



April 19, 2019

The Honorable Michael Rogers  
Oklahoma Secretary of State  
2300 N. Lincoln Boulevard, Ste. 122  
Oklahoma City, Oklahoma 73105-4897

Re: Initiative Petition

Dear Mr. Secretary:

Please accept for filing the enclosed copy of an initiative petition and suggested ballot title. The Petition requests that a proposed amendment to the Oklahoma Constitution, which would expand eligibility for Oklahoma's Medicaid program, be submitted to the voters at the next general election.

Very truly yours,

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

Counsel for Proponents

cc: Oklahoma Attorney General

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**APR 19 2019**

**OKLAHOMA SECRETARY  
OF STATE**

A PROFESSIONAL CORPORATION

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**PROPOSED BALLOT TITLE**

This measure adds a new Article to the Oklahoma Constitution. The new Article would expand Oklahoma's Medicaid program to include certain low-income adults between the ages of 18 and 65 whose income does not exceed 133% of the federal poverty level, as permitted under the federal Medicaid laws.

Shall the proposal be approved?

For the proposal        -        YES

Against the proposal -        NO

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

State Question No. 802, Initiative Petition No. 419

**FILED**

APR 19 2019

**WARNING**

**OKLAHOMA SECRETARY  
OF STATE**

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

---

**INITIATIVE PETITION**

To the Honorable J. Kevin Stitt, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed amendment 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 3rd day of November, 2020 (or at a special election as may be called by the Governor), and each for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from \_\_\_\_\_. The question we herewith submit to our fellow voters is:

Shall the following proposed new Article XXV-A to the Constitution be approved?

---

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

**CONSTITUTION OF OKLAHOMA, ARTICLE XXV-A –  
MEDICAID EXPANSION**

**SECTION 1. Definitions**

As used in this Article:

- A. “Centers for Medicare and Medicaid Services” or “CMS” refers to the agency responsible for administering the Medicaid program at the federal level, including review and approval of State Plan Amendments.
- B. “Low Income Adults” refers to those individuals over age 18 and under age 65 whose income does not exceed one-hundred thirty-three percent (133%) of the federal poverty level, as described by and using the income methodology provided in the federal Medicaid statute at 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII), and who meet applicable non-financial eligibility conditions for Medicaid under 42 CFR Part 435, Subpart E.
- C. “Medical assistance” means payment of part or all of the cost of the care and services, or the care and services themselves, or both, as provided in the federal Medicaid statute, 42 U.S.C. § 1396 et seq.
- D. “Oklahoma Health Care Authority” refers to the single State agency responsible for administering the Oklahoma Medicaid program pursuant to 42 U.S.C. § 1396a(a)(5).
- E. “State Plan Amendment” refers to the document(s) the State submits to the Centers for Medicare and Medicaid Services for review and approval before making a change to its program policies, including setting forth the groups of individuals to be eligible for medical assistance.

## **SECTION 2. Medicaid Expansion**

- A. In addition to those otherwise eligible for medical assistance under Oklahoma's Medicaid program, the State shall provide medical assistance under Oklahoma's Medicaid program to Low Income Adults.
- B. No greater or additional burdens or restrictions on eligibility or enrollment shall be imposed on persons eligible for medical assistance pursuant to this Article than on any other population eligible for medical assistance under Oklahoma's Medicaid program.

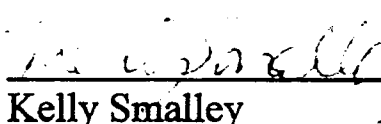
## **SECTION 3. Implementation**


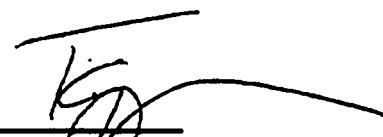
- A. Within 90 days of approval of this Article, the Oklahoma Health Care Authority shall submit a State Plan Amendment and all other necessary documents to seek required approvals from the Centers for Medicare and Medicaid Services to include Low Income Adults as a coverage group in Oklahoma's Medicaid program beginning no later than July 1, 2021.
- B. The Oklahoma Health Care Authority shall take all actions necessary to maximize federal financial participation in funding medical assistance pursuant to this Article.

## **SECTION 4. Severability**

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

### **Name and Address of Proponents**

  
\_\_\_\_\_  
Kelly Smalley  
106 S. 44th W. Ave.  
Tulsa, OK 74127

  
  
\_\_\_\_\_  
Erin Taylor  
3037 S.W. 66th St.  
Oklahoma City, OK 73159



SIGNATURES

The gist of the proposition is as follows: This measure adds a new Article to the Oklahoma Constitution, which would expand Oklahoma’s Medicaid program to include certain low-income adults between the ages of 18 and 65 whose income does not exceed 133% of the federal poverty level, as permitted under the federal Medicaid laws.

Restrictions on eligibility or enrollment for persons eligible for medical assistance as a result of this Article may be no greater than those on any other population eligible under Oklahoma’s Medicaid program. The Article would require the Oklahoma Health Care Authority to submit a State Plan Amendment and other documents necessary to seek federal approval within 90 days, and to take all actions necessary to maximize federal financial participation in funding this medical assistance.

WARNING

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1.

Signature of Legal Voter

Print Name

Address

City

Zip

County

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Signature of Legal Voter

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Signature of Legal Voter

Print Name

Address

City

Zip

County

# AFFIDAVIT

STATE OF OKLAHOMA           )  
                                       )  
COUNTY OF \_\_\_\_\_)

I, \_\_\_\_\_, being first duly sworn, say:

That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence. I believe that each signer has stated his or her name, mailing 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 before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**My Commission Expires:**

**Notary Public**

**Address**

City

**Zip Code**

**My Commission Number:**

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

## OKLAHOMA SECRETARY OF STATE

**FILED**

**APR 19 2019**

**OKLAHOMA SECRETARY  
OF STATE**

April 19, 2019

Kelly Smalley  
106 S. 44<sup>th</sup> W. Ave.  
Tulsa, Oklahoma 74127

Erin Taylor  
3037 S.W. 66<sup>th</sup> St.  
Oklahoma City, Oklahoma 73159

Dear Proponent(s):

This acknowledges receipt of the petition submitted to the Secretary of State office, which has been designated as **State Question Number 802, Initiative Petition Number 419** and filed accordingly this 19<sup>th</sup> day of April, 2019.

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

If I may provide any further assistance or should you have any questions, please do not hesitate to contact me.

Thank you,

A handwritten signature in black ink, appearing to read "Amy Canton".

Amy Canton  
Director, Executive Legislative Division

Oklahoma Secretary of State Office  
405.522.4565 / [executivelegislative@sos.ok.gov](mailto:executivelegislative@sos.ok.gov)

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

## OKLAHOMA SECRETARY OF STATE

April 19, 2019

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

Dear Ms. Shea:

Please find enclosed the following for publication;

- Notice of Filing for State Question 802, Initiative Petition 419

Per Title 34 O.S. § 8, the publication must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish the enclosed notice in *The Oklahoman*, *Tulsa World*, and the *Journal Record* as soon as possible.

Also, upon the completion of publication, please provide our office with corresponding Affidavits of Publication. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Amy Canton".

Amy Canton  
Director, Executive Legislative Division  
**OKLAHOMA SECRETARY OF STATE OFFICE**  
405.522.4565 / [executivelegislative@sos.ok.gov](mailto:executivelegislative@sos.ok.gov)

# Oklahoma Press Service

3601 North Lincoln Blvd.  
Oklahoma City, OK 73105-  
Voice (405) 499-0020 Fax (405) 499-0048

Friday, April 26, 2019 03:20 PM

Page 1

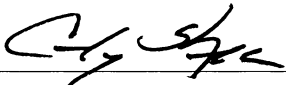
## Proof of Publication Order Number 19-04-60

I, Cindy Shea, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-JOURNAL RECORD, a Daily newspaper printed and published in the city of OKLAHOMA CITY, county of Oklahoma, and state of Oklahoma, and that the advertisement referred to, a true and printed copy of which is here unto attached, was published in said OK-JOURNAL RECORD in consecutive issues on the following dates-to-wit:

Insertion: 04/25/2019

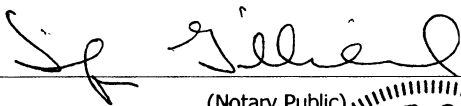
That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

PUBLICATION FEE \$35.15

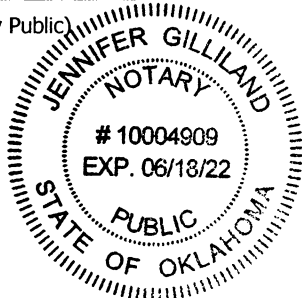


(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this  
26 day of April 2019.



(Notary Public)



**NOTICE OF THE FILING OF STATE QUESTION 802, INITIATIVE PETITION 419, THE APPARENT SUFFICIENCY THEREOF, AND NOTICE TO CITIZENS OF THE STATE THAT ANY SUCH PROTEST, AS TO THE CONSTITUTIONALITY OF SAID PETITION, MUST BE FILED ACCORDINGLY WITHIN TEN (10) BUSINESS DAYS AFTER THIS NOTICE (Okla. Stat. tit. 34, § 8)**

NOTICE is hereby given that on April 19, 2019, State Question 802, Initiative Petition 419 was filed in the Office of the Oklahoma Secretary of State.

NOTICE is also hereby given that State Question 802, Initiative Petition 419 is SUFFICIENT for filing with the Office of the Oklahoma Secretary of State.

NOTICE is likewise, hereby given, as provided in Title 34 Section 8 of the Oklahoma Statutes, that any citizen or citizens of the state may file a protest as to the constitutionality of said petition, by a written notice to the Supreme Court and to the proponent(s) filing the petition. Any such protest must be filed within ten (10) business days after publication of this notice. Also, a copy of any such protest shall be filed with the Office of the Oklahoma Secretary of State.

Proponents of record for State Question 802, Initiative Petition 419:

Kelly Smalley  
106 S. 44th W. Ave.  
Tulsa, Oklahoma 74127

Erin Taylor  
3037 S.W. 66th St.  
Oklahoma City, Oklahoma 73159

**Michael Rogers, Oklahoma Secretary of State and Education**

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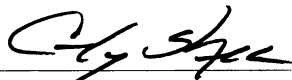
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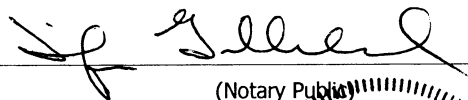
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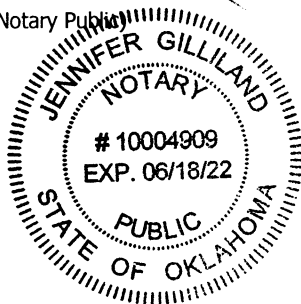


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26 day of April 2019.



(Notary Public)



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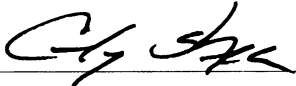
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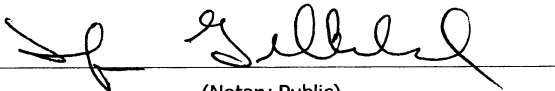
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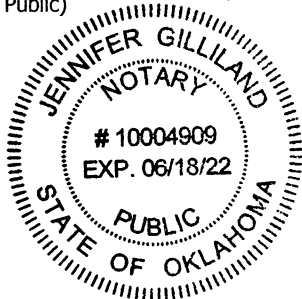


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Kelly Smalley	Erin Taylor
106 S. 44th W. Ave.	3037 S.W. 66th St.
Tulsa, Oklahoma 74127	Oklahoma City, Oklahoma 73159

**Michael Rogers, Oklahoma Secretary of State and Education**

IN THE SUPREME COURT OF THE  
STATE OF OKLAHOMA

FILED  
SUPREME COURT  
STATE OF OKLAHOMA

MAY - 9 2019

JOHN D. HADDEN  
CLERK

OKLAHOMA COUNCIL OF PUBLIC  
AFFAIRS, INC., DOUGLAS P. BEALL,  
M.D., JONATHAN S. SMALL, II, and  
JENNIFER WITHERBY, R.N.

Petitioners/Protestants,

vs.

KELLY SMALLEY, and  
ERIN TAYLOR,

Respondents/Proponents.

Case No. \_\_\_\_\_

#117962

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**BRIEF IN SUPPORT OF APPLICATION AND PETITION TO  
ASSUME ORIGINAL JURISDICTION TO REVIEW THE  
CONSTITUTIONALITY AND GIST OF INITIATIVE PETITION NO. 419**

---

RECEIVED

MAY 09 2019

OKLAHOMA SECRETARY  
OF STATE

ROBERT G. MCCAMPBELL, OBA No. 10390  
TRAVIS V. JETT, OBA No. 30601  
GABLEGOTWALS  
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Oklahoma City, OK 73102  
Telephone: (405) 235-5500  
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[rmccampbell@gablelaw.com](mailto:rmccampbell@gablelaw.com)  
[tjett@gablelaw.com](mailto:tjett@gablelaw.com)

*Attorneys for Petitioners/Protestants,  
Oklahoma Council of Public Affairs, Inc.,  
Douglas P. Beall, M.D., Jonathan S. Small, II,  
and Jennifer Witherby, R.N.*

Dated May 9, 2019



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## **I. INTRODUCTION**

Initiative Petition 419 (“IP 419”) is unconstitutional, and its gist is inadequate. IP 419 should be struck down and removed from the ballot. This initiative petition has two distinct problems that create constitutional conflicts and infect its gist.

First, IP 419 purports to expand Medicaid coverage to adults whose income does not exceed 133% of the federal poverty level. The Affordable Care Act, however, requires Medicaid expansion to cover adults at or below 138% of the federal poverty level, not 133%. Proponents have ignored 42 U.S.C. § 1396a(e)(14)(I)(i). That creates a conflict and renders IP 419 unconstitutional pursuant to the Supremacy Clause of the U.S. Constitution.

If Proponents wish to claim that IP 419 really means 138% of the federal poverty level, even though it says 133%, IP 419 still must fail because its gist would be false. The difference between extending coverage to 133% and 138% will likely cost the State millions of dollars. Voters have a right to know what they are signing, and this Court should not tolerate a false gist.

Second, IP 419 constitutionalizes a massive entitlement program in which the federal government would control eligibility and the cost to Oklahoma. Eligibility for the benefit proposed by IP 419 is based on an adult’s relation to the federal poverty line. Federal bureaucrats, not the Oklahoma Legislature, determine the federal poverty line, 42 U.S.C. § 9902(2), which violates separation of powers. *City of Okla. City v. Okla. Dep’t of Labor*, 1995 OK 107, ¶14, 918 P.2d 26, 30. Also, by constitutionalizing this Medicaid benefit, Congress will determine how much of the cost is borne by Oklahoma going forward. Today, the federal government pays for 90% of the program, and Oklahoma would pay 10%, but Congress can lower its amount at any time. The Oklahoma Legislature, on the other hand, would have no choice but to appropriate more money.

Delegating this legislative authority to the federal government violates the Oklahoma Constitution. *Id.*; Okla. Const. art. V, § 1; *id.* art. IV, § 1. If the proponents wish to change who

exercises legislative power in Oklahoma, they must amend Article V, § 1, which they have not done in this case. Moreover, a wholesale redistribution of legislative authority must be included in the gist of the initiative petition under this Court's precedent. *In re Initiative Petition No. 344*, 1990 OK 75, ¶15, 797 P.2d 326, 330.

IP 419's delegation of sovereignty and fiscal policy to the federal government also violates the U.S. Constitution. The Guarantee Clause of the U.S. Constitution mandates that states maintain a republican form of government, and inherent in this guarantee is separation of powers. *VanSickle v. Shanahan*, 511 P.2d 223, 235 (Kan. 1973); *see also In re Initiative Petition No. 348*, 1991 OK 110, ¶24, 820 P.2d 772, 780. While states may intermingle powers between the branches of state government, *VanSickle*, 511 P.2d at 235, there is no support for states delegating core legislative power to the federal government.

The Tenth Amendment also precludes the federal government from exercising the authority IP 419 would delegate. The federal government cannot be in the position of forcing Oklahoma to make an appropriation. *See MLC Mortgage Corp. v. Sun Am. Mortgage Co.*, 2009 OK 37, ¶14, 212 P.3d 1199, 1205; *Printz v. United States*, 521 U.S. 898, 925 (1997).

IP 419 is unconstitutional, and its gist is legally inadequate. Petitioners respectfully request that the Court strike down this Petition and prohibit it from the ballot.

## **II. ARGUMENTS AND AUTHORITIES**

### **Proposition 1: IP 419 conflicts with federal law and violates the Supremacy Clause of the U.S. Constitution.**

IP 419 is unconstitutional because it violates 42 U.S.C. § 1396a(e)(14)(I)(i). According to the Supremacy Clause of the U.S. Constitution, "[t]his Constitution, and the Laws of the United States . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." U.S.

Const. art. VI, cl. 2 (emphasis added). Thus, when a state constitutional provision conflicts with a federal statute, the federal statute prevails. *Local 514 Transp. Workers Union of Am. v. Keating*, 358 F.3d 743, 754 (10th Cir. 2004); *In re Get Real II, L.L.C.*, 2009 OK CIV APP 72, ¶15, 217 P.3d 638, 643. This Court has struck down initiative petitions attempting to amend the Oklahoma Constitution that were in violation of federal law pursuant to the Supremacy Clause. *In re Initiative Petition No. 406*, 2016 OK 34, ¶3, 369 P.3d 1068; *In re Initiative Petition No. 349*, 1992 OK 122, ¶14, 838 P.2d 1, 7. This initiative petition should be struck down as well.

The Affordable Care Act (ACA), as amended, requires states that choose to expand Medicaid to extend the program to adults whose income is up to **138%** of the federal poverty level. Two provisions of the ACA dictate the income level for Medicaid expansion coverage—42 U.S.C. § 1396a(a)(10)(A)(i)(VIII) and 42 U.S.C. § 1396a(e)(14)(I)(i). Subsection (a)(10) says that Medicaid shall be expanded up to 133% of the federal poverty level. Subsection (e)(14) says that “the State shall . . . determine . . . the upper income limit on eligibility . . . (expressed as a percentage of the poverty line) and such upper income limit increased by 5 percentage points . . . .” 42 U.S.C. § 1396a(e)(14)(I)(i). Accordingly, CMS,<sup>1</sup> the IRS,<sup>2</sup> the Congressional Research Service,<sup>3</sup> and multiple commentators<sup>4</sup> all recognize that the Affordable Care Act raises the income cap for adults to 138% of the federal poverty level.

Conversely, Sections 2(A) and 1(B) of the IP 419 mandate that the state to expand Medicaid to adults at or below **133%** of the federal poverty level. This is a direct conflict with the mandate given directly to states in § 1396a(e)(14)(I)(i): “The State shall” increase the “upper

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<sup>1</sup> CMS, Facilitating Medicaid and CHIP Enroll. and Renewal in 2014, 2013 WL 7160332, at n.4 (App’x at E).

