



ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

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SUPREME COURT
STATE OF OKLAHOMA

JUN 12 2025

STEVEN CRAIG MCVAY, AMY CERATO, KENNETH
RAY SETTER, AND ANTHONY STOBBE,

JOHN D. HADDEN
CLERK

Petitioners,

#123179

v.

Sup. Ct. Case No. _____

JOSH COCKROFT, in his official capacity as Oklahoma
Secretary of State, and GENTNER DRUMMOND, in his
official capacity as Oklahoma Attorney General,

Respondents.

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**BRIEF IN SUPPORT OF PETITIONERS' APPLICATION TO ASSUME
ORIGINAL JURISDICTION AND PETITION FOR DECLARATORY JUDGMENT,
WRIT OF PROHIBITION, OR OTHER APPROPRIATE RELIEF**

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A “fundamental feature” of Oklahoma law, “vital” and “precious,” to be “carefully preserved”—this is how this Court describes the initiative and referendum right reserved to the people under the Oklahoma Constitution. Senate Bill 1027 (“SB1027”) tramples this right through a series of unjustified restrictions that contradict constitutional text, violate separation of powers, ignore equal protection, and burden core political speech and association.

First, SB1027’s county signature caps directly contradict Article V, § 2, which grants all “legal voters” the initiative and referendum right. They violate the First Amendment and deny equal protection by creating arbitrary “first-come, first-served” constitutional rights. They also slash the available signature pool by 95%—from 2.47 million registered voters to just 132,627—making ballot qualification virtually impossible while advancing no legitimate state interest.

Second, SB1027’s gist requirements invade both the people’s reserved legislative power and this Court’s rightful domain in petition review. They violate separation of powers by granting the Secretary of State—the Governor’s subordinate—preemptive veto power over initiatives, despite the Constitution’s explicit denial of gubernatorial veto authority. And the law’s vague restrictions on gist language, combined with mandatory fiscal speculation, invites arbitrary enforcement and forces proponents to alter core political messaging to satisfy government censors.

Third, SB1027’s circulation requirements unconstitutionally restrict political speech and association. The residency requirement violates binding Tenth Circuit precedent. The out-of-state contributor ban discriminates based on geographic identity. The unequal compensation restrictions and disclosure mandates chill political participation. Together, these provisions reduce the number of voices, stifle public discourse, and impose unconstitutional barriers on citizen lawmaking.

Each provision independently violates constitutional protections. Collectively, they render null the “sacred right” this Court has vowed to protect. This Court should assume original jurisdiction, declare SB1027 unconstitutional, and strike it down in its entirety.

ARGUMENT

I. SB1027's county signature caps violate constitutional text, equal protection, the First Amendment, and fundamental rights.

The Oklahoma Constitution is unambiguous: “the people reserve to themselves the power to propose laws and amendments to the Constitution,” and “legal voters shall have the right to propose” initiatives. Okla. Const. Art. V, §§ 1-2. To place a measure on the ballot, the Constitution requires signatures of specific percentages of legal voters “based upon the total number of votes cast at the last general election for the Office of Governor,” statewide—without county-by-county requirements or other geographic restrictions. *Id.*¹

Legislation that denies a qualified legal voter the right to participate in this process violates the Oklahoma Constitution. Period. Full stop. Legal voters propose laws with their signatures on initiative petitions. SB1027's signature caps limit signatures collected from any county to specific percentages of that county's gubernatorial votes, effectively prohibiting other legal voters from signing the petitions once county limits are reached. This disenfranchisement directly contradicts the Constitution's plain text that all “legal voters shall have the right to propose” initiatives and referenda. *Id.* The caps fail for this violation of plain text alone.

