

# BRIAN TED JONES

PC

February 3, 2020

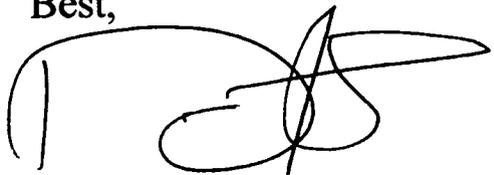
The Honorable Michael Rogers  
Oklahoma Secretary of State  
2300 N. Lincoln Boulevard, Ste. 122  
Oklahoma City, OK 73105

Re: Initiative Petition

Dear Mr. Secretary:

Please accept for filing the enclosed copy of an initiative petition, with an exact copy of the measure's text, the Proponents' proposed ballot title, a signature page containing the gist of the proposition, and an attached circulator's affidavit. The petition would amend statutes to restore generally the handgun permitting requirements and certain other firearms-related provisions that were in place prior to the Legislature's enactment of HB 2597, the so-called "permitless carry" bill, in 2019.

Best,



BRIAN TED JONES  
Brian Ted Jones, PC  
528 NW 12th St.  
Oklahoma City, OK 73103  
Counsel for Proponents

cc: Oklahoma Attorney General

RECEIVED

FEB 03 2020

OKLAHOMA SECRETARY  
OF STATE

**FILED**

**FEB 03 2020**

**PROPOSED BALLOT TITLE      OKLAHOMA SECRETARY  
OF STATE**

This measure would generally restore the handgun permitting requirements and certain other firearms-related provisions that were in place prior to the Legislature's enactment of HB 2597, the so-called "permitless carry" bill, in 2019. It removes the provision generally authorizing the concealed or unconcealed carrying of firearms without a permit by any person not otherwise disqualified by law from possession of a firearm who is 21 years of age or older, or 18 years of age or older if a military member or veteran. It prohibits any person, including handgun licensees, from possessing handguns or certain offensive weapons on college, university, or technology center property. It generally restores certain requirements regarding the unlicensed transportation of firearms in vehicles, as well as the unlicensed carrying of firearms on private property; while going to, from, or being at places for recognized firearm activities; and generally prohibits confiscation of firearms during traffic stops when any person in the vehicle holds a valid handgun license. It subjects a handgun licensee who refuses to leave a place where firearms are prohibited to certain criminal penalties, and restores prior provisions regarding state preemption, civil immunity, and handgun licensees' duty to notify law enforcement they possess a handgun.

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. 809, Initiative No. 425

**WARNING**

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

**FILED**

**INITIATIVE PETITION**

**FEB 03 2020**

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

**OKLAHOMA SECRETARY  
OF STATE**

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed law 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 or herself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from \_\_\_\_\_. The question we herewith submit to our fellow voters is:

Shall the following bill be approved?

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An Act relating to firearms; amending 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1272), which relates to the unlawful carry of firearms; deleting exception to certain prohibited act; amending 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1277), which relates to the unlawful carry of firearms in certain places; broadening the scope of certain prohibited acts; modifying references to specific weapons; narrowing the scope of certain exceptions to certain prohibited acts; modifying reference to certain elected officials; amending 21 O.S. 2011, Section 1283, as last amended by Section 3, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1283), which relates to the unlawful carry of firearms by felons and delinquents; modifying the scope of certain restored right; amending 21 O.S. 2011, Section 1289.6, as last amended by Section 4, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1289.6), which relates to the conditions under which firearms may be carried; providing for the open and unconcealed carry of certain weapons; deleting reference to certain statutory provision; modifying condition that allows for the carry of firearms for self-defense and self-protection; modifying condition that allows for the carry of firearms for any legitimate purpose not in violation of law; providing for the open and unconcealed carry of certain weapons without a handgun license; providing conditions that authorize the open and unconcealed carry of certain weapons without a handgun license; amending 21 O.S. 2011, Section 1289.7, as last amended by Section 5, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1289.7), which relates to firearms in vehicles; modifying persons authorized to transport in vehicles certain weapons under certain conditions; defining term; narrowing scope of immunity for certain persons in or near vehicles with handgun licensees under certain conditions; amending 21 O.S. 2011, Section 1289.13, as last amended by Section 6, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1289.13), which relates to the transport of loaded firearms; broadening scope of certain prohibited act; making reference to certain statutory provision; providing immunity for certain persons in or near vehicles with handgun licensees under certain conditions; amending 21 O.S. 2011, Section 1289.13A, as last amended by Section 7, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1289.13A), which relates to the improper transportation of firearms; deleting reference to certain statutory provision; adding reference to certain statutory provision; broadening scope of certain prohibited act; making issuance of traffic citation mandatory; modifying firearm confiscation

requirements; amending 21 O.S. 2011, Section 1289.24, as last amended by Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1289.24), which relates to state preemption of firearm regulation; narrowing scope of immunity for certain persons carrying certain firearms under certain conditions; amending 21 O.S. 2011, Section 1290.7, as last amended by Section 10, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1290.7), which relates to the Oklahoma Self-Defense Act; deleting construing provision related to the carrying of handguns or pistols without a license; amending 21 O.S. 2011, Section 1290.8, as last amended by Section 4, Chapter 406, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1290.8), which relates to the requirements to possess a handgun license and to notify police of the presence of a gun; providing penalty for second or subsequent violation of prohibited act; modifying reference to specific weapon; modifying burden on licensee to report presence of licensed handgun to law enforcement under certain circumstances; modifying penalty for failure to disclose licensed handgun to law enforcement under certain circumstances; amending 21 O.S. 2011, Section 1290.22, as last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1290.22), which relates to business owner's rights; broadening scope of certain prohibited act; amending 21 O.S. 2011, Section 1290.24, as last amended by Section 13, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1290.24), which relates to immunity; making conditions of immunity applicable to actions or misconduct involving handgun licensees; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1272, as last amended by Section 1, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1272), is amended to read as follows:

Section 1272.

#### UNLAWFUL CARRY

A. Notwithstanding any other provision of law, it shall be unlawful for any person to carry upon or about his or her person, or in a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or unloaded or any blackjack, loaded cane, hand chain, metal knuckles, or any other offensive weapon, whether such weapon be concealed or unconcealed, except this section shall not prohibit:

1. The proper use of guns and knives for self-defense, hunting, fishing, educational or recreational purposes;
2. The carrying or use of weapons in a manner otherwise permitted by statute or authorized by the Oklahoma Self-Defense Act;
3. The carrying, possession and use of any weapon by a peace officer or other person authorized by law to carry a weapon in the performance of official duties and in compliance with the rules of the employing agency;
4. The carrying or use of weapons in a courthouse by a district judge, associate district judge or special district judge within this state, who is in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose name appears on a list maintained by the Administrative Director of the Courts; or
5. The carrying and use of firearms and other weapons provided in this subsection when used for the purpose of living history reenactment. For purposes of this paragraph, "living history reenactment" means depiction of historical characters, scenes, historical life or events for entertainment, education, or historical documentation through the wearing or use of period, historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period; or
- ~~6. The carrying of a firearm, concealed or unconcealed, loaded or unloaded, by a person who is twenty-one (21) years of age or older or by a person who is eighteen (18) years of age but not yet twenty-one (21) years of age and the person is a member or veteran of the United States Armed Forces, Reserves or National Guard or was discharged under honorable conditions from the United States Armed Forces, Reserves~~

~~or National Guard, and the person is otherwise not disqualified from the possession or purchase of a firearm under state or federal law and is not carrying the firearm in furtherance of a crime.~~

~~Except as provided in subsection B of Section 1283 of this title, a person who has been convicted of any one of the following offenses in this state or a violation of the equivalent law of another state:~~

- ~~a. assault and battery pursuant to the provisions of Section 644 of this title which caused serious physical injury to the victim,~~
- ~~b. aggravated assault and battery pursuant to the provisions of Section 646 of this title,~~
- ~~c. assault and battery that qualifies as domestic abuse as defined in Section 644 of this title,~~
- ~~d. stalking pursuant to the provisions of Section 1173 of this title,~~
- ~~e. a violation of an order issued under the Protection from Domestic Abuse Act or a domestic abuse protection order issued by another state, or~~
- ~~f. a violation relating to illegal drug use or possession under the provisions of the Uniform Controlled Dangerous Substances Act,~~

~~shall be prohibited from carrying a firearm under the provisions of this paragraph. Any person who carries a firearm in the manner provided for in this paragraph shall be prohibited from carrying the firearm into any of the places prohibited in subsection A of Section 1277 of this title or any other place currently prohibited by law. Nothing in this section shall modify or otherwise change where a person may legally carry a firearm.~~

B. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor punishable as provided in Section 1276 of this title.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1277, as last amended by Section 1, Chapter 235, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1277), is amended to read as follows:

#### Section 1277

### UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person, ~~including a person~~ in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry any concealed or unconcealed handgun into any of the following places:

1. Any structure, building, or office space which is owned or leased by a city, town, county, state or federal governmental authority for the purpose of conducting business with the public;
2. Any courthouse, courtroom, prison, jail, detention facility or any facility used to process, hold or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent, except as provided in Section 21 of Title 57 of the Oklahoma Statutes;
3. Any public or private elementary or public or private secondary school, except as provided in subsections C and D of this section;
4. Any publicly owned or operated sports arena or venue during a professional sporting event, unless allowed by the event holder;
5. Any place where gambling is authorized by law, unless allowed by the property owner; and
6. Any other place specifically prohibited by law.

B. For purposes of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by a city, town, county, state or federal governmental authority;
2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, which is open to the public, or by any entity engaged in gambling authorized by law;

3. Any property adjacent to a structure, building or office space in which concealed or unconcealed weapons are prohibited by the provisions of this section;

4. Any property designated by a city, town, county or state governmental authority as a park, recreational area, wildlife refuge, wildlife management area or fairgrounds; provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed ~~firearm handgun~~ into any structure, building or office space which is specifically prohibited by the provisions of subsection A of this section; and

5. Any property set aside by a public or private elementary or secondary school for the use or parking of any vehicle, whether attended or unattended; provided, however, the ~~firearm handgun~~ shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property.

