma City, OK - 73127

(Here follow twenty (20) numbered lines for signatures.)



OKLAHOMA SECRETARY OF STATE

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OKLAHOMA CITY, OK 73105-4897

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Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

#107417

**FILED
SUPREME COURT
STATE OF OKLAHOMA**

AUG 12 2009

**MICHAEL S. RICHIE
CLERK**

August 12, 2009

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

Dear Justice Edmondson:

Enclosed is the Secretary of State's tabulation of signatures and report to the Supreme Court for State Question 749, Initiative Petition 393. Pursuant to the provisions of Title 34 O.S., Section 8, the Secretary of State reports the following details:

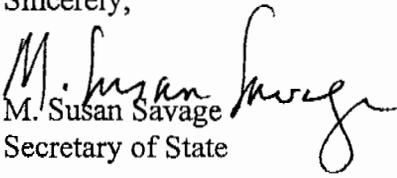
- One box of signature pamphlets was received on July 29, 2009 from Clarence W. Cooper II, 3800 N. Central Road, #A, Bethany, OK 73106.
- The Secretary of State certifies the total signatures counted for State Question 749, Initiative Petition 393 are 642.
- Individual signature sheets were numbered 1 through 41 and were bound in 1 Volume.
- The Secretary of State affirms that the State Election Board certified a total of 1,462,661 votes were cast for the state office receiving the highest number of votes in the last general election.

Kathy Jekel, of the SOS Executive/Legislative Division supervised the signature count.

Please be advised that there is a "Statement of Unauthorized Modification of Initiative Petition Form" from the proponent of this petition that has been attached to page 41. A copy of this form and signature sheet will be forwarded to the Attorney General with this correspondence.

If our office may be of further assistance, please do not hesitate to contact Kathy Jekel or myself at the above number or address.

Sincerely,


M. Susan Savage
Secretary of State

Enclosures: SQ 749, IP 393
Tabulation Sheet for SQ 749
Total Votes Cast as certified by Election Board

cc: Clarence W. Cooper II
Attorney General Drew Edmondson

State Question No. 749

Initiative Petition No. 393

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INITIATIVE PETITION

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OF STATE**

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This measure seeks to "overhaul" the current OKDHS systems, re-engage and empower the citizens (both children and adults), of this state, and foster the ideal of community unity, sanctity of family, family union, unalienable civil and constitutional rights (for both parents and their children), while continuing to more properly protect the lives and interests of authentically – abused and / or neglected children.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES

AGAINST THE PROPOSAL - NO

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA THAT THE FOLLOWING AMENDMENTS, LANGUAGE OF LAW REQUESTS, RENUMERATIONS, AND / OR PROVISIONS BE APPROVED:

WHEREAS many have perceived that the PARENTS, CHILDREN, and OTHER CITIZENS OF THE STATE OF OKLAHOMA have suffered egregious and obscene outrages, indignities, loss of affection, emotional trauma, economic loss, violations of unalienable civil, statutorial, and constitutional rights and liberties, unnecessary separation of family, and false imprisonment through false and wrongful child abuse, sexual abuse and / or child neglect allegations brought about as a result of:

1. Malicious acts including, but not limited to: individuals who harass or duress a family through excessive and false child abuse and / or neglect reports; organized crime practices within the judicial, child protection, mental health and social work systems; and / or lack of appropriate protection of children who require intervention from either abuse and / or neglect within their families of origin, or abuse and / or neglect while under the care and supervision of foster – families and OKDHS.
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4. Judicial, Prosecutorial, Attorney Ad Litem, Public Defender, and Attorney misconduct in child abuse, sexual abuse, child neglect cases, and other family law proceedings.

We, the below signed CITIZENS OF OKLAHOMA, petition to remedy these egregious and obscene outrages, indignities, loss of affection, emotional trauma, economic loss, violations of unalienable civil, statutorial, and constitutional rights and liberties, unnecessary separation of family, and false imprisonment caused by false child abuse allegations , elements perceived as State - abetted extortion, and child exploitation by any and all means including but not limited to as follows:

1. Establish, under all applicable Oklahoma Statutes, the following criteria - based “definition of the **best interests of the child**”: For purposes of conducting child abuse, neglect, or molestation allegation investigations, in addition to child custody or adoption decision making, the “**best interests of the child**” shall mean “**the least detrimental alternative objectively determined to have the lowest rates of per capita occurrence with regard to the following criterions and standards**”:
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- (31) parental alienation;
- (32) physical abuse;
- (33) political exploitation;
- (34) science fraud;
- (35) unnecessary medication; and
- (36) use of the child as any form of leverage in disputes.