The caps also violate the First Amendment by prohibiting legal voters from signing the petition—core First Amendment activity—once the caps are reached. And they violate equal protection by creating arbitrary distinctions among identical voters. Under SB1027, signatures from any county cannot exceed 11.5% (statutory initiatives) or 20.8% (constitutional initiatives) of that county's gubernatorial votes. This creates a constitutionally impermissible “first-come, first-served” system where identical legal voters receive different treatment based solely on timing—those who

¹ There is a reason prior attempts to impose geographic distribution requirements have been proposed as constitutional amendments. *See, e.g.*, HJR1054 (2024); HJR1056 (2024); HJR1039 (2021); SJR0007 (2021); SJR0008 (2001); SJR0010 (2001); HJR1027 (2020).

sign before the cap versus those who sign after. Such arbitrary discrimination violates Oklahoma's equal protection guarantee against arbitrary and discriminatory action by the state. *Ross v. Peters*, 1993 OK 8, ¶ 29, 846 P.2d 1107.

Through its Constitution, Oklahoma has exercised its "considerable leeway" in ballot initiative regulation to limit the Legislature's regulatory authority solely to "prevent[ing] corruption in making, procuring, and submitting initiative and referendum petitions." Art. V, § 8; *Buckley v. Am. Const. L. Found., Inc.*, 525 U.S. 182, 191 (1999). This deliberate choice of the framers creates a closed universe of permissible regulatory interests: the Legislature may prevent corruption, not advance its own policy preferences regarding the initiative.² SB1027's timing-based classification bears no relationship to the Legislature's limited constitutional authority to prevent corruption. No evidence suggests the 100th signature from a county is any more prone to fraud than the 99th.

The result of SB1027's signature caps is constitutionally intolerable: qualified legal voters are denied their constitutional right to propose initiatives simply because their neighbors signed first. This "first-come, first-served" government rationing of constitutional rights fundamentally violates equal protection. The caps declare that identical signatures have different value—or no value—based solely on timing and geography. Equal protection cannot tolerate such arbitrary discrimination among citizens exercising the same constitutional right.

Even if the caps served a legitimate purpose, they impose an undue burden on the initiative right. This Court applies an "undue burden" test when regulations disproportionately obstruct constitutional rights. *Kiesel v. Rogers*, 2020 OK 65, ¶ 6, 470 P.3d 294 (applying test to initiative circulation restrictions). The test balances regulatory benefits against constitutional burdens. Here, the caps (like every other provision of SB1027) *admittedly* provide zero demonstrable

² Under Article V, § 3, the Legislature "shall make suitable provisions for carrying into effect the provisions of this article." This implementation authority directs the Legislature to establish procedures necessary for the process to function. Both Section 3 and Section 8 are narrow mandates, not broad grants of discretion.

corruption-prevention benefits while creating massive obstacles to exercising the initiative right. *See* App. ¶ 6. The balance weighs decisively in favor of the constitutional right.

This Court has called the initiative right “sacred” and “to be carefully preserved,” emphasizing that “the initiative power should not be crippled, avoided, or denied.” *In re Referendum Petition No. 348*, 1991 OK 110, ¶ 6, 820 P.2d 772; *In re Initiative Petition No. 382*, 2006 OK 45, ¶ 3, 142 P.3d 400. If courts cannot cripple this right, surely the Legislature cannot either.

The initiative power can hardly endure under the present strain, much less SB1027’s additional burdens. As it is, proponents must raise millions of dollars and hire professional circulators for any chance of success. And the numbers show a steady erosion of this constitutional right. Since 2000, Oklahomans have attempted 86 citizen initiatives. Of these, 75 failed to reach the ballot, most for failure to gather enough signatures. Among the 11 that qualified, voters approved only five—a mere 5.8% overall success rate for an initiative to become law. *See* App. ¶ 4.

SB1027 then slashes the available signature pool for statutory initiatives by 95%. Currently, all 2,470,437 registered Oklahoma voters can exercise their constitutional right to sign petitions. SB1027 limits this to 11.5% of votes cast in the most recent election, with caps imposed per county. In Oklahoma County, only 25,593 out of 476,122 legal voters could sign petitions (based on 222,554 gubernatorial votes in 2022), and in rural Cimarron County, the limit would be just 84 signatures. Statewide, SB1027 would deny 2,337,809 Oklahomans (94.63% of legal voters) their constitutional right to participate in the initiative process. *See* App. ¶ 9.