<sup>2</sup> IRS, Publication 5187 Health Care Law: What’s New For Individuals & Families, 2014 WL 10588509, at \*17.

<sup>3</sup> Congressional Research Service, Summary of Potential Employer Penalties Under the Patient Protection and Affordable Care Act (PPACA), at 6 (June 2, 2010), (App’x at F).

<sup>4</sup> James F. Blumstein, *Mistaken Paradigms and Interpreting Dreams: Some Reflections on King v. Burwell*, Cato Sup. Ct. Rev., 2014-2015, at 79, 86 (2015); Medicaid Managed Care, 2018 Health L. Handbook 6.

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

OKLAHOMA SECRETARY OF STATE

**FILED**  
**JUL 18 2019**  
**OKLAHOMA SECRETARY**  
**OF STATE**

July 18, 2019

Kelly Smalley  
106 S. 44<sup>th</sup> W. Ave.  
Tulsa, Oklahoma 74127

Erin Taylor  
3037 S.W. 66<sup>th</sup> St.  
Oklahoma City, Oklahoma 73159


Dear Proponent(s):

Per Title 34, Section 8 of the Oklahoma Statutes, no appeals or protests for rehearing have been filed and the period for such has expired, therefore notice is hereby given that the signature gathering period for **State Question Number 802, Initiative Petition Number 419** is set to begin on July 31, 2019 and all signatures are due within ninety (90) days of the date set. Signatures will not be accepted for filing after 5:00 p.m. on October 28, 2019. The current signature requirement for amendments or additions to the Oklahoma Constitution is 177,958.

Please find enclosed two true and accurate copies of said petition on record with the Secretary of State, plus a copy of the current signature requirements for statewide petitions as certified by the Secretary of the Oklahoma State Election Board.

If we may provide any further assistance or should you have any questions, please do not hesitate to contact our office (405-522-4565 or [executivelegislative@sos.ok.gov](mailto:executivelegislative@sos.ok.gov)).

Thank you,

  
Michael Rogers  
Secretary of State and Education



State Question No. 802, Initiative Petition No. 419

FILED

APR 19 2019

**WARNING**

OKLAHOMA SECRETARY  
OF STATE

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

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**INITIATIVE PETITION**

To the Honorable J. Kevin Stitt, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed amendment 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 3rd day of November, 2020 (or at a special election as may be called by the Governor), and each for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from JUL 31 2019. The question we herewith submit to our fellow voters is:

Shall the following proposed new Article XXV-A to the Constitution be approved?

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

**CONSTITUTION OF OKLAHOMA, ARTICLE XXV-A --  
MEDICAID EXPANSION**

**SECTION 1. Definitions**

As used in this Article:

- A. "Centers for Medicare and Medicaid Services" or "CMS" refers to the agency responsible for administering the Medicaid program at the federal level, including review and approval of State Plan Amendments.
- B. "Low Income Adults" refers to those individuals over age 18 and under age 65 whose income does not exceed one-hundred thirty-three percent (133%) of the federal poverty level, as described by and using the income methodology provided in the federal Medicaid statute at 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII), and who meet applicable non-financial eligibility conditions for Medicaid under 42 CFR Part 435, Subpart E.
- C. "Medical assistance" means payment of part or all of the cost of the care and services, or the care and services themselves, or both, as provided in the federal Medicaid statute, 42 U.S.C. § 1396 et seq.
- D. "Oklahoma Health Care Authority" refers to the single State agency responsible for administering the Oklahoma Medicaid program pursuant to 42 U.S.C. § 1396a(a)(5).
- E. "State Plan Amendment" refers to the document(s) the State submits to the Centers for Medicare and Medicaid Services for review and approval before making a change to its program policies, including setting forth the groups of individuals to be eligible for medical assistance.

## **SECTION 2. Medicaid Expansion**

A. In addition to those otherwise eligible for medical assistance under Oklahoma's Medicaid program, the State shall provide medical assistance under Oklahoma's Medicaid program to Low Income Adults.

B. No greater or additional burdens or restrictions on eligibility or enrollment shall be imposed on persons eligible for medical assistance pursuant to this Article than on any other population eligible for medical assistance under Oklahoma's Medicaid program.

## **SECTION 3. Implementation**

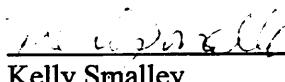
A. Within 90 days of approval of this Article, the Oklahoma Health Care Authority shall submit a State Plan Amendment and all other necessary documents to seek required approvals from the Centers for Medicare and Medicaid Services to include Low Income Adults as a coverage group in Oklahoma's Medicaid program beginning no later than July 1, 2021.

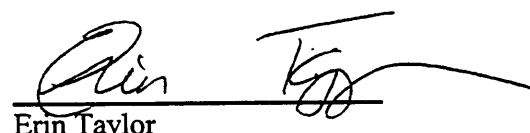
B. The Oklahoma Health Care Authority shall take all actions necessary to maximize federal financial participation in funding medical assistance pursuant to this Article.

## **SECTION 4. Severability**

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

### **Name and Address of Proponents**

  
\_\_\_\_\_  
Kelly Smalley  
106 S. 44th W. Ave.  
Tulsa, OK 74127

  
\_\_\_\_\_  
Erin Taylor  
3037 S.W. 66th St.  
Oklahoma City, OK 73159

SIGNATURES

The gist of the proposition is as follows: This measure adds a new Article to the Oklahoma Constitution, which would expand Oklahoma’s Medicaid program to include certain low-income adults between the ages of 18 and 65 whose income does not exceed 133% of the federal poverty level, as permitted under the federal Medicaid laws.

Restrictions on eligibility or enrollment for persons eligible for medical assistance as a result of this Article may be no greater than those on any other population eligible under Oklahoma’s Medicaid program. The Article would require the Oklahoma Health Care Authority to submit a State Plan Amendment and other documents necessary to seek federal approval within 90 days, and to take all actions necessary to maximize federal financial participation in funding this medical assistance.

WARNING

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

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Signature of Legal Voter

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City

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income limit . . . by 5 percentage points.” Other states that have expanded Medicaid by initiative petition have complied with § 1396a(e)(14)(I)(i). Neb. Init. Measure 427, § 2 (codified at Neb. Rev. Stat 68-992) (“one hundred thirty-eight percent of the federal poverty level”) (App’x at C); Maine Question 2 (2017) (codified at Me. Rev. Stat. tit. 22, § 3174-G(H)) (App’x at D) (“133% plus 5% of the nonfarm income official poverty line”). IP 419, on the other hand, ignores § 1396a(e)(14)(I)(i), which is fatal. Pursuant to the Supremacy Clause federal statutes prevail, and IP 419 should be struck down as unconstitutional.

The conflict between IP 419’s attempt to expand Medicaid to 133% of the federal poverty line and the ACA’s mandate of 138% is crystalized by the fact federal law does not allow partial Medicaid expansion. It is an all or nothing proposition. Other states have requested waivers from the U.S. Department of Health and Human Services to implement partial expansion, but those waivers have been denied. Specifically, CMS rejected waiver requests by both Arkansas and Massachusetts to expand Medicaid coverage only to those at or below 100% of the federal poverty level under the ACA’s 90%/10% reimbursement formula.<sup>5</sup>

IP 419’s attempt to expand Medicaid coverage to adults at or below 133% of the federal poverty level violates the express directive in 42 U.S.C. § 1396a(e)(14)(I)(i). Pursuant to the Supremacy Clause, IP 419 is unconstitutional.

**Proposition 2: IP 419 delegates Oklahoma’s legislative power to the federal government in violation of the U.S. and Oklahoma Constitutions.**

IP 419 violates separation of powers by ceding legislative authority to the federal government. *City of Oklahoma City*, 1995 OK 107, ¶18, 918 P.2d at 30. This unconstitutional delegation violates Article V, § 1 and Article IV, § 1 of the Oklahoma Constitution and the

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<sup>5</sup> Ltr. from CMS Administrator Seema Verma to Cindy Gillespie, Director, Ark. Dept. of Health, at 2 (Mar. 5, 2018), (App’x at G); Ltr. from CMS Acting Director Tim Hill to Daniel Tsai, Assistant Secretary, MassHealth, at 3 (June 27, 2018), (App’x at H).

Guarantee Clause and Tenth Amendment to the U.S. Constitution.

**A. IP 419 delegates legislative authority to the federal government.**

This initiative petition is a significant transfer of state sovereignty and self-governance to the federal government. Under IP 419, federal bureaucrats, not the Oklahoma Legislature, would control who is eligible for the new constitutionalized Medicaid entitlement. Additionally, Congress would dictate how much of the cost is paid by the State of Oklahoma.

**Eligibility.** IP 419 bases eligibility on an adult's income relative to the federal poverty level. The problem is that federal bureaucrats set the federal poverty level, and the power to control the federal poverty level is the power to control eligibility. The Affordable Care Act provides that the "poverty line" is "defined in section 1397jj(c)(5) of this title." Pub. Law 111-148. Section 1397jj(c)(5) cross references to 42 U.S.C. §990(2), which provides that the poverty line is established by the Office of Management and Budget based on data from the Census Bureau, and it is updated yearly by the Secretary of the Department of Health and Human Services. 42 U.S.C. § 9902(2); 84 Fed. Reg. 1167, 1168. While a plethora of federal officials are involved, missing from the policymaking decision is the Oklahoma Legislature. Considering the scope and cost of Medicaid, this exclusion is constitutionally fatal.

**Costs to Oklahoma.** IP 419 also delegates to Congress the determination of how much Oklahoma will actually pay for this new constitutionalized Medicaid benefit. The legislative authority to determine how to spend Oklahoma's finite resources will be in the hands of Congress, not the Oklahoma Legislature. Congress does not have a great track record.

Since IP 419 would create a constitutional right to Medicaid for certain adults, the Legislature is powerless to curtail this benefit. Currently, the federal government is pays 90% of the cost for the Medicaid expansion group, and the state's pay 10%. 42 U.S.C. § 1396d(y)(1)(E). However, this allocation of costs is not constitutionalized like the benefit would be under IP 419.

Congress could reduce the proportion that the federal government pays at any time. The Oklahoma Legislature would have no option other than to appropriate funds for adult Medicaid coverage. Though some other states have expanded Medicaid benefits, we are aware of none doing so in its constitution.

The Legislators elected by the people of Oklahoma will have no opportunity to determine whether this is the best use of the tax revenue paid by Oklahomans to fund their government. Instead, the members of Congress, 528 of 535 of which are not accountable to Oklahomans, can decide how much Oklahoma pays. This delegation of legislative authority to the federal government violates separation of powers.

**B. IP 419 violates Okla. Const. art. V, § 1 and art. IV, § 1.**

By delegating the power to determine eligibility and costs for the proposed Medicaid program to the federal government, IP 419 violates separation of powers. Okla. Const. art. V, § 1; *id.* art. IV, § 1. *City of Oklahoma City*, 1995 OK 107, 918 P.2d 26.

In *City of Oklahoma City*, the Oklahoma Supreme Court struck down Oklahoma's Minimum Wages on Public Works Act. 1995 OK 107, ¶¶8-11, 18-19, 918 P.2d 26, 28-30. The act violated Article IV, § 1 and Article V, § 1 of the Oklahoma Constitution because it delegated the power to determine prevailing wages to a department of the federal government. *Id.* ¶19. The act required the Labor Commissioner to adopt the prevailing wage determined by the Department of Labor, which the Court found to be an unconstitutional delegation of legislative authority to the federal government. *Id.* ¶14. The Court reasoned:

The current Act leaves an important determination to the unrestricted and standardless discretion of unelected bureaucrats. Worse, it delegates to an administrative arm of the federal government. As a result, the federal agency which actually determines the prevailing wage is less answerable to the will of the people of Oklahoma than is the Labor Commissioner who holds elected office. It leaves public entities with no Oklahoma forum in which to challenge the accuracy of the United States Department of Labor's wage determinations.

*Id.* IP 419 suffers the same problem as the act in *City of Oklahoma City*, the eligibility determination for Oklahoma's adult Medicaid program would be left to "unelected bureaucrats" who set the federal poverty line. These federal agencies charged with setting the poverty line are "less answerable to the will of the people of Oklahoma" than the Oklahoma Legislature or the Oklahoma Health Care Authority. There is no forum in which Oklahoma or its taxpayers could challenge the accuracy of HHS, OMB, and the Census Bureaus' poverty line determination. Instead, Oklahoma would simply be left to pay the bill.

Similarly, Congress's ability to heap the costs of this program on Oklahoma despite the fact that most are not elected by or answerable to Oklahoma residents, problematic under *City of Oklahoma City*. Since this Medicaid benefit will be constitutionalized, Congress will be in control rather than the Oklahoma Legislature. Just as in *City of Oklahoma City*, IP 419's attempt to delegate legislative authority to the federal government violates separation of powers.

The fact that this initiative petition proposes a constitutional amendment does not cure the separation of powers problem. In *In re Initiative Petition No. 403*, Justice Taylor, Justice Kauger, and Justice Winchester were prepared to strike down an initiative petition for violating separation of powers. 2016 OK 1, ¶15, 367 P.3d 472, 484 (Taylor, J., dissenting). Initiative Petition 403 included a provision prohibiting the Legislature from making appropriations until the Board of Equalization had certified that the Legislature had not supplanted existing education revenue with the new sales tax revenue. *Id.*

Justices Taylor, Kauger, and Winchester believed the initiative petition could not give this power to the Board of Equalization without repealing it from the Legislature in Article V. *Id.* "As Initiative Petition No. 403 contains no repeal of the legislative power being taken by the Board of Equalization, the Initiative Petition is in direct conflict with Article V of the Oklahoma

Constitution, the power of the legislative branch.” *Id.*

The majority did not reach the separation of powers issue viewing it as speculative. 2016 OK 1, ¶17, 367 P.3d 472, 478. *Id.* “[A]ny suggestion by Petitioners at oral argument that the implementation of the Education Improvement Fund would negatively affect the legislative appropriations process or usurp legislative fiscal policy-making is entirely speculative at this point. We decline, at the pre-election stage, to declare the proposal unconstitutional on nothing more than speculation.”

In this case, the separation of powers problem is not speculative. *City of Oklahoma City* demonstrates that IP 419 would result in an unconstitutional delegation of legislative power to the federal government. The legislative authority to set the federal poverty level and determine Oklahoma’s percentage of the cost of Medicaid coverage is being delegated to the federal government. Yet, proponents have made no attempt to repeal or alter Article V, § 1, which delegates legislative authority to the Legislature and the people. Thus, consistent with Justice Taylor, Kauger, and Winchester’s analysis in *In re Initiative Petition No. 403*, this initiative petition is unconstitutional pursuant to the Oklahoma Constitution.

### **C. IP 419 violates the Guarantee Clause of the U.S. Constitution.**

The delegation of legislative authority described above violates separation of powers. Though it is a rare circumstance,<sup>6</sup> this case rises to the level of a violation of the constitutional

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<sup>6</sup> To be sure, there are examples of laws and actions violating the Guarantee Clause. *Kelley v. Metro. Cty. Bd. of Educ. of Nashville & Davidson Cty.*, Tenn., 836 F.2d 986, 996–97 (6th Cir. 1987) (Guarantee Clause prevented federal judge from requiring state to appropriate money); *City of Cleveland v. Ruple*, 200 N.E. 507, 510 (Ohio 1936) (taxing for private purposes); *City of W. Allis v. Milwaukee Cty.*, 159 N.W.2d 36, 46 (Wisc. 1968) (same); see also *Morrissey v. State*, 951 P.2d 911, 916-17 (Colo. 1998) (indicating, but not holding, that Guarantee Clause prohibited a constitutional amendment which required legislatures to propose a constitutional amendment regarding term limits); *Solomon v. State*, 364 P.3d 536, 545 (Kan. 2015) (holding that law dictating selection of chief judges of judicial districts violated separation of powers and noting that separation of powers “is an inherent and integral element of the republican form of government . . . .”); *Bauers v. Heisel*, 361 F.2d 581, 588–89 (3d Cir. 1966) (avoiding interpreting a Congressional act to abrogate judicial immunity due to the Guarantee Clause).



mandate that states maintain a republican form of government. Oklahoma's legislators would no longer function as legislators with respect to the state's adult Medicaid program, and Congress would have power to wreck the state's budget by passing a law despite the fact that 528 of the 535 members of Congress stand unaccountable to the citizens of Oklahoma.

The Guarantee Clause of the U.S. Constitution provides that "[t]he United States shall guarantee to every State in this Union a Republican Form of Government . . . ." U.S. Const. art. IV, § 4. "[T]he doctrine of separation of powers is an inherent concept of a republican form of government, and is a guarantee to the people of the states that the powers inherently belonging to one department may not be vested by the people in another department of that government." *VanSickle v. Shanahan*, 511 P.2d 223, 235 (Kan. 1973), cited in *In re Initiative Petition No. 348*, 1991 OK 110, 820 P.2d 772, 780 n.21.

*In re Initiative Petition No. 348* establishes that the power to amend the Oklahoma Constitution is limited by the Guarantee Clause of the U.S. Constitution and indicates that there are limits on restricting legislative authority. 1991 OK 110, ¶¶24-25, 820 P.2d 772, 780.<sup>7</sup> In that case, an initiative petition to amend Oklahoma's Constitution to require a supermajority of the legislature or vote of the people to raise taxes. The Court ultimately held that the initiative petition did not violate the Guarantee Clause, but the Court's parameters are instructive for applying the Guarantee Clause. The Court concluded that Initiative Petition 348 "restricts" the legislative power, but "does not abolish government by representation." *Id.* ¶28. The Court quoted *Kadderly v. City*

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<sup>7</sup> In the past, federal courts have questioned whether the Guarantee Clause is justiciable. The view that assessing a Guarantee Clause violation is always political question is no longer the prevailing view. *New York v. United States*, 505 U.S. 144, 185 (1992) ("More recently, the Court has suggested that perhaps not all claims under the Guarantee Clause present nonjusticiable political questions."). In *In re Initiative Petition No. 348*, 1991 OK 110, ¶¶24-25, 820 P.2d at 780, this Court analyzed whether an initiative petition violated the Guarantee Clause, which demonstrates justiciability. Moreover, in that decision, the Court refers to the Kansas Supreme Court's "analysis concluding the Guaranty Clause is justiciable" in *Vansickle v. Shanahan*, 511 P.2d 223, 234 (Kan. 1973). *In re Initiative Petition No. 348*, 1991 OK 110, 820 P.2d 772, 780 n.21. Under the *Vansickle* test, whether IP 419 violates the Guarantee Clause is also justiciable.

of *Portland*, for the propositions that a republican form of government exists when “[t]he government is still divided into the legislative, executive, and judicial departments, the duties of which are discharged by representatives selected by the people.” *Id.* ¶29 (citing 74 P. 710, 719 (1903)). Also, even when the people exercise legislative authority through the initiative process, it is a republican government if “legislative and executive departments are not destroyed” and “their powers or authority” are not “materially curtailed.” *Id.* (quoting *Kadderly*, 74 P. at 719).