Nothing contained in any provision of this subsection or subsection C of this section shall be construed to authorize or allow any person in control of any place described in subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license ~~or otherwise in-lawful from~~ possession of a ~~firearm from carrying or possessing the firearm on the property handgun allowable under such license in places~~ described in this subsection.

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

D. Notwithstanding paragraph 3 of subsection A of this section, a board of education of a school district may adopt a policy pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to authorize the carrying of a handgun onto school property by school personnel specifically designated by the board of education, provided such personnel either:

1. Possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

2. Hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes.

Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

E. In any municipal zoo or park of any size that is owned, leased, operated or managed by:

1. A public trust created pursuant to the provisions of Section 176 of Title 60 of the Oklahoma Statutes; or

2. A nonprofit entity,  
an individual shall be allowed to carry a concealed handgun but not openly carry a handgun on the property.

F. Any person violating the provisions of paragraph 2 or 3 of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250.00). A person violating any other provision of subsection A of this section may be denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed Two Hundred Fifty Dollars (\$250.00).

G. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act ~~or who is carrying or in possession of a firearm as otherwise permitted by law~~ or who is carrying or in possession of a machete, blackjack, loaded cane, hand chain or metal knuckles shall be authorized to carry the

~~firearm handgun~~, machete, blackjack, loaded cane, hand chain or metal knuckles into or upon any college, university or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed to be college, university or technology center school property as prohibited for persons having a valid handgun license or who are carrying or in possession of a machete, blackjack, loaded cane, hand chain or metal knuckles:

1. Any property set aside for the use or parking of any motor vehicle, whether attended or unattended, provided the ~~firearm handgun~~, machete, blackjack, loaded cane, hand chain or metal knuckles are carried or stored as required by law and the ~~firearm handgun~~, machete, blackjack, loaded cane, hand chain or metal knuckles are not removed from the motor vehicle without the prior consent of the college or university president or technology center school administrator while the vehicle is on any college, university or technology center school property;

2. Any property authorized for possession or use of ~~firearms handguns~~, machetes, blackjacks, loaded canes, hand chains or metal knuckles by college, university or technology center school policy; and

3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the ~~firearm handgun~~, machete, blackjack, loaded cane, hand chain or metal knuckles and the valid handgun license while on college, university or technology center school property.

The college, university or technology center school may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing, upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars (\$250.00) and may have the handgun license suspended for three (3) months.

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college, university or technology center school to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license or any person in lawful possession of a ~~firearm~~, machete, blackjack, loaded cane, hand chain or metal knuckles from possession of a ~~firearm handgun~~ allowable under such license, machete, blackjack, loaded cane, hand chain or metal knuckles in places described in paragraphs 1, 2 and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college, university or technology center school in this state from taking administrative action against any student for any violation of any provision of this subsection.

H. The provisions of this section shall not apply to the following:

1. Any peace officer or any person authorized by law to carry a firearm in the course of employment;

2. District judges, associate district judges and special district judges, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose names appear on a list maintained by the Administrative Director of the Courts, when acting in the course and scope of employment within the courthouses of this state;

3. Private investigators with a firearms authorization when acting in the course and scope of employment;

4. Elected officials of a county, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, may carry a concealed handgun when acting in the performance of their duties within the courthouses of the county in which ~~he or she was~~ they were elected. The provisions of this paragraph shall not allow the elected county official to carry the handgun into a courtroom;

5. The sheriff of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment within the courthouses in the county in which the person is employed.

Nothing in the Oklahoma Self-Defense Act shall prohibit the sheriff from requiring additional instruction or training before receiving authorization to carry a concealed handgun within the courthouse. The provisions of this paragraph and of paragraph 6 of this subsection shall not allow the county employee to carry the handgun into a courtroom, sheriff's office, adult or juvenile jail or any other prisoner detention area; and

6. The board of county commissioners of any county may authorize certain employees of the county, who possess a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act, to carry a concealed handgun when acting in the course and scope of employment on county annex facilities or grounds surrounding the county courthouse.

I. For the purposes of this section, "motor vehicle" means any automobile, truck, minivan, sports utility vehicle, or motorcycle, as defined in Section 1-135 of Title 47 of the Oklahoma Statutes, equipped with a locked accessory container within or affixed to the motorcycle.

SECTION 3. AMENDATORY 21 O.S. 2011, Section 1283, as last amended by Section 3, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1283), is amended to read as follows:

Section 1283.

### CONVICTED FELONS AND DELINQUENTS

A. Except as provided in subsection B of this section, it shall be unlawful for any person convicted of any felony in any court of this state or of another state or of the United States to have in his or her possession or under his or her immediate control, or in any vehicle which the person is operating, or in which the person is riding as a passenger, or at the residence where the convicted person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm.

B. Any person who has previously been convicted of a nonviolent felony in any court of this state or of another state or of the United States, and who has received a full and complete pardon from the proper authority and has not been convicted of any other felony offense which has not been pardoned, shall have restored the right to possess any firearm or other weapon prohibited by subsection A of this section, the right to apply for and carry a handgun, concealed or unconcealed, pursuant to the Oklahoma Self-Defense Act or as otherwise permitted by law, and the right to perform the duties of a peace officer, gunsmith, and for firearms repair.

C. It shall be unlawful for any person serving a term of probation for any felony in any court of this state or of another state or of the United States or under the jurisdiction of any alternative court program to have in his or her possession or under his or her immediate control, or at his or her residence, or in any passenger vehicle which the person is operating or is riding as a passenger, any pistol, shotgun or rifle, including any imitation or homemade pistol, altered air or toy pistol, shotgun or rifle, while such person is subject to supervision, probation, parole or inmate status.

D. It shall be unlawful for any person previously adjudicated as a delinquent child or a youthful offender for the commission of an offense, which would have constituted a felony offense if committed by an adult, to have in the possession of the person or under the immediate control of the person, or have in any vehicle which he or she is driving or in which the person is riding as a passenger, or at the residence of the person, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm within ten (10) years after such adjudication; provided, that nothing in this subsection shall be construed to prohibit the placement of the person in a home with a full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes.

E. It shall be unlawful for any person who is an alien illegally or unlawfully in the United States to have in the possession of the person or under the immediate control of

the person, or in any vehicle the person is operating, or at the residence where the person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, shotgun, rifle or any other dangerous or deadly firearm; provided, that nothing in this subsection applies to prohibit the transport or detention of the person by law enforcement officers or federal immigration authorities. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

F. Any person having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act and who thereafter knowingly or intentionally allows a convicted felon or adjudicated delinquent or a youthful offender as prohibited by the provisions of subsection A, C, or D of this section to possess or have control of any pistol authorized by the Oklahoma Self-Defense Act shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars (\$5,000.00). In addition, the person shall have the handgun license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person has violated the provisions of this section.

G. Any convicted or adjudicated person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable as provided in Section 1284 of this title.

H. For purposes of this section, "sawed-off shotgun or rifle" shall mean any shotgun or rifle which has been shortened to any length.

I. For purposes of this section, "altered toy pistol" shall mean any toy weapon which has been altered from its original manufactured state to resemble a real weapon.

J. For purposes of this section, "altered air pistol" shall mean any air pistol manufactured to propel projectiles by air pressure which has been altered from its original manufactured state.

K. For purposes of this section, "alternative court program" shall mean any drug court, Anna McBride or mental health court, DUI court or veterans court.

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1289.6, as last amended by Section 4, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1289.6), is amended to read as follows:

#### Section 1289.6

#### CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

A. A person shall be permitted to carry loaded and unloaded shotguns, rifles and pistols, open and not concealed and without a handgun license as authorized by the Oklahoma Self-Defense Act pursuant to the following conditions:

1. When hunting animals or fowl;
2. During competition in or practicing in a safety or hunter safety class, target shooting, skeet, trap or other recognized sporting events;
3. During participation in or in preparation for a military function of the state military forces to be defined as the Oklahoma Army or Air National Guard, federal military reserve and active military forces. It is further provided that Oklahoma Army or Air National Guard personnel with proper authorization and performing a military function may carry loaded or unloaded and concealed weapons on Oklahoma Military Department facilities in accordance with rules promulgated by the Adjutant General;
4. During participation in or in preparation for a recognized police function of either a municipal, county or state government as functioning police officials;
5. During a practice for or a performance for entertainment purposes;
6. ~~As provided for in subsection A of Section 1272 of this title; or~~
- ~~7. For lawful self-defense and self-protection or any other legitimate purpose in or on property that is owned, leased, rented or otherwise legally controlled by the person; or~~

7. For any legitimate purpose not in violation of the Oklahoma Firearms Act of 1971 or any legislative enactment regarding the use, ~~carrying,~~ ownership and control of firearms.

B. A person shall be permitted to carry unloaded shotguns, rifles and pistols, ~~open and not concealed and without a handgun license as authorized by the Oklahoma Self-Defense Act and when pursuant to the following conditions:~~

1. When going to or from the person's private residence or vehicle or a vehicle in which the person is riding as a passenger to a place designated or authorized for firearms repairs or reconditioning, or for firearms trade, sale, or barter, or gunsmith, or hunting animals or fowl, or hunter safety course, or target shooting, or skeet or trap shooting or any recognized firearms activity or event and while in such places; or

2. For any legitimate purpose not in violation of the Oklahoma Firearms Act of 1971.

C. The provisions of this section shall not be construed to prohibit educational or recreational activities, exhibitions, displays or shows involving the use or display of rifles, shotguns or pistols or other weapons if the activity is approved by the property owner and sponsor of the activity.

SECTION 5. AMENDATORY 21 O.S. 2011, Section 1289.7, as last amended by Section 5, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1289.7), is amended to read as follows:

Section 1289.7

#### FIREARMS IN VEHICLES

A. Any person ~~who is not otherwise prohibited by law from possessing a firearm, except a convicted felon,~~ may transport in a motor vehicle a rifle, shotgun or pistol or handgun, loaded or, open and unloaded, at any time. For purposes of this section, "open" means the firearm is transported in plain view, in a case designed for carrying firearms, which case is wholly or partially visible, in a gun rack mounted in the vehicle, in an exterior locked compartment or a trunk of a vehicle.

