



November 12, 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 proposes that a new Article II-A be added to the Oklahoma Constitution, which would, for a person who has never been convicted of a violent felony, prohibit the use of a former felony conviction to increase the statutorily allowable base range of punishment for a subsequent felony conviction, and permit individuals currently incarcerated for felony sentences that were enhanced based on one or more former felony convictions, and whose sentences are greater than the maximum sentence that may currently be imposed for such felonies, to seek sentence modification in court.

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

**FILED**

NOV 12 2019

OKLAHOMA SECRETARY  
OF STATE

**PROPOSED BALLOT TITLE**

This measure seeks to add a new Article II-A to the Oklahoma Constitution. This new Article excepts and does not apply to persons who have ever been convicted of a violent felony. It would prohibit the use of a former felony conviction to increase the statutorily allowable base range of punishment for a person subsequently convicted of a felony. Individuals who are currently incarcerated for felony sentences that were enhanced based on one or more former felony convictions, and whose sentences are greater than the maximum sentence that may currently be imposed for such felonies, may seek sentence modification in court. The new Article sets forth a detailed process for such sentence modification, including but not limited to requirements for a hearing, appointment of counsel for indigent petitioners, and notification of victims, and requires that the court impose a modified sentence no greater than the current maximum sentence which may be imposed on a person convicted of the same felony with no former felony convictions, and which results in no greater time served in prison than under the original sentence. It establishes an appeal procedure, provides an effective date, and contains a severability clause.

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. 805, Initiative Petition No. 421



**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.**

---

**INITIATIVE PETITION**

**To the Honorable John 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 next regular general election (or at a special election as may be called by the Governor), and each for himself/herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence is 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 II-A to the Oklahoma Constitution be approved?**

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

**CONSTITUTION OF OKLAHOMA, ARTICLE II-A  
CRIMINAL HISTORY IN SENTENCING**

**SECTION 1. Definitions**

As used in this Article:

- A. "Community supervision" shall be defined as a specified period of supervision with conditions, including but not limited to parole, probation, and post-imprisonment supervision.
- B. "Statutorily allowable base range of punishment" shall be defined as the range of punishment prescribed for the offense or offenses for which an individual is convicted, without the application of a statutory sentencing enhancement based on one or more former convictions.
- C. "Violent felony" shall be defined as any felony offense specified in Section 571 of Title 57 of the Oklahoma Statutes as of January 1, 2020.

**SECTION 2. Exclusions**

This Article does not apply to, and nothing in this Article shall be construed as applying to, changing, or affecting sentences for a person who has ever been convicted of a violent felony, no matter when convicted.

**SECTION 3. Range of punishment after former felony convictions**

Except as provided in section 2 of this Article, a former conviction for one or more felonies shall not be used to enhance the statutorily allowable base range of punishment, including but not

limited to minimum and maximum terms, for a person convicted, whether by trial or plea of guilty or nolo contendere, of a felony.

#### **SECTION 4. Sentence modification — eligibility**

Except as provided in section 2 of this Article, a person serving a sentence of incarceration or a person incarcerated pending an acceleration or revocation for a felony offense shall be eligible for sentence modification under this Article if the sentence, including any period of community supervision, for which the person is currently incarcerated satisfies the following criteria:

- A. Was imposed based on a statutorily allowable base range of punishment that was enhanced based on one or more former felony convictions; and
- B. Is greater than the current maximum sentence which may be imposed on a person convicted of the same felony or felonies who has not been formerly convicted of a felony.

#### **SECTION 5. Sentence modification — initiation of proceeding**

- A. To initiate a proceeding for sentence modification under this Article, a person who believes that they satisfy the criteria in section 4 of this Article, henceforth known as the “petitioner,” shall file a verified “application for modification” with the clerk of the court that imposed the sentence of incarceration. The Court of Criminal Appeals may prescribe the format of the application. If the court that imposed the sentence is not available, the presiding judge shall designate another judge or magistrate to rule on the application. Within thirty (30) days of the filing of the application, a period which may be extended if the court has good cause, the court shall dismiss the application pursuant to subsection B of this section or proceed pursuant to subsection C of this section.
- B. If the court determines, on the basis of the application, that the petitioner does not satisfy the criteria in section 4 of this Article or has not adhered to the format of the prescribed application, it may deny the application, citing reasons for the denial, or allow the petitioner to file an amended application. Denial of the application due to technical errors shall not abridge the right of the petitioner to file a subsequent application.
- C. If the court determines, on the basis of the application, that the petitioner satisfies the criteria in section 4 of this Article, then the court shall conduct a sentence modification hearing and modify the sentence in accordance with section 6 of this Article. In advance of such hearing, the court shall appoint counsel for petitioners who are indigent and notify the state. If the petitioner has a victim registered with the Department of Corrections for the sentence for which the petitioner is applying for modification, the state shall notify the victim of the sentence modification hearing.
- D. The Department of Corrections shall provide support as necessary to ensure this section is implemented, including but not limited to posting information in facility common areas regarding the rights set forth under section 4 of this Article and providing timely and adequate assistance for the preparation of applications pursuant to subsection A of this section.

#### **SECTION 6. Sentence modification — hearing**

- A. The sentencing modification hearing shall be held in open court. The court must accord the state, any registered victim, and the counsel for the petitioner an opportunity to make a statement with respect to any matter relevant to the question of sentence. The petitioner has the right to make a statement on his or her own behalf before the court pronounces a modified sentence.
- B. During the sentencing modification hearing, the court shall reconsider the sentence for which the petitioner is currently incarcerated, without any consideration or reference to an enhancement based on one or more former felony convictions, consistent with section 3 of this Article. In reaching this determination, the court shall consider the estimated

cost of the petitioner's continued incarceration to the taxpayers of the State of Oklahoma.

- C. At the conclusion of the sentencing modification hearing, the court shall be empowered to modify any aspect of the original sentence. At minimum, the court shall modify the sentence to be no greater than the current maximum sentence which may be imposed on a person convicted of the same felony or felonies with no former felony convictions. The court shall not modify the sentence so that the portion of the sentence to be served in prison is greater than the remainder of the original sentence to be served in prison.

#### **SECTION 7. Appeal to the Court of Criminal Appeals**

A denial pursuant to subsection B of section 5 or a final order entered under subsection C of section 6 of this Article may be appealed by the petitioner to the Court of Criminal Appeals within sixty (60) days from the entry of the denial or final order. The appeal shall be taken in accordance with procedures implemented by the Oklahoma Court of Criminal Appeals.

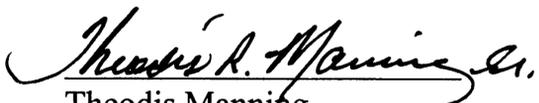
#### **SECTION 8. Implementation**

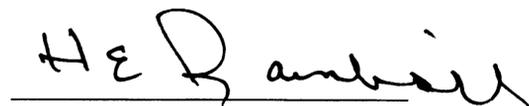
This Article shall become effective on the January 1 immediately following its passage.

#### **SECTION 9. Severability**

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

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

  
Theodis Manning  
8320 NE 10 St.  
Midwest City, ok 73110

  
Gene Rainbolt  
101 N. Broadway Ave. Ste 1050  
Oklahoma City, OK73102

## SIGNATURES

**The gist of the proposition is as follows:** This measure seeks to add a new Article II-A to the Oklahoma Constitution. This new Article excepts and does not apply to persons who have ever been convicted of a violent felony. It would prohibit the use of a former felony conviction to increase the statutorily allowable base range of punishment for a person subsequently convicted of a felony. Individuals who are currently incarcerated for felony sentences that were enhanced based on one or more former felony convictions, and whose sentences are greater than the maximum sentence that may currently be imposed for such felonies, may seek sentence modification in court. The new Article sets forth a detailed process for such sentence modification, including but not limited to requirements for a hearing, appointment of counsel for indigent petitioners, and notification of victims, and requires that the court impose a modified sentence no greater than the current maximum sentence which may be imposed on a person convicted of the same felony with no former felony convictions, and which results in no greater time served in prison than under the original sentence. It establishes an appeal procedure, provides an effective date, and contains a severability clause.

## WARNING

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1.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
2.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
3.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
4.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
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14.	_____	_____	_____	_____	_____	_____
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16.	_____	_____	_____	_____	_____	_____
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17.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
18.	_____	_____	_____	_____	_____	_____
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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



Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

## OKLAHOMA SECRETARY OF STATE

November 12, 2019

**FILED**

NOV 12 2019

OKLAHOMA SECRETARY  
OF STATE

Theodis Manning  
8320 NW 10<sup>th</sup> Street  
Midwest City, OK 73110

Gene Rainbolt  
101 N. Broadway Ave. Ste. 1050  
Oklahoma City, OK 73102

Dear Proponent(s):

This acknowledges receipt of the petition submitted to the Secretary of State office, which has been designated as **State Question Number 805, Initiative Petition Number 421** and filed accordingly this 12<sup>th</sup> day of November, 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 we can provide any further assistance or should you have any questions, please do not hesitate to contact our office.

Thank you,

**EXECUTIVE LEGISLATIVE SERVICES**  
**OKLAHOMA SECRETARY OF STATE OFFICE**  
State Capitol Building, Room 122  
Oklahoma City, OK 73105  
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

November 12, 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 805, Initiative Petition 421

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 the corresponding Affidavits of Publication. Should you have any questions, please do not hesitate to contact our office.

Sincerely,

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

Amy Canton  
Director, Executive Legislative Division  
Oklahoma Secretary of State Office

**NOTICE OF THE FILING OF STATE QUESTION 805, INITIATIVE PETITION 421, 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 November 12, 2019, State Question 805, Initiative Petition 421 was filed in the Office of the Oklahoma Secretary of State.**

**NOTICE is also hereby given that State Question 805, Initiative Petition 421 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 805, Initiative Petition 421:**

**Therds Manning  
8320 NW 10<sup>th</sup> Street  
Midwest City, OK 73110**

**Gere Rairdt  
101 N Broadway Ave Ste 1050  
Oklahoma City, OK 73102**

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

# Oklahoma Press Service

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

Friday, November 22, 2019 01:39 PM

Page 1

## Proof of Publication Order Number 19-11-30

I, Landon Cobb, 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: 11/15/2019

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.

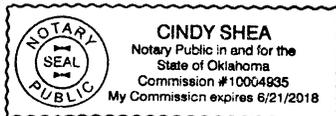
PUBLICATION FEE \$36.60

*Landa Cobb*

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this  
22 day of November 2019.