To make matters worse, under SB1027, petition organizers can “collect[]” only 132,627 signatures statewide—leaving almost no margin for error. Current law (34 O.S. § 2) requires signatures to match 4 of 5 voter registration data points (legal first name, legal last name, zip code, house number, and date of birth) to be counted by the Secretary of State. Experience shows that proponents must collect a large “buffer” of signatures to ensure enough signatures are actually

counted, because significant numbers of legitimate signatures may be invalidated due to name or address changes, data entry errors, or technicalities (“William” signing as “Bill” for example); some unknown amount of signatures will be properly stricken; and, under SB1027, some signers may request to have their names removed later. To be clear, the buffer’s purpose is to protect against *government error* and other issues outside proponents’ control. *See App. n.6.* With SB1027 removing the buffer, even if organizers somehow collected the *maximum* allowable signatures from *every* county in 90 days, the 11.5% cap likely results in fewer than 8% of signatures being counted—effectively making it impossible to qualify initiatives for the ballot. *See App. ¶¶ 10-13.*

And, in some cases it’s not just effectively, but outright impossible: with collection caps of 11.5% and 20.8%, respectively, SB1027 **flatly prohibits collecting enough signatures to reach the 25% signature threshold required by Article V, § 6** for previously proposed measures.

In sum, even if denying constitutional rights to some voters were permissible—which it is not—SB1027 is patently excessive. This massive burden lacks any justification: there is no evidence of corruption in a process that has produced only five laws in 25 years.

II. SB1027’s gist provisions violate separation of powers and free speech, and unduly burden the right of initiative and referendum.

SB1027 also creates a political-branch gatekeeper over the people’s reserved right. The law grants the Secretary of State power to “remove” gist statements—and thus block circulation entirely³—under vague, subjective standards that violate separation of powers. Worse, the Secretary of State can force proponents to alter their core political message at the critical moment of advocacy, violating both the First Amendment and Article II, Section 22 of the Oklahoma Constitution.

³ *Cf., e.g., Brown v. Yost*, 133 F.4th 725 (6th Cir. 2025) (cert. denied) (explaining how, under a similar provision, the Ohio AG has rejected proponents’ gist equivalent eight times, “on grounds increasingly dubious”).

A. The executive's removal authority violates separation of powers and unduly burdens the initiative and referendum right.

The Oklahoma Constitution establishes separation of powers between the three branches of government. Art. IV, § 1. Textually, it contemplates only an administrative role for the executive branch. Structurally, the residual authority to determine petition sufficiency thus rightly falls to the judicial branch. Traditionally, this Court has determined the sufficiency of initiative petitions, including the adequacy of gist statements. SB1027 transfers this judicial power to an executive officer, allowing the Secretary of State to unilaterally evaluate and remove gist statements. SB1027 usurps the judiciary's role in interpreting and applying the law, violating the text, structure, and tradition of the constitutional right. *Puckett v. Cook*, 1978 OK 108, ¶ 13, 586 P.2d 721.

SB1027 also violates the separation between the people's reserved legislative power and executive power. The Constitution establishes that "[t]he veto power of the Governor shall not extend to measures voted on by the people." Art. V, § 3. This provision creates a constitutional check, preventing the Governor from overriding the people's direct legislative will. Yet SB1027 allows the Secretary of State—an executive official serving at the Governor's pleasure—to exercise preemptive veto power that the Constitution denies to the Governor.

What the Constitution forbids the Governor to do after the people vote, SB1027 allows his subordinate to do before they can even begin. The power to remove a gist statement equals the power to kill an initiative entirely, since proponents cannot gather signatures without an approved gist. This creates an executive-branch gatekeeper who decides whether citizens may exercise their reserved legislative power at all. Such a system stands in stark contrast to the founding generation's understanding of these reserved powers.

B. SB1027's gist requirements violate core free speech principles.

The Secretary of State's veto power over gist statements compounds other constitutional violations restricting core political speech. SB1027's gist requirements violate the First Amendment

and Article II, Section 22 through three constitutional infirmities: (1) prior restraint on favorable speech, (2) compelled unfavorable speech, and (3) impossible speculative requirements—all subject to executive approval under ill-defined standards.