Unlike *Initiative Petition No. 348*, IP 419 does not merely restrict the Legislature’s power. Instead, Oklahoma’s adult Medicaid program will be controlled by federal officials rather than “discharged by representatives selected by the people.” *Id.* The Legislature will control neither eligibility nor costs, which will “materially curtail” its legislative power in the important area of entitlements. *Id.* Moreover, this constitutional welfare benefit over which the Legislature will have no control going into the future has the potential to completely disrupt the appropriation process. Federal officials and Congress will have the authority to direct millions of dollars from Oklahoma’s treasury, which is inconsistent with the Guarantee Clause. *See Kelley v. Metro. Cty. Bd. of Educ. of Nashville*, 836 F.2d 986, 996–97 (6th Cir. 1987) (Guarantee Clause prevented federal judge from requiring state to appropriate money).

While courts have recognized states’ discretion to distribute some legislative authority in the executive branch, *VanSickle*, 511 P.2d at 235, there is no support for a wholesale transfer of legislative authority to the federal government regarding an important issue like welfare benefits. The proposed structure of IP 419 violates separation of powers under the test established in *City of Oklahoma City*, the Petition violates the Guaranty Clause of the U.S. Constitution.

#### **D. IP 419 violates the Tenth Amendment of the U.S. Constitution.**

As recognized by the Tenth Amendment, Congress and federal agencies have no power to govern Oklahoma’s adult Medicaid program. “The powers not delegated to the United States by

the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” U.S. Const. amend. X. Nowhere in the U.S. Constitution is the federal government given an enumerated power to accept legislative authority from the state of Oklahoma.

This Court has recognized that a “federal mandate for [a] state to enact legislation,” would “raise Tenth Amendment concerns.” *MLC Mortgage Corp. v. Sun Am. Mortgage Co.*, 2009 OK 37, ¶14, 212 P.3d 1199, 1205; *also Printz v. United States*, 521 U.S. 898, 925 (1997) (“[T]he Federal Government may not compel the States to implement, by legislation or executive action, federal regulatory programs.”). IP 409 would cede Oklahoma’s authority to determine eligibility and costs for adult Medicaid to the federal government. Thus, the decisions by the federal government—regarding either eligibility or costs—would mandate that that the State of Oklahoma pass an appropriation bill to pay for the effect of the federal government’s policy choices.

The federal government simply does not have power to exert this level of control over Oklahoma’s adult Medicaid program. That power is reserved to the state of Oklahoma and cannot be ceded to the federal government according to the Tenth Amendment.

**Conclusion.** Initiative Petition 419’s delegation of legislative authority to the federal government violates by the Oklahoma and U.S. Constitutions. The Petition should be stricken.

**Proposition 3: The gist of IP 419 is legally deficient.**

The gist of IP 419 is false, misleading, and legally deficient.<sup>8</sup> The purpose of the gist is to “prevent fraud, deceit, or corruption in the initiative process.” *In re Initiative Petition 409*, 2016

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<sup>8</sup> The Proponents’ gist states: “The gist of the proposition is as follows: This measure adds a new Article to the Oklahoma Constitution, which would expand Oklahoma’s Medicaid program to include certain low-income adults between the ages of 18 and 65 whose income does not exceed 133% of the federal poverty level, as permitted under the federal Medicaid laws.

Restrictions on eligibility or enrollment for persons eligible for medical assistance as a result of this Article may be no greater than those on any other population eligible under Oklahoma’s Medicaid program. The Article would require the Oklahoma Health Care Authority to submit a State Plan Amendment and other documents necessary to seek federal approval within 90 days, and to take all actions necessary to maximize federal financial participation in funding this medical assistance.”

OK 51, ¶3, 376 P.3d 250. The gist must “at least put [signatories] on notice of the changes being made” and “explain the proposal’s effect. . . .” *Id.* The Court should only approve a gist if “it is free from the taint of misleading terms or deceitful language.” *Id.* (internal citations omitted). The gist “must be brief, descriptive of the effect of the proposition, not deceiving but informative and revealing of the design and purpose of the Petition.” *In re Initiative Petition 384*, 2007 OK 48, ¶7, 164 P.3d 125, quoting *In re Initiative Petition 344*, 1990 OK 75 ¶14, 797 P.2d 326 (emphasis added). Voters, after reading the gist, “should be able to cast an informed vote.” *Id.* (emphasis added) (internal citations omitted).

A properly drafted gist is “indispensable and noncompliance is fatal.” *In re Initiative Petition No. 342*, 1990 OK 76, ¶11, 797 P.2d 331, 333. “The gist is not subject to amendment by this Court, and as a result, the only remedy is to strike the petition from the ballot.” *In re Initiative Petition No. 409*, 2016 OK 51, ¶7, 376 P.3d 250, 254. IP 419’s gist is legally deficient for multiple reasons, and the Initiative Petition should be stricken.

**A. The gist’s claim that Medicaid will be expanded the adults at or below 133% of the federal poverty level, “as permitted under the federal Medicaid laws” is legally inaccurate.**

The gist fails because “expand[ing] Oklahoma’s Medicaid program to include certain low-income adults . . . whose income does not exceed 133% of the federal poverty level” is not what is “permitted under the federal Medicaid laws.” Based either on the Supremacy Clause of the U.S. Constitution or Oklahoma’s gist requirements, IP 419 is deficient. If to rebut the Supremacy Clause, Proponents argue that despite stating that Medicaid will be expanded to cover adults at or below 133% of the federal poverty level, IP 409 actually means 138%, this is an admission that the gist is false. If they stand by the fact that the Initiative Petition will only cause Medicaid to be extended to adults at or below 133%, then the Petition conflicts with 42 U.S.C. § 1396a(e)(14)(I)(i) and is preempted pursuant to the Supremacy Clause. Either way, federal law is unambiguous that

expanding Medicaid to adults at or below **138%** of the federal poverty line (not 133% as stated in gist) is what is “permitted under the federal Medicaid laws.”

This Court has repeatedly rejected gists that merely misrepresent or omit relevant changes proposed by an initiative petition. *In re Initiative Petition No. 409*, 2016 OK 51, 376 P.3d 250; *In re Initiative Petition No. 384*, 2007 OK 48, 164 P.3d 125; *In re Initiative Petition No. 344*, 1990 OK 75, 797 P.2d 326; also *Oklahoma's Children, Our Future, Inc. v. Coburn*, 2018 OK 55, 421 P.3d 867 (referendum). The flaws with this gist are more egregious than any of those rejected by the Court. If the intent is to actually expand Medicaid coverage to adults at or below 138% of the federal poverty level, than the gist is just plain wrong. While the error is no doubt unintentional, allowing this petition to proceed as written would perpetrate deceit on the voters. This Court has made clear that this cannot be allowed. *In re Initiative Petition 409*, 2016 OK 51, ¶3, 376 P.3d 250.

Conversely, if the intent is to expand Medicaid coverage to only those at or below 133% of the federal poverty level, then the statement that this is “permitted under the federal Medicaid laws” is demonstrably false. In *Oklahoma's Children, Our Future, Inc. v. Coburn*, 2018 OK 55, ¶33, 421 P.3d 867, 876, the referendum’s gist was legally deficient because it did not explain that the hotel / motel tax in the law targeted by the referendum was already repealed by intervening legislation. *Id.* ¶33, 421 P.3d at 876. IP 419’s gist is even more problematic. Rather than merely omitting an explanation of the current state of the law, the gist misleads voters into believing this expansion is in conformity with federal law. As discussed above, it is not. Expanding to 133% of the federal poverty line is contrary to federal law—42 U.S.C. § 1396a(e)(14)(I)(i). In conformity with *Oklahoma's Children, Our Future, Inc.*, this petition should be held to be deficient because of its misstatement of federal law.

**B. The gist is inadequate because it fails to explain the delegation of legislative authority to the federal government and the financial commitment by the state of Oklahoma.**

As recognized by the *City of Oklahoma City* case discussed in detail above, this initiative petition would delegate legislative authority away from Oklahoma to the federal government. According to this Court's precedent, this type of transfer of state authority must be included in the gist. This Court struck down the gist in an initiative petition seeking to redistribute the executive branch power. *In re Initiative Petition No. 344*, 1990 OK 75, ¶15, 797 P.2d 326, 330.

It appears from the design of Initiative Petition No. 344 that the effect would be to increase the power of the newly elected Governor from what the designers of the Constitution intended. The signatories on the Petition and the voters should be informed of this effect.

*Id.* Also, the gist of Initiative Petition 384 was held legally deficient because "the gist failed to alert potential signatories to the effect the proposed statute would have on the balance of power between local school boards and the state." *In re Initiative Petition No. 384*, 2007 OK 48, ¶11, 164 P.3d 125, 129–30.

IP 419 gives the federal government control of this large and growing entitlement program. The gist neither explains that the federal poverty level is set by federal bureaucrats or that the cost of Medicaid is shared between the State and federal government, and Congress has the ability to change the amount it pays at any time. To make things worse, the gist's statement that Oklahoma's Medicaid program will be expanded "as permitted by federal Medicaid law" and direction "to take all actions necessary to maximize federal financial participation in funding this medical assistance" gives voters that false sense that this expansion will be funded completely by the federal government. As the gist currently stands, potential signatories will not have the requisite notice and information to assess the "entire practical effect of the petition." *Oklahoma's Children, Our Future, Inc.*, 2018 OK 55, ¶23, 421 P.3d at 874.

Even if the Court does not hold this delegation of legislative authority to be unconstitutional as Petitioners request in Proposition 2, this transfer of authority to the federal government must be included in the gist under this Court's precedent in *In re Initiative Petition No. 344* and *In re Initiative Petition No. 384*.

**C. The gist is inadequate because it fails to explain what this petition actually does: constitutionally obligate the state to pay Medicaid benefits.**

The gist states that IP 419 will "expand Oklahoma's Medicaid program." This is misleading because it does not adequately explain the obligation that will be imposed on the State. According to Section 2(A), "the State shall provide medical assistance under Oklahoma's Medicaid program to Low Income Adults." To make an informed decision, the voters must understand that this provision imposes a constitutional obligation on the State. This could have been accomplished if the first sentence of the gist tracked with Section 2(A). For instance, this measure adds a new Article to the Oklahoma Constitution, which would require the State to provide medical assistance to adults whose income does not exceed 138% of the federal poverty level.

This Court has found gists to be deficient because they omitted *some of the things* that an initiative petition would have done. *In re Initiative Petition No. 409*, 2016 OK 51, ¶6, 376 P.3d 250, 253 (omitted changes to liquor laws); *Oklahoma's Children, Our Future, Inc. v. Coburn*, 2018 OK 55, ¶26, 421 P.3d 867, 874 (omitted little cigars). The gist in this case omits *the thing* that IP 419 would require pursuant to the plain text of the measure: the state shall provide medical assistance to adults whose income does not exceed 138% of the federal poverty line.

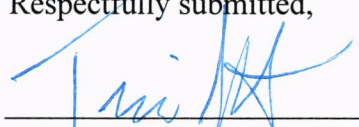
Since the gist omits this new obligation for the state, the gist is legally inadequate as in *In re Initiative Petition No. 409* and *Oklahoma's Children, Our Future*.

### **III. CONCLUSION**

For the foregoing reasons, Petitioner respectfully requests that the Court strike down IP 419 as unconstitutional and violative of the State's gist requirements.



Respectfully submitted,



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Robert G. McCampbell, OBA No. 10390  
TRAVIS V. JETT, OBA No. 30601  
GABLEGOTWALS  
One Leadership Square, 15th Floor  
211 North Robinson Avenue  
Oklahoma City, OK 73102  
Telephone: (405) 235-5500  
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rmccampbell@gablelaw.com  
tjett@gablelaw.com

*Attorneys for Petitioners/Protestants,  
Oklahoma Council of Public Affairs, Inc.,  
Douglas P. Beall, M.D., Jonathan S. Small, II,  
and Jennifer Witherby*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of May 2019, a true and correct copy of the above and forgoing was served by hand delivery or U.S. mail, postage prepaid, as follows:

D. Kent Meyers  
Roger A. Strong  
Melanie Wilson Rughani  
CROWE & DUNLEVY  
Braniff Building  
324 N. Robinson Ave, Suite 100  
Oklahoma City, OK 73102  
*Attorneys for Respondents/Proponents*

Kelly Smalley  
106 S. 44th W. Ave.  
Tulsa, OK 74127  
*(Pursuant to 34 O.S. § 8(B))*

Secretary of State's Office  
State of Oklahoma  
2300 N. Lincoln Boulevard  
Suite 101  
Oklahoma City, OK 73105-4897

Attorney General's Office  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105-4897

Erin Taylor  
3037 S.W. 66th St.  
Oklahoma City, OK 73159  
*(Pursuant to 34 O.S. § 8(B))*



---

Travis V. Jett



15  
**ORIGINAL**

**2019 OK 48**



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

OKLAHOMA COUNCIL OF PUBLIC  
AFFAIRS, INC., DOUGLAS P. BEALL,  
M.D., JONATHAN S. SMALL, II, and  
JENNIFER WITHERBY, R.N.,

Petitioners/Protestants,

v.

KELLY SMALLEY and ERIN TAYLOR,

Respondents/Proponents.

Rec'd (date)	6-19-19
Posted	TE
Mailed	PC
Distrib	TE
Publish	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

**FILED**  
**SUPREME COURT**  
**STATE OF OKLAHOMA**

**JUN 19 2019**

**JOHN D. HADDEN**  
**CLERK**

No. 117,962  
**FOR OFFICIAL  
PUBLICATION**

**ORDER**

¶1 Oral argument was held on June 18, 2019, concerning a challenge to the sufficiency of the gist and the constitutionality of Initiative Petition 419, State Question 802, pursuant to 34 O.S. Supp. 2015 § 8 (B) & (C). We find that the challenge to the gist's use of 133% in determining eligibility for the proposed Medicaid expansion is not misleading and is sufficient. In *McDonald v. Thompson*, we stated that "[b]y its very nature, the gist is a simple statement that summarizes the petition." 2018 OK 25, ¶ 12, 414 P.3d 367, 373. We believe the language of the gist is clear. The gist informs signers of what the proposed amendment is intended to


**RECEIVED**  
**JUN 19 2019**  
**OKLAHOMA SECRETARY**  
**OF STATE**

do—"expand Oklahoma's Medicaid program to include certain low-income adults between the ages of 18 and 65 whose income does not exceed 133% of the federal poverty level, *as permitted under the federal Medicaid laws.*" (emphasis added).

¶ 2 The remaining challenges to the constitutionality of Initiative Petition 419, State Question 802, are also denied.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE

this 19th day of June, 2019.

  
CHIEF JUSTICE

CONCUR: Gurich, C.J., Darby, V.C.J., Kauger, J., Reif, S.J., Thornbrugh, S.J. and Swinton, S.J.

CONCUR IN PART; DISSENT IN PART: Winchester and Combs, JJ. and Bell, S.J.  
**Combs, J., with whom Winchester, J. and Bell, S.J., join, concurring in part; dissenting in part:**

**"I concur with the majority that the Protestant's constitutional challenges to Initiative Petition 419 are meritless. However, I dissent to its ruling that the gist is sufficient. The use in the gist of 133% of the federal poverty level rather than the more accurate 138% is misleading to signatories and therefore the petition should be stricken on that basis alone."**

RECUSED: Edmondson and Colbert, JJ.

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

OKLAHOMA SECRETARY OF STATE

**FILED**  
**JUL 18 2019**  
**OKLAHOMA SECRETARY**  
**OF STATE**

July 18, 2019

Kelly Smalley  
106 S. 44<sup>th</sup> W. Ave.  
Tulsa, Oklahoma 74127

Erin Taylor  
3037 S.W. 66<sup>th</sup> St.  
Oklahoma City, Oklahoma 73159

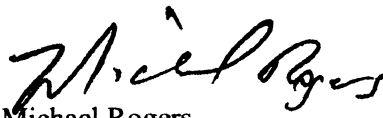
Dear Proponent(s):

Per Title 34, Section 8 of the Oklahoma Statutes, no appeals or protests for rehearing have been filed and the period for such has expired, therefore notice is hereby given that the signature gathering period for **State Question Number 802, Initiative Petition Number 419** is set to begin on July 31, 2019 and all signatures are due within ninety (90) days of the date set. Signatures will not be accepted for filing after 5:00 p.m. on October 28, 2019. The current signature requirement for amendments or additions to the Oklahoma Constitution is 177,958.

Please find enclosed two true and accurate copies of said petition on record with the Secretary of State, plus a copy of the current signature requirements for statewide petitions as certified by the Secretary of the Oklahoma State Election Board.

If we may provide any further assistance or should you have any questions, please do not hesitate to contact our office (405-522-4565 or [executivelegislative@sos.ok.gov](mailto:executivelegislative@sos.ok.gov)).

Thank you,

  
Michael Rogers  
Secretary of State and Education

State Question No. 802, Initiative Petition No. 419

**FILED**

APR 19 2019

**WARNING**

**OKLAHOMA SECRETARY  
OF STATE**

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

---

**INITIATIVE PETITION**

To the Honorable J. Kevin Stitt, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed amendment 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 3rd day of November, 2020 (or at a special election as may be called by the Governor), and each for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from JUL 31 2019. The question we herewith submit to our fellow voters is:

Shall the following proposed new Article XXV-A to the Constitution be approved?

---

**BE IT ENACTED BY THE PEOPLE OF OKLAHOMA THAT A NEW ARTICLE XXV-A TO THE OKLAHOMA CONSTITUTION BE APPROVED:**

**CONSTITUTION OF OKLAHOMA, ARTICLE XXV-A –  
MEDICAID EXPANSION**

**SECTION 1. Definitions**

As used in this Article:

- A. “Centers for Medicare and Medicaid Services” or “CMS” refers to the agency responsible for administering the Medicaid program at the federal level, including review and approval of State Plan Amendments.
- B. “Low Income Adults” refers to those individuals over age 18 and under age 65 whose income does not exceed one-hundred thirty-three percent (133%) of the federal poverty level, as described by and using the income methodology provided in the federal Medicaid statute at 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII), and who meet applicable non-financial eligibility conditions for Medicaid under 42 CFR Part 435, Subpart E.
- C. “Medical assistance” means payment of part or all of the cost of the care and services, or the care and services themselves, or both, as provided in the federal Medicaid statute, 42 U.S.C. § 1396 et seq.
- D. “Oklahoma Health Care Authority” refers to the single State agency responsible for administering the Oklahoma Medicaid program pursuant to 42 U.S.C. § 1396a(a)(5).
- E. “State Plan Amendment” refers to the document(s) the State submits to the Centers for Medicare and Medicaid Services for review and approval before making a change to its program policies, including setting forth the groups of individuals to be eligible for medical assistance.

