

FILED

JAN 27 2016

OKLAHOMA SECRETARY
OF STATE

BALLOT TITLE

This measure adds a new section to Article 2 of the Oklahoma Constitution. The measure prohibits abortion. The measure would not prohibit contraception that merely prevents fertilization, but does not cause the death of an unborn human being. The measure would prohibit contraception that causes the death of an unborn human being. The measure would also prohibit the deliberate destruction of unborn human beings created in a laboratory. The measure would not prohibit practices such as in vitro fertilization, but any unborn human beings created as a result of such procedures could not be deliberately destroyed.

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 against this measure.

FILED

JAN 27 2016

State Question No. 782 Initiative Petition No. 406 OKLAHOMA SECRETARY
OF STATE

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.

INITIATIVE PETITION

To the Honorable Mary Fallin, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma respectfully order that the following proposed amendment to the constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election to be held on the 8th day of November, 2016, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from _____. The question we herewith submit to our fellow voters is:

Shall the following proposed amendment to the Constitution be approved?

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA THAT THE FOLLOWING SECTION BE ADDED TO ARTICLE 2 OF THE OKLAHOMA CONSTITUTION:

A. As used in this section:

1. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device to intentionally kill an unborn human being;
2. "Unborn human being" means the offspring of human beings from the moment of conception until either live birth or death, including the human conceptus, zygote, morula, blastocyst, embryo and fetus, whether conceived and/or located inside or outside the body of a human female;
3. "Conception" means the fertilization of the ovum of a female individual by the sperm of a male individual.

B. It shall be unlawful for any person to perform, procure, or attempt to perform an abortion.

C. Any person who performs or procures an abortion shall be guilty of homicide.

Name and Address of Proponent(s):

Thomas R. Hunter
P.O. Box 68
Noble, OK, 73068

SIGNATURES

This measure adds a new section to Article 2 of the Oklahoma Constitution. The measure abolishes the practice of human abortion. The measure would not prohibit contraception that merely prevents fertilization, but does not cause the death of an unborn human being. The measure would prohibit contraception that causes the death of an unborn human being. The measure would also prohibit the deliberate destruction of unborn human beings created in a laboratory. The measure would not prohibit practices such as in vitro fertilization, but any unborn human beings created as a result of such procedures could not be deliberately destroyed.

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

AFFIDAVIT

STATE OF OKLAHOMA)
) ss.
COUNTY OF _____)

I, _____, being first duly sworn, say: That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence; I believe that each has stated his or her name, mailing address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and the County of his residence as stated.

Circulator's Signature

Address

City State Zip Code

Subscribed and sworn to before me this _____ day of _____ A.D. 2016.

Notary Public

(Affix Seal Here)

Address

City State Zip Code

My Commission Number: _____

My Commission Expires: _____

Chris Benge
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

January 27, 2016

FILED

JAN 27 2016

OKLAHOMA SECRETARY
OF STATE

Thomas R. Hunter
P.O. Box 68
Noble, Oklahoma 73068

This acknowledges receipt of the petition submitted to our office, which has been designated as **State Question Number 782, Initiative Petition Number 406**, and filed accordingly this January 27, 2016.

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

Sincerely,

A handwritten signature in cursive script that reads "Chris Benge".

Chris Benge
Secretary of State and
Native American Affairs

Chris Bengé
Secretary of State
and
Native American Affairs



Mary Fallin
Governor

January 27, 2016

RECEIVED

JAN 28 2016

OFFICE OF THE
GOVERNOR

The Honorable Mary Fallin
Governor, State of Oklahoma
Room 212, State Capitol
Oklahoma City, Oklahoma 73105

Dear Governor Fallin:

Please be advised that an initiative petition, designated as **State Question 782, Initiative Petition 406**, was sufficiently filed with the Office of the Secretary of State on Wednesday, January 27, 2016. Proponent of record for said petition is as follows;

Thomas R. Hunter
P.O. Box 68
Noble, OK 73068

Please find enclosed a true and exact copy of State Question 782, Initiative Petition 406 on record with the Office of the Secretary of State.