Gist statements constitute core political speech by proponents, not government speech. Petition circulation is “core political speech” with First Amendment protection “at its zenith” because it involves “interactive communication concerning political change.” *Buckley*, 525 U.S. at 187; *Meyer v. Grant*, 486 U.S. 414, 421-22, 425 (1988); *Yes On Term Limits, Inc. v. Savage*, 550 F.3d 1023, 1028 (10th Cir. 2008). The public attributes gist messages to petition sponsors, not the government. Indeed, SB1027 makes sure of it by requiring signers to attest they “read the gist” or had it read to them by the proponent at the time—acknowledging direct political communication between proponents and voters.

SB1027 prohibits gist statements from “reflect[ing] partiality” or using “euphemisms, words, or phrases regarded in popular parlance as code words”—vague standards that invite arbitrary enforcement. These prohibitions operate as classic prior restraints, forcing proponents to self-censor language they believe most accurately conveys their proposal to appease the government. When government filters core political speech through its value judgments about which words are too favorable, too coded, or too persuasive, it engages in content-based, viewpoint discrimination. *See Iancu v. Brunetti*, 588 U.S. 388, 393-94 (2019).

This government filter becomes especially problematic because it applies only to favorable speech. Proponents must use gist space to highlight only negative fiscal impacts, namely “[the] imposition of a new tax, increase of an existing tax, or elimination of existing services.” What’s worse, this demands that citizens predict future legislative behavior entirely outside their control: Will lawmakers raise taxes? Cut services? Who is to say? Yet unless proponents hazard a guess, their petition is dead on arrival. SB1027 demands nothing short of clairvoyance: “Tell us not only

what your measure says, but what the Legislature may do about it next year.” Legislation cannot compel the impossible at the expense of the Constitution. *Cf. Citizens United v. FEC*, 558 U.S. 310, 324 (2010) (constitutional rights cannot depend on hiring an attorney, conducting market research, or seeking a declaratory ruling). SB1027’s fiscal impact requirement establishes a legal standard that no reasonable proponent can meet—an undue burden if ever there was one.

This compelled speech violates the fundamental principle that the First Amendment “includes both the right to speak freely and the right to refrain from speaking at all.” *Wooley v. Maynard*, 430 U.S. 705, 714 (1977). In *NIFLA v. Becerra*, the U.S. Supreme Court struck down California’s law requiring pro-life pregnancy centers to post truthful notices about state-funded abortion services, holding that government cannot compel speakers to deliver messages that undermine their own advocacy “at the precise moment” when they are trying to persuade others. 585 U.S. 755 (2018). SB1027 violates this principle by forcing proponents to speculate about negative fiscal impacts while prohibiting explanations of offsetting benefits or cost savings. The law’s prohibition on “language against the measure” is meaningless: proponents will never argue against their own proposals. The result is government-mandated message distortion at the critical moment of political advocacy. This is unconstitutional.

III. SB1027’s circulation regulations violate First Amendment rights.

SB1027’s circulation provisions fail constitutional scrutiny at every level. The law’s residency requirements, funding prohibitions, compensation bans, and disclosure mandates create a regulatory stranglehold on core political speech—restricting who may speak, how they may speak, how they may fund that speech, and what they must reveal while doing so. Tellingly, these burdens apply only to initiative proponents; opponents face no equivalent restrictions.

A. The residency requirement violates binding Tenth Circuit precedent.

SB1027 requires that petition circulators be “registered voter[s]” in Oklahoma. This

provision is virtually identical to the Oklahoma law struck down by the Tenth Circuit in *Yes On Term Limits, Inc. v. Savage*, 550 F.3d 1023 (10th Cir. 2008).

The Tenth Circuit held that petition circulation is “core political speech” subject to strict scrutiny and struck down Oklahoma’s ban on non-resident circulators as violating the First Amendment. *Id.* at 1028. The court found that limiting circulators to state residents severely burdened political speech by reducing the pool of available speakers without being narrowly tailored to serve Oklahoma’s petition integrity interests. The court rejected Oklahoma’s fraud arguments, finding that “evidence presented ... consisted of the allegedly fraudulent or uncooperative practices of a handful of non-resident circulators”—insufficient to prove non-resident circulators as a class threaten petition integrity. The court noted that less restrictive alternatives existed, such as requiring non-residents to provide contact information and agree to return for protests. *Id.* at 1030.