And that any individual, State agency and / or affiliate organization shall be subject to criminal and / or civil penalties for any deviation (intentional or unintentional) from this article.

- I. Establish a provision, which will equally hold all parties, involved in children's proceedings, accountable and subjected to criminal and / or civil penalties, for any action which violates a person's unalienable constitutional, civil, or statutory rights, and / or violates any of the criteria set forth in Article 1, sec. 1-36 (Definition of the Best Interests of the Child) of this initiative petition, and / or the Bill of Rights for the Preservation of Families, without regard to social, financial, professional, or official position.
- 2. Establish criminal penalties for any individual, State agency, and / or affiliate organization who directly or indirectly encroaches upon a parent's, child's, or guardian's, unalienable constitutional right to exercise visitation; **except where detriment to the best interests of either party can be proven, beyond reasonable doubt, in a court - of - law.**
- 3. Protect children from exploitation, abuse, experimentation, and unnecessary medication and treatment by establishing the following language of law:
 - I. **Criminal and / or civil penalties for any fraudulent practices of mental health, physical health, forensics, legal, social work practitioners, individual(s), and / or any State agencies; where the care and treatment of a child is to be determined and / or is being provided.**
- 4. Provide for the emotional and financial recovery of any parent and / or family who can establish that an allegation of abuse, neglect, or molestation, which subsequently lead to the unnecessary separation of that family, was false. Establish, under Oklahoma Statute, provisioning which ensures that this resource shall be available for a retro - active period of not more than ten (10) years, beginning January 1, 2009.
 - I. Establish and maintain a "victim's Fund", which will provide funding for therapeutic and other family services in addition to reparatory payments, for families who are proven to have been "unnecessarily separated" and, as a direct result, have been irreparably damaged with respect to the temporal, mental, and moral welfare of the parent(s) and child(ren).

5. Establish the following language under all applicable Oklahoma Statutes:

- I. **“A child’s needs are best met by his/her own parent(s) except when otherwise determined by consideration of all criteria and standards as set forth in Section 1, sub – sections 1 through 36, of this initiative, and due process in a court – of – law.”**
- II. All citizens shall be equally protected from abuse of individual, State agency and / or government power by criminalizing any acts which harass, molest, demoralize, alienate, or otherwise unnecessarily separate a family.

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- I. Remove all “Prima Facie” privileges, currently exercised by any State agency; Judicial, Law Enforcement Officer, attorney, and / or any affiliated individuals or organizations; so that “Prima Facie” will no longer be recognized as an exercisable rule in any Family Court and / or Juvenile Deprived proceedings.
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7. Amend all applicable Oklahoma Statutes to remove the “Clear and Convincing Evidence” (preponderance of evidence in adjudicatory proceedings) rule(s), where all matters of Juvenile and / or Family Court Proceedings are concerned, and replace with the following:

“Findings of fact and conclusion of law, Beyond Reasonable Doubt, as supported by physical evidence (including, but not limited to: Medical, Psychological, Psychiatric, and Forensic Investigative sworn reports or affidavits which are certified and filed with the County Court Clerk’s office of the prevailing jurisdiction)”.