B. Any person ~~who is not otherwise prohibited by law from possessing a firearm, except a convicted felon,~~ may transport in a motor vehicle a rifle or shotgun ~~open or concealed behind a seat of the vehicle or within the interior of the vehicle,~~ provided the rifle or shotgun is transported not clip-, magazine- or chamber-loaded. The authority to transport a clip- or magazine-loaded rifle or shotgun shall be pursuant to the- ~~requirements of Section 1289.13 of this title.~~

C. Any person who is the operator of a motor vehicle or is a passenger in any motor vehicle wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act ~~or is otherwise permitted by law to carry a handgun, concealed or unconcealed,~~ and is carrying a handgun or has the handgun in such vehicle, shall not be deemed in violation of the provisions of this section provided the licensee ~~or person-~~ permitted by law is in or near the motor vehicle.

D. It shall be unlawful for any person transporting a firearm in a motor vehicle to fail or refuse to identify that the person is in actual possession of a firearm when asked to do so by a law enforcement officer of this state during any arrest, detainment or routine traffic stop. Any person who violates the provisions of this subsection may be issued a citation for an amount not to exceed One Hundred Dollars (\$100.00).

SECTION 6. AMENDATORY 21 O.S. 2011, Section 1289.13, as last amended by Section 6, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1289.13), is amended to read as follows:

Section 1289.13

#### TRANSPORTING A LOADED FIREARM

Except as otherwise provided by the provisions of the Oklahoma Self-Defense Act or another provision of law, it shall be unlawful to transport a loaded pistol, rifle or shotgun in a landborne motor vehicle over a public highway or roadway ~~unless the~~. However, a rifle or shotgun is may be transported clip- or magazine-loaded, and not chamber-loaded, and when transported in an exterior locked compartment of the vehicle or trunk of the vehicle or in the interior compartment of the vehicle, notwithstanding the provisions of Section 1289.7 of this title, when the person is in possession of a valid handgun license pursuant to the Oklahoma Self-Defense Act.

Any person convicted of a violation of this section shall be punished as provided in Section 1289.15 of this title.

Any person who is the operator of a vehicle or is a passenger in any vehicle wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act to carry a handgun, concealed or unconcealed, and is carrying a handgun or has a handgun or rifle or shotgun in such vehicle shall not be deemed in violation of the provisions of this section provided the licensee is in or near the vehicle.

SECTION 7. AMENDATORY 21 O.S. 2011, Section 1289.13A, as last amended by Section 7, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1289.13A), is amended to read as follows:

Section 1289.13A

#### IMPROPER TRANSPORTATION OF FIREARMS

A. Notwithstanding the provisions of Section 1272 or ~~1289.7~~ 1289.13 of this title, any person stopped pursuant to a moving traffic violation who is transporting a loaded pistol in the motor vehicle without a valid handgun license authorized by the Oklahoma Self-Defense Act or valid license from another state, ~~or in violation of any law related to the carrying or transporting of firearms,~~ whether the loaded firearm is concealed or unconcealed in the vehicle, ~~may~~ shall be issued a traffic citation in the amount of Seventy Dollars (\$70.00), plus court costs for transporting a firearm improperly. In addition to the traffic citation provided in this section, the person may also be arrested for any other violation of law.

B. ~~Any firearm lawfully~~ When the arresting officer determines that a valid handgun license exists, pursuant to the Oklahoma Self-Defense Act or any provision of law from another state, for any person in the stopped vehicle, any firearms permitted to be carried or transported as permitted pursuant to state law that license shall not be confiscated, unless:

1. The person is arrested for violating another provision of law other than a violation of subsection A of this section; provided, however, if the person is never charged with an offense pursuant to this paragraph or if the charges are dismissed or the person is acquitted, the weapon shall be returned to the person; or

2. The officer has probable cause to believe the weapon is:

a. contraband, or

b. a firearm used in the commission of a crime other than a violation of subsection A of this section.

C. Nothing in this section shall be construed to require confiscation of any firearm.

SECTION 8. AMENDATORY 21 O.S. 2011, Section 1289.24, as last amended by Section 8, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1289.24), is amended to read as follows:

Section 1289.24

#### FIREARM REGULATION -- STATE PREEMPTION

A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, knives, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in paragraph 2 of this subsection and subsection C of this section, are null and void.

2. A municipality may adopt any ordinance:

- a. relating to the discharge of firearms within the jurisdiction of the municipality, and
- b. allowing the municipality to issue a traffic citation for transporting a firearm improperly as provided for in Section 1289.13A of this title,; provided, however, that penalties contained for violation of any ordinance enacted pursuant to the provisions of this subparagraph shall not exceed the penalties established in the Oklahoma Self-Defense Act.

3. As provided in the preemption provisions of this section, the otherwise lawful ~~open carrying or possession~~ of a firearm handgun under the provisions of ~~Chapter 53 of this title~~ the Oklahoma Self-Defense Act shall not be punishable by any municipality or other political subdivision of this state as disorderly conduct, disturbing the peace or similar offense against public order.

4. A public or private school may create a policy regulating the possession of knives on school property or in any school bus or vehicle used by the school for purposes of transportation.

B. No municipality or other political subdivision of this state shall adopt any order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes, or other controls on firearms, knives, components, ammunition, and supplies.

C. Except as hereinafter provided, this section shall not prohibit any order, ordinance, or regulation by any municipality concerning the confiscation of property used in violation of the ordinances of the municipality as provided for in Section 28-121 of Title 11 of the Oklahoma Statutes. Provided, however, no municipal ordinance relating to transporting a firearm or knife improperly may include a provision for confiscation of property.

D. When a person's rights pursuant to the protection of the preemption provisions of this section have been violated, the person shall have the right to bring a civil action against the persons, municipality, and political subdivision jointly and severally for injunctive relief or monetary damages or both.

SECTION 9. AMENDATORY 21 O.S. 2011, Section 1290.7, as last amended by Section 10, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1290.7), is amended to read as follows:

Section 1290.7

#### CONSTRUING AUTHORITY OF LICENSE

~~A.~~ The authority to carry a concealed or unconcealed handgun pursuant to a valid handgun license as authorized by the provisions of the Oklahoma Self-Defense Act shall not be construed to authorize any person to:

1. Carry or possess any weapon other than an authorized pistol as defined by the provisions of Section 1290.2 of this title;
2. Carry or possess any pistol in any manner or in any place otherwise prohibited by law;
3. Carry or possess any prohibited ammunition or any illegal, imitation or homemade pistol;
4. Carry or possess any pistol when the person is prohibited by state or federal law from carrying or possessing any firearm; or

5. Point, discharge or use the pistol in any manner not otherwise authorized by law.

~~B. The availability of a license to carry pursuant to the provisions of the Oklahoma Self-Defense Act shall not be construed to prohibit the lawful transport or carrying of a handgun or pistol in a vehicle or on or about the person whether concealed or unconcealed, loaded or unloaded, and without a valid handgun license as permitted by law.~~

SECTION 10. AMENDATORY 21 O.S. 2011, Section 1290.8, as last amended by Section 4, Chapter 406, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1290.8), is amended to read as follows:

#### Section 1290.8

### POSSESSION OF LICENSE REQUIRED

#### NOTIFICATION TO POLICE OF GUN

A. Except as otherwise prohibited by law, an eligible person shall have authority to carry a concealed or unconcealed handgun in this state when:

1. The person has been issued a handgun license from the Oklahoma State Bureau of Investigation pursuant to the provisions of the Oklahoma Self-Defense Act, provided the person is in compliance with the provisions of the Oklahoma Self-Defense Act, and the license has not expired or been subsequently suspended or revoked; or

2. The person is twenty-one (21) years of age or older, and is either:

a. active military, or

b. a member of the Reserve or National Guard to include Drill Status Guard and Reserve, Active Guard Reserves or Military Technicians, and presents a valid military identification card that shall be considered a valid handgun license issued pursuant to the Oklahoma Self-Defense Act.

B. A person in possession of a valid handgun license or who meets the criteria and presents a valid military identification card as provided for in this section and in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such concealed or unconcealed handgun while scouting as it relates to hunting or fishing or while hunting or fishing.

C. The person shall be required to have possession of his or her valid handgun license or valid military identification card as provided for qualified persons in this section and a valid driver license or state photo identification at all times when in possession of an authorized pistol. The person shall display the handgun license or a valid military identification card as provided for qualified persons in this section on demand of a law enforcement officer; provided, however, that in the absence of reasonable and articulable suspicion of other criminal activity, an individual carrying an unconcealed or concealed handgun shall not be disarmed or physically restrained unless the individual fails to display a valid handgun license or a valid military identification card as provided for qualified persons in this section in response to that demand. Any violation of the provisions of this subsection may be punishable as a criminal offense as authorized by Section 1272 of this title or pursuant to any other applicable provision of law. Any second or subsequent violation of the provisions of this subsection shall be grounds for the Bureau to suspend the handgun license for a period of six (6) months, in addition to any other penalty imposed.

Upon the arrest of any person for a violation of the provisions of this subsection, the person may show proof to the court that a valid handgun license and the other required identification has been issued to such person and the person may state any reason why the handgun license, a valid military identification card as provided for qualified persons in this section or the other required identification was not carried by the person as required by the Oklahoma Self-Defense Act. The court shall dismiss an alleged violation of Section 1272 of this title upon payment of court costs, if proof of a valid handgun license and other required identification is shown to the court within ten (10)

days of the arrest of the person. The court shall report a dismissal of a charge to the Bureau for consideration of administrative proceedings against the licensee.

D. It shall be unlawful for any person to fail or refuse to identify the fact that the person is in actual possession of a concealed or unconcealed ~~firearm~~ handgun pursuant to the authority of the Oklahoma Self-Defense Act when the person comes into contact with any law enforcement officer of this state or its political subdivisions or a federal law enforcement officer during the course of any arrest, detention, or routine traffic stop. Said identification to the law enforcement officer shall be ~~required upon~~ made at the demand of the law enforcement officer. ~~No person shall be required to identify himself or herself as a handgun licensee or as lawfully in possession of any other firearm if the law enforcement officer does not demand the information first opportunity.~~ No person shall be required to identify himself or herself as a handgun licensee when no handgun is in the possession of the person or in any vehicle in which the person is driving or is a passenger. Any ~~violation~~ violation of the provisions of this subsection ~~may~~ shall, upon conviction, be issued a citation for an amount a misdemeanor punishable by a fine not exceeding One Hundred Dollars (\$100.00).