*Cindy Shea*  
(Notary Public)



**NOTICE OF THE FILING OF  
STATE QUESTION 805,  
INITIATIVE PETITION 421,  
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Theodis Manning  
8320 NW 10th Street  
Midwest City, OK 73110

Gene Rainbolt  
101 N. Broadway Ave. Ste. 1050  
Oklahoma City, OK 73102

**Michael Rogers**  
Oklahoma Secretary of State  
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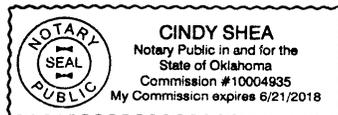
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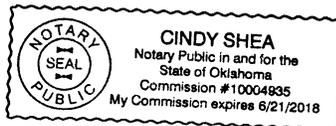
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Theodis Manning  
8320 NW 10th Street  
Midwest City, OK 73110

Gene Rainbolt  
101 N. Broadway Ave. Ste. 1050  
Oklahoma City, OK 73102

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

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

## OKLAHOMA SECRETARY OF STATE

December 11, 2019

Theodis Manning  
8320 NW 10<sup>th</sup> Street  
Midwest City, OK 73110

Gene Rainbolt  
101 N. Broadway Ave. Ste. 1050  
Oklahoma City, OK 73102

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 805, Initiative Petition Number 421** is set to begin on December 26, 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 March 26, 2019. The current signature requirement for amendments or additions to the Oklahoma Constitution is 177,958.

Please find enclosed a true and accurate copy 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,

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

Michael Rogers  
Secretary of State and Education

Cc: Crowe & Dunlevy

State Question No. 805, Initiative Petition No. 421

**FILED**  
NOV 12 2019  
OKLAHOMA SECRETARY  
OF STATE

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**INITIATIVE PETITION**

To the Honorable John 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 next regular general election (or at a special election as may be called by the Governor), and each for himself/herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence is correctly written after my name. The time for filing this petition expires ninety (90) days from DEC 26 2019. The question we herewith submit to our fellow voters is:

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

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

**CONSTITUTION OF OKLAHOMA, ARTICLE II-A  
CRIMINAL HISTORY IN SENTENCING**

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**SECTION 3. Range of punishment after former felony convictions**

Except as provided in section 2 of this Article, a former conviction for one or more felonies shall not be used to enhance the statutorily allowable base range of punishment, including but not

limited to minimum and maximum terms, for a person convicted, whether by trial or plea of guilty or nolo contendere, of a felony.

#### **SECTION 4. Sentence modification — eligibility**

Except as provided in section 2 of this Article, a person serving a sentence of incarceration or a person incarcerated pending an acceleration or revocation for a felony offense shall be eligible for sentence modification under this Article if the sentence, including any period of community supervision, for which the person is currently incarcerated satisfies the following criteria:

- A. Was imposed based on a statutorily allowable base range of punishment that was enhanced based on one or more former felony convictions; and
- B. Is greater than the current maximum sentence which may be imposed on a person convicted of the same felony or felonies who has not been formerly convicted of a felony.

#### **SECTION 5. Sentence modification — initiation of proceeding**

- A. To initiate a proceeding for sentence modification under this Article, a person who believes that they satisfy the criteria in section 4 of this Article, henceforth known as the “petitioner,” shall file a verified “application for modification” with the clerk of the court that imposed the sentence of incarceration. The Court of Criminal Appeals may prescribe the format of the application. If the court that imposed the sentence is not available, the presiding judge shall designate another judge or magistrate to rule on the application. Within thirty (30) days of the filing of the application, a period which may be extended if the court has good cause, the court shall dismiss the application pursuant to subsection B of this section or proceed pursuant to subsection C of this section.
- B. If the court determines, on the basis of the application, that the petitioner does not satisfy the criteria in section 4 of this Article or has not adhered to the format of the prescribed application, it may deny the application, citing reasons for the denial, or allow the petitioner to file an amended application. Denial of the application due to technical errors shall not abridge the right of the petitioner to file a subsequent application.
- C. If the court determines, on the basis of the application, that the petitioner satisfies the criteria in section 4 of this Article, then the court shall conduct a sentence modification hearing and modify the sentence in accordance with section 6 of this Article. In advance of such hearing, the court shall appoint counsel for petitioners who are indigent and notify the state. If the petitioner has a victim registered with the Department of Corrections for the sentence for which the petitioner is applying for modification, the state shall notify the victim of the sentence modification hearing.
- D. The Department of Corrections shall provide support as necessary to ensure this section is implemented, including but not limited to posting information in facility common areas regarding the rights set forth under section 4 of this Article and providing timely and adequate assistance for the preparation of applications pursuant to subsection A of this section.

#### **SECTION 6. Sentence modification — hearing**

- A. The sentencing modification hearing shall be held in open court. The court must accord the state, any registered victim, and the counsel for the petitioner an opportunity to make a statement with respect to any matter relevant to the question of sentence. The petitioner has the right to make a statement on his or her own behalf before the court pronounces a modified sentence.
- B. During the sentencing modification hearing, the court shall reconsider the sentence for which the petitioner is currently incarcerated, without any consideration or reference to an enhancement based on one or more former felony convictions, consistent with section 3 of this Article. In reaching this determination, the court shall consider the estimated

cost of the petitioner's continued incarceration to the taxpayers of the State of Oklahoma.

- C. At the conclusion of the sentencing modification hearing, the court shall be empowered to modify any aspect of the original sentence. At minimum, the court shall modify the sentence to be no greater than the current maximum sentence which may be imposed on a person convicted of the same felony or felonies with no former felony convictions. The court shall not modify the sentence so that the portion of the sentence to be served in prison is greater than the remainder of the original sentence to be served in prison.

#### **SECTION 7. Appeal to the Court of Criminal Appeals**

A denial pursuant to subsection B of section 5 or a final order entered under subsection C of section 6 of this Article may be appealed by the petitioner to the Court of Criminal Appeals within sixty (60) days from the entry of the denial or final order. The appeal shall be taken in accordance with procedures implemented by the Oklahoma Court of Criminal Appeals.

#### **SECTION 8. Implementation**

This Article shall become effective on the January 1 immediately following its passage.

#### **SECTION 9. Severability**

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

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

  
Theodis Manning  
8320 NE 10 St.  
Midwest City, ok 73110

  
Gene Rainbolt  
101 N. Broadway Ave. Ste 1050  
Oklahoma City, OK73102

**SIGNATURES**

**The gist of the proposition is as follows:** This measure seeks to add a new Article II-A to the Oklahoma Constitution. This new Article excepts and does not apply to persons who have ever been convicted of a violent felony. It would prohibit the use of a former felony conviction to increase the statutorily allowable base range of punishment for a person subsequently convicted of a felony. Individuals who are currently incarcerated for felony sentences that were enhanced based on one or more former felony convictions, and whose sentences are greater than the maximum sentence that may currently be imposed for such felonies, may seek sentence modification in court. The new Article sets forth a detailed process for such sentence modification, including but not limited to requirements for a hearing, appointment of counsel for indigent petitioners, and notification of victims, and requires that the court impose a modified sentence no greater than the current maximum sentence which may be imposed on a person convicted of the same felony with no former felony convictions, and which results in no greater time served in prison than under the original sentence. It establishes an appeal procedure, provides an effective date, and contains a severability clause.

**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
2.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
3.	_____	_____	_____	_____	_____	_____
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	Signature of Legal Voter	Print Name	Address	City	Zip	County
12.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
13.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
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	Signature of Legal Voter	Print Name	Address	City	Zip	County
15.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
16.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
17.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
18.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
19.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County
20.	_____	_____	_____	_____	_____	_____
	Signature of Legal Voter	Print Name	Address	City	Zip	County





Michael Rogers  
*Oklahoma Secretary of State and Education*

March 18, 2020

Citizens of Oklahoma,

During the statewide COVID-19 emergency, Governor Stitt has given my office approval to toll the 90-day circulation period for initiative petitions imposed by 34 O.S. §§ 4, 8(E), in order to best protect the public health. See 63 O.S. § 683.9. Once the declaration of emergency is lifted by the Governor, the period will resume, and a new deadline will be calculated. Petitions submitted at or before this new deadline, assuming they meet all other legal requirements, will be deemed by the Secretary of State as in substantial compliance with statutory procedural requirements and in conformity with the end aimed at by state laws relating to both initiatives and emergencies. See 34 O.S. § 24; Okla. A.G. Op. 1976-195.

Oklahomans are encouraged to limit their social interactions and stay home for the duration of this state of emergency. As such, signature-gathering activities should halt immediately until the declaration of emergency is affirmatively withdrawn.

Sincerely,

A handwritten signature in cursive script that reads "Michael Rogers".

Michael Rogers

Oklahoma Secretary of State

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE: STATE QUESTION NO. 805, )  
INITIATIVE PETITION NO. 421. )

THEODIS MANNING and )  
GENE RAINBOLT, )

Petitioners/Proponents, )

v. )

MICHAEL ROGERS, in his )  
capacity as OKLAHOMA )  
SECRETARY OF STATE, )

Respondent. )

**FILED**  
SUPREME COURT  
STATE OF OKLAHOMA

MAR 18 2020

JOHN D. HADDEN  
CLERK

No. 118,719

ORDER

As a result of the Secretary of State's March 18, 2020 letter informing all citizens that the 90-day circulation period for initiative petitions is tolled during the declaration of emergency by the Oklahoma Governor, Petitioners' Emergency Application to Assume Original Jurisdiction is moot. State Question 805, Initiative Petition 421's statutory signature-gathering deadline of 34 O.S. Supp. 2015, § 8(E) is tolled until the Governor lifts the declared state of emergency and the Secretary of State calculates a new deadline.

DONE BY ORDER OF THE SUPREME COURT THIS 18<sup>TH</sup> DAY OF MARCH,  
2020.



CHIEF JUSTICE

**RECEIVED**

MAR 18 2020

OKLAHOMA SECRETARY  
OF STATE



\*1046002825\*

FILED  
SUPREME COURT  
STATE OF OKLAHOMA

ORIGINAL

MAY - 7 2020

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

JOHN D. HADDEN  
CLERK

THEODIS MANNING AND GENE RAINBOLT, )  
 )  
 Petitioners/Proponents, )  
 )  
 v. )  
 )  
 MICHAEL ROGERS, Oklahoma Secretary of )  
 State, in his official capacity, )  
 )  
 Respondent/Protestant. )

Sup. Ct. Case #

#118774

Original	
Received	
Mailed	
Filed	
Updtd	

**APPLICATION TO ASSUME ORIGINAL JURISDICTION AND PETITION FOR  
EXTRAORDINARY RELIEF**

Petitioners/Proponents of Initiative Petition 421, State Question 805, Theodis Manning and Gene Rainbolt, respectfully request that the Court, pursuant to Article 7, § 4 of the Oklahoma Constitution, assume original jurisdiction and issue a writ of mandamus or other appropriate extraordinary relief directing Respondent, Michael Rogers, in his capacity as Oklahoma Secretary of State, to accept Proponents' initiative petition—signed by more than 260,000 Oklahomans—for filing, and timely commence (and complete) the signature-counting process.