Per Title 34 O.S. Section 8, subsequent to the publication of notice of filing of said petition, the apparent sufficiency 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) setting the date to begin circulation for signatures. The date set shall not be less than fifteen (15) days nor more than thirty (30) days from the date when all appeals, protests and rehearings have been resolved or the period for filing such has expired.

If I may be of any further assistance, please do not hesitate to contact me.

Sincerely,



Chris Bengé
Secretary of State and
Native American Affairs

Chris Bengé
Secretary of State
and
Native American Affairs

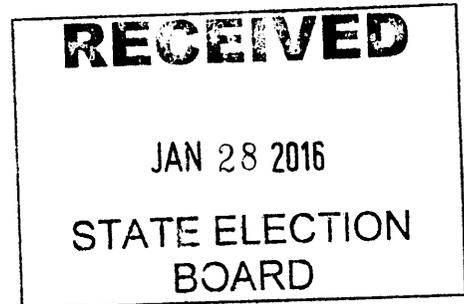


SECRETARY OF STATE
AND
NATIVE AMERICAN AFFAIRS

Mary Fallin
Governor

January 27, 2016

Secretary Paul Ziriaux
Oklahoma State Election Board
Room 3, State Capitol
Oklahoma City, Oklahoma 73105



Dear Secretary Ziriaux:

Please be advised that an initiative petition, designated as **State Question 782, Initiative Petition 406**, was sufficiently filed with the Office of the Secretary of State on Wednesday, January 27, 2016. Proponent of record for said petition is as follows;

Thomas R. Hunter
P.O. Box 68
Noble, OK 73068

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If I may be of any further assistance, please do not hesitate to contact me.

Sincerely,

Chris Bengé
Secretary of State and
Native American Affairs



Chris Bengé
Secretary of State
and
Native American Affairs

Mary Fallin
Governor

SECRETARY OF STATE
AND
NATIVE AMERICAN AFFAIRS

FILED

JAN 28 2016

OKLAHOMA SECRETARY
OF STATE

January 27, 2016

Hand Delivered

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

Dear Ms. Shea:

Please find enclosed the following for publication;

- **Notice of Filing for State Question 780, Initiative Petition 404**
- **Notice of Filing for State Question 781, Initiative Petition 405**
- **Notice of Filing for State Question 782, Initiative Petition 406**

Per Title 34 O.S. § 8, the publications must appear in at least one newspaper of general circulation in the State of Oklahoma. Please publish the enclosed notices 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,

Chris Bengé
Secretary of State and
Native American Affairs

**NOTICE OF THE FILING OF STATE QUESTION 782, INITIATIVE PETITION 406,
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 January 27, 2016, State Question 782, Initiative Petition 406 was filed in the Office of the Oklahoma Secretary of State.

NOTICE is also hereby given that State Question 782, Initiative Petition 406 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 proponents or proponents 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.

Proponent of record for State Question 782, Initiative Petition 406:

Thomas R. Hunter
P.O. Box 68
Noble, OK 73068

Chris Bengé
Oklahoma Secretary of State and
Native American Affairs

Oklahoma Press Service

3601 North Lincoln Blvd.

Oklahoma City, OK 73105-

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

Thursday, February 04, 2016 12:09 PM

Page 1

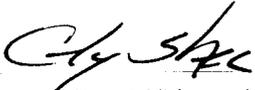
Proof of Publication Order Number 16-01-60

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: 01/31/2016

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 \$54.21

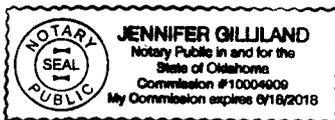


(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
4 day of February 2016.