E. Any law enforcement officer coming in contact with a person whose handgun license is suspended, revoked, or expired, or who is in possession of a handgun license which has not been lawfully issued to that person, shall confiscate the license and return it to the Oklahoma State Bureau of Investigation for appropriate administrative proceedings against the licensee when the license is no longer needed as evidence in any criminal proceeding.

F. Nothing in this section shall be construed to authorize a law enforcement officer to inspect any weapon properly concealed or unconcealed without probable cause that a crime has been committed.

SECTION 11. AMENDATORY 21 O.S. 2011, Section 1290.22, as last amended by Section 12, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1290.22), is amended to read as follows:

#### Section 1290.22

### BUSINESS OWNER'S RIGHTS

A. Except as provided in subsections B, C and D of this section, nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to limit, restrict or prohibit in any manner the existing rights of any person, property owner, tenant, employer, place of worship or business entity to control the possession of weapons on any property owned or controlled by the person or business entity.

B. No person, property owner, tenant, employer, holder of an event permit, place of worship or business entity shall be permitted to establish any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms in a locked vehicle on any property set aside for any vehicle.

C. A property owner, tenant, employer, place of worship or business entity may prohibit any person from carrying a concealed or unconcealed firearm on the property. If the building or property is open to the public, the property owner, tenant, employer, place of worship or business entity shall post signs on or about the property stating such prohibition.

D. No person, property owner, tenant, employer, holder of an event permit, place of worship or business entity shall be permitted to establish any policy or rule that has the effect of prohibiting any person from carrying a concealed or unconcealed firearm on property within the specific exclusion provided for in paragraph 4 of subsection B of Section 1277 of this title; provided that carrying a concealed or unconcealed firearm may be prohibited in the following places:

1. The portion of a public property structure or building during an event authorized by the city, town, county, state or federal governmental authority owning or controlling such building or structure;
2. Any public property sports field, including any adjacent

seating or adjacent area set aside for viewing a sporting event, where an elementary or secondary school, collegiate, or professional sporting event or an International Olympic Committee or organization or any committee subordinate to the International Olympic Committee event is being held;

3. The fairgrounds during the Oklahoma State Fair or the Tulsa State Fair; and

4. The portion of a public property structure or building that is leased or under contract to a business or not-for-profit entity or group for offices.

E. ~~The otherwise lawful~~ carrying of a concealed or unconcealed firearm by a person who has been issued a handgun license on property that has signs prohibiting the carrying of firearms shall subject the person to being denied entrance onto the property or removed from the property. If the person:

~~1. Has been informed by the property owner, business entity or manager of the business that the person is in violation of a policy that prohibits firearms on the property; and~~

~~2. Refuses~~ refuses to leave the property and a peace officer is summoned, the person may be punished as provided in Section 1276 of this title.

F. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does or does not prohibit any individual, except a convicted felon, from carrying a loaded or unloaded, concealed or unconcealed weapon on property that the person, property owner, tenant, employer, holder of an event permit, place of worship or business entity owns, or has legal control of, is immune from any liability arising from that decision. Except for acts of gross negligence or willful or wanton misconduct, an employer who does or does not prohibit his or her employees from carrying a concealed or unconcealed weapon is immune from any liability arising from that decision. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does not prohibit persons from carrying a concealed or unconcealed weapon pursuant to subsection D of this section shall be immune from any liability arising from the carrying of a concealed or unconcealed weapon, while in the scope of employment, on the property or in or about a business entity vehicle. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

G. It shall not be considered part of an employee's job description or within the employee's scope of employment if an employee is allowed to carry or discharge a weapon pursuant to this section.

H. Nothing in subsections F and G of this section shall prevent an employer, employee or person who has suffered loss resulting from the discharge of a weapon to seek redress or damages of the person who discharged the weapon or used the weapon outside the provisions of the Oklahoma Self-Defense Act.

SECTION 12. AMENDATORY 21 O.S. 2011, Section 1290.24, as last amended by Section 13, Chapter 1, O.S.L. 2019 (21 O.S. Supp. 2019, Section 1290.24), is amended to read as follows:

Section 1290.24

#### IMMUNITY

A. The state or any political subdivision of the state, as defined in Section 152 of Title 51 of the Oklahoma Statutes, and its officers, agents and employees shall be immune from liability resulting or arising from:

1. Failure to prevent the licensing of an individual for whom the receipt of the license is unlawful pursuant to the provisions of the Oklahoma Self-Defense Act or any other provision of law of this state;

2. Any action or misconduct with a ~~firearm pistol~~ committed by a person to whom a license to carry a concealed or unconcealed handgun has been issued pursuant to the provisions of the Oklahoma Self-Defense Act or by any person who obtains a ~~firearm pistol~~ from a licensee;

3. Any injury to any person during a handgun training course

conducted by a firearms instructor certified by the Council on Law Enforcement Education and Training to conduct training under the Oklahoma Self-Defense Act, or injury from any misfire or malfunction of any handgun on a training course firing range supervised by a certified firearms instructor under the provisions of the Oklahoma Self-Defense Act, or any injury resulting from carrying a concealed or unconcealed handgun pursuant to a handgun license; and

4. Any action or finding pursuant to a hearing conducted in accordance with the Administrative Procedures Act as required in the Oklahoma Self-Defense Act.

B. Firearms instructors certified by the Council on Law Enforcement Education and Training to conduct training for the Oklahoma Self-Defense Act shall be immune from liability to third persons resulting or arising from any claim based on an act or omission of a trainee.

C. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

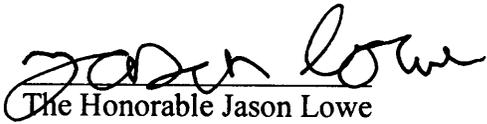
SECTION 13. This act shall become effective thirty (30) days after certification of passage by the State Election Board.

Name and Address of Proponents:



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Joshua Harris-Till  
Residence: Oklahoma City, Oklahoma County  
Mailing: 1127 NW 27th St.  
Oklahoma City, OK 73106



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The Honorable Jason Lowe  
Residence: Oklahoma City, Oklahoma County  
Mailing: 25 NW 63rd St.  
Oklahoma City, OK 73105



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Jennifer Birch  
Residence: The Village, Oklahoma County  
Mailing: P.O. Box 21491, Oklahoma City, OK 73120

## SIGNATURES

**The gist of the proposition is as follows:** This measure would generally restore the handgun permitting requirements and certain other firearms-related provisions that were in place prior to the Legislature’s enactment of HB 2597, the so-called “permitless carry” bill, in 2019. It removes the provision generally authorizing the concealed or unconcealed carrying of firearms without a permit by any person not otherwise disqualified by law from possession of a firearm who is 21 years of age or older, or 18 years of age or older if a military member or veteran. It prohibits any person, including handgun licensees, from possessing handguns or certain offensive weapons on college, university, or technology center property. It generally restores certain requirements regarding the unlicensed transportation of firearms in vehicles, as well as regarding the unlicensed carrying of firearms on private property; while going to or from places for recognized firearm activities like hunting, target-shooting, or trading firearms, and while in such places; and generally prohibits confiscation of firearms during traffic stops when any person in the vehicle holds a valid handgun license. It restores the prior, narrower state preemption of local firearm laws, restores the prior, narrower scope of State immunity from civil liability regarding actions or misconduct by handgun licensees, restores the prior, broader obligation on handgun licensees to notify police of a handgun during an arrest, detention, or traffic stop, narrows protections for handgun licensees who refuse to leave a place where firearms are prohibited, and provides an effective date.

### WARNING

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

1.	SIGNATURE OF LEGAL VOTER	PRINT NAME	ADDRESS	CITY	ZIP	COUNTY
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19.	SIGNATURE OF LEGAL VOTER	PRINT NAME	ADDRESS	CITY	ZIP	COUNTY
20.	SIGNATURE OF LEGAL VOTER	PRINT NAME	ADDRESS	CITY	ZIP	COUNTY

**AFFIDAVIT**

STATE OF OKLAHOMA            )  
  )  
COUNTY OF \_\_\_\_\_)            **ss.**

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

That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence. I believe that each has stated their name, mailing address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and the County of their residence as stated.

\_\_\_\_\_  
Circulator's Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
City                      Zip Code

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Address

\_\_\_\_\_  
City                      Zip Code

My Commission Expires:

\_\_\_\_\_

My Commission Number:

\_\_\_\_\_

Michael Rogers  
Secretary of State and Education



J. Kevin Stitt  
Governor

**OKLAHOMA SECRETARY OF STATE**

February 3, 2020

Joshua Harris-Till  
1127 NW 27<sup>th</sup> St.  
Oklahoma City, OK 73106

The Honorable Jason Lowe  
25 NW 63<sup>rd</sup>  
Oklahoma City, OK 73105

Jennifer Birch  
PO Box 21491  
Oklahoma City, OK 73120

Dear Proponent(s):

This acknowledges receipt of the petition submitted to the Secretary of State office, which has been designated as **State Question Number 809, Initiative Petition Number 425** and filed accordingly this 3<sup>rd</sup> day of February, 2020.

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,

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

**Amy Canton**  
**Director, 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

February 4, 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 Filing for State Question 809, Initiative Petition 425

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 809, INITIATIVE PETITION 425, 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 February 3, 2020, State Question 809, Initiative Petition 425 was filed in the Office of the Oklahoma Secretary of State.

**NOTICE** is also hereby given that State Question 809, Initiative Petition 425 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 809, Initiative Petition 425:

Joshua Harris-Till  
1127 NW 27<sup>th</sup> St.  
Oklahoma City, OK 73106

The Honorable Jason Lowe  
25 NW 63<sup>rd</sup>  
Oklahoma City, OK 73105

Jennifer Birch  
PO Box 21491  
Oklahoma City, OK 73120

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

nightstand, clothes, stroller, kid's stuff.

1620--Sarah Malay--944 SW 4th Pl, Moore, OK, 73160--9 chests, air fryer, MK purse, ice cream maker, computer monitor and tower, NFL wall art, wall art, 4 boxes, mini fridge.

1644--Bridgette Martin--629 Wandering Way, OKC, OK, 73170--4 large tires, lawn edger, sports gear, fishing poles, motorcycle parts, 2 trucks, Dr. Pepper clock, shelving, totes, wall art, walker, misc. household goods.