I. Provide additional provisioning, under this amendment, as follows:

- a) Require that any Medical, Psychological, Psychiatric, Interrogative, State agency, and / or Forensic investigations be carried out by a properly – credentialed, experienced and thoroughly - trained Law Enforcement “Investigator” or “Detective”, who is **NOT** contracted by OKDHS or any of its affiliate organizations; with an OKDHS presence providing consult in a Social Services capacity only, and that any such investigative reports or findings acquired otherwise are to be deemed “inadmissible” in any Juvenile and / or Family Court proceeding(s), including, but not limited to, appellate proceedings.
- b) Upon receipt of an abuse and / or neglect report, an OKDHS – Child Welfare Specialist shall respond to the report in question; and perform an “Assessment” only. During or after an “Assessment”, should the OKDHS – Child Welfare Specialist determine that an “Investigation” is necessary, the OKDHS – Child Welfare Specialist shall immediately engage a “Child Abuse Response Team” “Investigator”; who shall serve in a capacity as defined under **74 O.S. § 150.38**.
- c) In the event that the “Child Abuse Response Team” “Investigator(s)” determine(s), during or after the investigation, that probable cause for the determination of “imminent danger” exists, an Emergency Custody Order shall be filed, by the District Attorney’s Office, to the judicial authority of the prevailing jurisdiction requesting a warrant for the child(ren)’s removal.
- d) If the findings, of the “Child Abuse Response Team” “Investigator(s)”, indicate that “imminent danger” does not exist; the OKDHS – Child Welfare Specialist shall immediately pursue Social Services intervention methods which do NOT include the separation of the family. Except in such cases where “Assessment” and / or “Investigation” indicates that the report(s) / allegation(s) are “unfounded – services not needed”.

- e) Any child – abuse and / or neglect investigation which is documented as “unfounded – services not needed”, or “founded” but has been “closed”, shall not be admissible as “evidence” against any parent or child during any juvenile – deprived or family court proceeding; and that any such action which is contrary to the above shall be deemed as grounds for immediate “motion for mistrial”, and that the juvenile – deprived or family court proceeding shall be halted, and the hearing dismissed, without prejudice, by the presiding judicial authority.
-
- II. Families have a right to receive an objective “Assessment” of abuse and / or neglect allegations; and to not be irreparably traumatized, by separation of family members, when social services can be provided within the family’s home or place of sanctuary, in such situations where “imminent danger” has been determined to not exist; but providing social services to the family are determined, by and through such “Assessments”, to be of a greater benefit to the family..
 - III. Every effort shall be made to prevent the separation of families, except where sufficient evidence of “imminent danger” exists, during or after an investigation.
 - IV. “Imminent Risk” shall be fully revoked from Oklahoma Statute, and replaced with a thoroughly - detailed definition of “Imminent Danger” which shall be adopted through cooperative community and legislative process, and strictly observed by every individual, State agency and / or affiliate organization.
-
8. Establish, under all applicable Oklahoma Statutes, language of law which strictly prohibits “incentive – based” funding, “grant – payments”, or “bonus - payouts” for any State agency and / or affiliated organization; especially where such “incentives” are “metrics – dependant”, or would encourage any individual(s), State agency(ies) and / or affiliate organization(s), Medical, Psychiatric, Psychological, Legal, Law Enforcement, or Social Work professional(s) to engage in any fraudulent activity(ies) prior to, during, or after any child abuse / neglect investigations, Juvenile and / or Family Court proceedings.
9. Establish the following language under all applicable Oklahoma Statutes:
- I. “Permanency” shall, first and foremost, be defined as “reunification of child(ren) and family”; with “adoptive”, “guardianship”, or “permanent Foster care” placement to only be considered as a “no other recourse” alternative.
 - II. “No other recourse” shall be defined as the “verifiable exhaustion of all possible avenues of treatment in pursuit of the “Permanency” goal of reunification of the child(ren) and family”.
 - III. Any attempts to accelerate the termination of parental rights, and / or the “Foster Adopt” placement of a child / sibling group before termination of parental rights proceedings begin, shall be absolutely blocked. Except where the parent / guardian willfully relinquishes his / her / their parental – rights, not withstanding any situation where parent and / or child indicates that a parent, child, or sibling group have been coerced or were under duress at the time of relinquishment.
10. Establish, under Oklahoma Statute, the following language:
- I. Any child, who has been separated from his / her family, shall possess the incontestable right to challenge the separation, termination and / or relinquishment of their “familial bond” at any time.
 - II. “Parental Rights” are to be incontestably recognized as an element of “familial bond”.
 - III. Children, who have been separated from their families, have the incontestable right to receive a “challenge of ruling / action” hearing within 20 days of their request(s) for such action; that every child shall be thoroughly informed of this incontestable right; and there be no statute of limitations placed upon any child who acts under this article.