(Notary Public)



NOTICE OF THE FILING OF STATE QUESTION 782, INITIATIVE PETITION 406, 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 782, Initiative Petition 406:

Thomas R. Hunter
P.O. Box 68
Noble, OK 73068

Chris Bengel
Oklahoma Secretary of State and Native American Affairs

Oklahoma Press Service

3601 North Lincoln Blvd.

Oklahoma City, OK 73105-

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

Thursday, February 04, 2016 12:09 PM

Page 1

Proof of Publication Order Number 16-01-60

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

Insertion: 01/31/2016

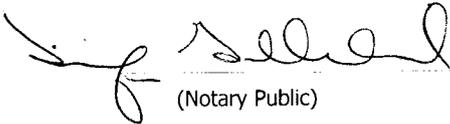
That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has 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 \$903.81

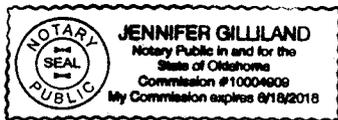


(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
4 day of February 2016.



(Notary Public)



NOTICE OF THE FILING OF STATE QUESTION 782, INITIATIVE PETITION 406, 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 782, Initiative Petition 406:

Thomas R. Hunter
P.O. Box 68
Noble, OK 73068

Chris Bengé
Oklahoma Secretary of State and Native American Affairs

Oklahoma Press Service

3601 North Lincoln Blvd.

Oklahoma City, OK 73105-

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

Thursday, February 04, 2016 12:09 PM

Page 1

Proof of Publication Order Number 16-01-60

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

Insertion: 02/01/2016

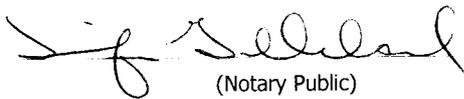
That said newspaper has been published continuously and uninterruptedly in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has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

PUBLICATION FEE \$36.75



(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
4 day of February 2016.



(Notary Public)



NOTICE OF THE FILING OF STATE QUESTION 782, INITIATIVE PETITION 406, 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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NOTICE is also hereby given that State Question 782, Initiative Petition 406 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 proponents or proponents 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 782, Initiative Petition 406:

Thomas R. Hunter
P.O. Box 68
Noble, OK 73068

Chris Bengé
Oklahoma Secretary of State and Native American Affairs

FILED
SUPREME COURT
STATE OF OKLAHOMA
FEB 12 2016
MICHAEL S. RICHIE
CLERK

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

In re:)
)
INITIATIVE PETITION NO. 782)
)
STATE QUESTION NO. 406)

Case No. **#114704**

PROTEST TO THE INITIATIVE PETITION

To: THE SUPREME COURT OF OKLAHOMA

-and-

THOMAS R. HUNTER
P.O. Box 68
Noble, OK 73068

The Hon. CHRIS BENGE
Secretary of State
2300 N. Lincoln Blvd., Ste. 101
Oklahoma City, OK 73105-4897

RECEIVED

FEB 12 2016

OKLAHOMA SECRETARY
OF STATE

Karo Chowning, Priya Desai, Marion Homier, and Rev. Shannon Speidel, all of whom are citizens of the State of Oklahoma, protest the legal sufficiency of Initiative Petition No. 782, State Question No. 406 ("IP 782"), and in support of this protest, further state the following:

Initiative Petition 782

1. On January 27, 2016, the proponent of IP 782 filed that petition with the Secretary of State. See Letter from Sec'y of State Chris Benge to Thomas R. Hunter (January 27, 2016), attached hereto as Exhibit A.

2. IP 782 proposes an amendment adding a new section to the Oklahoma Constitution. The proposed amendment states:

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA THAT THE FOLLOWING SECTION BE ADDED TO ARTICLE 2 OF THE OKLAHOMA CONSTITUTION:

A. As used in this section:

1. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device to intentionally kill an unborn human being;

2. "Unborn human being" means the offspring of human beings from the moment of conception until either live birth or death, including the human conceptus, zygote, morula, blastocyst, embryo and fetus, whether conceived and/or located inside or outside the body of a human female;

3. "Conception" means the fertilization of the ovum of a female individual by the sperm of a male individual.

B. It shall be unlawful for any person to perform, procure, or attempt to perform an abortion.

C. Any person who performs or procures an abortion shall be guilty of homicide.

See State Question No. 782, Initiative Petition No. 406 (Filed January 27, 2016), attached hereto as Exhibit B.