2214--Allison Taylor--2917 SW 129th St, OKC, OK, 73170--washer dryer set, steel set up shelving, 15 production boxes, table saw, drill press, spot light, rigging, folding chairs, safety cones, batteries, dolly, speakers, canopies

.RV30--Rick Wilkins--1204 NW 13th Pl, Moore, OK, 73159--Vehicle: Camper

**Norman-1606 24th Ave SW Norman, OK 73072**

1620-- Edward Prince; 8831 E 136th Street South, Bixby, OK, 74008: basketball goal, outdoor furniture, mattress, pillows, cooking tools, sewing machine, paintings, totes, boxes, power cord

1546--David Craig; 1515 Pecan Ave, Norman, OK 73072: 2 wooden tables, 2 metal car ramps, various chests, boxes, totes, wooden chairs, 2 ladders, couch, dining table

1510-- John Paul III; 141 Homeland Ave. Norman, OK, 73072: rugs, totes, boxes, golf set, lamps, guitar case, wooden furniture, stools, couch, clothing

1225-- Joshua Martinez; 2821 Dewey Ave Apt 208, Norman, OK 73072: set of blue chairs, dresser, 2 mirrors, box of clothing, 2 couches, coffee table, boxes

1807-- Donna Robinson; 605 Garrison Drive, Norman, OK 73069: clothing, wooden table, boxes, totes, duffel bag, personal items

1709--Patricia Harrington; 224 1/2 E Mosier, Norman, OK 73069: arm chair, wooden tables, rugs, tire, ladder, end table, boxes, totes, miscellaneous items

1402--Summer Wood; 428 N. University Blvd., Norman, OK 73069: buckets, bed, bed spring, lamp, radio flyer wagon, bars, icebox, lamp, skis

1539--Summer Wood; 428 N. University Blvd., Norman, OK 73069: boxes, totes, headboard, shelving, wood furniture, pillows, decorations, cooler, icebox, pictures, clothing

1439--Summer Wood; 428 N. University Blvd., Norman, OK 73069: fishing poles, guitar, boxes, totes, lamps, decorations, chair, trampoline, Christmas items, cast iron set.

**7100 NW 50th Bethany, OK, 73008**

1125,Cassie Renner, 5001 NW 10th St., Apt #1415, Oklahoma City, OK 73127, 2 lg plastic plants in pots, wooden rocking chair, kids bike w/training wheels, baby stroller, office chair, wooden shelves, wooden table, vacuum, futon bed, mattress, box spring, lounge chair, sofa, patio table, ironing board, 3 pictures, 7 boxes, coffee table,

1407, Brandi Gillen, 25117 CR1230,Gracemont, OK 73042, 2 Lg Wooden/leather Chairs, flat screen TV, sprayer, Tall Wooden Table w/matching wooden stools, mirror case, Rolling wooden tray, weed eater, gas can, Lg picture, Lg full body Tanning Bed, Ariel Bicycle, Cabela grille, convection air fryer, 1 box, 5 totes

1605, Crossbow, tires, boxes, toys, misc. items. #804 Susan Hicks, 1808 NW 37th Street Oklahoma City, OK 73118: boxes, books, gaming console, misc. items. #814 Joseph Leon Douglas, 1164 Bellevidere Dr Oklahoma City, OK 73117. power wheelchair, toolbox, chainsaw, gas can, couch, wheels, boxes, table, box spring, misc. items. #814 Joseph Leon Douglas, 413 W Britton Rd Apt. 121, Oklahoma City, OK 73114. power wheelchair, toolbox, chainsaw, gas can, couch, wheels, boxes, table, box spring, misc. items. #904 Trevor Thompson, 2841 NW 17th Street Oklahoma City, OK 73107. mattress, box spring, bed frame, chair, boxes, misc. items. #1311B Alfred L Carr Jr, PO Box 23082 Oklahoma City, OK 73132. heater, end table, misc. items.

#23317 SS North Bryant LLC d/b/a Simply Self Storage 3401 N Bryant Ave OKC, OK, 73121, Unit 144 Jessie Villareal 12 Red Plum Rd, Shawnee Ok 74801 Golf Bag and Clubs, Lawn Mower. Unit 145 Steven Duncan 2512 N. Robinson Apt A Okc Ok 73103. Recliner Chair, microwave oven, misc. Unit 40 Angel Kelley 1453 NE 8th Okc OK 73117. Refrigerator stainless steel, misc. Unit 227 Luella Johnson 1408 NE 9th Okc OK 73117. File Cabinet, Stereo, misc. #23319 SS Willow Creek, LLC d/b/a Simply Self Storage 8040 NW 122 nd St OKC, Ok. 73142, #236 Daphne Lacquement; 6056 W Britton Rd. #B, OKC, OK 73132: Chair, child bike, mini fridge, bookcase, pool table, boxes, bins, misc.

Anyone having interest in 2002 Ford Taurus with vin # 1FAPP53U02G254275 Contact McConnell's Wrecker Service @ 405-732-7004

Anyone having interest in a 1964 Cadillac Fleetwood Vin# 63M007809 Contact JH McKnight 405-503-6775. Sale Date 2/8/2020

Anyone having interest in a 1973 Ford Pinto Vin# 3X11X216814 Contact Robert Troclair 405-481-5752. Sale date 2/8/2020

Anyone knowing the whereabouts of Aaron Lowery, please contact Allen Harvey, Attorney At Law, P. O. Box 783, Hammond, LA 70404, (985) 634-9568.

**IFB 2020-02**

The Cheyenne and Arapaho Tribes are currently seeking paving and asphalt contractors for construction and improvement of conditions of the 4.66 miles of exiting Black Kettle Road (N/S) and NW 192 nd Street (E/W) located in Canadian County, Oklahoma. Interested contractors should contact Jason LaPierre at (405) 422-7545 or [nlapierre@cheyenneandrapaho-nsn.gov](mailto:nlapierre@cheyenneandrapaho-nsn.gov) for bidding documents. Native American preference will apply.

**INVITATION TO BID** January 31, 2020 Canadian County Expo Center - Package #1 Owner: Canadian County Public Facilities Authority. Construction Manager: Lingo Construction Services Inc. 405-602-2100. The sealed bids would be received by the County Clerk's Office located at the Canadian County Administrative Building Monday, February 24th no later than 8:30am central standard time. Bid Package #1 will consist of only the four following Trade Packages: Trade Package 02-1: Earthwork, Haul-off, and Erosion Control. Trade Package 05-1a: Pre-engineered Metal Buildings Supply, Trade Package 05-1b: Pre-engineered Metal Buildings Erection, and Trade Package 05-1c: Pre-engineered Metal Buildings Supply and Erection. Bids will be opened immediately after the closing time and read aloud during a public meeting of the Public Facilities Authority in the Public Meeting Room at the Canadian County Administrative Building at 8:30am. Bids submitted by facsimile will not be accepted. Bids can be received starting Tuesday, February 18th, 2020 at 8:30am and no later than Monday, February 24, 2020 at 8:30am. Bids received more than ninety-six (96) hours, excluding Saturdays, Sundays, and Holidays, before the time set for opening bids, as well as bids received after the time set for opening of bids, will not be considered and will be returned unopened. Non-mandatory pre-bid

(30) days after submission.

**NOTICE OF THE FILING OF STATE QUESTION 809, INITIATIVE PETITION 425, 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)**

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Proponents of record for State Question 809, Initiative Petition 425:

Joshua Harris-Till  
1127 NW 27th St.  
Oklahoma City, OK 73106  
The Honorable Jason Lowe  
25 NW 63rd  
Oklahoma City, OK 73105  
Jennifer Birch  
PO Box 21491  
Oklahoma City, OK 73120

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

**Public Auction:** The following units will be up for public auction on abandoned property on unpaid storage units for Choctaw Self Storage; at 14945 SE 15th Street in Choctaw OK 73020. ph:405-390-4647. Auction is ONLINE at [WWW.BID13.COM](http://WWW.BID13.COM). Auction begin 2/10/2020 at 10:00 am and will end at 10:00 am 2/24/2020. Each unit will be sold as an entire unit to the highest bidder. UNIT#130, 5x10 Jesse King 1401

Close of Business: Thursday, February 20, 2020 to:

Ramona Parker PO Box 53448, OKC, OK 73152 (405) 521-3819  
[Ramona.parker@omes.ok.gov](mailto:Ramona.parker@omes.ok.gov)

These proposals are for consideration only. The state will negotiate with one or more respondents on a possible lease.

**REQUEST FOR QUALIFICATIONS (RFQ) ARCHITECTURAL AND ENGINEERING (A&E) SERVICES TO DEVELOP PLANS AND SPECIFICATIONS FOR EXPANSION OF THE KICKAPOO TRIBAL HEALTH CENTER**

Pursuant to an agreement entered into by the Secretary of the Department of Health and Human Services, Indian Health Service and the Kickapoo Tribe of Oklahoma, the Kickapoo Tribe of Oklahoma hereby gives notice of its intent to solicit sealed qualifications from interested parties in response to this Request for Qualifications Architectural and Engineering (A&E) Services to Develop Plans and Specifications for Expansion of the Kickapoo Tribal Health Center (the "RFQ"). The project is for the addition of 11,990 sq. ft. to the existing 15,650 sq. ft. health center.

**SEALED (RFQ) Request for Qualifications**, can be mailed or hand delivered until 3:00 p.m. on Friday, February 21, 2020. Any submittal received after the due date and time will not be considered. Submittals should be mailed to the attention of Cheri Deer, Senior Accountant, Kickapoo Tribal Health Center, P.O. Box 720, Mcloud, Oklahoma, 74851, or may be handdelivered to Ms. Deer at the Kickapoo Tribal Health Center Administration Building 105365 S. Highway 102, Mcloud, Oklahoma, 74851. Ms. Deer can be contacted at phone # 405-964-2081, Ext. 263 or by email [Cheri.Deer@okkthc.com](mailto:Cheri.Deer@okkthc.com). A copy of this Request for Qualification will be posted on the Kickapoo Tribal Health Central website [www.okkthc.com/news/publications/under\\_rfp/](http://www.okkthc.com/news/publications/under_rfp/). No contact should be made with any Kickapoo Tribe of Oklahoma personnel regarding this RFQ other than to the individual named above.