In support of this Application and Petition, Petitioners show the Court:

1. Petitioner Theodis Manning is a resident and citizen of the State of Oklahoma, and is one of the named Proponents of Initiative Petition 421, State Question 805.
2. Petitioner Gene Rainbolt is a resident and citizen of the State of Oklahoma, and is one of the named Proponents of Initiative Petition 421, State Question 805.
3. Respondent Michael Rogers is the Oklahoma Secretary of State, and is named in his official capacity. Respondent has the authority, and obligation, to accept Petitioner/Proponents' initiative petition for filing and begin (and complete) the counting process. *See* 34 O.S. § 8.

RECEIVED

MAY - 7 2020

CLERK'S OFFICE

4. As explained in the accompanying brief, there is no mechanism for appeal of the Secretary's refusal to accept Proponents' initiative petition for filing; thus, there is no adequate remedy at law. Furthermore, time is of the essence: according to the State Election Board, all measures must be finalized by August 19, 2020 in order to be printed on the November general election ballot. Given the number of steps that remain to be completed in the initiative process, and the potential for delay under current circumstances, an original action in this Court is Proponents' only available and adequate remedy.

5. This application is not filed within ten days of any scheduled trial or hearing date.

WHEREFORE, Petitioners pray that this Court assume original jurisdiction of this matter and issue a writ of mandamus or other appropriate extraordinary relief.

Respectfully Submitted,



---

D. KENT MEYERS, OBA #6168  
MELANIE WILSON RUGHANI, OBA #30421  
JORDAN E.M. SESSLER, OBA #33264  
CROWE & DUNLEVY  
A Professional Corporation  
Braniff Building  
324 North Robinson Avenue, Suite 100  
Oklahoma City, Oklahoma 73102  
(405) 235-7700  
(405) 239-6651 (Facsimile)  
kent.meyers@crowedunlevy.com  
melanie.rughani@crowedunlevy.com  
jordan.sessler@crowedunlevy.com

**ATTORNEYS FOR PETITIONERS/  
PROPONENTS**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing was served by U.S. Mail, postage prepaid, and e-mailed this 7th day of May, 2020, to:

Mike Hunter, Attorney General  
Mithun Mansinghani, Solicitor General  
Office of the Oklahoma Attorney General  
313 NE 21st St  
Oklahoma City, Oklahoma 73105  
mithun.mansinghani@oag.ok.gov

*Mithun Mansinghani*

---

ES

**ORIGINAL**

2020 OK 45



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE: STATE QUESTION NO. 805,  
INITIATIVE PETITION NO. 421.

THEODIS MANNING and  
GENE RAINBOLT,

Petitioners/Proponents,

v.

MICHAEL ROGERS, OKLAHOMA  
SECRETARY OF STATE, in his  
Official Capacity,

Respondent.

Rec'd (date)	5/26/20
) Posted	[Signature]
) Mailed	[Signature]
) Distrib	[Signature]
) Publish	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no

**FILED**  
SUPREME COURT  
STATE OF OKLAHOMA

MAY 26 2020

JOHN D. HADDEN  
CLERK

No. 118,774

FOR OFFICIAL PUBLICATION

ORDER

¶1 Original jurisdiction is assumed. *Fent v. Contingency Review Bd.*, 2007 OK 27, ¶11, 163 P.3d 512 (the Court may assume jurisdiction in a *publici juris* controversy where there is an urgency and need for a judicial determination). The extraordinary relief sought by Proponents of Initiative Petition 421, State Question 805 is granted.

¶2 Okla. Const. Art. 5, § 2 provides that the first power reserved by the people is the initiative. Respondent's integral role and non-discretionary duties with respect to the initiative process are plainly set forth in the Constitution. Under Okla. Const. Art. 5, § 3, initiative petitions "shall be filed with the Secretary of State." *See also* Okla. Const. Art. 5, § 4. When initiative petitions submitting a proposed measure to the people for their ratification or rejection are offered to the Secretary of State for filing, "it is his duty to file same." *Threadgill v. Cross*, 1910 OK 165, ¶5, 109 P. 558,

*distinguished on other grounds by In re Initiative Petition No. 349, State Question No. 642, 1992 OK 122, 838 P.2d 1 (noting there is no controversy about the nature of this duty and there can be none).*

¶3 Pursuant to 34 O.S. Supp. 2015, § 8(G), proponents of a referendum or initiative petition may terminate the circulation period any time during said period by certifying to the Secretary of State (1) the petitions have been filed with the Secretary of State, (2) no petitions are in circulation, and (3) proponents will not circulate any more petitions. Proponents have tendered for filing the signed petitions in the instant cause. Therefore, pursuant to the text of the statute, Respondent “shall begin the counting process.” *Id.*

¶4 While the signature-gathering deadline was temporarily halted, or tolled, by Respondent on March 18, 2020, with the approval of the Governor under the latter’s emergency powers pursuant to the statewide COVID-19 emergency, this does not alter Proponent’s statutory rights under 34 O.S. Supp. 2015, § 8(G). The circulation period began, but it has not ended, and thus we are still within the circulation period. *In re Initiative Petition No. 397, State Question No. 767, 2014 OK 23, ¶9, 326 P.3d 496 (goal of statutory construction is to ascertain legislative intent from a plain and ordinary reading of the statute).*

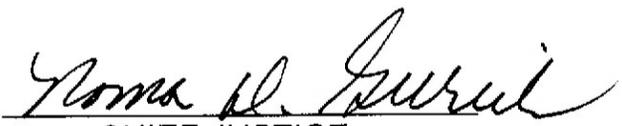
¶5 The Court notes Respondent has expressed concerns that commencing the signature-counting process amid the COVID-19 Pandemic and current state of emergency will present practical difficulties. There is also the foremost desire and

duty to protect the safety and welfare of all of those involved in the process. In this regard, beginning in mid-March, the Governor issued Executive Orders authorizing state agencies to make necessary emergency acquisitions to fulfill the purpose of the emergency declaration, and requiring the promulgation of emergency rules necessary to respond to the emergency.

¶6 Based on the materials provided, the Court finds Respondent has not established the signature-counting process cannot be performed in an efficient manner, while also taking the necessary safety precautions for those involved. The Court is not convinced Respondent would be unable to procure the tools to carry out the signature-counting process. To this end, the Court notes Proponents have offered to secure a suitable facility (where social distancing guidelines are more capable of being observed) at their own expense. The duties imposed upon the Secretary of State regarding the initiative and referendum is ministerial, and is mandatory. *Norris v. Cross*, 1909 OK 316, syll., 105 P. 1000.

¶7 Accordingly, a Writ of Mandamus is hereby issued directing the Respondent to accept for filing the signed petitions for Initiative Petition 421, State Question 805, within ten (10) calendar days of this Order, and to thereafter begin and complete the signature-counting process expeditiously.

¶8 DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS  
26TH DAY OF MAY, 2020.

  
CHIEF JUSTICE

Gurich, C.J., Darby, V.C.J., Kauger, Edmondson, Combs, JJ., concur;  
Kane and Rowe, JJ., dissent;  
Winchester, J., not voting;  
Colbert, J., not participating.

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

OKLAHOMA SECRETARY OF STATE

June 1, 2020

Theodis Manning  
8320 NW 10<sup>th</sup> Street  
Midwest City, OK 73110

Gene Rainbolt  
101 N. Broadway Ave. Ste. 1050  
Oklahoma City, OK 73102

Dear Proponents:

This letter is to acknowledge receipt of 53 boxes containing signed petition pamphlets, filed with the Secretary of State June 1, 2020 at 9:58 a.m., on behalf of **State Question 805, Initiative Petition 421**. As required by law, the boxes of petition pamphlets have been sealed and will remain so until the signature count begins.

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 "Amy Canton".

Amy Canton  
Director, Executive Legislative Services

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

## OKLAHOMA SECRETARY OF STATE

June 10, 2020

### INTERAGENCY MAIL & ELECTRONIC MAIL

The Honorable Mike Hunter  
Oklahoma State 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 805, Initiative Petition 421** have timely filed signed copies of said petition. Per 34 O.S. § 9(D), the proposed ballot title for SQ 805, IP 421 is hereby submitted to you for review as to legal correctness. Please find enclosed true and exact copies of the proposed ballot title and petition 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 "Amy Canton".

Amy Canton  
Director, Executive Legislative Services  
Office of the Secretary of State  
2300 N. Lincoln Blvd., Ste. 122  
Oklahoma City, Oklahoma 73105  
[amy.canton@sos.ok.gov](mailto:amy.canton@sos.ok.gov) / 405-522-4565

**FILED**

JUN 17 2020

OKLAHOMA SECRETARY  
OF STATE



MIKE HUNTER  
ATTORNEY GENERAL

Dawn Elizabeth Cash  
First Assistant Attorney General

June 17, 2020

Michael Rogers, Secretary of State  
2300 N. Lincoln Blvd., Suite 212  
Oklahoma City, Oklahoma 73105

**Re: Ballot Title for State Question No. 805, Initiative Petition No. 421**

Dear Secretary Rogers:

In accordance with the provisions of 34 O.S.Supp.2017, § 9(D), we have reviewed the ballot title for the above-referenced State Question and conclude that it complies with applicable law. As a Title 34 ballot title review, this letter does not constitute an Attorney General Opinion as to the merits or constitutionality of the underlying changes in the law, nor as to whether the changes in law may be preempted by federal law.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Cash".

Dawn Cash  
First Assistant Attorney General

ORIGINAL



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE: INITIATIVE PETITION 421  
STATE QUESTION 805

)  
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FILED  
SUPREME COURT  
STATE OF OKLAHOMA

JUL 6 2020

JOHN D. HADDEN  
CLERK

Original	_____
Produced	_____
Notarized	_____
Certified	_____
Updated	_____

Sup. Ct. Case No.

**#11889 5**

**SECRETARY OF STATE'S CERTIFICATION TO THE SUPREME COURT OF OKLAHOMA  
OF THE PHYSICAL SIGNATURE COUNT OF INITIATIVE PETITION 421, STATE  
QUESTION 805**

Pursuant to the provisions of *Oklahoma Statutes, Title 34, Sections 6.1, 8, 9* and in accordance with *Supreme Court order 2020 OK 45 (MA-118774)* the Secretary of State certifies to the Court the following details of the physical signature count of Initiative Petition 421, State Question 805:

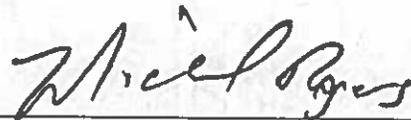
1. Fifty-three (53) boxes of petition pamphlets were received by our office June 1, 2020 on behalf of State Question 805, Initiative Petition 421.
2. The Secretary of State began the physical count of signatures on June 3, 2020 at 1:00 p.m. and concluded such on June 30, 2020 at 4:00 p.m.
3. Individual signature sheets are page numbered 1 through 15,694 and bound in a total of 79 volumes. Volumes 1 through 78 contain 200 signature sheets per volume and Volume 79 contains a total of 94 signature sheets.
4. Page numbers 15,502 through 15,694 were not included in such physical count due to either improper/incomplete notarizations by a notary public or incomplete circulator affidavits.
5. The Secretary of State certifies the total number of signatures counted for State Question 805, Initiative Petition 421 is **248,521**.
6. 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.
7. The Secretary of State also certifies that proponents' proposed ballot title was submitted to the Attorney General's office June 10, 2020 for review as to legal correctness. The Attorney General's ballot title review was filed for the record, with the Secretary of State's office, on June 17, 2020 and it concludes that proponent's proposed ballot title "complies with applicable law."