3. On January 31 and February 1, 2016, notice of the filing of IP 782 was published in three newspapers of record in Oklahoma. *See Oklahoma Press Services Proofs of Publication, attached hereto as Exhibit C.*

IP 782 Violates the Fourteenth Amendment to the U.S. Constitution.

4. By its plain and unambiguous language, the amendment to the Oklahoma Constitution proposed by IP 782 would criminalize abortion in all circumstances, without exception. It would subject any woman who obtains or attempts to obtain an abortion, as well as any physician who provides an abortion, to criminal prosecution for homicide. As such, the amendment proposed by IP 782 violates the rights at the heart of more than four decades of unbroken U.S. Supreme Court precedent protecting the fundamental constitutional right to abortion. *See e.g., Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 849-51 (1992); *Roe v. Wade*, 410 U.S. 113 (1973).

5. Oklahoma's process of constitutional amendment by initiative petition is subject to the limitation that any such amendments "be not repugnant to the Constitution of the United States." Okla. Const. Art. 2 §1. *See also In re Initiative Petition No. 395, State Question No. 761*, 2012 OK 42, 286 P.3d 42 (Okla. 2012).

6. This Court has explicitly and repeatedly held that an initiative whose enforcement would violate federal constitutional protections for reproductive liberty is invalid and cannot appear on the ballot. *In re Initiative Petition No. 349, State Question No. 642*, 1992 OK 122, 838 P.2d 1 (Okla. 1992); *In re Initiative Petition 395, State Question No. 761*, 2012 OK 42, at ¶1. *See also* Okla. Const. Art. 1, §1 ("The State of Oklahoma is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.").

7. Today, no less than when this Court addressed similar initiative petitions in 2012 and 1992, "[t]he issue of the constitutionality of [an] initiative petition [that bans abortion] is governed by the United States Supreme Court's pronouncement in *Casey*." Thus, "[t]he only course available to this Court is to follow what the United States Supreme Court, the final arbiter of the United States Constitution has decreed." *In re Initiative Petition No. 395*, 2012 OK 42, at ¶1.

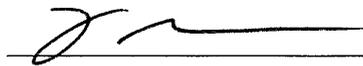
8. Because it bans abortion in direct violation the United States Constitution, as interpreted by longstanding U.S. Supreme Court precedent, and therefore offends this Court's repeated declaration that Oklahoma's initiative process of constitutional

amendment may not be invoked for that purpose, IP 782 is void on its face and must be stricken from the ballot. *See In re. Initiative Petition No. 395*, 2012 OK 42, at ¶2.

WHEREFORE, the Protestants respectfully request that this Court declare IP 782 unconstitutional, insufficient as a matter of law, and invalid for all purposes, for the reasons set forth above, and that this Court order IP 782 stricken from the ballot.

Dated: February 12, 2016.

Respectfully submitted,



Brady R. Henderson, OBA No. 21212
Ryan D. Kiesel, OBA No. 21254
ACLU OF OKLAHOMA FOUNDATION
3000 Paseo Dr.
Oklahoma City, OK 73103
Phone: (405) 524-3831
Fax: (405) 524-2296
Email: bhenderson@acluok.org,
rkiesel@acluok.org.

and

Alexa Kolbi-Molinas*
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad St.
New York, NY 10004
Phone: (212) 549-2633
Email: akolbi-molinas@aclu.org

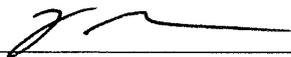
**Not licensed in Oklahoma; Out-of-State Attorney
Application in Progress.*

ATTORNEYS FOR PROTESTANTS

CERTIFICATE OF SERVICE AND MAILING

The undersigned hereby certifies that on the 12th day of February, 2016, a true and correct copy of the above and foregoing PROTEST TO THE INITIATIVE PETITION is being filed with the Secretary of State via hand delivery, at 2300 N. Lincoln Blvd., Ste. 101, Oklahoma City, Oklahoma, 73105.