SB1027’s residency requirement suffers from the same constitutional defect with even less justification. Unlike the previous case, there is zero evidence of fraud or corruption here. Yet SB1027 imposes an identical ban on non-resident circulators without incorporating the less restrictive alternatives the Tenth Circuit identified. Under binding precedent, this residency requirement violates the First Amendment.

B. The out-of-state contributor ban violates First Amendment association rights.

SB1027 categorically bans out-of-state persons and entities from contributing to or compensating petition circulators. This geographic restriction on political participation violates core First Amendment principles established in *Citizens United v. FEC*, 558 U.S. 310 (2010).

Citizens United established that “the First Amendment generally prohibits the suppression of political speech based on the speaker’s identity.” *Id.* at 350. SB1027’s contributor ban does exactly what the Constitution forbids: it restricts political speech based solely on geographic

identity, prohibiting U.S. citizens from engaging in interstate political activity. The First Amendment does not permit silencing speech based on ZIP codes.

While states may limit certain political rights to residents—voting and holding office—the Supreme Court has never extended this principle to funding political speech. In fact, *McCutcheon v. FEC* recognized the right to participate in politics beyond one’s voting district. 572 U.S. 185 (2014). The only geographic funding restriction the Court has upheld involved foreign nationals in *Bluman v. FEC*, 565 U.S. 1104 (2012), a decision explicitly limited to non-citizens. SB1027 exceeds this exception by banning fellow American citizens from supporting Oklahoma initiatives.

The ban also violates Oklahoma citizens’ associational rights by preventing them from partnering with like-minded groups across state lines. *Meyer v. Grant* established that restrictions limiting “the number of voices who will convey [the proponents’] message” are subject to strict scrutiny. 486 U.S. 414, 424 (1988). SB1027’s categorical ban violates Oklahoma citizens’ First Amendment rights by restricting their funding sources and coalition-building opportunities.

C. SB1027’s disclosure requirements unconstitutionally chill political speech.

SB1027 requires weekly detailed reports from anyone funding petition circulation—attesting that all funds came from in-state sources—and mandates that circulators conspicuously display whether they are paid and by whom at every signature location. These provisions impose an unconstitutional chilling effect on core political speech. *Yes On Term Limits*, 550 F.3d at 1028. While narrowly tailored disclosure laws might serve anti-corruption interests where corruption exists, SB1027 compels speech and chills association without any demonstrated need.

The Supreme Court has repeatedly warned that “compelled disclosure, in itself, can seriously infringe on privacy of association and belief guaranteed by the First Amendment.” *Buckley v. Valeo*, 424 U.S. 1, 64 (1976). In *NAACP v. Alabama*, which involved Alabama’s attempt to force the NAACP to disclose its membership during the civil rights movement, the Court held that

“privacy in group association” is “indispensable to preservation of freedom of association.” 357 U.S. 449, 461 (1958). Indeed, “even the arguments favoring the ratification of the Constitution advanced in the Federalist Papers were published under fictitious names.” *McIntyre v. Ohio Elec. Comm’n*, 514 U.S. 334, 342 (1995). Modern technology makes political harassment easier and more dangerous than when the Founders published the Federalist Papers under pseudonyms. At the same time, the state’s interest is minimal: SB1027 applies to ballot issues where, unlike candidate campaigns, the state interest in preventing *quid pro quo* corruption doesn’t exist. *Sampson v. Buescher*, 625 F.3d 1247, 1255 (10th Cir. 2010); *First Nat’l Bank of Boston v. Bellotti*, 435 U.S. 765, 790 (1978).

As noted in *Wyoming Gun Owners v. Gray*, “[t]he Supreme Court recently clarified the contours of [analyzing the constitutionality of compelled donor disclosure] in *Americans for Prosperity Foundation v. Bonta*.” 83 F.4th 1224, 1243 (10th Cir. 2023). In *Bonta*, the Supreme Court applied “exacting scrutiny” and invalidated California’s donor disclosure requirements for charities, holding that compelled disclosure of affiliation with groups engaged in advocacy may constitute an effective restraint on freedom of association. 594 U.S. 595 (2021). The challengers were non-profits that promoted conservative and pro-life values. The Court emphasized that the risk of chilling is heightened for those who present unpopular positions: precisely the context of initiative petitions, which often advance policies opposed by the political establishment.