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

- A. True and exact copy of Initiative Petition 421, State Question 805
- B. Copy of SOS signature sheet volume cover pages containing the total amount of signatures counted for each of the 79 volumes for IP421, SQ805 (79 pages total)
- C. True and exact copy of the State of Election Board's certification of the number of votes cast at the November 2018 General Election (Secretary of State record number 049546, filed November 20, 2018)
- D. True and exact copy of Proponents' Proposed Ballot Title filed with the Secretary of State's office November 12, 2019
- E. True and exact copy of Oklahoma Attorney General's ballot title review, filed on record with the Secretary of State June 17, 2020 (Proposed Ballot Title "complies with applicable law.")

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

Respectfully,



---

MICHAEL ROGERS  
OKLAHOMA SECRETARY OF STATE

Office of the Oklahoma Secretary of State  
State Capitol, Ste. 122  
2300 N. Lincoln Blvd.  
Oklahoma City, Oklahoma 73105  
405-522-4565 / [executivelegislative@sos.ok.gov](mailto:executivelegislative@sos.ok.gov)

**CERTIFICATE OF MAILING**

I hereby certify that a true and accurate copy of the foregoing was hand delivered on July 6, 2020 to the following party;

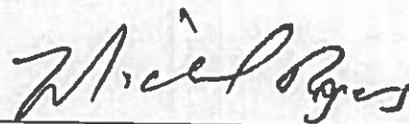
The Honorable Mike Hunter  
Oklahoma Attorney General  
313 NE 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105

I also hereby certify that a true and accurate copy of the foregoing was placed in USPS mail, regular first-class, on July 7, 2020 to the following parties;

Theodis Manning  
8320 NW 10<sup>th</sup> Street  
Midwest City, OK 73110

Gene Rainbolt  
101 N. Broadway Ave. Ste. 1050  
Oklahoma City, OK 73102

Melanie Wilson Rughani  
CROWE & DUNLEVY  
324 North Robinson Ave., Ste. 100  
Oklahoma City, OK 73102



MICHAEL ROGERS  
OKLAHOMA SECRETARY OF STATE

Office of the Oklahoma Secretary of State  
State Capitol, Ste. 122  
2300 N. Lincoln Blvd.  
Oklahoma City, Oklahoma 73105  
405-522-4565 / [executivelegislative@sos.ok.gov](mailto:executivelegislative@sos.ok.gov)

# Attachment 'A'

**FILED**

NOV 12 2019

OKLAHOMA SECRETARY  
OF STATE

State Question No. 805, Initiative Petition No. 421

**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.**

---

**INITIATIVE PETITION**

**To the Honorable John 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 next regular general election (or at a special election as may be called by the Governor), and each for himself/herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence is correctly written after my name. The time for filing this petition expires ninety (90) days from DEC 26 2019. The question we herewith submit to our fellow voters is:

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

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

**CONSTITUTION OF OKLAHOMA, ARTICLE II-A  
CRIMINAL HISTORY IN SENTENCING**

**SECTION 1. Definitions**

As used in this Article:

- A. "Community supervision" shall be defined as a specified period of supervision with conditions, including but not limited to parole, probation, and post-imprisonment supervision.
- B. "Statutorily allowable base range of punishment" shall be defined as the range of punishment prescribed for the offense or offenses for which an individual is convicted, without the application of a statutory sentencing enhancement based on one or more former convictions.
- C. "Violent felony" shall be defined as any felony offense specified in Section 571 of Title 57 of the Oklahoma Statutes as of January 1, 2020.

**SECTION 2. Exclusions**

This Article does not apply to, and nothing in this Article shall be construed as applying to, changing, or affecting sentences for a person who has ever been convicted of a violent felony, no matter when convicted.

**SECTION 3. Range of punishment after former felony convictions**

Except as provided in section 2 of this Article, a former conviction for one or more felonies shall not be used to enhance the statutorily allowable base range of punishment, including but not

limited to minimum and maximum terms, for a person convicted, whether by trial or plea of guilty or nolo contendere, of a felony.

#### **SECTION 4. Sentence modification — eligibility**

Except as provided in section 2 of this Article, a person serving a sentence of incarceration or a person incarcerated pending an acceleration or revocation for a felony offense shall be eligible for sentence modification under this Article if the sentence, including any period of community supervision, for which the person is currently incarcerated satisfies the following criteria:

- A. Was imposed based on a statutorily allowable base range of punishment that was enhanced based on one or more former felony convictions; and
- B. Is greater than the current maximum sentence which may be imposed on a person convicted of the same felony or felonies who has not been formerly convicted of a felony.

#### **SECTION 5. Sentence modification — initiation of proceeding**

- A. To initiate a proceeding for sentence modification under this Article, a person who believes that they satisfy the criteria in section 4 of this Article, henceforth known as the "petitioner," shall file a verified "application for modification" with the clerk of the court that imposed the sentence of incarceration. The Court of Criminal Appeals may prescribe the format of the application. If the court that imposed the sentence is not available, the presiding judge shall designate another judge or magistrate to rule on the application. Within thirty (30) days of the filing of the application, a period which may be extended if the court has good cause, the court shall dismiss the application pursuant to subsection B of this section or proceed pursuant to subsection C of this section.
- B. If the court determines, on the basis of the application, that the petitioner does not satisfy the criteria in section 4 of this Article or has not adhered to the format of the prescribed application, it may deny the application, citing reasons for the denial, or allow the petitioner to file an amended application. Denial of the application due to technical errors shall not abridge the right of the petitioner to file a subsequent application.
- C. If the court determines, on the basis of the application, that the petitioner satisfies the criteria in section 4 of this Article, then the court shall conduct a sentence modification hearing and modify the sentence in accordance with section 6 of this Article. In advance of such hearing, the court shall appoint counsel for petitioners who are indigent and notify the state. If the petitioner has a victim registered with the Department of Corrections for the sentence for which the petitioner is applying for modification, the state shall notify the victim of the sentence modification hearing.
- D. The Department of Corrections shall provide support as necessary to ensure this section is implemented, including but not limited to posting information in facility common areas regarding the rights set forth under section 4 of this Article and providing timely and adequate assistance for the preparation of applications pursuant to subsection A of this section.

#### **SECTION 6. Sentence modification — hearing**

- A. The sentencing modification hearing shall be held in open court. The court must accord the state, any registered victim, and the counsel for the petitioner an opportunity to make a statement with respect to any matter relevant to the question of sentence. The petitioner has the right to make a statement on his or her own behalf before the court pronounces a modified sentence.
- B. During the sentencing modification hearing, the court shall reconsider the sentence for which the petitioner is currently incarcerated, without any consideration or reference to an enhancement based on one or more former felony convictions, consistent with section 3 of this Article. In reaching this determination, the court shall consider the estimated

cost of the petitioner's continued incarceration to the taxpayers of the State of Oklahoma.

- C. At the conclusion of the sentencing modification hearing, the court shall be empowered to modify any aspect of the original sentence. At minimum, the court shall modify the sentence to be no greater than the current maximum sentence which may be imposed on a person convicted of the same felony or felonies with no former felony convictions. The court shall not modify the sentence so that the portion of the sentence to be served in prison is greater than the remainder of the original sentence to be served in prison.

#### **SECTION 7. Appeal to the Court of Criminal Appeals**

A denial pursuant to subsection B of section 5 or a final order entered under subsection C of section 6 of this Article may be appealed by the petitioner to the Court of Criminal Appeals within sixty (60) days from the entry of the denial or final order. The appeal shall be taken in accordance with procedures implemented by the Oklahoma Court of Criminal Appeals.

#### **SECTION 8. Implementation**

This Article shall become effective on the January 1 immediately following its passage.

#### **SECTION 9. Severability**

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

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

  
Theodis Manning  
8320 NE 10 St.  
Midwest City, ok 73110

  
Gene Rainbolt  
101 N. Broadway Ave. Ste 1050  
Oklahoma City, OK73102

# Attachment 'B'

PLACE RECEIPT  
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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 1**

**Consisting of 200 signature sheets**

**Page numbered 1 through 200**

**with approximately 3045 signatures**

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 2**

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**Page numbered 201 through 400**

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 3**

**Consisting of 200 signature sheets**

**Page numbered 401 through 600**

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 4**

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**Page numbered 601 through 800**

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 5**

**Consisting of 200 signature sheets**

**Page numbered 801 through 1000**

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STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421

VOLUME NO. 6

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Page numbered 1001 through 1200

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 7**

**Consisting of 200 signature sheets**

**Page numbered 1201 through 1400**

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 8**

**Consisting of 200 signature sheets**

**Page numbered 1401 through 1600**

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 9**

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**Page numbered 1601 through 1800**

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 11**

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Page numbered 2001 through 2200

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 12**

**Consisting of 200 signature sheets**

**Page numbered 2201 through 2400**

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 13**

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**ge numbered 2401 through 2600**

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 15**

Consisting of 200 signature sheets

Page numbered 2801 through 3009

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 16**

Consisting of 200 signature sheets

Page numbered 3001 through 3200

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 17**

**Consisting of 200 signature sheets**

**page numbered 3201 through 3400**

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 18**

**Consisting of 200 signature sheets**

**Page numbered 3401 through 3600**

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 19**

**Consisting of 200 signature sheets**

**Page numbered 3601 through 3800**

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 20**

Consisting of 200 signature sheets

Page numbered 3801 through 4000

with approximately 3316 signatures

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**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

VOLUME NO. 21

Consisting of 200 signature sheets

Page numbered 4001 through 4200

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5. +  
12. +  
13. +  
14. +  
7. +  
14. +  
16. +  
8. +  
10. +  
19. +  
14. +  
13. +  
20. +

200.....  
3,084. \*

2. +  
19. +  
18. +  
19. +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 22**

**Consisting of 200 signature sheets**

**Page numbered 4201 through 4400**

**with approximately 3084 signatures**

19. +  
17. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
2. +  
20. +  
20. +  
20. +  
20. +  
19. +  
20. +  
19. +  
20. +  
19. +  
20. +  
20. +

200.....  
3,452. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 23**

**Consisting of 200 signature sheets**

**Page numbered 4401 through 4600**

**with approximately 3452 signatures**

19. +  
20. +  
20. +  
13. +  
20. +  
20. +  
20. +  
20. +  
20. +  
19. +  
20. +  
9. +  
6. +  
18. +  
20. +  
6. +  
11. +  
17. +  
17. +  
17. +  
18. +  
11. +

200.....  
3,251. \*

15. +  
18. +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 24**

**Consisting of 200 signature sheets**

**Page numbered 4601 through 4800**

**with approximately 3251 signatures**

PLACE RECEIPT

19. +  
19. +  
4. +  
3. +  
17. +  
19. +  
10. +  
1. +  
17. +  
19. +  
18. +  
15. +  
19. +  
20. +  
18. +  
18. +  
16. +  
18. +  
19. +  
19. +  
20. +  
20. +

200.....