## **SECTION 2. Medicaid Expansion**

A. In addition to those otherwise eligible for medical assistance under Oklahoma's Medicaid program, the State shall provide medical assistance under Oklahoma's Medicaid program to Low Income Adults.

B. No greater or additional burdens or restrictions on eligibility or enrollment shall be imposed on persons eligible for medical assistance pursuant to this Article than on any other population eligible for medical assistance under Oklahoma's Medicaid program.

## **SECTION 3. Implementation**

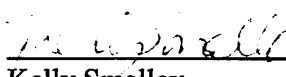
A. Within 90 days of approval of this Article, the Oklahoma Health Care Authority shall submit a State Plan Amendment and all other necessary documents to seek required approvals from the Centers for Medicare and Medicaid Services to include Low Income Adults as a coverage group in Oklahoma's Medicaid program beginning no later than July 1, 2021.

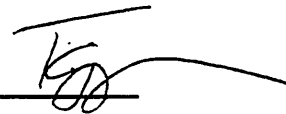
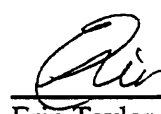
B. The Oklahoma Health Care Authority shall take all actions necessary to maximize federal financial participation in funding medical assistance pursuant to this Article.

## **SECTION 4. Severability**

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

### **Name and Address of Proponents**

  
\_\_\_\_\_  
Kelly Smalley  
106 S. 44th W. Ave.  
Tulsa, OK 74127

  
\_\_\_\_\_  
Erin Taylor  
3037 S.W. 66th St.  
Oklahoma City, OK 73159

SIGNATURES

The gist of the proposition is as follows: This measure adds a new Article to the Oklahoma Constitution, which would expand Oklahoma’s Medicaid program to include certain low-income adults between the ages of 18 and 65 whose income does not exceed 133% of the federal poverty level, as permitted under the federal Medicaid laws.

Restrictions on eligibility or enrollment for persons eligible for medical assistance as a result of this Article may be no greater than those on any other population eligible under Oklahoma’s Medicaid program. The Article would require the Oklahoma Health Care Authority to submit a State Plan Amendment and other documents necessary to seek federal approval within 90 days, and to take all actions necessary to maximize federal financial participation in funding this medical assistance.

WARNING

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

1.

Signature of Legal Voter

Print Name

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20.

Signature of Legal Voter

Print Name

Address

City

Zip

County

# AFFIDAVIT

[illegible]

I, \_\_\_\_\_, being first duly sworn, say:

That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence. I believe that each signer has stated his or her name, mailing 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 before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**My Commission Expires:**

**Notary Public**

**Address**

---

City

Zip Code

**My Commission Number:**

**Melanie Wilson Rughani**  
Direct Tel: (405) 235-7714  
Direct Fax: (405) 272-5284



melanie.rughani@crowedunlevy.com

October 24, 2019

**FILED**

**OCT 24 2019**

**OKLAHOMA SECRETARY  
OF STATE**

The Honorable Michael Rogers  
Oklahoma Secretary of State  
2300 N. Lincoln Boulevard, Ste. 122  
Oklahoma City, Oklahoma 73105-4897

Re: State Question No. 802, Initiative Petition No. 419

Dear Mr. Secretary:

Enclosed on behalf of Kelly Smalley and Erin Taylor, the Proponents of State Question No. 802, Initiative Petition No. 419 ("the Petition"), please accept for filing 61 boxes of signature pamphlets in support of the Petition.

Pursuant to 34 Okla.Stat. § 8(G), the Proponents hereby certify that:

1. All signed petitions have been filed with the Secretary of State;
2. To our knowledge, no more petitions are in circulation; and
3. The Proponents will not circulate any more petitions.

Respectfully submitted,

Melanie Wilson Rughani

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

Counsel for the Proponents

cc: Oklahoma Attorney General

A PROFESSIONAL CORPORATION



Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

OKLAHOMA SECRETARY OF STATE

October 24, 2019

**FILED**  
**OCT 24 2019**  
**OKLAHOMA SECRETARY**  
**OF STATE**

Kelly Smalley  
106 S. 44<sup>th</sup> W. Ave.  
Tulsa, Oklahoma 74127

Erin Taylor  
3037 S.W. 66<sup>th</sup> St.  
Oklahoma City, Oklahoma 73159

Dear Proponent(s):

This letter is to acknowledge receipt of 61 boxes containing signed petition pamphlets, filed with the Secretary of State October 24, 2019 at 11:32 a.m. p.m., on behalf of **State Question 802, Initiative Petition 419**.

This letter also serves as notification that proponents have, in accordance with Title 34 O.S. §8(G), officially certified to our office the following:

- All signed petitions have been filed
- No more petition pamphlets are in circulation
- And proponents will not circulate any more petition pamphlets

As required by law, the petition boxes have been sealed and will remain so until the signature count begins, October 30, 2019.

If our office can provide any further assistance, please do not hesitate to contact us.

**Executive Legislative Division**  
**OKLAHOMA SECRETARY OF STATE OFFICE**  
State Capitol Building, Rm 122  
Oklahoma City, Oklahoma 73105  
405.522.4565 / [executivelegislative@sos.ok.gov](mailto:executivelegislative@sos.ok.gov)

Cc: Crowe and Dunlevy (counsel for proponents)

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

OKLAHOMA SECRETARY OF STATE

October 24, 2019

RECEIVED  
RECEPTIONIST

OCT 24 2019

ATTORNEY GENERAL

The Honorable Mike Hunter  
Attorney General  
313 NE 21st Street  
Oklahoma City, Oklahoma 73105

Dear Attorney General Hunter:

Pursuant to 34 O.S., § 8(H), the proponents of **State Question 802, Initiative Petition 419** have timely filed signed copies of said petition. Also, in accordance with 34 O.S. §8(G), proponents have officially certified to the Secretary of State office the following;

- All signed petitions have been filed
- No more petition pamphlets are in circulation
- And proponents will not circulate any more petition pamphlets

Per 34 O.S. § 9(D), the proposed ballot title for SQ 802, IP 419 is hereby submitted to you for review as to legal correctness. The enclosed are true and exact copies of the documents on record with the Secretary of State.

If additional information is needed, or if we may be of further assistance, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Rogers", with a stylized flourish at the end.

Michael Rogers  
Secretary of State and Education



MIKE HUNTER  
ATTORNEY GENERAL

**FILED**

**OCT 31 2019**

**OKLAHOMA SECRETARY  
OF STATE**

Dawn Elizabeth Cash  
First Assistant Attorney General

October 31, 2019

Michael Rogers, Secretary of State  
Office of the Secretary of State  
2300 N. Lincoln Blvd., Room 122  
Oklahoma City, Oklahoma 73105-4897

**Re: Ballot Title for State Question No. 802, Initiative Petition No. 419**

Dear Secretary Rogers:

In accordance with the provisions of 34 O.S.Supp.2019, § 9(D), we have reviewed the proposed ballot title for the above-referenced State Question and conclude that it does not comply with applicable laws because it does not completely explain the effects of the proposition. *See* 34 O.S.Supp.2019, § 9(B)(2). We reached this conclusion for the following reasons:

1. The ballot title does not correctly explain which persons not already covered by Medicaid would be covered by the proposed expansion of Medicaid.
2. The ballot title does not explain that the proposal would prohibit the State from imposing greater or additional restrictions or burdens on eligibility for or enrollment in the expanded Medicaid coverage than those imposed on any other Medicaid-eligible population.
3. The ballot title does not explain that Medicaid is financed jointly by the federal government and the State and that the proposal would require the Oklahoma Health Care Authority to take all actions necessary to maximize federal funding of the expanded Medicaid coverage.
4. The ballot title does not state that the Oklahoma Health Care Authority would be required to submit necessary documents to the federal government so that the proposed Medicaid expansion would take effect no later July 1, 2021.

Having found that the ballot title does not comply with applicable laws, we will, in accordance with the provisions of 34 O.S.Supp.2019, § 9(D), prepare a Preliminary Ballot Title that complies with the law and furnish a copy to you within ten (10) business days.

Sincerely,

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

Dawn Cash  
First Assistant Attorney General



MIKE HUNTER  
ATTORNEY GENERAL

**FILED**

NOV 14 2019

OKLAHOMA SECRETARY  
OF STATE

Dawn Elizabeth Cash  
First Assistant Attorney General

November 14, 2019

Michael Rogers, Secretary of State  
Office of the Secretary of State  
2300 N. Lincoln Blvd., Room 122  
Oklahoma City, Oklahoma 73105-4897

**Re: Ballot Title for State Question No. 802, Initiative Petition No. 419**

Dear Secretary Rogers:

On October 31, 2019, we notified you that the proposed ballot title for the above-referenced State Question did not comply with applicable law. In accordance with 34 O.S.Supp.2019, § 9(D), we have prepared the attached Ballot Title.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dawn Cash".

Dawn Cash  
First Assistant Attorney General



**FILED**

**NOV 14 2019**

**OKLAHOMA SECRETARY  
OF STATE**

**BALLOT TITLE FOR STATE QUESTION NO. 802**

Medicaid is a government-sponsored health insurance program for qualifying low-income persons. This measure would add a provision to the Oklahoma Constitution requiring the State to expand Medicaid coverage. The expanded coverage would include certain persons over 18 and under 65 who are not already covered and whose annual income, as calculated under federal law, is at or below 133% of the federal poverty line. The federal poverty line changes annually, but for example if this measure were in effect in 2019, the measure generally would have covered a single adult making less than \$17,236 annually and adults in a family of four making less than \$35,535 annually.

Under this measure, the State cannot create additional restrictions that make it more difficult to qualify for expanded Medicaid coverage than it is to qualify for the Medicaid program currently in place.

The Medicaid program is funded jointly by the federal government and the State. This measure would require the Oklahoma Health Care Authority (OHCA) to try to maximize federal funding for Medicaid expansion in Oklahoma. If the measure is approved, OHCA has 90 days to submit all documents necessary to obtain federal approval for implementing Medicaid expansion by July 1, 2021.

**SHALL THE PROPOSAL BE APPROVED?**

**FOR THE PROPOSAL – YES**

\_\_\_\_\_

**AGAINST THE PROPOSAL – NO**

\_\_\_\_\_

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor  
**FILED**  
**SUPREME COURT**  
**STATE OF OKLAHOMA**

NOV 19 2019

JOHN D. HADDEN  
CLERK

November 19, 2019

**#118417**

**HAND DELIVERED**

The Supreme Court of Oklahoma  
Oklahoma Judicial Center – Ground Floor  
2100 N. Lincoln, Ste. 4  
Oklahoma City, Oklahoma 73105

**RE: Secretary of State's Certification, to the Supreme Court, of the Physical Signature Count  
for State Question 802, Initiative Petition 419 (Okla. Statutes, Title 34, Sections 6.1 & 8)**

Dear Sir/Madame:

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

- Sixty-one (61) boxes of signature pamphlets, for State Question 802, Initiative Petition 419, were received by our office at 11:32 a.m., October 24, 2019.
- The Secretary of State began the physical count of signatures on October 30, 2019 at 9:00 a.m. and concluded such on November 15, 2019 at 4:00 p.m.
- A total of 18,349 signature sheets were filed. Individual signature sheets are page numbered 1 through 18,349 and bound in a total of 92 volumes. Volumes 1 through 91 contain 200 signature sheets per volume and Volume 92 contains a total of 149 signature sheets.
- Page numbers 18,275 through 18,349 were not included in such physical count due to one or more of the following violations;
  - a. Improper or incomplete signature circulator affidavit
  - b. Improper or incomplete attestation by a notary public
- The Secretary of State certifies the total number of signatures physically counted, in accordance with 34 O.S. Sections 3, 4, 6.1 & 8, for State Question 802, Initiative Petition 419 is 299,731.
- The Secretary of State affirms the State Election Board has certified that a total of 1,186,385 votes were cast for the office of Governor at the General Election in November 2018.
- The Secretary of State also certifies that proponents' proposed ballot title was submitted to the Attorney General's office October 24, 2019 for review as to legal correctness.

- The Secretary of State further certifies that the Attorney General filed with this office, a preliminary ballot title for SQ802, IP419, on November 14, 2019.

In support of the details so certified, please find attached the following documents:

- A. Copy of State Question 802, Initiative Petition 419
- B. Copy of Proponents' Proposed Ballot Title for SQ802, IP419
- C. Copy of Attorney General's preliminary ballot title for SQ802, IP419
- D. Copy of SOS signature tabulation sheets for SQ802, IP419
- E. Copy of total votes cast as certified by the State Election Board--SOS Doc# 049546

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

Sincerely,



Michael Rogers  
Secretary of State and Education



**CERTIFICATE OF MAILING**

I hereby certify that a true and accurate copy of the foregoing was hand delivered, on November 19, 2019 to the following party;

The Honorable Mike Hunter  
Oklahoma Attorney General  
313 NE 21st Street  
Oklahoma City, Oklahoma 73105

I also hereby certify that a true and accurate copy of the foregoing was placed in USPS mail, regular first-class, on November 19, 2019, addressed to the proponent(s) of record for SQ802.

Kelly Smalley  
106 S. 44<sup>th</sup> W. Ave.  
Tulsa, Oklahoma 74127

Erin Taylor  
3037 S.W. 66<sup>th</sup> St.  
Oklahoma City, Oklahoma 73159



**Michael Rogers**  
**Secretary of State and Education**

# ATTACHEMENT

## “A”

State Question No. 802, Initiative Petition No. 419

FILED

APR 19 2019

**WARNING**

OKLAHOMA SECRETARY  
OF STATE

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

---

**INITIATIVE PETITION**

To the Honorable J. Kevin Stitt, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed amendment 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 3rd day of November, 2020 (or at a special election as may be called by the Governor), and each for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from JUL 31 2019. The question we herewith submit to our fellow voters is:

Shall the following proposed new Article XXV-A to the Constitution be approved?

---

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

**CONSTITUTION OF OKLAHOMA, ARTICLE XXV-A --  
MEDICAID EXPANSION**

**SECTION 1. Definitions**

As used in this Article:

- A. "Centers for Medicare and Medicaid Services" or "CMS" refers to the agency responsible for administering the Medicaid program at the federal level, including review and approval of State Plan Amendments.
- B. "Low Income Adults" refers to those individuals over age 18 and under age 65 whose income does not exceed one-hundred thirty-three percent (133%) of the federal poverty level, as described by and using the income methodology provided in the federal Medicaid statute at 42 U.S.C. § 1396a(a)(10)(A)(i)(VIII), and who meet applicable non-financial eligibility conditions for Medicaid under 42 CFR Part 435, Subpart E.
- C. "Medical assistance" means payment of part or all of the cost of the care and services, or the care and services themselves, or both, as provided in the federal Medicaid statute, 42 U.S.C. § 1396 et seq.
- D. "Oklahoma Health Care Authority" refers to the single State agency responsible for administering the Oklahoma Medicaid program pursuant to 42 U.S.C. § 1396a(a)(5).
- E. "State Plan Amendment" refers to the document(s) the State submits to the Centers for Medicare and Medicaid Services for review and approval before making a change to its program policies, including setting forth the groups of individuals to be eligible for medical assistance.

## **SECTION 2. Medicaid Expansion**

A. In addition to those otherwise eligible for medical assistance under Oklahoma's Medicaid program, the State shall provide medical assistance under Oklahoma's Medicaid program to Low Income Adults.

B. No greater or additional burdens or restrictions on eligibility or enrollment shall be imposed on persons eligible for medical assistance pursuant to this Article than on any other population eligible for medical assistance under Oklahoma's Medicaid program.

## **SECTION 3. Implementation**

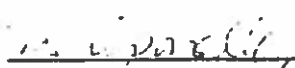
A. Within 90 days of approval of this Article, the Oklahoma Health Care Authority shall submit a State Plan Amendment and all other necessary documents to seek required approvals from the Centers for Medicare and Medicaid Services to include Low Income Adults as a coverage group in Oklahoma's Medicaid program beginning no later than July 1, 2021.


B. The Oklahoma Health Care Authority shall take all actions necessary to maximize federal financial participation in funding medical assistance pursuant to this Article.

## **SECTION 4. Severability**

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

### **Name and Address of Proponents**

  
Kelly Smalley  
106 S. 44th W. Ave.  
Tulsa, OK 74127

  
Erin Taylor  
3037 S.W. 66th St.  
Oklahoma City, OK 73159

### SIGNATURES

The gist of the proposition is as follows: This measure adds a new Article to the Oklahoma Constitution, which would expand Oklahoma's Medicaid program to include certain low-income adults between the ages of 18 and 65 whose income does not exceed 133% of the federal poverty level, as permitted under the federal Medicaid laws.

Restrictions on eligibility or enrollment for persons eligible for medical assistance as a result of this Article may be no greater than those on any other population eligible under Oklahoma's Medicaid program. The Article would require the Oklahoma Health Care Authority to submit a State Plan Amendment and other documents necessary to seek federal approval within 90 days, and to take all actions necessary to maximize federal financial participation in funding this medical assistance.

### WARNING

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

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

# AFFIDAVIT

[illegible]

I, \_\_\_\_\_, being first duly sworn, say:

That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence. I believe that each signer has stated his or her name, mailing 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 before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**My Commission Expires:**

**Notary Public**

**Address**

City

**Zip Code**

**My Commission Number:**

# ATTACHEMENT “B”

**FILED**

**APR 19 2019**

**OKLAHOMA SECRETARY  
OF STATE**

**PROPOSED BALLOT TITLE**

This measure adds a new Article to the Oklahoma Constitution. The new Article would expand Oklahoma's Medicaid program to include certain low-income adults between the ages of 18 and 65 whose income does not exceed 133% of the federal poverty level, as permitted under the federal Medicaid laws.

Shall the proposal be approved?

For the proposal        -        YES

Against the proposal -        NO

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



# ATTACHEMENT “C”



MIKE HUNTER  
ATTORNEY GENERAL

**FILED**

NOV 14 2019

OKLAHOMA SECRETARY  
OF STATE

Dawn Elizabeth Cash  
First Assistant Attorney General

November 14, 2019

Michael Rogers, Secretary of State  
Office of the Secretary of State  
2300 N. Lincoln Blvd., Room 122  
Oklahoma City, Oklahoma 73105-4897

**Re: Ballot Title for State Question No. 802, Initiative Petition No. 419**

Dear Secretary Rogers:

On October 31, 2019, we notified you that the proposed ballot title for the above-referenced State Question did not comply with applicable law. In accordance with 34 O.S.Supp.2019, § 9(D), we have prepared the attached Ballot Title.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Dawn Cash".