11. Renumber and ratify the following language into O.S. 10 (Oklahoma Children's Code):

O.S. 21, §,844: "Provided, however, that nothing contained in this Act shall prohibit any parent, teacher or other person from using ordinary force as a means of discipline, including but not limited to spanking, switching or paddling."

and attach the following sub - section to the aforementioned language:

- I. During the course of treatment for any reunification plan, no State agency, individual, or affiliate organization shall penalize the parent(s) for the use of ordinary force as a means of discipline; but shall encourage and educate the parent(s) in alternative methods of discipline. So as to reinforce the ideals of "Parental Authority", "Stability of family and community", and positive direction and upbringing of the child(ren)

Name and Address of Proponent(s):

Clarence W. Cooper, II
1939 NW 12th Street
Oklahoma City, OK – 73106

William H. Moore
2131 S. 91st East Ave.
Tulsa, OK - 74129

Robert Followwill
2616 N. Adams Ave.
Oklahoma City, OK - 73127

(Here follow twenty (20) numbered lines for signatures.)

SIGNATURES

This measure seeks to “overhaul” the current OKDHS systems, re-engage and empower the citizens (both children and adults), of this state, and foster the ideal of community unity, sanctity of family, family union, unalienable civil and constitutional rights (for both parents and their children), while continuing to more properly protect the lives and interests of authentically – abused and / or neglected children.

No	Signature of Legal Voter	Print Name	Address, City/Town of Residence, State, Zip Code	County
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INSTRUCTIONS FOR CIRCULATORS: Circulators must be legal voters (lawfully registered to vote) in Oklahoma, and must personally witness all signatures. ALL PETITION SIGNERS MUST BE LEGAL VOTERS (LAWFULLY REGISTERED TO VOTE) IN OKLAHOMA. After the signer signs, turn this sheet over and print the name only in the corresponding space provided. When all signatures have been obtained, complete the “Circulator’s Affidavit”, on the back of this sheet, in the presence of a Notary Public.

RETURN THIS PETITION TO: **Clarence W. Cooper, II**
1939 N.W. 12th Street
Oklahoma City, OK – 73106

AFFIDAVIT

STATE OF OKLAHOMA)
) SS:
COUNTY OF _____)

I, _____, being first duly sworn say:

That I am a qualified elector of The State of Oklahoma and that the following persons signed this sheet of the foregoing petition, and each of them signed his or her name thereto in my presence:

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

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

Circulator's Signature

Post Office Address

City

Zip Code

Subscribed and sworn to before me this _____ day of _____, 2009.

Notary Public

My Commission Expires:

Post Office Address

City

Zip Code

(SEAL)



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STATE QUESTION NO. 749

INITIATIVE PETITION NO. 393

VOLUME NO. 1

nsisting of 41 signature sheets

Numbered 1 through 41

with approximately 642 signatures

642.*+

41

STATEMENT OF UNAUTHORIZED MODIFICATION
OF INITIATIVE PETITION FORM

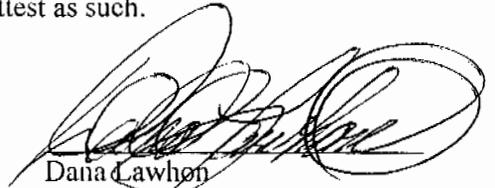
On Saturday, 27 June 2009, I was circulating Initiative Petition number 749 at the South Steps of the State Capitol Building, in Oklahoma City. Among the individuals who signed this petition, Gayla Smith had placed her signature onto this sheet.

Not more than twenty (20) minutes after placing her signature onto this document, while another person was signing the petition, Gayla Smith approached, snatched my clipboard (which held the petition being signed) away from the person who was signing, and began marking lines through her name and four (4) other names on this signature sheet.

Gayla Smith returned the clipboard to the person who was signing, and walked away.

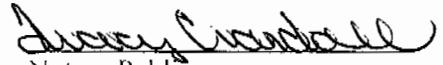
At no time did any of the other four (4) persons, whose names were crossed out by Gayla Smith, approach me and request that their names be stricken from the signature sheet.

This statement is true and correct, and I affix my signature below to attest as such.


Dana Lawhon
3920 S.W. 23rd
Post Office Address
Oklahoma 73108
City Zip Code



Subscribed and sworn to before me this 29th day of July, 2009.