3,209 \*

19. +  
20. +  
20. +  
18. +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 25**

**Consisting of 200 signature sheets**

**Page numbered 4801 through 5000**

**with approximately 3209 signatures**

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

200.....  
3,148. \*

17. +  
20. +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 26**

Consisting of 200 signature sheets

Page numbered 5001 through 5200

with approximately 3148 signatures

20• +  
20• +  
16• +  
19• +  
19• +  
19• +  
19• +  
20• +  
6• +  
16• +  
20• +  
19• +  
18• +  
19• +  
6• +  
18• +  
17• +  
1• +  
20• +

200.....  
3,259• \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 27**

Consisting of 200 signature sheets

Page numbered 5201 through 5400

with approximately 3259 signatures

20• +  
7• +  
20• +  
19• +

19. +  
19. +  
20. +  
20. +  
1. +  
2. +  
20. +  
7. +  
20. +  
18. +  
4. +  
6. +  
19. +  
3. +  
17. +  
19. +  
19. +  
18. +  
20. +  
5. +  
19. +

200.....  
3,320 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 28**

Consisting of 200 signature sheets

Page numbered 5401 through 5600

with approximately 3320 signatures

20. +  
20. +  
20. +  
20. +  
17. +  
19. +  
20. +

20. +  
13. +  
19. +  
19. +  
19. +  
19. +  
18. +  
20. +  
11. +  
20. +  
5. +  
20. +  
19. +  
19. +  
20. +  
18. +  
19. +  
20. +  
20. +  
17. +  
2. +  
19. +  
20. +  
1. +  
19. +  
10. +  
20. +  
19. +  
20. +  
20. +

200.....  
3,136 \*

20. +  
20. +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 29**

**Consisting of 200 signature sheets**

**Page numbered 5601 through 5800**

**with approximately 3136 signatures**

20. +  
9. +  
5. +  
19. +  
3. +  
20. +  
3. +  
20. +  
20. +  
11. +  
12. +  
19. +  
19. +  
20. +  
19. +  
19. +  
20. +  
20. +  
20. +  
19. +  
19. +  
19. +

200.....  
3,201. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 30**

Consisting of 200 signature sheets

Page numbered 5801 through 6000

with approximately 3201 signatures

10. +  
20. +  
20. +  
20. +  
8. +  
20. +  
3. +  
20. +

19. +  
20. +  
17. +  
20. +  
19. +  
19. +  
16. +  
17. +  
20. +  
19. +  
19. +  
15. +  
19. +  
20. +  
20. +  
15. +  
18. +  
11. +

200.....

3,278 \*

20. +  
4. +  
18. +  
19. +  
19. +  
20. +  
20. +  
20. +  
18. +  
19. +  
5. +  
20. +  
0. +  
19. +  
80. +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 31**

**Consisting of 200 signature sheets**

**Page numbered 6001 through 6200**

**with approximately 3278 signatures**

2. +  
1. +  
1. +  
19. +  
20. +  
7. +  
10. +  
20. +  
19. +  
19. +  
19. +  
12. +  
19. +  
20. +  
12. +  
20. +  
16. +  
20. +  
3. +  
20. +

200.....  
3,174. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 32**

Consisting of 200 signature sheets

Page numbered 6201 through 6400

with approximately 3174 signatures

10. +  
20. +  
20. +  
10. +  
12. +  
2. +  
6. +  
16. +



20. +  
20. +  
20. +  
20. +  
20. +  
18. +  
20. +  
19. +  
5. +  
1. +  
9. +  
20. +  
19. +  
19. +  
20. +  
20. +  
13. +  
19. +  
20. +  
20. +

200.....  
3,404. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 33**

Consisting of 200 signature sheets

Page numbered 6401 through 6600

with approximately 3404 signatures

20. +  
20. +  
18. +  
9. +  
19. +  
17. +  
16. +  
11. +  
19. +  
3. +  
19. +  
18. +  
17. +  
20. +  
20. +  
10. +  
12. +  
20. +  
20. +  
20. +  
20. +  
15. +  
20. +  
4. +  
18. +

200.....  
2,713. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 34**

Consisting of 200 signature sheets

Page numbered 6601 through 6800

with approximately 2713 signatures

20 +  
20 +  
20 +  
9 +  
11 +  
20 +  
20 +  
20 +  
8 +  
16 +  
19 +  
20 +  
19 +  
19 +  
20 +  
20 +  
20 +  
19 +  
19 +  
5 +  
2 +  
11 +  
17 +  
18 +  
12 +  
15 +  
16 +  
20 +  
20 +

200.....  
3,244 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 35**

**Consisting of 200 signature sheets**

**Page numbered 6801 through 7000**

**with approximately 3244 signatures**

20. +  
14. +  
19. +  
20. +  
11. +  
13. +  
15. +  
5. +  
12. +  
14. +  
10. +  
20. +  
19. +  
18. +  
10. +  
20. +  
20. +  
20. +  
16. +  
19. +  
20. +  
18. +  
19. +

200.....

3,216 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 36**

Consisting of 200 signature sheets

Page numbered 7001 through 7200

with approximately 3216 signatures

CU T

18. +  
20. +  
19. +  
20. +  
19. +  
19. +  
20. +  
20. +  
7. +  
20. +  
19. +  
19. +  
12. +  
19. +  
16. +  
20. +  
8. +  
20. +  
20. +

200.....

3,128 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 37**

Consisting of 200 signature sheets

Page numbered 7201 through 7400

with approximately 3128 signatures

4. +  
20. +  
20. +  
20. +  
17. +  
17. +  
16. +  
12. +  
12. +  
20. +  
20. +  
20. +  
20. +  
11. +  
5. +  
1. +

200.....  
3,324. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 38**

Consisting of 200 signature sheets

Page numbered 7401 through 7600

with approximately 3324 signatures



13. +  
19. +  
2. +  
20. +  
13. +  
19. +  
7. +  
16. +  
9. +  
20. +  
20. +  
20. +  
19. +  
13. +  
9. +  
1. +  
20. +  
20. +  
13. +  
18. +  
20. +  
8. +

200.....  
3,227 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 39**

Consisting of 200 signature sheets

Page numbered 7601 through 7800

with approximately 3227 signatures

19. +  
20. +  
20. +  
4. +  
16. +  
13. +  
17. +  
15. +  
16. +  
20. +  
19. +  
9. +  
19. +  
19. +  
12. +  
17. +  
19. +  
19. +  
6. +

200.....  
3,181 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 40**

Consisting of 200 signature sheets

Page numbered 7801 through 8000

with approximately 3181 signatures

20. +  
19. +  
13. +  
19. +  
18. +  
18. +  
5. +  
19. +  
2. +  
6. +

7. +  
15. +  
15. +  
15. +  
16. +  
17. +  
19. +  
16. +  
16. +  
20. +  
18. +  
20. +  
17. +  
19. +  
19. +  
19. +  
19. +  
20. +

200.....  
2,993 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 41**

Consisting of 200 signature sheets

Page numbered 8001 through 8200

with approximately 2993 signatures

20. +  
19. +  
9. +  
20. +  
19. +  
6. +  
19. +  
19. +  
10. +  
19. +  
6. +  
20. +  
20. +  
19. +  
17. +  
8. +  
19. +  
19. +  
13. +  
20. +  
18. +  
20. +  
15. +

200.....  
3,360. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 42**

Consisting of 200 signature sheets

Page numbered 8201 through 8400

with approximately 3360 signatures

19. +  
7. +  
19. +  
20. +  
19. +  
20. +  
18. +  
20. +  
19. +  
19. +  
19. -  
20. +  
20. +  
20. +  
18. +  
20. +  
18. +  
18. +  
20. +  
20. +  
1. +  
19. +  
20. +

200.....  
3,524 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 43**

Consisting of 200 signature sheets

Page numbered 8401 through 8600

with approximately 3524 signatures

9. +  
20. +  
20. +  
20. +  
3. +  
19. +  
9. +  
1. +  
19. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +

200.....  
3,287. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 44**

Consisting of 200 signature sheets

Page numbered 8601 through 8800

with approximately 3287 signatures

20. +  
19. +  
20. +

20. +  
20. +  
16. +  
20. +  
20. +  
10. +  
20. +  
16. +  
14. +  
20. +  
19. +  
17. +  
18. +  
19. +  
19. +  
2. +  
9. +  
19. +  
19. +  
20. +

200.....  
3721. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 45**

Consisting of 200 signature sheets

Page numbered 8801 through 9000

with approximately 3221 signatures

20 +  
19 +  
20 +  
20 +  
20 +  
20 +  
20 +  
20 +  
19 +  
20 +  
19 +  
17 +  
18 +  
19 +  
18 +  
20 +  
20 +  
18 +  
5 +  
8 +  
2 +

200.....