Dawn Cash  
First Assistant Attorney General

**FILED**

NOV 14 2019

OKLAHOMA SECRETARY  
OF STATE

**BALLOT TITLE FOR STATE QUESTION NO. 802**

Medicaid is a government-sponsored health insurance program for qualifying low-income persons. This measure would add a provision to the Oklahoma Constitution requiring the State to expand Medicaid coverage. The expanded coverage would include certain persons over 18 and under 65 who are not already covered and whose annual income, as calculated under federal law, is at or below 133% of the federal poverty line. The federal poverty line changes annually, but for example if this measure were in effect in 2019, the measure generally would have covered a single adult making less than \$17,236 annually and adults in a family of four making less than \$35,535 annually.

Under this measure, the State cannot create additional restrictions that make it more difficult to qualify for expanded Medicaid coverage than it is to qualify for the Medicaid program currently in place.

The Medicaid program is funded jointly by the federal government and the State. This measure would require the Oklahoma Health Care Authority (OHCA) to try to maximize federal funding for Medicaid expansion in Oklahoma. If the measure is approved, OHCA has 90 days to submit all documents necessary to obtain federal approval for implementing Medicaid expansion by July 1, 2021.

**SHALL THE PROPOSAL BE APPROVED?**

**FOR THE PROPOSAL – YES**

\_\_\_\_\_

**AGAINST THE PROPOSAL – NO**

\_\_\_\_\_

# ATTACHEMENT “D”

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**STATE QUESTION NO. 802**  
**INITIATIVE PETITION NO. 419**

**VOLUME NO. 1**

**Consisting of 200 signature sheets**

**Page numbered 1 through 200**

**with approximately 3052 signatures**

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**STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419**

**VOLUME NO. 2**

**Consisting of 200 signature sheets**

**Page numbered 201 through 400**

**with approximately 3219 signatures**

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 3

Consisting of 200 signature sheets

Page numbered 401 through 600

with approximately 3041 signatures

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STATE QUESTION NO. 802  
 INITIATIVE PETITION NO. 419

VOLUME NO. 4

Consisting of 200 signature sheets

Page numbered 601 through 800

with approximately 3,022 signatures



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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 5

Consisting of 200 signature sheets

Page numbered 801 through 1000

with approximately 3212 signatures

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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 6

Consisting of 200 signature sheets

Page numbered 1001 through 1200

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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 7

Consisting of 200 signature sheets

Page numbered 1201 through 1400

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**STATE QUESTION NO. 802**  
**INITIATIVE PETITION NO. 419**

**VOLUME NO. 8**

**Consisting of 200 signature sheets**

**Page numbered 1401 through 1600**

**with approximately 3,286 signatures**

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10- +  
4- +  
10- +  
20- +  
2- +  
17- +  
20- +  
20- +  
2- +  
19- +  
10- +  
20- +  
10- +  
20- +  
17- +  
20- +  
13- +  
15- +  
17- +  
12- +  
13- +  
10- +

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 9

Consisting of 200 signature sheets

Page numbered 1601 through 1800

with approximately 3,169 signatures

ATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 10

Consisting of 200 signature sheets

Page numbered 1801 through 2000

with approximately 3151 signatures

20. +  
5. +  
20. +  
10. +  
19. +  
20. +  
19. +  
2. +  
18. +  
20. +  
10. +  
20. +  
7. +  
19. +  
11. +  
20. +  
20. +  
19. +  
19. +  
20. +  
17. +  
10. +  
20. +  
19. +  
20. +  
20. +  
20. +  
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18. +  
20. +  
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20. +  
19. +  
7. +  
20. +  
19. +  
6. +  
17. +  
13. +  
18. +  
5. +  
11. +  
20. +  
19. +  
7. +  
20. +

200

3,151 \*

2. +  
13. +  
17. +  
20. +  
19. +  
18. +  
19. +  
10. +  
3. +  
7. +  
2. +  
20. +  
19. +  
8. +  
13. +  
14. +  
3. +  
10. +  
10. +  
12. +  
10. +  
10. +  
5. +  
17. +  
19. +  
20. +  
20. +  
19. +  
14. +  
20. +  
18. +  
20. +  
20. +  
20. +  
16. +  
18. +  
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19. +  
20. +  
20. +  
20. +  
20. +  
10. +  
10. +  
20. +  
20. +  
19. +  
16. +  
17. +  
19. +  
19. +  
10. +  
20. +  
19. +

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 11

Consisting of 200 signature sheets

Page numbered 2001 through 2200

with approximately 3315 signatures

19 +  
20 +  
20 +  
10 +  
20 +  
12 +  
4 +  
20 +  
10 +  
20 +  
20 +  
10 +  
10 +  
10 +  
10 +  
20 +  
6 +  
13 +  
20 +  
19 +  
17 +  
20 +  
20 +  
20 +  
17 +  
20 +  
20 +  
9 +  
12 +  
20 +  
20 +  
20 +  
18 +  
19 +  
20 +  
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17 +  
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20 +  
20 +  
20 +  
20 +  
20 +  
11 +  
20 +  
20 +  
20 +  
20 +  
20 +  
20 +  
20 +  
20 +  
19 +  
19 +  
20 +  
19 +  
19 +  
20 +  
20 +  
16 +  
20 +

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 12

Consisting of 200 signature sheets

Page numbered 2201 through 2400

with approximately 3307 signatures



20• +  
14• +  
20• +  
2• +  
20• +  
19• +  
20• +  
20• +  
20• +  
20• +  
11• +  
6• +  
6• +  
20• +  
20• +  
18• +  
20• +  
20• +  
14• +  
17• +  
15• +  
20• +  
19• +  
4• +  
20• +  
20• +  
20• +  
20• +  
19• +  
20• +  
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18• +  
17• +  
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20• +  
20• +  
19• +  
18• +  
20• +  
20• +  
19• +  
19• +  
20• +  
11• +  
12• +  
1• +  
4• +  
5• +  
20• +  
11• +  
6• +

200.....  
3,362• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 13

Consisting of 200 signature sheets

Page numbered 2401 through 2600

with approximately 3362 signatures

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 14

Consisting of 200 signature sheets

Page numbered 2601 through 2800

with approximately 3131 signatures

17• +  
20• +  
19• +  
4• +  
19• +  
6• +  
20• +  
3• +  
20• +  
20• +  
6• +  
20• +  
16• +  
18• +  
19• +  
6• +  
18• +  
20• +  
1• +  
18• +  
19• +  
18• +  
10• +  
8• +  
9• +  
6• +  
3• +  
15• +  
20• +  
20• +  
18• +  
14• +  
20• +  
3• +  
18• +  
20• +  
18• +  
15• +  
20• +  
20• +  
20• +  
18• +  
20• +  
5• +  
20• +  
20• +  
20• +  
10• +  
12• +  
20• +  
20• +  
19• +  
20• +  
20• +  
7• +  
19• +  
20• +  
20• +

200.....  
3,090• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 15

Consisting of 200 signature sheets

Page numbered 2801 through 3000

with approximately 3090 signatures

20• +  
16• +  
17• +  
20• +

19• +  
19• +  
19• +  
19• +  
6• +  
18• +  
20• +  
20• +  
14• +  
19• +  
20• +  
20• +  
20• +  
20• +  
19• +  
20• +  
17• +  
19• +  
20• +  
18• +  
20• +  
20• +  
11• +  
20• +  
20• +  
10• +  
7• +  
2• +  
7• +  
18• +  
14• +  
19• +  
17• +  
19• +  
19• +  
6• +  
19• +  
20• +  
3• +  
19• +  
13• +  
18• +  
16• +  
20• +  
19• +  
20• +  
19• +  
19• +  
20• +  
18• +  
8• +  
6• +  
17• +  
19• +  
19• +  
20• +  
19• +  
2• +  
18• +

200.....  
3,285• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 16

Consisting of 200 signature sheets

Page numbered 3001 through 3200

with approximately 3285 signatures

20• +  
19• +  
20• +  
1• +  
20• +  
20• +  
20• +  
20• +  
20• +  
20• +  
18• +  
20• +  
18• +  
19• +  
9• +  
16• +  
20• +  
5• +  
20• +  
20• +  
20• +  
18• +  
17• +  
20• +  
5• +  
19• +  
20• +  
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20• +  
19• +  
19• +  
19• +  
19• +  
19• +  
19• +  
20• +  
20• +  
2• +  
20• +  
19• +  
20• +  
14• +  
20• +

200•.....

3,394• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 17

Consisting of 200 signature sheets

Page numbered \_\_\_\_\_ through \_\_\_\_\_

with approximately 3394 signatures

200.....  
3,428. \*

20• +  
19• +  
20• +  
20• +  
20• +  
19• +  
17• +  
20• +  
20• +  
8• +  
20• +  
3• +  
18• +  
17• +  
20• +  
5• +  
13• +  
18• +  
19• +  
13• +  
19• +  
5• +  
20• +  
20• +  
18• +  
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15• +  
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18• +  
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19• +  
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20• +  
17• +  
5• +  
19• +  
19• +  
1• +  
12• +  
18• +  
19• +  
8• +  
18• +  
16• +  
18• +  
19• +  
18• +  
20• +  
7• +  
3• +  
19• +  
6• +  
18• +

200•.....  
3,277• \*

**STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419**

**VOLUME NO. 19**

**Consisting of 200 signature sheets**

**Page numbered 3601 through 3800**

**with approximately 3277 signatures**

20• +  
 20• +  
 14• +  
 6• +  
 2• +  
 20• +  
 20• +  
 15• +  
 20• +  
 13• +  
 20• +  
 18• +  
 20• +  
 20• +  
 20• +  
 19• +  
 20• +  
 18• +  
 19• +  
 20• +  
 20• +  
 3• +  
 19• +  
 19• +  
 6• +  
 15• +  
 20• +  
 9• +  
 20• +  
 16• +  
 18• +  
 20• +  
 19• +  
 11• +  
 20• +  
 19• +  
 20• +  
 20• +  
 10• +  
 1• +  
 20• +  
 20• +  
 19• +  
 7• +  
 20• +  
 19• +  
 18• +  
 20• +  
 5• +  
 20• +  
 20• +  
 20• +  
 18• +  
 10• +  
 18• +  
 20• +  
 20• +  
 20• +  
 2• +  
 16• +

**STATE QUESTION NO. 802**  
**INITIATIVE PETITION NO. 419**

VOLUME NO. 20

Consisting of 200 signature sheets

Page numbered 3801 through 4000

with approximately 3245 signatures

200••••••••••••••••••••

3,245• \*



19• +  
20• +  
20• +  
20• +  
20• +  
6• +  
4• +  
12• +  
20• +  
13• +  
20• +  
20• +  
4• +  
20• +  
20• +  
20• +  
7• +  
7• +  
19• +  
20• +  
20• +  
20• +  
19• +  
4• +  
20• +  
20• +  
18• +  
20• +  
20• +  
14• +  
20• +  
20• +  
2• +  
19• +  
18• +  
20• +  
6• +  
18• +  
18• +  
13• +  
20• +  
20• +  
19• +  
20• +  
18• +  
20• +  
8• +  
20• +  
20• +  
12• +  
20• +  
20• +  
18• +  
1• +  
20• +  
20• +  
5• +

200•.....

3,380• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 21

Consisting of 200 signature sheets

Page numbered 4001 through 4200

with approximately 3380 signatures

19• +  
19• +  
9• +  
20• +  
2• +  
19• +  
7• +  
20• +  
14• +  
19• +  
20• +  
20• +  
9• +  
16• +  
20• +  
18• +  
17• +  
8• +  
19• +  
19• +  
18• +  
16• +  
17• +  
19• +  
20• +  
20• +  
20• +  
19• +  
19• +  
20• +  
9• +  
20• +  
20• +  
12• +  
1• +  
1• -  
10• +  
8• +  
6• +  
20• +  
20• +  
19• +  
19• +  
20• +  
2• +  
18• +  
11• +  
19• +  
20• +  
18• +  
20• +  
18• +  
19• +  
20• +  
20• +  
20• +  
18• +  
19• +  
18• +  
20• +

200.....

3,347• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 22

Consisting of 200 signature sheets

Page numbered 4201 through 4400

with approximately 3347 signatures

19• +  
20• +  
20• +  
20• +  
20• +  
20• +  
20• +  
20• +  
19• +  
4• +  
19• +  
14• +  
20• +  
19• +  
20• +  
7• +  
18• +  
20• +  
20• +  
20• +  
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19• +  
19• +  
20• +  
6• +  
20• +  
19• +  
20• +  
13• +  
20• +  
15• +  
20• +  
14• +  
20• +  
20• +

200.....  
3,318• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419  
VOLUME NO. 23

Consisting of 200 signature sheets

Page numbered 4401 through 4600

with approximately 3318 signatures

20• +  
19• +  
20• +  
11• +  
19• +  
2• +  
10• +  
2• +  
2• +  
19• +  
20• +  
5• +  
18• +  
4• +  
4• +  
13• +  
14• +  
19• +  
20• +  
20• +  
16• +  
4• +  
7• +  
18• +  
20• +  
19• +  
12• +  
19• +  
19• +  
15• +  
17• +  
20• +  
20• +  
20• +  
20• +  
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20• +  
20• +  
20• +  
20• +  
20• +  
19• +  
20• +  
19• +  
11• +  
19• +  
18• +  
18• +

200.....  
3,184• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 24

Consisting of 200 signature sheets

Page numbered 4601 through 4800

with approximately 3184 signatures

20• +  
5• +  
20• +  
20• +  
8• +  
20• +  
20• +  
20• +  
20• +  
19• +  
14• +  
19• +  
18• +  
19• +  
17• +  
20• +  
5• +  
20• +  
20• +  
16• +  
20• +  
20• +  
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10• +  
20• +  
20• +  
13• +  
20• +  
20• +  
9• +  
15• +  
19• +  
20• +  
17• +  
11• +  
7• +  
3• +  
20• +  
20• +  
13• +  
1• +  
20• +  
18• +  
20• +  
20• +  
16• +  
19• +  
6• +  
20• +  
7• +  
18• +  
19• +  
8• +  
20• +  
20• +  
20• +  
18• +  
19• +

200•.....  
3,170• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 25

Consisting of 200 signature sheets

Page numbered 4801 through 5000

with approximately 3170 signatures

19. +  
4. +  
7. +  
18. +  
7. +  
20. +  
20. +  
20. +  
20. +  
13. +  
19. +  
16. +  
19. +  
18. +  
14. +  
20. +  
9. +  
20. +  
5. +  
20. +  
20. +  
20. +  
8. +  
13. +  
14. +  
19. +  
20. +  
19. +  
19. +  
15. +  
20. +  
18. +  
20. +  
19. +  
19. +  
18. +  
17. +  
20. +  
19. +  
12. +  
19. +  
17. +  
12. +  
2. +  
11. +  
17. +  
20. +  
19. +  
19. +  
20. +  
20. +  
20. +  
8. +  
20. +  
15. +  
19. +  
17. +  
20. +

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 26

Consisting of 200 signature sheets

Page numbered 5001 through 5200

with approximately 3143 signatures

7. +  
20. +  
15. +  
20. +  
6. +  
20. +  
19. +  
8. +  
20. +  
20. +  
20. +  
18. +  
9. +  
18. +  
18. +  
20. +  
20. +  
17. +  
20. +  
20. +  
19. +  
17. +  
19. +  
19. +  
4. +  
20. +  
19. +  
20. +  
19. +  
20. +  
17. +  
8. +  
19. +  
16. +  
3. +  
18. +  
19. +  
11. +  
19. +  
17. +  
19. +  
3. +  
19. +  
2. +  
16. +  
18. +  
19. +  
11. +  
19. +  
5. +  
20. +  
11. +  
20. +  
3. +  
8. +  
16. +  
20. +  
20. +  
18. +

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 27

Consisting of 200 signature sheets

Page numbered 5201 through 5400

with approximately 3172 signatures

200.....

3,172. \*

19• +  
6• +  
20• +  
20• +  
7• +  
14• +  
3• +  
18• +  
20• +  
20• +  
20• +  
19• +  
15• +  
19• +  
20• +  
18• +  
19• +  
20• +  
1• +  
20• +  
20• +  
20• +  
19• +  
8• +  
19• +  
20• +  
19• +  
3• +  
18• +  
19• +  
18• +  
20• +  
13• +  
2• +  
20• +  
6• +  
17• +  
18• +  
20• +  
7• +  
12• +  
20• +  
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8• +  
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19• +  
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20• +  
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20• +  
19• +  
19• +  
20• +  
10• +  
20• +  
20• +  
20• +  
11• +  
18• +  
20• +  
5• +  
20• +

200.....  
3,268• \*

**STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419**

**VOLUME NO. 28**

**Consisting of 200 signature sheets**

**Page numbered 5401 through 5600**

**with approximately 3268 signatures**



20• +  
19• +  
19• +  
20• +  
20• +  
8• +  
18• +  
17• +  
19• +  
20• +  
19• +  
18• +  
19• +  
10• +  
17• +  
18• +  
19• +  
19• +  
18• +  
19• +  
18• +  
19• +  
7• +  
19• +  
20• +  
20• +  
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20• +  
20• +  
20• +  
1• +  
20• +  
20• +  
20• +  
20• +  
18• +  
20• +  
15• +  
9• +  
14• +  
14• -  
17• +  
18• +  
11• +  
17• +  
18• +  
3• +  
5• +  
5• +  
19• +  
6• +  
19• +  
20• +  
7• +  
4• +  
20• +  
19• +  
20• +

200•.....

3,220• \*

**STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419**

**VOLUME NO. 29**

**Consisting of 200 signature sheets**

**Page numbered 5601 through 5800**

**with approximately 3220 signatures**

9. +  
20. +  
15. +  
15. +  
19. +  
10. +  
16. +  
19. +  
20. +  
10. +  
15. +  
20. +  
20. +  
19. +  
18. +  
19. +  
20. +  
18. +  
3. +  
11. +  
18. +  
2. +  
20. +  
20. +  
20. +  
19. +  
17. +  
20. +  
6. +  
20. +  
20. +  
14. +  
1. +  
12. +  
20. +  
19. +  
11. +  
19. +  
18. +  
20. +  
1. +  
19. +  
20. +  
20. +  
20. +  
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20. +  
20. +  
19. +  
18. +  
20. +  
20. +  
19. +  
20. +  
20. +  
18. +  
19. +

200.....