Notary Public
1916 Elm Drive
Post Office Address
Del City, OK 73115
City Zip Code

My Commission Expires: 7-5-10

02011666

INSTRUCTIONS FOR CIRCULATORS: Circulators must be legal voters (lawfully registered to vote) in Oklahoma, and must personally witness all signatures. ALL PETITION SIGNERS MUST BE LEGAL VOTERS (LAWFULLY REGISTERED TO VOTE) IN OKLAHOMA. After the signer signs, turn this sheet over and print the name only in the corresponding space provided. When all signatures have been obtained, complete the "Circulator's Affidavit", on the back of this sheet, in the presence of a Notary Public.

RETURN THIS PETITION TO: Clarence W. Cooper, II
1939 N.W. 12th Street
Oklahoma City, OK - 73106

00041



SIGNATURES

This measure seeks to "overhaul" the current OKDHS systems, re-engage and empower the citizens (both children and adults), of this state, and foster the ideal of community unity, sanctity of family, family union, inalienable civil and constitutional rights (for both parents and their children), while continuing to more properly protect the lives and interests of authentically - abused and / or neglected children.

No	Signature of Legal Voter	Print Name	Address, City/Town of Residence, State, Zip Code	County
X 1		Jimmy J. Williamson	355 ALBERT HILL RD BALD KNOB, OK 73010	White
2		RICK JAMES	PRIMROSE VIEW LN 73112	OK
3		Diana Heath	PO BOX 94 Meeker OK 74855	Lincoln
4		Ann Tiger	PO BOX 94 Meeker OK 74855	Lincoln
5		Donna Voyle	3705 SE 59 OKC 73135	White
6		Constance N. Johnson	3301 E Forest Park Dr 73121	OK
7		Rachelle Smith	938 1/2 S. Seward	OK 74860
8		Kristina Cagg	615 E. Elizabeth Apt. 1B Tecomseh, OK 74873	Pott
9		Misty Smith	920 W. Seward TERRACE, OK 74860	Lincoln
10		CHERYL MURRAY	MEERER, OK	
11		Gayle Smith	13501 BELL AVE, OKC	OK
12		Cheryl Murray	211 Clarke Meeker OK 74855	LN
13		Jeremiah Blackhart	3913 Pine Ridge Shawnee ok 74804	Pott.
X 14		Michael Williamson	355 Albert Hill Rd Bald Knob Ar, 73010	White
15		Melanie Lindsay	2832 SW 59th Apt # 302 OKC, OK 73115	OK
16		Katrina Lindsay	P.O. Box 43 Dibble, OK 73031	
17		Alestia Harris	Little 73089	Grady
18		Richard Robinson	2724 SW 54th St 73107 OKC OK	OKC
19		L Ray Calvin	1001 N MacArthur	OKC

INSTRUCTIONS FOR CIRCULATORS: Circulators must be legal voters (lawfully registered to vote) in Oklahoma, and must personally witness all signatures. ALL PETITION SIGNERS MUST BE LEGAL VOTERS (LAWFULLY REGISTERED TO VOTE) IN OKLAHOMA. After the signer signs, turn this sheet over and print the name only in the corresponding space provided. When all signatures have been obtained, complete the "Circulator's Affidavit", on the back of this sheet, in the presence of a Notary Public.

RETURN THIS PETITION TO: Clarence W. Cooper, II
1939 N.W. 12th Street
Oklahoma City, OK - 73106

00041

AFFIDAVIT

STATE OF OKLAHOMA)
) SS:
COUNTY OF Oklahoma)

I, Dana Lawhon, being first duly sworn say:

That I am a qualified elector of The State of Oklahoma and that the following persons signed this sheet of the foregoing petition, and each of them signed his or her name thereto in my presence:

- | | |
|-----------------------------|-------------------------------|
| 1. <u>Jimmy Williamson</u> | 11. <u>Darrell Fowler</u> |
| 2. <u>Rick James</u> | 12. <u>Gayla Smith</u> |
| 3. <u>Diana Heath</u> | 13. <u>Cheryl Murray</u> |
| 4. <u>Ann Tiger</u> | 14. <u>Jeremiah Lockhart</u> |
| 5. <u>Donna Boyles</u> | 15. <u>Michael Williamson</u> |
| 6. <u>Constance Johnson</u> | 16. <u>Melanie Lindsay</u> |
| 7. <u>Curtis Smith</u> | 17. <u>Katrina Lindsay</u> |
| 8. <u>Rachelle Smith</u> | 18. <u>Alesha Harris</u> |
| 9. <u>Kristina Clagg</u> | 19. <u>Richard Robinson</u> |
| 10. <u>Miste Smith</u> | 20. <u>L Roy Calvin</u> |

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

[Signature]
Circulator's Signature

3920 S.W. 23
Post Office Address

Oklahoma City 73108
City Zip Code



Subscribed and sworn to before me this 29th day of July, 2009.