3,234 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 46**

Consisting of 200 signature sheets

clearly visible at the  
bottom

Page numbered 9001 through 9200  
with approximately 3234 signatures

20• +  
20• +  
20• +  
11• +  
15• +  
17• +  
10• +  
18• +  
1• +  
20• +  
14• +  
20• +  
19• +  
16• +  
20• +  
20• +  
18• +  
16• +  
8• +  
18• +  
19• +  
20• +  
3• +

200 .....  
3,021• \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 47**

Consisting of 200 signature sheets

Page numbered 9201 through 9400

with approximately 3021 signatures

19. +  
18. +  
19. +  
18. +  
18. +  
19. +  
18. +  
19. +  
18. +  
17. +  
17. +  
20. +  
19. +  
19. +  
19. +  
18. +  
17. +  
19. +  
17. +  
19. +  
19. +  
20. +  
13. +  
19. +  
20. +  
20. +

200. ....  
3,295. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 48**

Consisting of 200 signature sheets

Page numbered 9401 through 9600

with approximately 3295 signatures

20 +  
19 +  
20 +  
20 +  
5 +  
16 +  
18 +  
19 +  
14 +  
20 +  
20 +  
17 +  
15 +  
20 +  
3 +  
11 +  
1 +  
20 +  
19 +  
19 +  
20 +  
20 +  
5 +  
20 +

200  
3,061 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 49**

Consisting of 200 signature sheets

Page numbered 9601 through 9800

with approximately 3061 signatures

clearly visible at the  
bottom

20 +  
20 +  
19 +  
20 +  
18 +  
19 +  
3 +  
16 +  
11 +  
1 +  
10 +  
1 +  
13 +  
3 +  
19 +  
20 +  
18 +  
15 +  
20 +

200 +  
3,475 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 50**

Consisting of 200 signature sheets

Page numbered 9801 through 10,000

with approximately 3475 signatures

20 +  
17 +  
15 +  
17 +  
18 +  
18 +  
11 +  
20 +  
19 +  
17 +  
19 +  
19 +  
19 +  
20 +  
3 +  
10 +  
19 +  
20 +  
18 +  
20 +  
19 +  
19 +  
20 +

200 .....  
3,473 \*

19 +  
20 +  
16 +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 51**

Consisting of 200 signature sheets

Page numbered 10001 through 10200

with approximately 3473 signatures

1. +  
3. +  
7. +  
10. +  
11. +  
15. +  
12. +  
4. +  
5. +  
1. +  
6. +  
11. +  
16. +  
10. +  
14. +  
1. +  
6. +  
9. +  
15. +  
1. +  
6. +  
15. +  
14. +  
1. +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 52**

Consisting of 200 signature sheets

Page numbered 10201 through 10400

with approximately 3431 signatures

200 .....  
3,431 \*

18. +  
20. +  
19. +  
19. +  
20. +  
20. +  
9. +  
20. +  
19. +  
19. +  
15. +  
20. +  
16. +  
18. +  
17. +  
20. +  
20. +  
10. +  
19. +

200 . . . . .

3,192 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 53**

Consisting of 200 signature sheets

Page numbered 10401 through 10600

with approximately 3192 signatures

20 +  
19 +  
4 +  
16 +  
17 +  
10 +  
20 +  
18 +  
9 +  
20 +  
12 +  
1 +  
17 +  
19 +  
11 +  
10 +  
18 +  
15 +  
18 +  
10 +  
12 +  
8 +  
20 +  
20 +  
20 +

200 +

3,379 \*

19 +  
20 +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 54**

Consisting of 200 signature sheets

Page numbered 10601 through 10800

with approximately 3379 signatures

7. +  
18. +  
15. +  
20. +  
12. +  
19. +  
19. +  
20. +  
18. +  
19. +  
7. +  
14. +  
1. +  
2. +  
19. +  
18. +  
16. +  
9. +  
16. +  
19. +  
15. +  
20. +  
16. +  
19. +  
19. +

200 .....  
2,944. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 55**

Consisting of 200 signature sheets

Page numbered 10801 through 11000

with approximately 2944 signatures

20. +  
20. +  
20. +  
20. +  
20. +  
19. +  
18. +  
18. +  
19. +  
19. +  
19. +  
18. +  
12. +  
20. +  
20. +  
17. +  
17. +  
19. +  
19. +  
20. +  
17. +  
18. +  
19. +  
20. +  
15. +

200 .....  
3,528. \*  
000 .....  
0. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 56**

**Consisting of 200 signature sheets**

**Page numbered 11001 through 11200**

**with approximately 3528 signatures**

19. +  
6. +  
2. +  
9. +  
8. +  
1. +  
2. +  
6. +  
9. +  
7. +  
4. +  
4. +  
19. +  
20. +  
20. +  
19. +  
18. +  
13. +  
19. +

200 .....  
3,265. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 57**

Consisting of 200 signature sheets

Page numbered 11201 through 11400

with approximately 3265 signatures

18. +  
19. +  
7. +  
20. +  
3. +  
2. +  
19. +  
19. +  
20. +  
20. +  
20. +  
20. +  
18. +  
16. +  
19. +  
19. +  
18. +  
19. +  
19. +  
19. +  
5. +  
19. +  
18. +  
15. +  
17. +  
19. +  
9. +  
20. +  
1. +  
17. +  
2. +  
15. +  
19. +  
19. +  
16. +  
17. +  
16. +  
9. +  
16. +

200 .....  
3,137 \*

4. +  
..

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 58**

Consisting of 200 signature sheets

Page numbered 11401 through 11600

with approximately 3137 signatures

20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
20. +  
12. +  
20. +  
6. +  
5. +  
7. +  
19. +  
20. +  
20. +  
20. +  
20. +  
11. +  
6. +  
17. +  
20. +  
20. +  
13. +  
3. +  
5. +  
20. +  
19. +  
19. +  
7. +  
20. +  
20. +  
20. +  
20. +  
20. +  
19. +

200.....  
3,377 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 59**

**Consisting of 200 signature sheets**

**Page numbered 11601 through 11800**

**with approximately 3377 signatures**

20+ +  
20+ +  
18+ +  
17+ +  
19+ +  
4+ +  
19+ +  
16+ +  
19+ +  
20+ +  
20+ +  
20+ +  
20+ +  
20+ +  
20+ +  
0+ +  
19+ +  
20+ +  
19+ +  
18+ +  
20+ +  
20+ +  
18+ +  
19+ +  
20+ +  
20+ +  
20+ +  
19+ +  
20+ +

200+ .....  
3,500+ \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 60**

Consisting of 200 signature sheets

Page numbered 11801 through 12000

with approximately 3500 signatures



20• +  
20• +  
19• +  
20• +  
20• +  
19• +  
20• +  
20• +  
18• +  
18• +  
20• +  
20• +  
20• +  
16• +  
15• +  
4• +  
1• +  
19• +  
20• +  
12• +  
200• .....  
3,177• \*  
0• \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 61**

Consisting of 200 signature sheets

Page numbered 12001 through 12200

with approximately 3177 signatures

19. +  
19. +  
19. +  
18. +  
18. +  
17. +  
19. +  
20. +  
19. +  
18. +  
18. +  
19. +  
19. +  
19. +  
18. +  
18. +  
17. +  
20. +

200.....  
3,467.\*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 62**

Consisting of 200 signature sheets

Page numbered 12201 through 12400

with approximately 3467 signatures

3. +  
16. +  
17. +  
20. +  
20. +  
19. +  
18. +  
20. +  
20. +  
19. +  
11. +  
16. +  
14. +  
14. +  
17. +  
13. +  
18. +  
19. +  
19. +  
18. +  
18. +  
20. +  
19. +  
20. +  
20. +

200. ....  
3,522. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 63**

Consisting of 200 signature sheets

Page numbered 12401 through 12600

with approximately 3522 signatures

4. +  
20. +  
20. +  
20. +  
20. +  
1. +  
20. +  
19. +  
19. +  
20. +  
20. +  
18. +  
20. +  
20. +  
19. +  
18. +  
8. +  
20. +  
20. +  
17. +  
15. +

200.....

3,461. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 64**

Consisting of 200 signature sheets

Page numbered ~~1260~~ 1260 through 1280

with approximately 3461 signatures

18. +  
15. +  
14. +  
13. +  
19. +  
20. +  
20. +  
19. +  
3. +  
13. +  
7. +  
20. +  
1. +  
18. +  
18. +  
20. +  
20. +  
19. +  
20. +  
20. +  
11. +

200.....  
3,202. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 65**

Consisting of 200 signature sheets

Page numbered 12801 through 13000

with approximately 3202 signatures

11. +  
10. +  
20. +  
6. +  
8. +  
19. +  
20. +  
11. +  
17. +  
20. +  
20. +  
3. +  
20. +  
4. +  
9. +  
18. +  
9. +  
8. +

200.....  
2,958. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 66**

Consisting of 200 signature sheets

Page numbered 13001 through 13200

with approximately 2958 signatures

177 +  
7 +  
19 +  
20 +  
20 +  
19 +  
17 +  
18 +  
16 +  
20 +  
19 +  
12 +  
20 +  
20 +  
19 +  
19 +  
11 +  
2 +  
19 +  
7 +  
16 +  
16 +  
10 +  
19 +

200 .....  
3,176 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 67**

**Consisting of 200 signature sheets**

**Page numbered 13201 through 13400**

**with approximately 3176 signatures**

17. +  
20. +  
20. +  
16. +  
17. +  
20. +  
19. +  
19. +  
20. +  
20. +  
19. +  
20. +  
20. +  
19. +  
16. +  
17. +  
20. +  
17. +  
10. +

200

200 .....  
3,078 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 68**

Consisting of 200 signature sheets

Page numbered 13401 through 13600

with approximately 3078 signatures

20. +  
8. +  
20. +  
19. +  
20. +  
19. +  
15. +  
17. +  
17. +  
20. +  
14. +  
6. +  
19. +

200 .....  
3,288. \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 69**

Consisting of 200 signature sheets

Page numbered 13601 through 13800

with approximately 3288 signatures

20 +  
19 +  
20 +  
18 +  
19 +  
20 +  
17 +  
19 +  
19 +  
20 +  
20 +  
19 +  
20 +  
8 +  
15 +  
6 +  
4 +  
19 +  
10 +  
18 +  
19 +

200 .....  
3,178 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 70**

Consisting of 200 signature sheets

Page numbered 13801 through 14000

with approximately 3178 signatures

20. +  
19. +  
20. +  
20. +  
20. +  
19. +  
19. +  
19. +  
20. +  
2. +  
17. +  
19. +  
18. +  
4. +  
20. +  
18. +  
20. +  
17. +  
9. +  
20. +  
20. +  
2. +  
20. +  
18. +

200

3,157 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 71**

Consisting of 200 signature sheets

Page numbered 14001 through 14200

with approximately 3157 signatures

20 +  
18 +  
1 +  
8 +  
19 +  
20 +  
2 +  
20 +  
19 +  
17 +  
19 +  
17 +  
20 +  
12 +  
17 +  
5 +  
20 +  
20 +  
19 +  
15 +  
20 +  
16 +  
15 +  
7 +  
20 +  
10 +  
19 +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 72**

**Consisting of 200 signature sheets**

**Page numbered 14201 through 14400**

**with approximately 3015 signatures**

200  
3,015 \*

6 +  
19 +  
20 +  
17 +  
20 +  
19 +  
14 +  
3 +  
20 +  
10 +  
9 +  
12 +  
20 +  
20 +  
20 +  
18 +  
20 +  
1 +  
1 +  
16 +  
20 +  
20 +  
18 +  
12 +  
20 +

200 .....  
3,180 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 73**

Consisting of 200 signature sheets

Page numbered 14401 through 14600

with approximately 3108 signatures

20 +  
14 +  
2 +  
2 +  
7 +  
14 +  
7 +  
2 +  
20 +  
20 +  
20 +  
20 +  
20 +  
19 +  
19 +  
20 +  
20 +  
20 +  
19 +  
17 +  
19 +  
19 +  
19 +  
18 +  
19 +  
18 +

200 .....  
2,739 \*

18 +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 74**

**Consisting of 200 signature sheets**

**Page numbered 14601 through 14801**

**with approximately 2939 signatures**

20. +  
8. +  
18. +  
10. +  
17. +  
17. +  
3. +  
19. +  
20. +  
18. +  
14. +  
9. +  
19. +  
20. +  
19. +  
18. +  
16. +  
9. +  
18. +  
20. +  
19. +  
18. +  
14. +

200 .....  
3,543 \*

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 75**

Consisting of 200 signature sheets

Page numbered 14801 through 15000

with approximately 3543 signatures

19. +  
20. +  
1. +  
20. +  
19. +  
19. +  
14. +  
18. +  
20. +  
20. +  
16. +  
19. +  
20. +  
1. +  
20. +  
4. +  
20. +  
16. +  
17. +  
14. +  
11. +  
19. +  
5. +  
1. +  
20. +

200.....