Bonta recognized that government-required disclosures can chill association even without disclosure to the general public; but the chilling effect is amplified when disclosure is to the public. *Id.* at 616. SB1027 mandates the worst kind: public disclosure through conspicuous displays at signature locations plus publication of expenditure reports on the Secretary of State’s website.

Importantly, SB1027 has no minimum expenditure amount to trigger these onerous disclosure requirements, which alone is enough to render these requirements unconstitutional. *Sampson v. Buescher*, 625 F.3d 1247, 1261 (10th Cir. 2010). The *Sampson* decision established that

disclosure requirements without minimum expenditure thresholds violate the First Amendment by imposing disproportionate burdens on small donors and grassroots participation. Here, even a person spending \$5 to photocopy petitions would trigger SB1027's weekly reporting and public disclosure requirements—turning modest political participation into a bureaucratic nightmare.

Like California's overreach failed legal scrutiny in *Bonta*, so too must Oklahoma's overreach here. SB1027 forces petition supporters to choose between anonymous political association and onerous public disclosure, chilling participation when political debate peaks. Because Oklahoma cannot justify these sweeping mandates by any interest that less restrictive measures could not accomplish, the law fails strict scrutiny and violates the First Amendment, Okla. Const. Art. II, § 22, and the fundamental right to the initiative and referendum.

D. The performance-based compensation restriction violates the Constitution.

SB1027 also prohibits petition circulators from receiving compensation based on the number of signatures gathered. This restriction too is foreclosed by First Amendment precedent.

In *Meyer v. Grant*, the Supreme Court struck down a prohibition on paid circulators, finding that it imposed a severe burden on political speech by increasing the cost of signature gathering and reducing the number of available speakers. 486 U.S. at 423. Oklahoma's provision does not ban paid circulators outright, but it bans a common and cost-effective payment model used in citizen initiative campaigns. That is a distinction without a difference and a burden with no justification. The Sixth Circuit extended the logic of *Meyer* in *Citizens for Tax Reform v. Deters*, 518 F.3d 375 (6th Cir. 2008), striking down a similar per-signature compensation ban.

Oklahoma's law suffers from the same constitutional defect. It substitutes a paternalistic suspicion of productivity-based pay for hard evidence of fraud. This suspicion is not enough. As the Supreme Court has repeatedly emphasized, the First Amendment does not permit laws that restrict expression based on an unsupported fear that the regulated speech might someday be used

improperly. *Ashcroft v. Free Speech Coalition*, 535 U.S. 234, 245 (2002). If fraud occurs, prosecute it.

But the state may not presume dishonesty and ban the means altogether.

E. The disclosure and reporting requirements also violate equal protection, special law prohibitions, and impose undue burdens.

SB1027's disclosure requirements violate state equal protection guarantees by creating arbitrary distinctions between political participants. *Fair Sch. Fin. Council of Oklahoma, Inc. v. State*, 1987 OK 114, ¶ 54, 746 P.2d 1135, 1148. Initiative proponents face onerous weekly reporting, conspicuous payment displays, and public website publication of their expenditures, while opponents of the same measures face no equivalent disclosure burdens. This one-sided regulatory scheme treats political speech differently based solely on which side of an issue speakers support.

The disclosure regime similarly constitutes an impermissible special law under Article V, Section 59. The Oklahoma Constitution requires uniform operation of general laws throughout the state, yet SB1027 singles out initiative proponents for special regulatory treatment while leaving similarly situated opponents and other election campaigns alone. *Reynolds v. Porter*, 1988 OK 88, ¶ 14, 760 P.2d 816, 822. Where a general law requiring equal disclosure from all ballot issue participants could apply, the Legislature cannot enact a special law targeting only one side or type of campaign. This selective regulation lacks any relationship to corruption prevention.