Tracy Crandall
Notary Public

1916 Elm Drive
Post Office Address

Del City, OK 73115
City Zip Code

My Commission Expires: 7-5-10

#02011808

(SEAL)



Oklahoma State Election Board

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

November 18, 2008

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

FILED

NOV 20 2008

OKLAHOMA SECRETARY
OF STATE

Dear Ms. Savage:

Subsequent to the November 4, 2008, 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 Presidential Elector, for which the total votes cast were 1,462,661. Signature requirements for the types of petitions listed below are derived by applying the parenthetical percentages indicated and are valid from November 13, 2008, through November 9, 2010.

Referendum (5%)	73,134
Initiative (8%)	117,013
Initiative for Constitutional Change (15%)	219,400
Rejected Initiative or Referendum Measures (25%)	365,666
Formation of New Political Party (5%)	73,134

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 4, 2008, General Election, the total votes cast for Presidential Electors were 1,462,661. Signature requirements for the following types of petitions are derived by applying the parenthetical percentages indicated and are valid from November 13, 2008, through November 13, 2012.

Independent Presidential Electors (3%)	43,880
Unrecognized Party Presidential Electors (3%)	43,880

Sincerely,

MICHAEL CLINGMAN, Secretary
State Election Board

MC:MF/mf

043162



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

M. Susan Savage
Secretary of State

Brad Henry
Governor

August 12, 2009

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

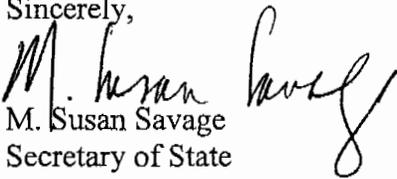
Dear Attorney General Edmondson:

Pursuant to the provisions of Title 34 O.S., Section 9D.1, the filing and binding of the petition pamphlets for State Question 749, Initiative Petition 393 have been completed.

Since this particular circumstance is not address by the current statutes, it is unclear if submission of this ballot title to your office for review is required. Of the 117,013 signatures required to place the measure on the ballot, only 642 signatures were counted and certified to the Supreme Court. A copy of the Supreme Court's report is attached.

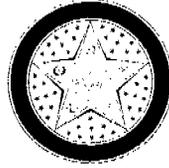
If there are any questions or if we may be of further assistance, please do not hesitate to contact this office.

Sincerely,


M. Susan Savage
Secretary of State

MSS/kj

Enclosure: SQ 749 – Proposed Ballot Title



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

August 19, 2009

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Bengtson
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: **Ballot Title for State Question No. 749, Initiative Petition No. 393**

Dear Secretary Savage, Senator Coffee, and Speaker Bengtson:

We have received a copy of the petition for State Question 749, Initiative Petition 393 and the proposed Ballot Title. As Secretary Savage noted in her letter accompanying the proposed Ballot Title, of the 117,013 signatures required to place the measure on the ballot, only 642 signatures were counted and certified to the Supreme Court.

The submission of the ballot title for the above referenced State Question was submitted by the Secretary of State under very unusual circumstances. For the first time to our knowledge, the Secretary of State has completed counting the signatures collected in support of the Initiative Petition and certified the same to the Supreme Court prior to submitting the ballot title to this office. Further, even if every one of the signatures certified withstood challenge in the Supreme Court,

and the Supreme Court certified all of the 642 signatures collected in support of the Initiative Petition, the proposal will never go to a vote of the people.

Under these circumstances, we conclude that the provisions of 34 O.S.Supp.2009, § 9(D) do not require a review of the ballot title be conducted, nor that a substitute ballot title, if necessary, be prepared, as such would be exercises in futility. This is so, because as a matter of law, the measure will not be presented to the people, and thus a ballot title apprising the people of the effect of the proposed measure is not needed. Under these circumstances, we conclude that a ballot title review need not be conducted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "W. A. Edmondson", written in a cursive style.