PC-2041

Dear Property Owner:  
On **March 3, 2020 at or after 7:00 p.m.**, in the City Council Chambers at 100 North Midwest Blvd., the Midwest City Planning Commission will consider the following request:

Discussion and consideration of approval of the Replat of Lots 9 and 10, Block 2, of the Pointon City Addition described as a part of the NW 14 of Section 6, T11N, R1W and as shown on the attached map.

On **March 24, 2020 at or after 6:00 p.m.**, in the City Council Chambers, the City Council of Midwest City will consider the Replat.

If additional information is needed, or if you have questions concerning this matter, please contact Kellie Gilles at 739-1223 or Sarah Steward at 739-1265.

Dated: February 6, 2020

Billy D. Harless, AICP  
Community Development Director  
City of Midwest City, Oklahoma



Billy D. Harless, AICP  
Community Development Director  
City of Midwest City, Oklahoma

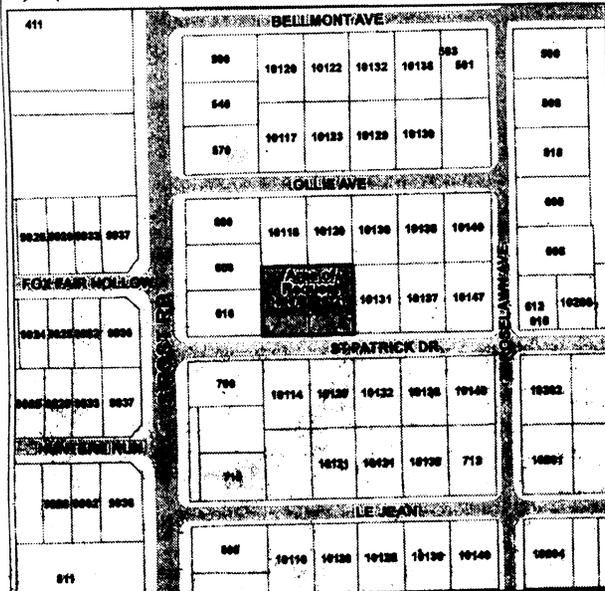
Dated: February 6, 2020



Additional information regarding this item will be available at [www.midwestcityok.org/AgendaCenter](http://www.midwestcityok.org/AgendaCenter) by 5:00 p.m. on February 28, 2020



Community Development Department



**NOTIFICATION MAP FOR PC-2041**

DISCLAIMER: THIS MAP IS A GENERAL INFORMATION PUBLIC RESOURCE ONLY. THE CITY OF MIDWEST CITY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE INFORMATION PROVIDED ON THIS MAP.

(2-7-20)

bid documents are on file at the Construction & Properties office and are available for public inspection.

CAP Project Number: 20198

Project Name: Construct Metal Building-Arbuckle Springs

Project Location: Coleman, Oklahoma

Cost Estimate: \$140,000.00

Using Agency: Oklahoma Department of Wildlife Conservation

Bid Documents Available: February 7, 2020 Fee to Submit Online Bid: See Website

Pre-Bid Conference: Mandatory, Refer to "Instructions to Bidders" in Project Manual. In case of adverse weather conditions, please call 405-521-2112 prior to Pre-bid Conference.

Date and Time: 2/20/2020 at 11:00AM

Location: Arbuckle Springs WMA, 34°26'55"N 96°31'58"W, Please contact John Carter for directions: (405)823-8383

Bid Opening Date: 3/12/2020

Location: Will Rogers Building 2401 N. Lincoln Blvd. Ste. 214 OKC, OK 73105 PO Box 53448, Oklahoma City, OK 73152-3448 - Turn in bids in Suite 212

Bid Opening Time: 2:00 PM

Contact Person(s): Agency- ODWC: John Carter john.carter@odwc.ok.gov (405)823-8383

CAP: Rebekah Pennington Rebekah.pennington@omes.ok.gov (405)522-0050

If the bid exceeds \$50,000, a cashier's check, a certified check or surety bid bond in the amount of five percent (5%) of the total bid shall accompany the sealed bid of each bidder. Security checks will be returned to all but the three lowest bidders after the bid opening. The three lowest bid securities will be retained until the contract is awarded.

By: Rebekah Pennington  
Project Manager, Construction & Properties Department

(2-7, 2-14-20)

(MS11851578)

**OKLAHOMA CITY PUBLIC SCHOOL**  
OKLAHOMA CITY, OKLAHOMA 73106

Sealed Quotations are requested by the Board of Education of the Oklahoma City Public Schools, District I-89, Oklahoma County, Oklahoma, at the Purchasing Office, 2500 NE 30th Street; Room B105, Oklahoma City, Oklahoma, no later than 2:00 p.m., March 5, 2020, for furnishing:  
RFP #20-025 Bleachers for Star Spencer High School

The Board of Education of Independent School District I-89 of Oklahoma County, Oklahoma, is under

**Miscellaneous**

(MS11851279)

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Proponents of record for State Question 809, Initiative Petition 425:

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1127 NW 27th St.  
Oklahoma City, OK 73106  
The Honorable Jason Lowe  
25 NW 63rd  
Oklahoma City, OK 73105  
Jennifer Birch  
PO Box 21491  
Oklahoma City, OK 73120

Michael Rogers  
Oklahoma Secretary of State and Education  
(2-7-20)

PC-2040

Dear Property Owner:  
On **March 3, 2020 at or after 7:00 p.m.**, in the City Council Chambers at 100 North Midwest Blvd., the Midwest City Planning Commission will consider the following request:

Discussion and consideration of approval of the Final Plat of Midtown Office Park Section II described as a part of the NE/4 of Section 11, T11N, R2W and as shown on the attached map.

On **March 24, 2020 at or after 6:00 p.m.**, in the City Council Chambers, the City Council of Midwest City will consider the Preliminary Plat.

If additional information is needed, or if you have questions concerning this matter, please Kellie Gilles (405) 739-1223, or Sarah Steward (405)739-1265, in the Midwest City Community Development Department.

Dated: February 6, 2020

Billy D. Harless, AICP  
Community Development Director  
City of Midwest City, Oklahoma



Billy D. Harless, AICP  
Community Development Director  
City of Midwest City, Oklahoma

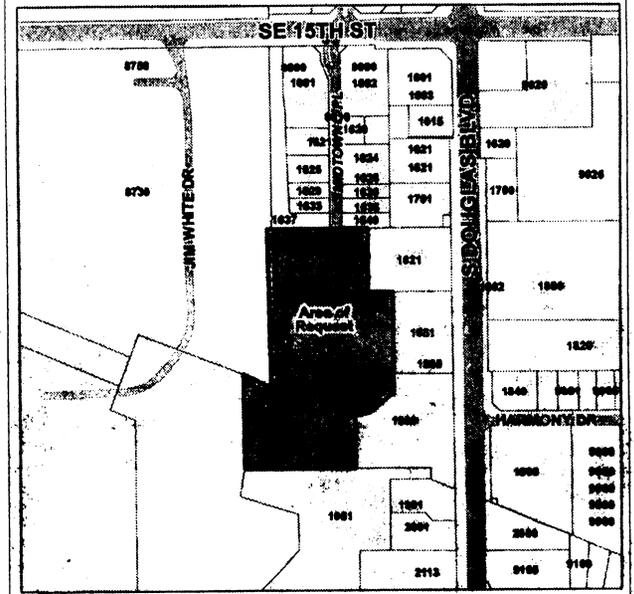
Dated: February 6, 2020



Additional information regarding this item will be available at [www.midwestcityok.org/AgendaCenter](http://www.midwestcityok.org/AgendaCenter) by 5:00 p.m. on February 28, 2020



Community Development Department



**NOTIFICATION MAP FOR PC-2040**

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(2-7-20)



www.OkPress.com

Wednesday, February 12, 2020 11:40 AM

# Oklahoma Press Service

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

## Invoice

**Agency** Amy Canton  
 SECRETARY OF STATE  
 Oklahoma State Capitol Building, Rm 122  
 2300 N LINCOLN BLVD  
 OKLAHOMA CITY, OK 73105

**Invoice Date** 2/11/2020  
**PO Number** SQ 809 IP 425  
**Order** 20-02-34  
**Dynamics Acct** 2-3225

**Client** SECRETARY OF STATE  
**Reps** Cindy Shea

Vendor	Run Date	Ad Size	Line Rate Name	Line Rate	Word Rate Name	Word Rate	Discount	Total
OK-JOURNAL RECORD	2/7/2020	12 In / 197 wd	L2 Legal 1st Lines	\$0.70	L1 Legal 1st Words	\$0.15	0.0000%	\$37.95
	<b>Caption</b>		SQ 809 IP 425					
OK-THE OKLAHOMAN	2/7/2020	12 In / 197 wd	L2 Legal 1st Lines	\$0.70	L1 Legal 1st Words	\$0.15	0.0000%	\$37.95
	<b>Caption</b>		SQ 809 IP 425					
OK-TULSA WORLD - Legal	2/7/2020	12 In / 197 wd	L2 Legal 1st Lines	\$0.70	L1 Legal 1st Words	\$0.15	0.0000%	\$37.95
	<b>Caption</b>		SQ 809 IP 425					
<b>Misc. Charges</b>								
fee								\$45.00

<b>Total Advertising</b>	\$113.85
<b>Discounts</b>	\$0.00
<b>Misc. Charges</b>	\$45.00
<b>USA Tax</b>	\$0.00
<b>Total Invoice</b>	\$158.85
<b>Payments</b>	\$0.00
<b>Adjustments</b>	\$0.00
<b>Balance Due</b>	\$158.85

**RECEIVED**

FEB 13 2020

OKLAHOMA SECRETARY OF STATE

# Oklahoma Press Service

3601 North Lincoln Blvd.

Oklahoma City, OK 73105

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

Wednesday, February 12, 2020 10:49 AM

Page 1 of 1

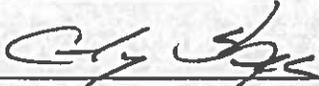
## Proof of Publication Order Number 20-02-34

I, Cindy Shea, 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: 2/7/2020

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 \$37.95



(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this  
12 day of February 2020.