3,429. \*

**STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419**

**VOLUME NO. 30**

**Consisting of 200 signature sheets**

**Page numbered 5801 through 6000**

**with approximately 3429 signatures**

8. +  
 20. +  
 20. +  
 20. +  
 20. +  
 3. +  
 1. +  
 9. +  
 19. +  
 18. +  
 11. +  
 3. +  
 3. +  
 8. +  
 20. +  
 20. +  
 20. +  
 20. +  
 19. +  
 19. +  
 19. +  
 20. +  
 17. +  
 20. +  
 19. +  
 5. +  
 20. +  
 20. +  
 14. +  
 19. +  
 15. +  
 20. +  
 19. +  
 17. +  
 1. +  
 20. +  
 20. +  
 17. +  
 19. +  
 11. +  
 18. +  
 20. +  
 5. +  
 7. +  
 20. +  
 20. +  
 20. +  
 7. +  
 20. +  
 20. +  
 17. +  
 15. +  
 7. +  
 19. +  
 19. +  
 200.....  
 3,154. \*

GATE QUESTION NO. 802  
 INITIATIVE PETITION NO. 419

VOLUME NO. 31

Consisting of 200 signature sheets

Page numbered 6001 through 6200

with approximately 3154 signatures

15• +  
18• +  
20• +  
12• +  
16• +  
20• +  
20• +  
20• +  
17• +  
9• +  
20• +  
10• +  
20• +  
17• +  
1• +  
19• +  
20• +  
8• +  
20• +  
15• +  
20• +  
19• +  
8• +  
16• +  
20• +  
20• +  
19• +  
20• +  
20• +  
20• +  
20• +  
20• +  
12• +  
8• +  
20• +  
20• +  
17• +  
18• +  
11• +  
6• +  
19• +  
17• +  
14• +  
20• +  
14• +  
7• +  
20• +  
18• +  
7• +  
16• +  
13• +  
13• +  
0• +  
18• +  
19• +  
4• +  
17• +  
10• +

200.....  
3,082• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 32

Consisting of 200 signature sheets

Page numbered 6201 through 6400

with approximately 3082 signatures

19• +  
13• +  
17• +  
17• +  
19• +  
18• +  
16• +  
11• +  
19• +  
20• +  
18• +  
3• +  
20• +  
20• +  
20• +  
19• +  
19• +  
19• +  
19• +  
18• +  
7• +  
20• +  
20• +  
20• +  
20• +  
20• +  
1• +  
9• +  
1• +  
18• +  
17• +  
20• +  
19• +  
20• +  
9• +  
18• +  
15• +  
18• +  
7• +  
20• +  
19• +  
20• +  
20• +  
3• +  
17• +  
20• +  
20• +  
20• +  
9• +  
20• +  
20• +  
20• +  
11• +  
20• +  
1• +  
18• +  
20• +  
19• +

200.....  
3,320• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 33

Consisting of 200 signature sheets

Page numbered 6401 through 6600

with approximately 3320 signatures

19• +  
20• +  
10• +  
19• +  
19• +  
19• +  
19• +  
14• +  
20• +  
16• +  
20• +  
20• +  
18• +  
18• +  
19• +  
6• +  
19• +  
6• +  
19• +  
18• +  
8• +  
9• +  
7• +  
1• +  
7• +  
2• +  
8• +  
6• +  
19• +  
20• +  
19• +  
13• +  
13• +  
18• +  
19• +  
20• +  
18• +  
20• +  
20• +  
19• +  
13• +  
19• +  
18• +  
18• +  
20• +  
19• +  
4• +  
18• +  
0• +  
10• +  
19• +  
15• +  
13• +  
20• +  
20• +  
19• +  
20• +

200.....  
3,182• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 34

Consisting of 200 signature sheets

Page numbered 6601 through 6800

with approximately 3182 signatures

20. +  
 8. +  
 20. +  
 12. +  
 20. +  
 15. +  
 6. +  
 19. +  
 15. +  
 20. +  
 7. +  
 10. +  
 20. +  
 20. +  
 18. +  
 20. +  
 20. +  
 19. +  
 20. +  
 5. +  
 20. +  
 20. +  
 20. +  
 10. +  
 13. +  
 20. +  
 19. +  
 2. +  
 20. +  
 20. +  
 20. +  
 19. +  
 10. +  
 17. +  
 20. +  
 5. +  
 20. +  
 19. +  
 15. +  
 19. +  
 20. +  
 20. +  
 20. +  
 19. +  
 20. +  
 3. +  
 17. +  
 13. +  
 19. +  
 20. +  
 19. +  
 18. +  
 17. +  
 5. +  
 19. +  
 200.....  
 3,098. \*

STATE QUESTION NO. 802  
 INITIATIVE PETITION NO. 419

VOLUME NO. 35

Consisting of 200 signature sheets

Page numbered 6801 through 7000

with approximately 3098 signatures

7. +  
20. +  
19. +  
20. +  
19. +  
19. +  
2. +  
20. +  
20. +  
17. +  
20. +  
14. +  
20. +  
3. +  
15. +  
20. +  
5. +  
20. +  
20. +  
20. +  
16. +  
14. +  
20. +  
16. +  
20. +  
20. +  
18. +  
20. +  
3. +  
15. +  
20. +  
20. +  
2. +  
19. +  
20. +  
10. +  
20. +  
20. +  
20. +  
19. +  
20. +  
20. +  
20. +  
13. +  
20. +  
5. +  
20. +  
19. +  
20. +  
20. +  
18. +  
20. +  
20. +

200.....  
3,294. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 36

Consisting of 200 signature sheets

Page numbered 7001 through 7200

with approximately 3294 signatures



18• +  
20• +  
15• +  
20• +  
20• +  
1• +  
18• +  
20• +  
9• +  
19• +  
17• +  
17• +  
20• +  
20• +  
16• +  
13• +  
19• +  
19• +  
18• +  
7• +  
19• +  
8• +  
19• +  
13• +  
16• +  
19• +  
15• +  
19• +  
10• +  
20• +  
17• +  
4• +  
20• +  
18• +  
17• +  
20• +  
20• +  
20• +  
10• +  
20• +  
20• +  
20• +  
8• +  
20• +  
20• +  
20• +  
20• +  
20• +  
20• +  
20• +  
20• +  
19• +  
20• +  
7• +  
20• +  
20• +  
20• +  
3• +  
20• +

200•.....  
3,235• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 37

Consisting of 200 signature sheets

Page numbered 7201 through 7400

with approximately 3,235 signatures

15• +  
15• +  
20• +  
8• +  
18• +  
20• +  
19• +  
5• +  
19• +  
18• +  
9• +  
12• +  
9• +  
20• +  
20• +  
20• +  
7• +  
1• +  
20• +  
20• +  
6• +  
19• +  
20• +  
20• +  
20• +  
8• +  
8• +  
19• +  
20• +  
20• +  
14• +  
16• +  
15• +  
20• +  
19• +  
14• +  
20• +  
19• +  
20• +  
19• +  
16• +  
4• +  
20• +  
20• +  
13• +  
6• +  
19• +  
20• +  
12• +  
7• +  
19• +  
10• +  
19• +  
20• +  
20• +

200.....  
3,144• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 38

Consisting of 200 signature sheets

Page numbered 7401 through 7600

with approximately 3144 signatures

15. +  
20. +  
5. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
16. +  
19. +  
20. +  
1. +  
18. +  
18. +  
6. +  
18. +  
12. +  
1. +  
20. +  
20. +  
17. +  
17. +  
19. +  
5. +  
20. +  
19. +  
18. +  
19. +  
19. +  
19. +  
20. +  
20. +  
18. +  
5. +  
19. +  
19. +  
5. +  
3. +  
9. +  
18. +  
18. +  
19. +  
20. +  
19. +  
20. +  
20. +  
20. +  
19. +  
17. +  
20. +  
20. +  
20. +  
18. +  
20. +  
19. +

200.....

3,104. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 39

Consisting of 200 signature sheets

Page numbered 7601 through 7800

with approximately 3104 signatures

19. +  
20. +  
19. +  
20. +  
2. +  
1. +  
18. +  
19. +  
7. +  
20. +  
19. +  
11. +  
20. +  
19. +  
4. +  
10. +  
20. +  
3. +  
20. +  
19. +  
20. +  
20. +  
3. +  
20. +  
5. +  
2. +  
9. +  
20. +  
7. +  
20. +  
19. +  
18. +  
20. +  
6. +  
20. +  
15. +  
20. +  
19. +  
17. +  
15. +  
14. +  
16. +  
18. +  
1. +  
1. -  
16. +  
15. +  
20. +  
20. +  
20. +

200.....

3,291. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 40

Consisting of 200 signature sheets

Page numbered 7801 through 8000

with approximately 3291 signatures

5. +  
19. +  
20. +  
10. +  
20. +  
20. +  
20. +  
20. +  
19. +  
20. +  
1. +  
20. +  
20. +  
19. +  
20. +  
19. +  
20. +  
14. +  
14. +  
19. +  
19. +  
1. +  
19. +  
20. +  
20. +  
20. +  
5. +  
17. +  
18. +  
20. +  
18. +  
15. +  
20. +  
18. +  
19. +  
11. +  
20. +  
18. +  
12. +  
19. +  
6. +  
20. +  
20. +  
19. +  
8. +  
19. +  
18. +  
20. +  
1. +  
20. +  
13. +  
20. +  
20. +  
11. +  
10. +  
20. +

200.....  
3,241. \*

**STATE QUESTION NO. 802**  
**INITIATIVE PETITION NO. 419**

VOLUME NO. 41

Consisting of 200 signature sheets

Page numbered 8001 through 8200

with approximately 3241 signatures

18. +  
8. +  
19. +  
20. +  
8. +  
20. +  
19. +  
19. +  
20. +  
20. +  
18. +  
16. +  
19. +  
17. +  
20. +  
20. +  
20. +  
20. +  
15. +  
20. +  
20. +  
10. +  
17. +  
18. +  
20. +  
20. +  
14. +  
20. +  
20. +  
6. +  
4. +  
20. +  
19. +  
20. +  
6. +  
10. +  
12. +  
19. +  
20. +  
20. +  
20. +  
19. +  
20. +  
3. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
19. +  
20. +  
1. +  
20. +

200.....  
3,378. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 42

Consisting of 200 signature sheets

Page numbered 8201 through 8400

with approximately 3378 signatures

19. +  
20. +  
19. +  
20. +  
17. +  
20. +  
19. +  
6. +  
8. +  
19. +  
18. +  
13. +  
19. +  
7. +  
11. +  
20. +  
19. +  
6. +  
18. +  
20. +  
20. +  
12. +  
3. +  
20. +  
19. +  
11. +  
20. +  
20. +  
20. +  
20. +  
13. +  
19. +  
4. +  
20. +  
18. +  
13. +  
16. +  
18. +  
10. +  
17. +  
17. +  
20. +  
16. +  
20. +  
20. +  
20. +  
20. +  
17. +  
20. +  
18. +  
10. +  
20. +  
20. +  
20. +  
19. +  
20. +  
15. +  
20. +  
17. +

200.....

3,323. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 43

Consisting of 200 signature sheets

Page numbered 8401 through 8600

with approximately 3,323 signatures

19. +  
20. +  
20. +  
20. +  
20. +  
18. +  
18. +  
19. +  
1. +  
20. +  
20. +  
19. +  
10. +  
20. +  
6. +  
20. +  
20. +  
20. +  
19. +  
20. +  
20. +  
13. +  
20. +  
20. +  
19. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
19. +  
19. +  
19. +  
20. +  
16. +  
17. +  
19. +  
18. +  
19. +  
19. +  
19. +  
19. +  
20. +  
17. +  
19. +  
20. +  
17. +  
20. +  
200.....  
3,354. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419  
VOLUME NO. 44

consisting of 200 signature sheets

page numbered 8601 through 8800

with approximately 3354 signatures



15• +  
19• +  
20• +  
5• +  
19• +  
19• +  
20• +  
19• +  
20• +  
20• +  
19• +  
19• +  
13• +  
3• +  
2• +  
20• +  
18• +  
19• +  
20• +  
20• +  
18• +  
20• +  
5• +  
20• +  
20• +  
18• +  
18• +  
20• +  
19• +  
20• +  
17• +  
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20• +  
19• +  
20• +  
17• +  
19• +  
17• +  
20• +  
20• +  
19• +  
20• +  
11• +  
19• +  
17• +  
17• +  
18• +  
17• +  
9• +  
20• +  
10• +  
18• +

200•.....  
3,282• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 45

Consisting of 200 signature sheets

Page numbered 8801 through 9000

with approximately 3282 signatures

20• +  
20• +  
20• +  
20• -  
5• +  
20• +  
20• +  
19• +  
17• +  
17• +  
15• +  
4• +  
19• +  
20• +  
11• +  
20• +  
19• +  
20• +  
20• +  
17• +  
20• +  
20• +  
19• +  
18• +  
20• +  
19• +  
18• +  
19• +  
1• +  
7• +  
18• +  
18• +  
20• +  
18• +  
15• +  
20• +  
14• +  
18• +  
20• +  
20• +  
5• +  
20• +  
9• +  
20• +  
17• +  
6• +  
5• +  
3• +  
2• +  
10• +  
19• +  
2• +  
20• +  
8• +  
19• +  
18• +  
19• +

200•.....  
3,248• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 46

Consisting of 200 signature sheets

Page numbered 9001 through 9200

with approximately 3248 signatures

6. +  
20. +  
20. +  
20. +  
20. +  
3. +  
20. +  
20. +  
20. +  
2. +  
20. +  
20. +  
19. +  
4. +  
20. +  
19. +  
19. +  
2. +  
20. +  
18. +  
12. +  
17. +  
18. +  
15. +  
15. +  
18. +  
20. +  
16. +  
18. +  
5. +  
17. +  
19. +  
19. +  
17. +  
16. +  
9. +  
17. +  
19. +  
16. +  
13. +  
17. +  
18. +  
11. +  
17. +  
19. +  
1. +  
7. +  
11. +  
1. +  
6. +  
14. +  
19. +  
17. +  
13. +

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 47

Consisting of 200 signature sheets

Page numbered 9201 through 9400

with approximately 3315 signatures

200.....

3,315 \*

20• +  
20• +  
10• +  
17• +  
20• +  
5• +  
20• +  
19• +  
20• +  
19• +  
20• +  
20• +  
20• +  
20• +  
20• +  
19• +  
20• +  
19• +  
20• +  
20• +  
4• +  
20• +  
12• +  
2• +  
10• +  
10• +  
8• +  
20• +  
2• +  
20• +  
20• +  
2• +  
3• +  
2• +  
2• +  
20• +  
17• +  
20• +  
19• +  
20• +  
19• +  
17• +  
9• +  
18• +  
13• +  
16• +  
14• +  
6• +  
20• +  
17• +  
17• +  
18• +  
4• +

200.....  
3,245• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 48

Consisting of 200 signature sheets

Page numbered 9401 through 9600

with approximately 3245 signatures

20 +  
8 +  
18 +  
20 +  
20 +  
20 +  
20 +  
20 +  
18 +  
20 +  
19 +  
19 +  
20 +  
20 +  
20 +  
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19 +  
20 +  
20 +  
20 +  
20 +  
16 +  
19 +  
18 +  
20 +  
3 +  
19 +  
19 +  
19 +  
20 +  
19 +  
9 +  
17 +  
20 +  
5 +  
19 +  
20 +  
20 +  
16 +  
17 +  
5 +  
19 +  
20 +  
10 +  
19 +  
20 +  
20 +  
18 +  
19 +  
19 +  
19 +  
3 +  
19 +  
18 +  
20 +  
20 +  
11 +

200.....  
3,384 \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 49

Consisting of 200 signature sheets

Page numbered 9601 through 9800

with approximately 3384 signatures

20. +  
19. +  
5. +  
20. +  
19. +  
20. +  
13. +  
19. +  
19. +  
20. +  
18. +  
20. +  
20. +  
20. +  
2. +  
20. +  
20. +  
17. +  
20. +  
19. +  
4. +  
20. +  
19. +  
18. +  
20. +  
10. +  
19. +  
20. +  
19. +  
2. +  
20. +  
20. +  
2. +  
12. +  
20. +  
17. +  
13. +  
20. +  
19. +  
20. +  
19. +  
20. +  
18. +  
19. +  
20. +  
5. +  
20. +  
19. +  
19. +  
5. +  
20. +  
20. +  
20. +

200.....  
3,378. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 50

Consisting of 200 signature sheets

Page numbered 9801 through 10,000

with approximately 3378 signatures

200.....  
3,451 \*

with approximately 3451 signatures

13• +  
19• +  
19• +  
20• +  
18• +  
20• +  
20• +  
20• +  
17• +  
18• +  
19• +  
18• +  
17• +  
19• +  
19• +  
17• +  
19• +  
20• +  
20• +  
11• +  
14• +  
13• +  
6• +  
18• +  
6• +  
19• +  
18• +  
6• +  
18• +  
20• +  
8• +  
16• +  
6• +  
14• +  
10• +  
17• +  
20• +  
17• +  
19• +  
18• +  
19• +  
18• +  
16• +  
20• +  
20• +  
19• +  
20• +  
20• +  
20• +  
20• +  
20• +  
20• +  
20• +  
20• +

200.....  
3,354• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 52

Consisting of 200 signature sheets

Page numbered 10,201 through 10,400

with approximately 3354 signatures



20. +  
19. +  
19. +  
9. +  
20. +  
19. +  
16. +  
20. +  
3. +  
20. +  
20. +  
2. +  
20. +  
20. +  
4. +  
20. +  
8. +  
17. +  
20. +  
20. +  
20. +  
20. +  
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20. +  
5. +  
17. +  
20. +  
5. +  
19. +  
11. +  
15. +  
14. +  
7. +  
20. +  
19. +  
6. +  
20. +  
14. +  
1. +  
5. +  
20. +  
19. +  
6. +  
20. +  
20. +  
16. +  
20. +  
20. +  
20. +  
2. +  
20. +  
18. +

200.....