Finally, the cumulative disclosure burdens impose an undue burden on the initiative right. The combination of weekly reporting without minimum thresholds, conspicuous public displays, and mandatory website publication creates administrative costs and harassment risks that deter political participation. When balanced against the minimal state interest in disclosure for ballot issues—where corruption risk is minimal—these extensive requirements fail the undue burden test and unduly obstruct citizens' exercise of their reserved initiative power.

IV. Less Restrictive Alternatives Are Available.

SB1027's draconian restrictions are unnecessary when constitutional alternatives exist. Oklahoma's 90-day signature period—the nation's shortest—creates artificial pressure that drives SB1027's unconstitutional "solutions." Rather than county caps, circulator restrictions, and funding bans, the Legislature could simply extend the circulation period. A longer timeframe would naturally enable statewide outreach, reduce collection costs, minimize the need for professional circulators, and allow broader geographic participation—all without nullifying any citizen's constitutional right. Proponents already have strong incentives to secure broad geographic support, including in rural areas, as any successful measure must win majority support at the ballot box. A longer timeframe would enable this outreach organically.

Alternatively, secure electronic signature collection could revolutionize access by enabling statewide participation, providing real-time voter verification, eliminating all geographic barriers, and even extending participation to overseas military personnel. These solutions would enhance petition integrity while expanding, not restricting, constitutional rights.

The availability of these less restrictive alternatives proves SB1027's constitutional failure. When fundamental rights are at stake, laws must be narrowly tailored to serve compelling interests. SB1027 instead bulldozes constitutional rights to solve non-existent problems that better alternatives could address.

V. Cumulatively, SB1027's Provisions Impose an Unconstitutional Burden on Initiative and Referendum Rights.

Each of these burdens standing alone would offend the Constitution. Together, they rebuff it. The right of initiative reserved by the people becomes a right on paper, not in practice. This Court has called that right "sacred." *In re Referendum Petition No. 348*, 1991 OK 110, ¶ 6. Sacred things are not to be trampled by the heavy boot of bureaucracy. SB1027 is not a refinement of the initiative process; it is a repudiation of it. Such a scheme cannot coexist with Article V, §§ 1-2 of

the Oklahoma Constitution. The fact that advancing an initiative petition already costs millions—a concept unimaginable to the Constitution’s framers—is only worsened by this bill, which increases costs by millions while cutting off funding sources and deterring donors.

Just as the Constitution would not tolerate a regulatory regime that permitted gun ownership in theory while strangling it with a garrote of costly permits, prolonged waiting periods, and arbitrary restrictions in practice, so too must it reject the Legislature’s transparent attempt to suffocate the people’s right of initiative through SB1027’s tortuous regulatory scheme. *Cf. District of Columbia v. Heller*, 554 U.S. 570 (2008) (striking down restrictions on Second Amendment rights). The Legislature, having exceeded its limited authority to “prevent corruption” in the petition process, has instead imposed a barrage of county caps, circulator restrictions, funding prohibitions, and executive veto points that work in concert to squeeze the life out of the constitutional right.

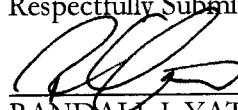
SB1027 regulates away a constitutional right while maintaining the pretense of its existence. Through death by a thousand regulatory cuts, the Legislature has done indirectly what it cannot do directly: nullify a constitutional right.

SEVERABILITY ANALYSIS AND CONCLUSION

Nothing in SB1027 can be salvaged through severability. Under *Fent v. Contingency Review Board*, courts consider whether provisions can stand independently. 2007 OK 27, ¶ 18, 163 P.3d 512, 523-24. Here, they cannot. The challenged provisions form the regulatory architecture of SB1027. They are structurally interdependent: the gist removal power relies on content rules; funding and disclosure mandates operate jointly; and so on. SB1027 was designed as a comprehensive—albeit misguided—package, rising and falling as one.

As set forth in the Application and Petition (at 8-9), this case clearly warrants and meets the standards for original jurisdiction. This Court should assume original jurisdiction, declare SB1027 unconstitutional, prohibit its enforcement, and strike it down in its entirety.

Respectfully Submitted,



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ATTORNEYS FOR PETITIONERS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was mailed this 12th day of June, 2025, by depositing it in the U.S. Mail, postage prepaid, to:

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