(Notary Public)



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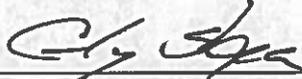
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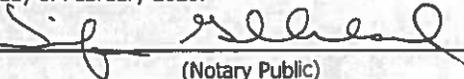
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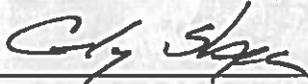
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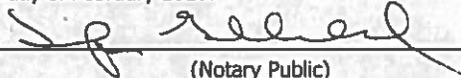
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**Michael Rogers**  
Oklahoma Secretary  
of State and Education

FILED  
SUPREME COURT  
STATE OF OKLAHOMA

FEB 21 2020

JOHN D. HADDEN  
CLERK

#118665

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

Oklahoma Second Amendment Association, )  
Petitioner/Protestant )  
VS. )  
The Honorable Jason Lowe, )  
Jennifer Birch, and Joshua Harris-Till, )  
Respondents/Proponents. )

**PETITIONER’S APPLICATION TO ASSUME ORIGINAL  
JURISDICTION AND REVIEW THE LEGAL SUFFICIENCY OF  
INITIATIVE PETITION 425**

Petitioners/Protesters respectfully submit this Application and Petition that the Court assume original jurisdiction and review the legal sufficiency of State Question 809, Initiative Petition 425. As is shown in the brief in support of this Application and Petition, the gist of the initiative petition is fundamentally flawed, and the initiative petition should thus be declared invalid.

**I. PARTIES**

1. Petitioner/Protester Oklahoma Second Amendment Association (“OK2A”) is an Oklahoma association which advocates for the rights of law-abiding firearms owners. and was the primary advocate for enactment of House Bill 2597, commonly known as “Constitutional Carry,” in the Legislature.

2. The three individuals who signed the initiative petition as proponents are The Honorable Jason Lowe, 25 NW 63d St., Oklahoma City, Oklahoma, 73105; Jennifer Birch, 10305 Northland Rd., The Village, Oklahoma 73120; and Joshua Harris-Till, 1127 N.W. 27<sup>th</sup> St. Oklahoma City, Oklahoma, 73106.

**II. JURISDICTION**

3. “Any citizen can protest the sufficiency and legality of an initiative petition.” In re Initiative Petition No. 409, 2016 OK 51, ¶ 2, 376 P .3d 250; In re Initiative petition No. 384, State

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FEB 24 2020

OKLAHOMA SECRETARY  
OF STATE

Question No. 731, 2007 OK 48, ¶ 2, 164 P .3d 125. “Upon such protest, this Court must review the petition to ensure that it complies with the “parameters of the rights and restrictions [as] established by the Oklahoma Constitution, legislative enactments and this Court’s jurisprudence.” McDonald v. Thompson, 2018 OK 25, ¶ 5, 414 P .3d 367, 370 (quoting In re Initiative Petition No 384, 2007 OK 48, ¶ 2, 164 P .3d 125)

4. This Court has jurisdiction over any challenge to the legal sufficient of the Petition, including the gist, in the first 10-day protest period. In re Initiative Petition 409, 2016 OK 51, ¶ 4, n. 10, 376 P .3d 250; OCPA Impact v. Sheehan, 2016 OK 84 ¶ 8, 377 P .3d 138.

5. Proponents filed State Question No. 809, Initiative Petition No. 425 with the Oklahoma Secretary of State on August 13, 2019. Appendix Tab A. Attached to this petition was a signature page, with the “gist” (or, as Proponents termed it, the “Proposition”) printed at the top.

6. The Secretary of State Published Notice of the filing of the Petition on August 18, 2019.

7. Any protest to the legality of the petition or gist is due 10 business days after publication of the Notice. 34 O.S. § 8(B). This protest is being timely filed within that 10-day period.

8. The Court is vested with original jurisdiction to evaluate and determine the sufficiency of the proposed petition pursuant to 34 O.S. § 8 Id.; see also In re Initiative Petition No. 409, 2016 OK 51, ¶ 2, 376 P .3d 250; Sup. St. R. 1.194, 1.160. Pursuant to Rule 1.194, a challenge to a initiative petition shall be treated as an original action in this Court.

### **III. MERITS**

9. As explained in the brief in support of this Application and Petition, filed concurrently herewith, the initiative petition and gist prepared by the proponents suffer from several serious deficiencies. This initiative petition seeks precisely to undo House Bill 2597, the Constitutional

Carry bill, from the 2019 legislative session. Thus, this initiative petition is an untimely referendum petition, in violation of ;lkjl;kjl;kj.

Moreover, the overly-broad subject matter of this initiative petition makes it impossible to craft a gist which would NOT be misleading to the average voter. Unlike a legislative bill, petitions proposed for a vote of the people have an additional requirement to provide for voters a “gist” which is not misleading to would-be signers of the petition and to voters. This requirement is IN ADDITION to the “single subject” provisions in the State Constitution. While House Bill 2597 was ruled NOT to violate the “single subject” provisions in the State Constitution, this initiative petition must also comply with provisions which require a gist which is not misleading.

However, the initiative petition seeks to undo so many provisions of law that it is simply not possible to craft a gist which is NOT misleading by omission to the average would-be signer or voter.

Moreover, several specific clauses of the “gist” are blatantly false, inaccurate, misleading, deceitful, and inflammatory, and several remaining clauses are misleading.

#### **IV. REMEDY**

10. While a ballot title may be corrected by the Court, 34 O.S. § 10(A), “[t]he gist is not subject to amendment by this Court, and ... the only remedy is to strike the petition from the ballot. In re Initiative petition No 409, 2016 OK 51, ¶ 7. A properly drafted gist is “indispensable,” and “noncompliance” In re Initiative petition 342, 1990 OK 76, ¶ 11, 797 P. 2d 331, Similarly, the “failure to include exact copies of the text of the ordinances which were the subjects of the petition[.]” renders that petition “fatally insufficient,” Referendum Petitions No. 0405-1. 0405-2. 0405-3, 2007 OK CIV APP 19, ¶¶ 1, 12, 19.

#### **V. CONCLUSION**

This Court should assume original jurisdiction of this matter, declare State Question 809, Initiative Petition 425 legally insufficient and invalid, and order it stricken from ballot.

Respectfully submitted,



Kevin Calvey, OBA #16190

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**CERTIFICATE OF MAILING**

This is to certify that a true and correct copy of the above and foregoing was mailed, postage pre-paid, this 21<sup>st</sup> day of February 2020, to:

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INDEX

	Page
INTRODUCTION.....	1
34 O.S. § 3.....	1
HB 2597.....	1
ARGUMENT AND AUTHORITIES.....	2-3
<i>In re Initiative Petition No. 344</i> , 1990 OK 75, 797 P.2d 326.....	3
<i>In re Initiative Petition 409</i> , 2016 OK 51, 376 P.3d 250.....	4
Okla. Const. Art. V, § 1.....	2
Okla. Const. Art. V, § 2.....	2
Okla. Const. Art. V, § 3.....	2-3
34 O.S. § 3.....	3
<b>I. THE “INITIATIVE PETITION” IS REALLY JUST AN OUT-OF-TIME REPEAL REFERENDUM.....</b>	<b>3</b>
<b>II. THE GIST OF THE PETITION IS INSUFFICIENT.....</b>	<b>3</b>
<b>A. Legal standard: the “gist” must put potential signatories and voters on notice of the changes being made and disclose the effect of the petition.....</b>	<b>3-4</b>
<i>In re Initiative Petition 384</i> , 2007 OK 48, 164 P.3d 125.....	4
<i>In re Initiative Petition 409</i> , 2016 OK 51, 376 P.3d 250.....	4
<i>McDonald v. Thompson</i> , 2018 OK, 25, 414 P.3d 367.....	4
34 O.S. § 3.....	4
<b>B. A proposed ballot question impacting so many different provisions of law is too broad</b>	

for any “gist” to sufficiently explain it. ....4-5

C. Several specific provisions of the gist are in themselves false, inaccurate, misleading, deceitful, and inflammatory. ....5

*In re Initiative Petition 342*, 1990 OK 75 P.2d 331.....7

*In re Initiative Petition 344*, 1990 OK 75 P.2d 326.....7

*In re Initiative Petition 384*, 2007 OK 48, 164 P.3d 125.....7

*In re Initiative Petition 409*, 2016 OK 51, 376 P.3d 250.....7

*McDonald v. Thompson*, 2018 OK, 25, 414 P.3d 367.....7

*In re Initiative Petition 403*, 2016 OK 1, 367 P.3d 472.....8

CONCLUSION.....8

## INTRODUCTION

The Second Amendment to the US Constitution was enacted to ensure the rights of law-abiding firearms owners. For years, Oklahoma firearms owners have sought protection for their rights under the Second Amendment by the enactment of Constitutional Carry, a law already enacted in 15 other states. Constitutional Carry allows a law-abiding, non-incapacitated adult to carry a firearm without the Government having the ability to suppress that right by denial or delay in obtaining permission for such carry. On February 13, 2019, the Oklahoma House of Representatives enacted Constitutional Carry, House Bill 2597 (hereinafter "HB2597"), by an overwhelming vote of 70 Yes and just 30 No. On February 27, 2019, the Oklahoma Senate enacted HB2597 by a similarly lopsided vote of 40-6. The same day, Governor Stitt signed HB2597.

Now, just three individuals, Joshua Harris-Till, The Honorable Jason Lowe, and Jennifer Birch, seek to reverse this historic legislative achievement and suppress the Second Amendment rights of Oklahomans by filing Initiative Petition 425, proposed State Question 809, which seeks to schedule a public vote to repeal the provisions of HB2597.

Proponents certainly have the right to seek a initiative petition. However, before the whim of just three individuals can schedule a public vote to overturn the acts of a supermajority of elected Oklahoma legislators, and before the whim of those three individuals can suppress the Second Amendment rights of Oklahomans, those three individual Proponents must comply with basic statutory requirements. Proponents have not done so here.