W. A. DREW EDMONDSON
ATTORNEY GENERAL

WAE/ab

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE:)
STATE QUESTION NO. 749,)
INITIATIVE PETITION NO. 393.)

No. 107,417

FILED
SUPREME COURT
STATE OF OKLAHOMA
OCT - 8 2009
MICHAEL S. HICHIE
CLERK

FILED

OCT 8 2009

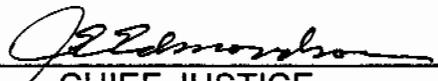
ORDER

OKLAHOMA SECRETARY
OF STATE

In view of the statutory requirement for publication set forth at 34 O.S. 2001 §8(C)(2), the Court nevertheless recognizes this initiative petition is numerically insufficient on its face, presenting a mere 642 signatures against the 117,013 signatures necessary to place the proposal before the electorate. There are no circumstances under which this initiative could become a viable measure. The proponents, Clarence W. Cooper II, William H. Moore, and Robert Followwill, are therefore directed to show cause on or before October 15, 2009, as to why the petition should not be dismissed prior to publication. If the proponents fail to respond as directed, the Court will assume they intend to voluntarily abandon this petition.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE

THIS 8th DAY OF OCTOBER, 2009.


CHIEF JUSTICE

ALL JUSTICES CONCUR.

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE:)
STATE QUESTION NO. 749,)
INITIATIVE PETITION NO. 393.)

No. 107,417

FILED

OCT 15 2009

OKLAHOMA SECRETARY
OF STATE

FILED
SUPREME COURT
STATE OF OKLAHOMA

OCT 15 2009

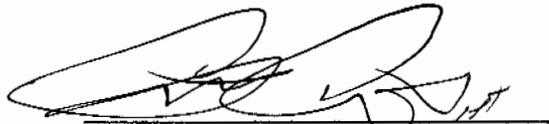
MICHAEL S. RICHIE
CLERK

PROPONENTS' RESPONSE TO ORDER

COMES NOW the proponents, for the above titled initiative petition, Clarence W. Cooper, II, William H. Moore, and Robert Followwill, and state as follows:

The proponents of State Question number 749, Initiative Petition number 393, present in full agreement with the decision of the Court, dated October 8th, 2009, and do hereby waive publication of notice of appeals and protests as set forth at 34 O.S. §8, agreeing that the petition is insufficient on its face.

RESPECTFULLY SUBMITTED this 15th day of October, 2009,



Clarence W. Cooper, II
3800 N. Central Rd. # A
Bethany, Oklahoma 73008
(405) 253-5507

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT A COPY OF THE ABOVE AND FORGOING WAS SENT TO THE FOLLOWING, VIA UNITED STATES POSTAL SERVICE, WITH POSTAGE PRE-PAID:

William H. Moore
2131 S. 91st East Ave
Tulsa, OK 74129

Robert Followwill
2616 N. Adams Ave.
Oklahoma City, OK – 73127

M. Susan Savage
Secretary of State
2300 N. Lincoln Blvd.
Room# 101
Oklahoma City, OK – 73105

Michael S. Richie
Clerk of Appellate Courts
Room B-2, State Capitol Building
2300 North Lincoln Blvd.
Oklahoma City, OK 73105

A handwritten signature in black ink, appearing to read 'Clarence W. Cooper, II', written over a horizontal line.

Clarence W. Cooper, II

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED

NOV 10 2009

OKLAHOMA SECRETARY
OF STATE

IN RE:

STATE QUESTION NO. 749,

INITIATIVE PETITION NO. 393.

)
)
)
)
)

No. 107,417

FILED
SUPREME COURT
STATE OF OKLAHOMA
NOV -9 2009
MICHAEL S. HICHIE
CLERK

ORDER

Pursuant to this Court's order of October 8, 2009, this Initiative Petition is dismissed, upon the proponents' written acknowledgment of numerical insufficiency.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE
THIS 9th DAY OF NOVEMBER, 2009.


CHIEF JUSTICE

ALL JUSTICES CONCUR.