3,182. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 53

Consisting of 200 signature sheets

Page numbered 10401 through 10600

with approximately 3182 signatures

18• +  
2• +  
20• +  
5• +  
18• +  
18• +  
2• +  
14• +  
3• +  
19• +  
19• +  
19• +  
20• +  
20• +  
9• +  
20• +  
20• +  
20• +  
2• +  
18• +  
12• +  
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7• +  
18• +  
17• +  
11• +  
12• +  
15• +  
14• +  
17• +  
20• +  
20• +  
20• +  
19• +  
19• +  
16• +

200.....  
3,186• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 54

Consisting of 200 signature sheets

Page numbered 10601 through 10800

with approximately 3186 signatures

13. +  
19. +  
18. +  
1. +  
19. +  
19. +  
20. +  
4. +  
20. +  
19. +  
19. +  
19. +  
19. +  
4. +  
19. +  
20. +  
16. +  
17. +  
19. +  
18. +  
19. +  
19. +  
10. +  
19. +  
19. +  
19. +  
14. +  
16. +  
20. +  
20. +  
20. +  
20. +  
2. +  
2,020. +  
2,080. -  
20. +  
17. +  
7. +  
5. +  
5. +  
19. +  
5. +  
10. +  
19. +  
10. +  
8. +  
20. +  
20. +  
7. +  
20. +  
20. +  
20. +  
18. +  
18. +  
20. +  
200.....  
3,223. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 55

Consisting of 200 signature sheets

Page numbered 10801 through 11000

with approximately 3223 signatures

20• +  
6• +  
19• +  
20• +  
20• +  
19• +  
20• +  
20• +  
20• +  
20• +  
19• +  
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18• +  
20• +  
3• +  
18• +  
19• +  
20• +  
20• +  
19• +  
13• +  
17• +  
6• +  
18• +  
20• +  
18• +  
19• +  
20• +  
12• +  
19• +  
1• +  
20• +  
20• +  
18• +  
17• +  
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20• +  
10• +  
19• +  
7• +  
4• +  
20• +  
20• +  
18• +  
13• +  
19• +  
18• +  
20• +

200.....  
3,314• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 56

Consisting of 200 signature sheets

Page numbered 11001 through 11200

with approximately 3314 signatures

19. +  
20. +  
20. +  
19. +  
19. +  
20. +  
18. +  
3. +  
19. +  
19. +  
19. +  
17. +  
20. +  
8. +  
20. +  
20. +  
19. +  
19. +  
8. +  
20. +  
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19. +  
19. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +

200.....

3,354. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 57

Consisting of 200 signature sheets

Page numbered 11201 through 11400

with approximately 33541 signatures

19. +  
1. +  
6. +  
7. +  
19. +  
19. +  
19. +  
4. +  
20. +  
19. +  
20. +  
20. +  
20. +  
19. +  
20. +  
20. +  
19. +  
19. +  
2. +  
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9. +  
12. +  
4. +  
20. +  
18. +  
12. +  
20. +  
19. +  
17. +  
18. +  
3. +  
19. +  
7. +  
18. +  
20. +  
20. +  
18. +  
16. +  
11. +  
20. +  
20. +  
3. +  
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18. +  
17. +  
17. +  
17. +  
16. +  
20. +  
15. +  
14. +  
19. +  
14. +  
18. +

200.....

3,161. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 58

Consisting of 200 signature sheets

Page numbered 11401 through 11600

with approximately 3161 signatures

20• +  
19• +  
20• +  
20• +  
20• +  
19• +  
20• +  
20• +  
13• +  
1• +  
4• +  
17• +  
14• +  
18• +  
19• +  
17• +  
19• +  
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20• +  
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19• +  
20• +  
19• +  
20• +  
19• +  
20• +  
7• +  
14• +  
15• +  
1• +  
18• +

200.....  
3,203• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 59

Consisting of 200 signature sheets

Page numbered 11601 through 11800

with approximately 3203 signatures

20. +  
20. +  
5. +  
8. +  
20. +  
12. +  
18. +  
19. +  
8. +  
20. +  
19. +  
19. +  
20. +  
20. +  
17. +  
2. +  
1. +  
17. +  
19. +  
18. +  
18. +  
16. +  
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17. +  
6. +  
20. +  
17. +  
5. +  
19. +  
4. +  
19. +  
19. +  
18. +  
18. +  
19. +  
20. +  
19. +

200.....  
3,257. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 60

Consisting of 200 signature sheets

Page numbered 11801 through 12000

with approximately 3257 signatures



20• +  
20• +  
20• +  
20• +  
19• +  
20• +  
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20• +  
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20• +  
20• +  
20• +  
19• +  
18• +  
3• +  
19• +  
20• +  
18• +  
19• +  
20• +  
14• +  
0• +

200.....  
3,315• +

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 61

Consisting of 200 signature sheets

Page numbered 12001 through 12200

with approximately 3315 signatures

20+ +  
19+ +  
18+ +  
20+ +  
20+ +  
20+ +  
11+ +  
17+ +  
20+ +  
20+ +  
7+ +  
20+ +  
1+ +  
17+ +  
19+ +  
5+ +  
20+ +  
20+ +  
20+ +  
20+ +  
6+ +  
20+ +  
18+ +  
10+ +  
20+ +  
20+ +  
2+ +  
19+ +  
20+ +  
17+ +  
14+ +  
6+ +  
17+ +  
14+ +  
19+ +  
20+ +  
19+ +  
17+ +  
19+ +  
20+ +  
19+ +  
19+ +  
20+ +  
19+ +  
1+ +  
20+ +  
19+ +  
20+ +  
18+ +  
0+ +  
9+ +

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 62

Consisting of 200 signature sheets

Page numbered 12201 through 12400

with approximately 3378 signatures

20• +  
18• +  
20• +  
20• +  
18• +  
20• +  
20• +  
20• +  
18• +  
19• +  
17• +  
20• +  
12• +  
20• +  
20• +  
14• +  
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17• +  
6• +  
19• +  
19• +  
16• +  
20• +  
18• +  
16• +  
14• +  
7• +  
7• -  
1• +  
20• +  
2• +  
20• +  
19• +  
20• +  
20• +  
10• +  
15• +  
20• +  
18• +  
18• +  
11• +  
20• +  
4• +  
18• +

200•.....  
3,288• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 63

Consisting of 200 signature sheets

Page numbered 12401 through 12600

with approximately 3288 signatures

20• +  
20• +  
7• +  
20• +  
14• +  
20• +  
19• +  
20• +  
3• +  
20• +  
20• +  
19• +  
19• +  
20• +  
14• +  
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12• +  
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20• +  
4• +  
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19• +  
20• +  
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14• +  
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5• +  
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18• +  
20• +  
8• +  
19• +  
17• +  
2• +  
20• +  
20• +  
20• +  
19• +  
20• +  
20• +  
200.....  
3,403• \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 64

Consisting of 200 signature sheets

Page numbered 12601 through 12800

with approximately 3403 signatures

200.....  
3,177- \*

19. +  
20. +  
18. +  
18. +  
3. +  
20. +  
19. +  
12. +  
15. +  
3. +  
15. +  
18. +  
16. +  
18. +  
18. +  
15. +  
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17. +  
17. +  
2. +  
9. +  
12. +  
20. +  
15. +  
16. +  
2. +  
20. +  
20. +  
7. +  
19. +  
20. +  
19. +  
20. +  
6. +  
20. +  
19. +  
10. +  
10. +  
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20. +  
20. +  
5. +  
6. +  
20. +  
20. +  
20. +  
20. +  
20. +  
19. +  
19. +  
19. +  
17. +  
19. +  
19. +

200.....

3,344. \*

**STATE QUESTION NO. 802**  
**INITIATIVE PETITION NO. 419**

**VOLUME NO. 66**

**Consisting of 200 signature sheets**

**Page numbered 13001 through 13200**

**with approximately 3344 signatures**

20. +

20. +

19. +

20. +

7. +

20. +

20. +

20. +

20. +

18. +

3. +

1. +

20. +

20. +

1. +

19. +

20. +

20. +

20. +

20. +

20. +

20. +

20. +

18. +

2. +

20. +

15. +

20. +

19. +

20. +

20. +

15. +

19. +

20. +

20. +

19. +

9. +

3. +

20. +

20. +

18. +

20. +

7. +

20. +

19. +

1. +

20. +

4. +

16. +

20. +

20. +

200.....

3,357. \*

**STATE QUESTION NO. 802**  
**INITIATIVE PETITION NO. 419**

VOLUME NO. 67

Consisting of 200 signature sheets

Page numbered 13201 through 13400

with approximately 3357 signatures

20. +  
18. +  
3. +  
8. +  
17. +  
19. +  
20. +  
11. +  
20. +  
20. +  
20. +  
20. +  
20. +  
13. +  
20. +  
16. +  
20. +  
20. +  
20. +  
20. +  
1. +  
19. +  
20. +  
14. +  
19. +  
20. +  
14. +  
20. +  
17. +  
20. +  
17. +  
10. +  
8. +  
19. +  
20. +  
20. +  
18. +  
16. +  
19. +  
5. +  
20. +  
9. +  
20. +  
10. +  
17. +  
19. +  
20. +  
19. +  
5. +  
1. +  
20. +  
20. +  
4. +  
13. +  
20. +

200.....  
3,252. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 68

Consisting of 200 signature sheets

Page numbered 13401 through 13600

with approximately 3252 signatures



19. +  
20. +  
12. +  
20. +  
17. +  
18. +  
4. +  
19. +  
20. +  
18. +  
20. +  
17. +  
20. +  
1. +  
19. +  
19. +  
17. +  
20. +  
20. +  
2. +  
19. +  
14. +  
20. +  
18. +  
18. +  
9. +  
20. +  
17. +  
20. +  
17. +  
5. +  
17. +  
17. +  
20. +  
11. +  
16. +  
18. +  
10. +  
18. +  
9. +  
15. +  
20. +  
20. +  
20. +  
17. +  
16. +  
19. +  
19. +  
20. +  
18. +  
8. +  
19. +  
12. +  
19. +  
20. +  
20. +

200.....  
3,217. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 69

Consisting of 200 signature sheets

Page numbered 13601 through 13800

with approximately 3217 signatures

20• +  
20• +  
19• +  
19• +  
10• +  
20• +  
20• +  
20• +  
18• +  
18• +  
20• +  
20• +  
3• +  
18• +  
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19• +  
19• +  
19• +  
19• +  
19• +  
18• +

200.....  
3,598• \*

16• +  
16• +  
17• +  
3• +  
20• +  
18• +  
20• +

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 70

Consisting of 200 signature sheets

Page numbered 13801 through 14000

with approximately 3598 signatures

18. +  
20. +  
19. +  
20. +  
2. +  
20. +  
20. +  
20. +  
20. +  
19. +  
20. +  
20. +  
19. +  
19. +  
20. +  
17. +  
18. +  
20. +  
16. +  
17. +  
19. +  
19. +  
20. +  
6. +  
19. +  
5. +  
20. +  
20. +  
19. +  
19. +  
20. +  
19. +  
19. +  
12. +  
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20. +  
17. +  
19. +  
20. +  
14. +  
20. +  
20. +  
6. +  
11. +  
20. +  
20. +  
19. +  
20. +  
2. +  
17. +  
15. +  
17. +

200.....

3,375. \*

20. +  
20. +

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 71

Consisting of 200 signature sheets

Page numbered 14001 through 14200

with approximately 3375 signatures

20• +  
20• +  
16• +  
19• +  
17• +  
18• +  
2• +  
5• +  
17• +  
19• +  
9• +  
20• +  
20• +  
17• +  
9• +  
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18• +  
6• +  
4• +  
20• +  
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4• +  
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20• +  
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20• +  
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20• +  
20• +  
20• +  
16• +  
2• +  
11• +  
19• +  
20• +  
17• +  
14• +  
119• +  
119• -  
19• +  
20• +  
20• +

200•.....

3,255• \*

**STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419**

**VOLUME NO. 22**

**Consisting of 200 signature sheets**

**Page numbered 14201 through 14400**

**with approximately 3255 signatures**

20. +  
18. +  
20. +  
20. +  
15. +  
19. +  
19. +  
16. +  
20. +  
20. +  
20. +  
14. +  
16. +  
19. +  
20. +  
13. +  
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17. +  
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20. +  
18. +  
17. +  
18. +  
16. +  
18. +  
20. +  
10. +

201.....  
3,550. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 7573

Consisting of 200 signature sheets

Page numbered 14401 through 14600

with approximately 3550 signatures

15. +  
19. +  
20. +  
16. +  
19. +  
18. +  
20. +  
20. +  
20. +  
19. +  
20. +  
20. +  
19. +  
20. +  
20. +  
19. +  
17. +  
8. +  
19. +  
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19. +  
20. +  
12. +  
6. +  
20. +  
20. +  
19. +

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~75~~ 74

Consisting of 200 signature sheets

Page numbered 14601 through 14800

with approximately 3391 signatures

200.....  
3,391. \*

20. +  
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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~77~~ 75

Consisting of 200 signature sheets

Page numbered 14801 through 15000

with approximately 3459 signatures

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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~75~~ 76

Consisting of 200 signature sheets

Page numbered 15001 through 15200

with approximately 3381 signatures



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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~77~~ 77

Consisting of 200 signature sheets

Page numbered 15201 through 15400

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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~80~~ 78

Consisting of 200 signature sheets

Page numbered 15401 through 15600

with approximately 3457 signatures

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3,416. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~81~~ 79

Consisting of 200 signature sheets

Page numbered 15601 through 15806

with approximately 3416 signatures

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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~80~~ 80

Consisting of 200 signature sheets

Page numbered 15801 through 16000

with approximately 3153 signatures

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2,974. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~83~~ 81

Consisting of 200 signature sheets

Page numbered 16001 through 16200

with approximately 2974 signatures

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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~81~~ 82

Consisting of 200 signature sheets

Page numbered 16201 through 16400

with approximately 3439 signatures

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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~80~~ 83

Consisting of 200 signature sheets

Page numbered 16401 through 16600

with approximately 3447 signatures



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3,361. \*

STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~86~~ 84

Consisting of 200 signature sheets

Page numbered 16601 through 16800

with approximately 3361 signatures



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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~87~~ 85

Consisting of 200 signature sheets

Page numbered 16801 through 17000

with approximately 3478 signatures

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**STATE QUESTION NO. 802**  
**INITIATIVE PETITION NO. 419**

VOLUME NO. ~~88~~ **86**

Consisting of **200** signature sheets

Page numbered **17001** through **17200**

with approximately **3210** signatures

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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 87

Consisting of 200 signature sheets

Page numbered 17201 through 17400

with approximately 3288 signatures

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3,487. \*

with approximately 3487 signatures

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**STATE QUESTION NO. 802**  
**INITIATIVE PETITION NO. 419**

VOLUME NO. ~~88~~ 89

Consisting of 200 signature sheets

Page numbered 17601 through 17800

with approximately 3253 signatures

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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. 90

Consisting of 200 signature sheets

Page numbered 17801 through 18000

with approximately 3489 signatures

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STATE QUESTION NO. 802  
INITIATIVE PETITION NO. 419

VOLUME NO. ~~98~~ 91

Consisting of 200 signature sheets

Page numbered 18001 through 18200

with approximately 3344 signatures

[illegible]

149.....

1,165. \*

**STATE QUESTION NO. 802**  
**INITIATIVE PETITION NO. 419**

VOLUME NO. ~~94~~ 92

Consisting of 149 signature sheets

Page numbered 18201 through 18349

with approximately 1165 signatures



# ATTACHEMENT “E”



**FILED**

NOV 20 2018

OKLAHOMA SECRETARY  
OF STATE

**OKLAHOMA STATE ELECTION BOARD**

November 19, 2018


The Honorable James A. Williamson  
Secretary of State  
State Capitol Building, Room 122  
Oklahoma City, Oklahoma 73105

Dear Secretary Williamson:

Subsequent to the November 6, 2018, General Election, I am able to provide the following information.

The total votes cast for the office of Governor at the General Election in 2018 were 1,186,385. Signature requirements for the types of petitions listed below are derived by applying the parenthetical percentages indicated and are valid from November 14, 2018, through November 15, 2022.

Referendum (5%)	59,320
Initiative (8%)	94,911
Initiative for Constitutional Change (15%)	177,958
Rejected Initiative or Referendum Measures (25%)	296,597
Independent Presidential Electors (3%)	35,592
Unrecognized Party Presidential Electors (3%)	35,592
Formation of New Political Party (3%)	35,592

Sincerely,  
  
PAUL ZIRBACH, Secretary  
Oklahoma State Election Board  
PZ/OK STATE OF OKLAHOMA

State Capitol Bldg, Room G28 | PO Box 53156, Oklahoma City, OK 73152-3156  
Phone: 405-521-2391 Fax: 405-521-6457 elections.ok.gov

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ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED  
SUPREME COURT  
STATE OF OKLAHOMA  
DEC 9 2019  
JOHN D. HADDEN  
CLERK

IN RE: )  
STATE QUESTION NO. 802, )  
INITIATIVE PETITION NO. 419, )

No. 118,417

Rec'd	12/9/19
Filed	ll
Mailed	ll
Distrib	ll
Publish	yes

STATE OF OKLAHOMA, TO:

MICHAEL ROGERS, SECRETARY OF STATE, STATE OF OKLAHOMA

GREETINGS:

ORDER

Proponents of State Question 802, Initiative Petition 419 have circulated their petition and collected signatures to place State Question 802 on the ballot. The state question would add a constitutional amendment to the Oklahoma Constitution that would expand Oklahoma's Medicaid program to include people whose income meets or falls below 133% of the federal poverty level. Proponents timely filed their pamphlets with the Oklahoma Secretary of State on October 24, 2019. See 34 O.S.2011, § 3.

The Oklahoma Secretary of State, Michael Rogers, has certified to this Court that the proponents for State Question No. 802, Initiative Petition No. 419 turned in 299,731 physical signatures that were in substantial compliance with 34 O.S.2011, §§ 3, 4 and 6.1. 34 O.S. Supp. 2015, § 8(H)(1). The Secretary of State also certified

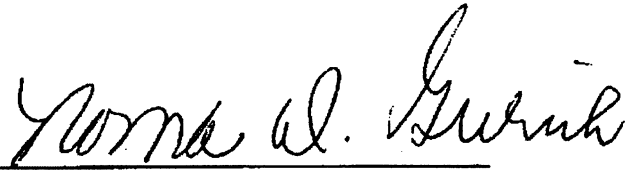
RECEIVED  
DEC 10 2019  
OKLAHOMA SECRETARY  
OF STATE

that 1,186,385 votes were cast for the office of Governor in the last general election, November 2018. *Id.* § 8(H)(2). Proponents to add a constitutional amendment by initiative petition must collect a total amount of signatures equaling 15% of the total number of votes cast for the state office receiving the highest number of votes cast in the last general election. Okla. Const. art. V, § 2; 34 O.S., § 8(H)(2). According to the Oklahoma State Election Board, 15% of the November 2018 election for Governor totaled 177,958. The number of physical signatures counted and certified to this Court by the Secretary of State appears numerically sufficient. *Id.* § 8(H).

The Secretary of State is directed to publish, in at least one newspaper of general circulation in this State, a notice of the filing of the signed petitions and the signed petition's apparent sufficiency. *Id.* § 8(I). The Secretary of State shall also include in the notice the text of the ballot title as rewritten by the Attorney General and a notice to any citizen that he or she may file an objection to the signature count or rewritten ballot title by filing the written objection with the Supreme Court with copies sent to the proponents of State Question 802, Initiative Petition 419. *Id.* The Secretary of State must further advise all citizens in the published notice that any objection to the signature count or rewritten ballot title must be filed within 10 business days after publication, the objection can only relate to the validity of the signatures or the rewritten ballot title, and copies of the objection must be filed with the Supreme Court, the Attorney General, and the Secretary of State. *Id.*

The Secretary of State shall obtain verified proof of publication of the required notice and shall file that verified proof of publication with the Clerk of the Oklahoma Supreme Court as a return to this order.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 9<sup>th</sup>  
DAY OF DECEMBER, 2019.