3,537. \*

19. +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 76**

Consisting of 200 signature sheets

Page numbered 15001 through 15200

with approximately 3537 signatures

1. +  
6. +  
20. +  
19. +  
2. +  
7. +  
5. +  
9. +  
1. +  
7. +  
9. +  
6. +  
4. +  
8. +  
1. +  
1. +  
1. +  
7. +  
9. +  
16. +  
19. +  
12. +  
20. +  
19. +

200 ..... \*  
2,908. \*

10. +

**STATE QUESTION NO. 805  
INITIATIVE PETITION NO. 421**

**VOLUME NO. 77**

Consisting of 200 signature sheets

Page numbered 15201 through 15400

with approximately 2908 signatures





# Attachment 'C'



**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.

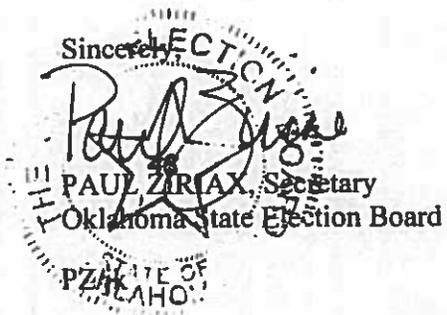
The total votes cast for the office of Governor at the General Election in 2018 were 1,186,385. Signature requirements for the types of petitions listed below are derived by applying the parenthetical percentages indicated and are valid from November 14, 2018, through November 15, 2022.

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 ZIRFAX, Secretary  
Oklahoma State Election Board



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

049546

# Attachment 'D'

**FILED**

NOV 12 2019

OKLAHOMA SECRETARY  
OF STATE

**PROPOSED BALLOT TITLE**

This measure seeks to add a new Article II-A to the Oklahoma Constitution. This new Article excepts and does not apply to persons who have ever been convicted of a violent felony. It would prohibit the use of a former felony conviction to increase the statutorily allowable base range of punishment for a person subsequently convicted of a felony. Individuals who are currently incarcerated for felony sentences that were enhanced based on one or more former felony convictions, and whose sentences are greater than the maximum sentence that may currently be imposed for such felonies, may seek sentence modification in court. The new Article sets forth a detailed process for such sentence modification, including but not limited to requirements for a hearing, appointment of counsel for indigent petitioners, and notification of victims, and requires that the court impose a modified sentence no greater than the current maximum sentence which may be imposed on a person convicted of the same felony with no former felony convictions, and which results in no greater time served in prison than under the original sentence. It establishes an appeal procedure, provides an effective date, and contains a severability clause.

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.

# Attachment 'E'

**FILED**

**JUN 17 2020**

**OKLAHOMA SECRETARY  
OF STATE**



**MIKE HUNTER  
ATTORNEY GENERAL**

**Dawn Elizabeth Cash  
First Assistant Attorney General**

**June 17, 2020**

**Michael Rogers, Secretary of State  
2300 N. Lincoln Blvd., Suite 212  
Oklahoma City, Oklahoma 73105**

**Re: Ballot Title for State Question No. 805, Initiative Petition No. 421**

**Dear Secretary Rogers:**

In accordance with the provisions of 34 O.S.Supp.2017, § 9(D), we have reviewed the ballot title for the above-referenced State Question and conclude that it complies with applicable law. As a Title 34 ballot title review, this letter does not constitute an Attorney General Opinion as to the merits or constitutionality of the underlying changes in the law, nor as to whether the changes in law may be preempted by federal law.

**Sincerely,**

A handwritten signature in black ink, appearing to read "Dawn Cash".

**Dawn Cash  
First Assistant Attorney General**

11



**ORIGINAL**

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

JUL 8 2020

JOHN D. HADDEN  
CLERK

IN RE: )  
STATE QUESTION NO. 805, ) No. 118,895  
INITIATIVE PETITION NO. 421 )

STATE OF OKLAHOMA, TO:

MICHAEL ROGERS, SECRETARY OF STATE, STATE OF OKLAHOMA

GREETINGS:

Rec'd (date)	7-8-20
Posted	PE
Mailed	PE
Distrib	PE
Publish	yes <input checked="" type="checkbox"/> no

ORDER

Proponents of State Question 805, Initiative Petition 421 have circulated their petition and collected signatures to place State Question 805 on the ballot. The state question would prohibit the use of a prior felony conviction to increase the statutorily allowable base range of punishment for a person subsequently convicted of a felony (with the exception of violent felons). Proponents timely filed their pamphlets with the Oklahoma Secretary of State on June 1, 2020. See 34 O.S.2011, § 3; *In re: State Question No. 804, Initiative Petition No. 421*, 2020 OK 45.

The Oklahoma Secretary of State, Michael Rogers, has certified to this Court that the proponents for State Question No. 805, Initiative Petition No. 421 turned in 248,521 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 that 1,186,385 votes were cast for the office of Governor in the last general election, November 2018. *Id.* § 8(H)(2). To add a constitutional amendment by initiative petition, proponents 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).

Within 5 business days of this order, 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. 34 O.S., § 8(I). The Secretary of State shall also include in the notice the text of the ballot title and a notice to any citizen that he or she may file an objection to the signature count or ballot title by filing the written objection with the Supreme Court with copies sent to the proponents of State Question 805, Initiative Petition 421. *Id.* The Secretary of State must further advise all citizens in the published notice that any objection to the signature count or ballot title must be filed within 10 business days after publication, the objection can only relate to the validity of the signatures or the 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 immediately upon the expiration of the 10 business days to challenge the validity or number of signatures or the ballot title per 34 O.S., § 8(l).

DONE BY ORDER OF THE SUPREME COURT THIS 8th DAY OF JULY,  
2020.

  
CHIEF JUSTICE

Gurich, C.J., Darby, V.C.J., Kauger, Edmondson and Combs, JJ., concur;

Winchester, Kane and Rowe, JJ., concur in part; dissent in part.

**Kane, J., with whom Winchester and Rowe, JJ., join, concurring in part and dissenting in part**

**“I concur that the signatures are numerically sufficient per 34 O.S. §8(H), but I dissent from the portion of the Court’s order that defines ‘forthwith’ for the Secretary of State as 5 business days. I would merely direct the Secretary of State to forthwith cause the required notice to be published. 34 O.S. §8(l).”**

Colbert, J., not participating.

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

**OKLAHOMA SECRETARY OF STATE**

July 9, 2020

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 REVIEWED BY THE ATTORNEY GENERAL FOR  
STATE QUESTION NUMBER 805, INITIATIVE PETITION NUMBER 421**

Per Title 34 O.S. § 8, and Supreme Court Order filed 07/08/2020 (SC case no. 118895) the publication must appear in at least one newspaper of general circulation in the State of Oklahoma within 5 business days of July 8, 2020. Please publish the enclosed notice in *The Oklahoman*, *Tulsa World*, and the *Journal Record* no later than July 15, 2020.

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  
State Capitol Building, Rm. 122  
Oklahoma City, OK 73105  
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

Monday, July 20, 2020 03:03 PM

Page 1 of 1

## Proof of Publication Order Number 20-07-34

I, Landon Cobb, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-TULSA WORLD - Legal, a Daily newspaper printed and published in the city of TULSA, county of Tulsa, 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-TULSA WORLD - Legal in consecutive issues on the following dates-to-wit:

Insertion: 7/14/2020

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 \$96.15

*Landon Cobb*

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this  
20 day of July 2020.

*Cindy Shea*  
(Notary Public)



### NOTICE OF THE FILING OF SIGNATURES AND THE APPEARANT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE AS REVIEWED BY THE ATTORNEY GENERAL FOR STATE QUESTION NUMBER 805, INITIATIVE PETITION NUMBER 421

NOTICE is hereby given that on June 1, 2020, fifty-three (53) boxes of petition pamphlets were received by the office of the Secretary of State, from the proponents of record for State Question 805, Initiative Petition 421.

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 248,521 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 reviewed 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 805, Initiative Petition 421:

Theodis Manning	Gene Rainbolt
8320 NW 10th Street	101 N. Broadway Ave. Ste. 1050
Midwest City, OK 73110	Oklahoma City, OK 73102

### PRELIMINARY BALLOT TITLE FOR SQ 805, IP421, as reviewed by the Attorney General

This measure seeks to add a new Article II-A to the Oklahoma Constitution: This new Article excepts and does not apply to persons who have ever been convicted of a violent felony. It would prohibit the use of a former felony conviction to increase the statutorily allowable base range of punishment for a person subsequently convicted of a felony. Individuals who are currently incarcerated for felony sentences that were enhanced based on one or more former felony convictions, and whose sentences are greater than the maximum sentence that may currently be imposed for such felonies, may seek sentence modification in court. The new Article sets forth a detailed process for such sentence modification, including but not limited to requirements for a hearing, appointment of counsel for indigent petitioners, and notification of victims, and requires that the court impose a modified sentence no greater than the current maximum sentence which may be imposed on a person convicted of the same felony with no former felony convictions, and which results in no greater time served in prison than under the original sentence. It establishes an appeal procedure, provides an effective date, and contains a severability clause.

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 9TH DAY OF JULY, 2020.

Michael Rogers  
Secretary of State and Education

RECEIVED

JUL 28 2020

OKLAHOMA SECRETARY  
OF STATE

# Oklahoma Press Service

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

Monday, July 20, 2020 03:03 PM

Page 1 of 1

## Proof of Publication Order Number 20-07-34

I, Landon Cobb, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-THE OKLAHOMAN, 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-THE OKLAHOMAN in consecutive issues on the following dates-to-wit:

Insertion: 7/14/2020

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 \$96.15

*Landon Cobb*

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this  
20 day of July 2020.