On August 12, 2019, Proponents filed, pursuant to 34 O.S. §3, a blank copy of the signature sheet they have since circulated. At the top of that page is a short statement of the "gist" of the Petition, which reads as follows:

This measure would generally restore the handgun permitting requirements and certain other firearms-related provisions that were in place prior to the Legislature's enactment of House Bill 2597, the so-called "permitless carry" bill in 2019. It removes the provision generally authorizing the concealed or unconcealed carrying of firearms without a permit by a person not otherwise disqualified by law from possession of a firearms who is 21 years of age or older, or 18 years of age or older if a military member or veteran. It prohibits any person, including handgun licensees, from possessing handguns or certain offensive weapons on college, university, or technology center property. It generally restores certain requirements regarding the unlicensed transportation of firearms in vehicles, as well as the unlicensed carrying of firearms on private property; while going to or from places for recognized firearms activities like hunting, target-shooting, or trading firearms, and while in such places; and generally prohibits confiscation of firearms during traffic stops when any person in the vehicle holds a valid handgun license. It restores the prior, narrower state preemption of local firearms laws, restores the prior, narrower scope of State immunity from civil liability regarding actions or misconduct by handgun licensees, restores the prior, broader obligation on handgun licensees to notify police of a handgun during an arrest, detention, or traffic stop, narrows protection for handgun licensees who refuse to leave a place where firearms are prohibited, and provides an effective date.

See App. Tab 2. Because the Initiative Petition is an untimely repeal referendum, and because the "gist" of the Petition fails to accurately explain the effects of the Petition as required by law, and, worse, because several clauses of the gist set forth blatantly false, inaccurate, misleading, deceitful, and inflammatory statements in order to deceive voters into signing Initiative petition 425, Protester/Petitioner Oklahoma Second Amendment Association ("OK2A"), respectfully request that the court declare State Question 809, Initiative Petition 425, to be legally insufficient.

### **ARGUMENT AND AUTHORITIES**

Although the "Legislative authority of the State" is vested in the Legislature, the Oklahoma Constitution reserves for the People the ultimate power to "propose laws" and to "approve or reject at the polls any act of the Legislature." Art. V, §1. A referendum on a measure proposed by the Legislature may be ordered by the Legislature itself, or "by petition signed by per centum of the legal voters..." Art. V, § 2. "Referendum petitions shall be filed with the

Secretary of State not more than ninety (90) days after the final adjournment of the session of the Legislature which passed the bill on which the referendum is demanded.” Art. V, § 3.

Here, Proponents have filed a proposed Initiative Petition with respect to HB2597, seeking to refer each of its provisions to a vote of the People for their approval or rejection.

This is an important power, guaranteed by the State Constitution. But the right of initiative and referendum, while certainly protected, “is not absolute. There are limits, both constitutional and statutory, on the process. “ *In re Initiative Petition No. 344*, 1990 OK 75, ¶ 14, 797 P .2d 326, 330. Where, as here, the form of the initiative petition is insufficient, it must be declared invalid.

## **I. THE “INIATIVE PETITION” IS REALLY JUST AN OUT-OF-TIME REPEAL REFERENDUM**

Here, Proponents have filed a repeal referendum on House Bill 2597 far more than 90 days after the end of the legislative session in which House Bill 2597 was enacted. Proponents craft their repeal referendum in the form of an Initiative Petition, but the very terms of the “Initiative Petition” make it clear that it is a repeal of House Bill 2597. Proponents tried unsuccessfully before to repeal House Bill 2597. They do not get a Mulligan, a second attempt at repeal. Because Proponents’ repeal referendum against House Bill 2597, under the guise of an Initiative Petition, is long past the deadline for such repeal referenda, their Petition must be declared legally insufficient.

## **II. THE GIST OF THE PETITION IS BLATANTLY FALSE, INACCURATE, MISLEADING, DECEITFUL, INFLAMMATORY, AND INSUFFICIENT**

A. Legal standard: the “gist” must put potential signatories and voters on notice of the changes being made and disclose the effect of the petition

Title 34, §3 requires that, when an initiative or referendum petition is filed, “[a] simple statement of the gist of the proposition shall be printed on the top margin of each signature sheet.” As this Court has long explained, the purpose of the “gist” is to “prevent fraud, deceit, or corruption” in the initiative and referendum process. *In re Initiative Petition 409*, 2016 OK 51, ¶ 3, 376 P .3d 250 (*emphasis in original*). The gist provides a shorthand explanation of the measure for potential signatories and voters, and helps safeguard the initiative process. *Id.*

The requirements for a proper gist are limited, but critical. At a minimum, the gist must (1) “be sufficient that the signatories are at least put on notice of the changes being made,” and (2) accurately “explain the proposal’s effect.” *McDonald v. Thompson*, 2018 OK 25, ¶ 6, 414 P .3d 367, 371 (citing *In re Initiative Petition 384*, 2007 OK 48, ¶ 7, 164 P .3d 125). It also may not be “misleading,” “deceitful,” or “prevent potential voters from making an informed decision.” *McDonald*, 2018 OK 25, ¶ 10. In short, the gist must, at a minimum, succinctly but accurately “apprise[] the voters of what the proposed measure is intended to do.” *Id.*, ¶ 15; see also *Initiative Petition 384*. 2997 OK 48, ¶ 7 (“voters, after reading the gist and the ballot title, should be able to cast an informed vote”).

B. A proposed ballot question impacting so many different provisions of law is too broad for any “gist” to sufficiently explain it.

Enactments by the Legislature are restrained from “logrolling” by the “single-subject” provisions of the State Constitution. House Bill 2597 has been ruled NOT to be improper logrolling.

However, the standards for the gist of an initiative petition place an even higher burden on Proponents to be clear and not misleading than do the “single subject” provisions of the State Constitution. It is one thing for legislators not to be placed in a position of voting for a bill with bad provisions due to logrolling. It is even more important for voters, and would-be petition

signers, to be kept clear of being misled by an improper gist of a petition. Proponents' Petition is simply too broad for ANY gist to be anything but incomplete and therefore misleading. It is as if Proponents brought a petition to do away with the entire Oklahoma Pleading Code- there are simply too many provisions to accurately summarize in a gist, even if the Pleading Code had been itself enacted by the Legislature in a single bill. Because the Petition is so broad and impacts so many different provisions of law, it is simply not possible to craft ANY gist that would be anything other than incomplete and misleading.

**III. SEVERAL SPECIFIC PROVISIONS OF THE GIST ARE IN THEMSELVES FALSE, INACCURATE, MISLEADING, DECEITFUL, AND INFLAMMATORY.**

**The following provisions in the gist, in quotations, are specifically false, inaccurate, misleading, deceitful, and inflammatory, in order of their appearance in the gist.**

“This measure would generally restore the handgun permitting requirements and certain other firearms-related provisions that were in place prior to the Legislature's enactment of HB 2597, the so-called "permitless carry" bill, in 2019.”

In fact, this Petition is a repealer of House Bill 2597, which repeal the gist fails to mention. Moreover, the law is generally known as “Constitutional Carry,” not “permitless carry.” Therefore, this part of the gist is misleading.

“[The Petition] removes the provision generally authorizing the concealed or unconcealed carrying of firearms without a permit by any person not otherwise disqualified by law from possession of a firearm who is 21 years of age or older, or 18 years of age or older if a military member or veteran.”

This statement is misleading by what it does NOT say: It is a fact that this

Petition, if approved, would take away carry for trained military personal and those Honorable discharged veterans of the military, a fact of great interest in a pro-military, pro-veteran state such as Oklahoma.

“[The Petition] prohibits any person, including handgun licensees, from possessing handguns or certain offensive weapons on college, university, or technology center property.”

This statement is misleading, as it effectively states that current law allows the carrying of firearms on a college, university, or technology center property. In fact, current law, even with Constitutional Carry House Bill 2597, does NOT allow campus carry.

Moreover, the Constitutional Carry law, House Bill 2597, also added a prohibition against carrying machete knives on campus. The failure of the “gist” to mention this fact is misleading by omission.

“[The Petition] generally restores certain requirements regarding the unlicensed transportation of firearms in vehicles, as well as the unlicensed carrying of firearms on private property;”

Misleading, as persons were already allowed to carry unlicensed weapons on private property. The immunity was completely addressed as it is now.

“while going to, from, or being at places for recognized firearm activities; and generally prohibits confiscation of firearms during traffic stops when any person in the vehicle holds a valid handgun license.”

Misleading The law did not change of confiscating firearms during traffic

stops.

“[The Petition] subjects a handgun licensee who refuses to leave a place where firearms are prohibited to certain criminal penalties, and restores prior provisions regarding state preemption, civil immunity, and handgun licensees' duty to notify law enforcement they possess a handgun.”

Misleading.. A person faces a misdemeanor crime under new law for refusing to leave a private property. It was a mere violation. Further misleading in that a person is still required under current law to inform an officer when requested.

This Court has repeatedly invalidated petitions where, as here, the “gist” is insufficient to adequately inform potential signatories and voters about the contents and effect of the measure. For example, *In re Initiative Petition 409*, 2016 OK 51, ¶ 7, the Court found an initiative petition legally insufficient because its “gist fails to alert potential signatories of the changes being made to the law and does not provide a potential signatory with sufficient information to make an informed decision.” Other cases have likewise invalidated petitions where their gists did not “at least” put potential signatories and voters “on notice of the changes being made.” *In re Initiative Petition 342*, 1990 OK 76, ¶ 14, 797 P .2d 331, 333; see also, e.g., *McDonald*, 2018 OK 25, ¶ 9; *Initiative Petition 384*, 2007 OK 48, ¶ 1] (“the gist must explain the proposal’s effect”).

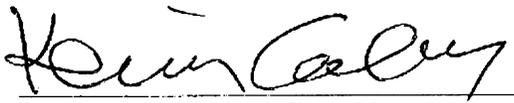
Such blatantly false, misleading, and inflammatory clauses render the gist incomplete, one-sided, and misleading. Cf., e.g., *Initiative Petition 344*, 1990 OK 75, ¶ 15.

An improper gist is “fatal” to a petition. *In re Initiative Petition No. 403*, 2016 OK 1, ¶ 20, 367 P .3d 472, 485. Because the gist here is blatantly false, inaccurate, substantially misleading, deceitful, and inflammatory, Proponents’ petition must be declared legally insufficient.

**CONCLUSION**

Protestants thus respectfully request that the court declare State Question 809, Initiative Petition 425, legally insufficient.

Respectfully submitted,



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