  
CHIEF JUSTICE

Gurich, C.J., Darby, V.C.J., Kauger, Winchester, Edmondson, Colbert, Combs and Kane, JJ. -  
concur

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

## OKLAHOMA SECRETARY OF STATE

December 11, 2019

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

Dear Ms. Shea:

Please find enclosed the following for publication;

**NOTICE OF THE FILING OF SIGNATURES AND  
THE APPARENT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY  
BALLOT TITLE AS REWRITTEN BY THE ATTORNEY GENERAL FOR  
STATE QUESTION NUMBER 802, INITIATIVE PETITION NUMBER 419**

Per Title 34 O.S. § 8, the publication must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish the enclosed notice in *The Oklahoman*, *Tulsa World*, and the *Journal Record* as soon as possible.

Also, upon the completion of publication, please provide our office with corresponding Affidavits of Publication. Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "AC", written over a horizontal line.

Amy Canton  
Director, Executive Legislative Division  
Oklahoma Secretary of State Office  
State Capitol Building, Rm. 122  
2300 N. Lincoln Blvd.  
Oklahoma City, OK 73105  
405.522.4565 / [executivelegislative@sos.ok.gov](mailto:executivelegislative@sos.ok.gov)

**NOTICE OF THE FILING OF SIGNATURES AND  
THE APPEARENT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY  
BALLOT TITLE AS REWRITTEN BY THE ATTORNEY GENERAL FOR  
STATE QUESTION NUMBER 802, INITIATIVE PETITION NUMBER 419**

**NOTICE** is hereby given that on October 24, 2019, sixty-one (61) boxes of signature pamphlets were received by the office of the Secretary of State, from the proponents of record for State Question 802, Initiative Petition 419.

**NOTICE** is also hereby given that in accordance with Title 34 O.S., Supp. 2015 § 8 and by order of the Supreme Court of Oklahoma, the Court recognizes the certification of the Secretary of State that the petition contains 299,731 signatures. The Court further recognizes that the number of signatures necessary to place the measure before the electorate is 177,958, being 15% of the votes cast for the office of Governor at the General Election in November 2018. The signatures on the petition appear numerically sufficient.

**NOTICE** is likewise, hereby given that any citizen or citizens of the state may file an objection, relating only to the signature count made by the Secretary of State or the Preliminary Ballot Title as rewritten by the Attorney General, within ten (10) business days of the date of this publication, by a written notice to the Clerk of the Oklahoma Supreme Court and a copy directed to the proponent(s) of the petition and the Attorney General. Also, a copy of any such objection shall be filed with the Secretary of State. Proceedings in the Supreme Court to resolve a protest or objection shall be in accordance with Title 34 O.S., Supp. 2015 §§ 8-11, and such other procedures as may be ordered by the Court.

Proponent(s) of record for State Question 802, Initiative Petition 419:

Kelly Smalley  
106 S. 44<sup>th</sup> W. Ave.  
Tulsa, Oklahoma 74127

Erin Taylor  
3037 S.W. 66<sup>th</sup> St.  
Oklahoma City, Oklahoma 73159

**PRELIMINARY BALLOT TITLE FOR SQ 802, IP419, as rewritten by the Attorney General**

Medicaid is a government-sponsored health insurance program for qualifying low-income persons. This measure would add a provision to the Oklahoma Constitution requiring the State to expand Medicaid coverage. The expanded coverage would include certain persons over 18 and under 65 who are not already covered and whose annual income, as calculated under federal law, is at or below 133% of the federal poverty line. The federal poverty line changes annually, but for example if this measure were in effect in 2019, the measure generally would have covered a single adult making less than 17,236 annually and adults in a family of four making less than \$35,535 annually.

Under this measure, the State cannot create additional restrictions that make it more difficult to qualify for expanded Medicaid coverage than it is to qualify for the Medicaid program currently in place.

The Medicaid program is funded jointly by the federal government and the State. This measure would require the Oklahoma Health Care Authority (OHCA) to try to maximize federal funding for Medicaid expansion in Oklahoma. If the measure is approved, OHCA has 90 days to submit all documents necessary to obtain federal approval for implementing Medicaid expansion by July 1, 2021.

**SHALL THE PROPOSAL BE APPROVED?**

FOR THE PROPOSAL – YES \_\_\_\_\_  
AGAINST THE PROPOSAL – NO \_\_\_\_\_

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

**DONE, BY ORDER OF THE SUPREME COURT THIS 11<sup>TH</sup> DAY OF DECEMBER, 2019.**

**Michael Rogers**  
**Secretary of State and Education**

# Oklahoma Press Service

3601 North Lincoln Blvd.  
Oklahoma City, OK 73105-  
Voice (405) 499-0020 Fax (405) 499-0048

Monday, December 23, 2019 10:40 AM

Page 1

## Proof of Publication Order Number 19-12-47

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Insertion: 12/17/2019

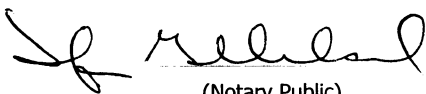
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PUBLICATION FEE \$95.30



(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this  
23 day of December 2019.



(Notary Public)

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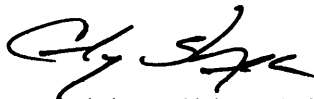
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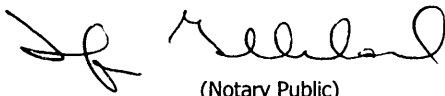
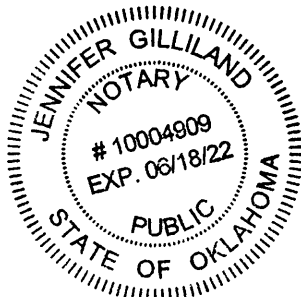
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Michael Rogers  
Secretary of State and Education

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

## OKLAHOMA SECRETARY OF STATE

January 9, 2020



### HAND DELIVERED

The Honorable Paul Ziriach  
Secretary, State Election Board  
State Capitol, Room G-28  
Oklahoma City, Oklahoma 73105

**Re: State Question 802, Initiative Petition 419 – Certification of Final Ballot Title**

Dear Secretary Ziriach:

In accordance with the provisions of Title 34 O.S. §9, I hereby certify that all requirements of said section of law have been met for State Question 802, Initiative Petition 419, and therefore, I herewith transmit to you, true and exact copies of the following on record with this office;

- Attorney General's Ballot Title for State Question 802, Initiative Petition 419, filed with SOS 11/14/2019
- State Question 802, Initiative Petition 419 (exact copy of measure/proposal)

If we may be of any further assistance, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Michael Rogers".

Michael Rogers  
Secretary of State and Education

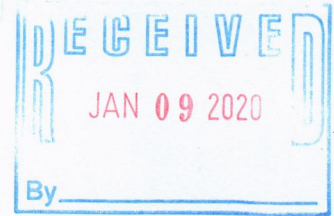


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## OKLAHOMA SECRETARY OF STATE



January 9, 2020

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Governor, State of Oklahoma  
State Capitol, Ste. 212  
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- SOS transmittal letter to the Secretary of the State Election Board, certifying the measure and Final Ballot Title for State Question 802, Initiative Petition 419
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Michael Rogers  
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IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE: INITIATIVE PETITION 419  
STATE QUESTION 802

LAURA NEWBERRY and ELDON  
MERKLIN,

Petitioners,

v.

ANDREW MOORE, JANET ANN  
LARGENT and LYNDAY JOHNSON,  
Respondents.

FILED  
SUPREME COURT  
STATE OF OKLAHOMA

JAN 10 2020

JOHN D. HADDEN  
CLERK

CASE NO. 118,417

**RETURN ON SUPREME COURT ORDER FILED DECEMBER 9, 2019**

In accordance with the Supreme Court order filed December 9, 2019 in regards to S.C. case no. 118,417, please find attached three (3) proofs of publication for the required "Notice of the Filing of Signatures and the Apparent Numerical Sufficiency thereof and the Text of the Preliminary Ballot Title as Rewritten by the Attorney General for State Question Number 802, Initiative Petition Number 419". Such notice was published in *The Oklahoman*, *Tulsa World* and *Journal Record* on December 17, 2019.

Respectfully submitted,



Michael Rogers,  
Oklahoma Secretary of State and Education

Office of the Oklahoma Secretary of State  
2300 N. Lincoln Blvd., Ste. 122  
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Telephone: 405-522-4565  
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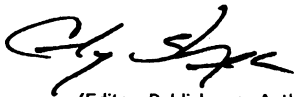
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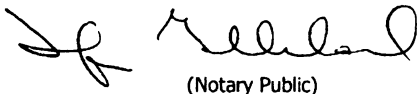
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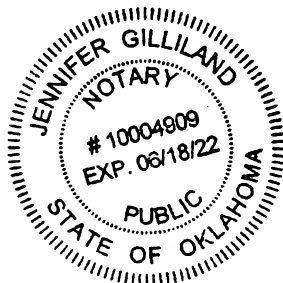


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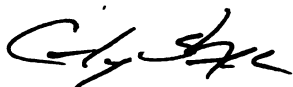
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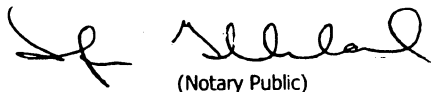
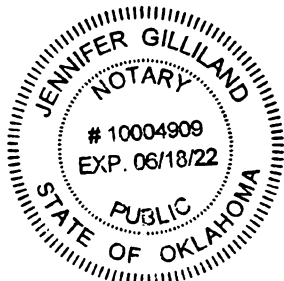
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Kelly Smalley	Erin Taylor
106 S. 44th W. Ave.	3037 S.W. 66th St.
Tulsa, Oklahoma 74127	Oklahoma City, Oklahoma 73159

### PRELIMINARY BALLOT TITLE FOR SQ 802, IP419, as rewritten by the Attorney General

Medicaid is a government-sponsored health insurance program for qualifying low-income persons. This measure would add a provision to the Oklahoma Constitution requiring the State to expand Medicaid coverage. The expanded coverage would include certain persons over 18 and under 65 who are not already covered and whose annual income, as calculated under federal law, is at or below 133% of the federal poverty line. The federal poverty line changes annually, but for example if this measure were in effect in 2019, the measure generally would have covered a single adult making less than \$17,236 annually and adults in a family of four making less than \$35,535 annually.

Under this measure, the State cannot create additional restrictions that make it more difficult to qualify for expanded Medicaid coverage than it is to qualify for the Medicaid program currently in place.

The Medicaid program is funded jointly by the federal government and the State. This measure would require the Oklahoma Health Care Authority (OHCA) to try to maximize federal funding for Medicaid expansion in Oklahoma. If the measure is approved, OHCA has 90 days to submit all documents necessary to obtain federal approval for implementing Medicaid expansion by July 1, 2021.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

A "YES" vote is a vote in favor of this measure.

A "NO" vote is a vote against this measure.

DONE, BY ORDER OF THE SUPREME COURT  
THIS 11TH DAY OF DECEMBER, 2019.

Michael Rogers  
Secretary of State and Education

# Oklahoma Press Service

3601 North Lincoln Blvd.

Oklahoma City, OK 73105-

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

Monday, December 23, 2019 10:40 AM

Page 1

## Proof of Publication Order Number 19-12-47

I, Cindy Shea, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-JOURNAL RECORD, a Daily newspaper printed and published in the city of OKLAHOMA CITY, county of Oklahoma, and state of Oklahoma, and that the advertisement referred to, a true and printed copy of which is here unto attached, was published in said OK-JOURNAL RECORD in consecutive issues on the following dates-to-wit:

Insertion: 12/17/2019

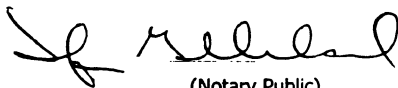
That said newspaper has been published continuously and uninterrupted in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has a general paid circulation, and publishes news of general interest, and otherwise conforms with all of the statutes of the Oklahoma governing legal publications.

PUBLICATION FEE \$95.30



(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this  
23 day of December 2019.



(Notary Public)

### NOTICE OF THE FILING OF SIGNATURES AND THE APPARENT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE AS REWRITTEN BY THE ATTORNEY GENERAL FOR STATE QUESTION NUMBER 802, INITIATIVE PETITION NUMBER 419

NOTICE is hereby given that on October 24, 2019, sixty-one (61) boxes of signature pamphlets were received by the office of the Secretary of State, from the proponents of record for State Question 802, Initiative Petition 419.

NOTICE is also hereby given that in accordance with Title 34 O.S., Supp. 2015 § 8 and by order of the Supreme Court of Oklahoma, the Court recognizes the certification of the Secretary of State that the petition contains 299,731 signatures. The Court further recognizes that the number of signatures necessary to place the measure before the electorate is 177,958, being 15% of the votes cast for the office of Governor at the General Election in November 2018. The signatures on the petition appear numerically sufficient.

NOTICE is likewise, hereby given that any citizen or citizens of the state may file an objection, relating only to the signature count made by the Secretary of State or the Preliminary Ballot Title as rewritten by the Attorney General, within ten (10) business days of the date of this publication, by a written notice to the Clerk of the Oklahoma Supreme Court and a copy directed to the proponent(s) of the petition and the Attorney General. Also, a copy of any such objection shall be filed with the Secretary of State. Proceedings in the Supreme Court to resolve a protest or objection shall be in accordance with Title 34 O.S., Supp. 2015 §§ 8-11, and such other procedures as may be ordered by the Court.

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Under this measure, the State cannot create additional restrictions that make it more difficult to qualify for expanded Medicaid coverage than it is to qualify for the Medicaid program currently in place.

The Medicaid program is funded jointly by the federal government and the State. This measure would require the Oklahoma Health Care Authority (OHCA) to try to maximize federal funding for Medicaid expansion in Oklahoma. If the measure is approved, OHCA has 90 days to submit all documents necessary to obtain federal approval for implementing Medicaid expansion by July 1, 2021.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

A "YES" vote is a vote in favor of this measure.

A "NO" vote is a vote against this measure.

DONE, BY ORDER OF THE SUPREME COURT  
THIS 11TH DAY OF DECEMBER, 2019.

Michael Rogers  
Secretary of State and Education





IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

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IN RE: )  
STATE QUESTION NO. 802, )  
INITIATIVE PETITION NO. 419, )

FILED  
SUPREME COURT  
STATE OF OKLAHOMA  
No. 118,417

MAR 23 2020

JOHN D. HADDEN  
CLERK

ORDER

On January 10, 2020, the Secretary of State filed with this Court legally sufficient notice by publication of the numerical sufficiency of signatures gathered for State Question 802, Initiative Petition No. 419, and of the right of Oklahoma citizens 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. See 34 O.S.2011, § 8(I). The Secretary of State filed verified proof of publication. See *id.* This Court also previously recognized the apparent numerical sufficiency of the signatures, as certified by the Secretary of State, in its order of December 9, 2019.

In the same published notice on January 10th, the Secretary of State provided notice of the preliminary ballot title as rewritten by the Attorney General and of the right of any person to appeal the ballot title within ten days of the published notice to this Court. See 34 O.S. Supp. 2015, § 10(A).

No Oklahoma citizen filed a protest, challenge, or objection to Initiative Petition No. 419 or its rewritten ballot title with the Clerk of the Supreme Court within ten

RECEIVED

MAR 25 2020

OKLAHOMA SECRETARY  
OF STATE

days after the Secretary of State published the required notice. See *id.* Therefore, there is no longer a justiciable controversy before the Court.

Initiative Petition 419 is facially adequate, and the Court remands the petition 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 23<sup>rd</sup> DAY OF MARCH, 2020.

  
CHIEF JUSTICE

ALL JUSTICES CONCUR.



J. Kevin Stitt  
Office of the Governor  
State of Oklahoma

**FILED**

**APR 17 2020**

**OKLAHOMA SECRETARY  
OF STATE**

**EXECUTIVE DEPARTMENT  
EXECUTIVE PROCLAMATION**

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I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the provisions of Section 1 of Article V of the Oklahoma Constitution, Sections 12 and 25 of Title 34 of the Oklahoma Statutes, and the referral by the Secretary of State, do hereby declare that Initiative Petition Number 419, State Question 802, be submitted to qualified electors of the State of Oklahoma for their approval or rejection at a special election to be held statewide on the primary election date of June 30, 2020.

The substance of the measure is as follows:

Medicaid is a government-sponsored health insurance program for qualifying low-income persons. This measure would add a provision to the Oklahoma Constitution requiring the State to expand Medicaid coverage. The expanded coverage would include certain persons over 18 and under 65 who are not already covered and whose annual income, as calculated under federal law, is at or below 133% of the federal poverty line. The federal poverty line changes annually, but for example, if this measure were in effect in 2019, the measure generally would have covered a single adult making less than \$17,236 annually and adults in a family of four making less than \$35,535 annually.

Under this measure, the State cannot create additional restrictions that make it more difficult to qualify for expanded Medicaid coverage than it is to qualify for the Medicaid program currently in place.

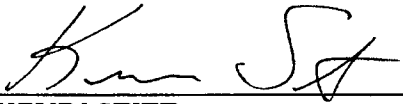
The Medicaid program is funded jointly by the federal government and the State. This measure would require the Oklahoma Health Care Authority (OHCA) to try to maximize federal funding for Medicaid expansion in Oklahoma. If the measure is approved, OHCA has 90 days to submit all documents necessary to obtain federal approval for implementing Medicaid expansion by July 1, 2021.

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.


050364


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 17<sup>th</sup> day of April, 2020.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

  
\_\_\_\_\_  
J. KEVIN STITT

ATTEST:

  
\_\_\_\_\_  
MICHAEL ROGERS, SECRETARY OF STATE



The Great Seal of the State of Oklahoma is circular. It features a five-pointed star in the center, surrounded by a wreath. The outer ring of the seal contains the text "GREAT SEAL OF THE STATE OF OKLAHOMA" at the top and "1907" at the bottom. The seal is partially obscured by the signature and the text "MICHAEL ROGERS, SECRETARY OF STATE".

STATE QUESTION NO. 802 INITIATIVE PETITION NO. 419		1948 of 1948 Precincts Completely Reporting			
		ABSENTEE MAIL	EARLY VOTING	ELECTION DAY	TOTAL
FOR THE PROPOSAL - YES		76,093	18,970	245,509	340,572
AGAINST THE PROPOSAL - NO		18,521	15,534	299,964	334,019
		94,614	34,504	545,473	674,591