*Cindy Shea*  
(Notary Public)



RECEIVED

JUL 28 2020

OKLAHOMA SECRETARY  
OF STATE

### NOTICE OF THE FILING OF SIGNATURES AND THE APPEARANT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE AS REVIEWED BY THE ATTORNEY GENERAL FOR STATE QUESTION NUMBER 805, INITIATIVE PETITION NUMBER 421

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Proponent(s) of record for State Question 805, Initiative Petition 421:

Theodis Manning	Gene Rainbolt
8320 NW 10th Street	101 N. Broadway Ave. Ste. 1050
Midwest City, OK 73110	Oklahoma City, OK 73102

### PRELIMINARY BALLOT TITLE FOR SQ 805, IP421, as reviewed by the Attorney General

This measure seeks to add a new Article II-A to the Oklahoma Constitution: This new Article excepts and does not apply to persons who have ever been convicted of a violent felony. It would prohibit the use of a former felony conviction to increase the statutorily allowable base range of punishment for a person subsequently convicted of a felony. Individuals who are currently incarcerated for felony sentences that were enhanced based on one or more former felony convictions, and whose sentences are greater than the maximum sentence that may currently be imposed for such felonies, may seek sentence modification in court. The new Article sets forth a detailed process for such sentence modification, including but not limited to requirements for a hearing, appointment of counsel for indigent petitioners, and notification of victims, and requires that the court impose a modified sentence no greater than the current maximum sentence which may be imposed on a person convicted of the same felony with no former felony convictions, and which results in no greater time served in prison than under the original sentence. It establishes an appeal procedure, provides an effective date, and contains a severability clause.

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 9TH DAY OF JULY, 2020.

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, July 20, 2020 03:03 PM

Page 1 of 1

## Proof of Publication Order Number 20-07-34

I, Landon Cobb, 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: 7/14/2020

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 \$96.15

*Landon Cobb*

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this  
20 day of July 2020.

*Cindy Shea*  
(Notary Public)



### NOTICE OF THE FILING OF SIGNATURES AND THE APPEARANT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE AS REVIEWED BY THE ATTORNEY GENERAL FOR STATE QUESTION NUMBER 805, INITIATIVE PETITION NUMBER 421

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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 248,521 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 reviewed 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 805, Initiative Petition 421:

Theodis Manning	Gene Rainbolt
8320 NW 10th Street	101 N. Broadway Ave. Ste. 1050
Midwest City, OK 73110	Oklahoma City, OK 73102

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THIS 9TH DAY OF JULY, 2020.

Michael Rogers  
Secretary of State and Education

RECEIVED

JUL 28 2020

OKLAHOMA SECRETARY  
OF STATE



Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

**OKLAHOMA SECRETARY OF STATE**

July 9, 2020

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 REVIEWED BY THE ATTORNEY GENERAL FOR  
STATE QUESTION NUMBER 805, INITIATIVE PETITION NUMBER 421**

Per Title 34 O.S. § 8, and Supreme Court Order filed 07/08/2020 (SC case no. 118895) the publication must appear in at least one newspaper of general circulation in the State of Oklahoma within 5 business days of July 8, 2020. Please publish the enclosed notice in *The Oklahoman*, *Tulsa World*, and the *Journal Record* no later than July 15, 2020.

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  
State Capitol Building, Rm. 122  
Oklahoma City, OK 73105  
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

Monday, July 20, 2020 03:03 PM

Page 1 of 1

## Proof of Publication Order Number 20-07-34

I, Landon Cobb, of lawful age, being duly sworn upon oath, deposes and says: That I am the Authorized Agent of OK-TULSA WORLD - Legal, a Daily newspaper printed and published in the city of TULSA, county of Tulsa, 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-TULSA WORLD - Legal in consecutive issues on the following dates-to-wit:

Insertion: 7/14/2020

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PUBLICATION FEE \$96.15

*Landon Cobb*

(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this  
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*Cindy Shea*  
(Notary Public)



RECEIVED

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OKLAHOMA SECRETARY  
OF STATE

Ad Vantage™ version 8.01 by Customwrite, Inc. Copyright 1999-2020

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Proponent(s) of record for State Question 805, Initiative Petition 421:

Theodis Manning	Gene Rainbolt
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SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES  
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A "YES" vote is a vote in favor of this measure. A "NO" vote is a vote against this measure.

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Secretary of State and Education

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OF STATE

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Secretary of State and Education



The information contained in this report is provided in compliance with the Oklahoma Open Records Act, 51 O.S. 24A.1. Use of this information is governed by this act, as well as other applicable state and federal laws.

## IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

<p>In Re: Secretary of State's Certification to the Supreme Court of Oklahoma of the physical signature count of Initiative Petition 421, State Question 805</p>	<p><b>No. O-118895 (Other)</b></p> <p>Filed: 07/06/2020</p> <p>Appealed from:</p>
--	---

## PARTIES

Initiative Petition 421, Petitioner  
State Question 805, Respondent

## ATTORNEYS

### Attorney

Hunter, Mike  
313 NE 21st  
\*\*\*Interagency Mail\*\*\*  
Oklahoma City, OK

Manning, Theodis  
8320 NW 10TH STREET  
MWC, OK 73110

Rainbolt, Gene  
101 N. Broadway Ave. Ste 1050  
Oklahoma City, OK 73102

Rogers, Michael  
\*\*\*\*\*interagency mail\*\*\*\*\*  
2300 N. Lincoln Blvd  
Oklahoma City, OK 73105

Rughani, Melanie Wilson (Bar #30421)  
324 N ROBINSON AVE STE 100  
OKLAHOMA CITY, OK 73102

### Represented Parties

# EVENTS

None

## LOWER COURT COUNTS AND OTHER INFORMATION

Count	Case Number	Statute	Crime	Sentence	Judge	Reporter
-	-	-				

## DOCKET

Date	Code	Description	Count	Party	Amount
07-06-2020	CASE	OTHER INITIAL FILING			
07-06-2020	PAY	RECEIPT # 78153 ON 07/06/2020. PAYOR: MICHAEL ROGERS TOTAL AMOUNT PAID: \$ 0.00. LINE ITEMS: \$0.00 ON OTHER INITIAL FILING.			
07-06-2020	PETF	SECRETARY OF STATE'S CERTIFICATION TO THE SUPREME COURT OF OKLAHOMA OF THE PHYSICAL SIGNATURE COUNT OF INITIATIVE PETITION 421, STATE QUESTION 805 Document Available (#1046939872 )  TIFF  PDF			
07-08-2020	TEXT	JE: PROPONENTS OF ST QUEST 805 ETC HAVE CIRCULATED PET AND COLLECTED SIGNATURES ETC. NUMBER OF SIGNATURES COUNTED AND CERT TO CT BY SEC OF STATE APPEARS NUMERICALLY SUFF. ETC. W/IN 5 BUSINESS DAYS, SEC OF STATE TO PUBLISH, IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN TH/STATE, NOTICE OF FILING OF SIGNED PETS AND PET'S APPARENT SUFFICIENCY. ETC. SECRETARY SH/ALSO INCLUDE IN NOTICE TEXT OF BALLOT TITLE AND NOTICE TO ANY CITIZEN HE OR SHE MAY FILE OBJECTION TO COUNT ETC BY FILING WRITTEN OBJECTION W/SUP CT WITH COPIES SENT TO PROPONENTS ETC. SEC MUST FURTHER ADVISE ALL CITIZENS IN NOTICE THAT ANY OBJECTION TO COUNT ETC MUST BE FILED W/IN 10 BUSINESS DAYS AFTER PUB, OBJECTION CAN ONLY RELATE TO VALIDITY OF SIGNATURES ETC AND COPIES OF OBJECTION MUST BE FILED W/SUP CT, AG AND SEC OF STATE. ETC. SEC SH/OBTAIN VERIFIED PROOF OF PUB OF NOTICE AND SH/FILE VERIFIED PROOF OF PUB W/CLERK OF SUP CT AS RETURN TO TH/ORDER IMMEDIATELY UPON EXP OF 10 BUSINESS DAYS TO CHALLENGE VALIDITY OF NUMBER OF SIGNATURES ETC. CONCUR: GURICH, CJ, DARBY, VCJ, KAUGER, EDMONDSON, COMBS, JJ. WINCHESTER, KANE, ROWE, JJ, CONCUR IN PART; DISSENT IN PART ETC. NOT PART: COLBERT, J. C/ATTYS Document Available (#1046939200 )  TIFF  PDF			

Date	Code	Description	Count	Party	Amount
07-30-2020	TEXT	RETURN ON SUPREME COURT ORDER FILED 7-8-20 W/ATTACHED NOTICE OF THE FILNG OF SIGNATURES AND APPARENT NUMERICAL SUFFICIENCY THEREOF AND THE TEXT OF THE PRELIMINARY BALLOT TITLE Document Unavailable (#1046937907 )			

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

## OKLAHOMA SECRETARY OF STATE

July 30, 2020

### **HAND DELIVERED**

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

### **Re: State Question 805, Initiative Petition 421 – Certification of Final Ballot Title**

Dear Secretary Ziriak:

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 805, Initiative Petition 421, and therefore, I herewith transmit to you, true and exact copies of the following on record with this office;

- Attorney General's letter stating that proponents' Proposed Ballot Title complies with applicable law.
- Final Ballot Title (as drafted by the proponents and reviewed by the Attorney General)
- Initiative Petition 421 full text of the measure

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



Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

## OKLAHOMA SECRETARY OF STATE

July 30, 2020



### HAND DELIVERED

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Governor, State of Oklahoma  
State Capitol, Ste. 212  
Oklahoma City, Oklahoma 73105

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- Initiative Petition 421 full text of the measure
- Secretary of State's Certification of Final Ballot Title to the State Election Board

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



**FILED**

AUG 12 2020

OKLAHOMA SECRETARY  
OF STATE

J. Kevin Stitt  
Office of the Governor  
State of Oklahoma

**EXECUTIVE DEPARTMENT  
EXECUTIVE PROCLAMATION**

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 421, State Question 805, 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 general election date of Tuesday, November 3, 2020.

The substance of the measure is as follows:

The measure seeks to add a new Article II-A to the Oklahoma Constitution. The new Article excepts and does not apply to persons who have ever been convicted of a violent felony. It would prohibit the use of a former felony conviction to increase the statutorily allowable base range of punishment for a person subsequently convicted of a felony. Individuals who are currently incarcerated for felony sentences that were enhanced based on one or more former felony convictions, and whose sentences are greater than the maximum sentence that may currently be imposed for such felonies, may seek sentence modification in court. The new Article sets forth a detailed process for such sentence modification, including but not limited to requirements for a hearing, appointment of counsel for indigent petitioners, and notification of victims, and requires that the court impose a modified sentence no greater than the current maximum sentence which may be imposed on a person convicted of the same felony with no former felony convictions, and which results in no greater time served in prison than under the original sentence. The measure establishes an appeal procedure, provides an effective date, and contains a severability clause.

Copies of this Executive Proclamation shall be delivered to the Secretary of State, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Secretary of the State Election Board.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 12<sup>th</sup> day of August, 2020.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

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

ATTEST  
  
\_\_\_\_\_  
MICHAEL ROGERS, Secretary of State  
1907

050535