In addition, the undersigned further certifies that on the 12th day of February, 2016, a true and correct copy of the above and foregoing PROTEST TO THE INITIATIVE PETITION is being served on Thomas R. Hunter, Proponent of the Initiative Petition under protest, at P.O. Box 68, Noble, Oklahoma, 73069, via certified United States Mail, postage prepaid.



Brady R. Henderson



Chris Bengé
Secretary of State

Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

FILED

JAN 27 2016

OKLAHOMA SECRETARY
OF STATE

January 27, 2016

Thomas R. Hunter
P.O. Box 68
Noble, Oklahoma 73068

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

Sincerely,

A handwritten signature in cursive script that reads "Chris Bengé".

Chris Bengé
Secretary of State and
Native American Affairs

Exhibit A

FILED

JAN 27 2016

State Question No. 782 Initiative Petition No. 406 OKLAHOMA SECRETARY
OF STATE

WARNING

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INITIATIVE PETITION

To the Honorable Mary Fallin, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma respectfully order that the following proposed amendment to the constitution shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election to be held on the 8th day of November, 2016, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from _____. The question we herewith submit to our fellow voters is:

Shall the following proposed amendment to the Constitution be approved?

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA THAT THE FOLLOWING SECTION BE ADDED TO ARTICLE 2 OF THE OKLAHOMA CONSTITUTION:

A. As used in this section:

1. "Abortion" means the use or prescription of any instrument, medicine, drug, or any other substance or device to intentionally kill an unborn human being;
2. "Unborn human being" means the offspring of human beings from the moment of conception until either live birth or death, including the human conceptus, zygote, morula, blastocyst, embryo and fetus, whether conceived and/or located inside or outside the body of a human female;
3. "Conception" means the fertilization of the ovum of a female individual by the sperm of a male individual.

B. It shall be unlawful for any person to perform, procure, or attempt to perform an abortion.

C. Any person who performs or procures an abortion shall be guilty of homicide.

Name and Address of Proponent(s):

Thomas R. Hunter
P.O. Box 68
Noble, OK, 73068

Exhibit B

SIGNATURES

This measure adds a new section to Article 2 of the Oklahoma Constitution. The measure abolishes the practice of human abortion. The measure would not prohibit contraception that merely prevents fertilization, but does not cause the death of an unborn human being. The measure would prohibit contraception that causes the death of an unborn human being. The measure would also prohibit the deliberate destruction of unborn human beings created in a laboratory. The measure would not prohibit practices such as in vitro fertilization, but any unborn human beings created as a result of such procedures could not be deliberately destroyed.

1. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY
2. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY
3. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY
4. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY
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18. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY
19. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY
20. _____
SIGNATURE OF LEGAL VOTER PRINT NAME ADDRESS CITY ZIP COUNTY

AFFIDAVIT

STATE OF OKLAHOMA)
)
) ss.
COUNTY OF _____)

I, _____, being first duly sworn, say: That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence; I believe that each has stated his or her name, mailing address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and the County of his residence as stated.

Circulator's Signature

Address

City State Zip Code

Subscribed and sworn to before me this _____ day of _____ A.D. 2016.

Notary Public

(Affix Seal Here)

Address

City State Zip Code

My Commission Number: _____

My Commission Expires: _____

FILED

JAN 27 2016

OKLAHOMA SECRETARY
OF STATE

BALLOT TITLE

This measure adds a new section to Article 2 of the Oklahoma Constitution. The measure prohibits abortion. The measure would not prohibit contraception that merely prevents fertilization, but does not cause the death of an unborn human being. The measure would prohibit contraception that causes the death of an unborn human being. The measure would also prohibit the deliberate destruction of unborn human beings created in a laboratory. The measure would not prohibit practices such as in vitro fertilization, but any unborn human beings created as a result of such procedures could not be deliberately destroyed.

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 against this measure.

Oklahoma Press Service

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

Thursday, February 04, 2016 12:09 PM

Page 1

Proof of Publication Order Number 16-01-60

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: 01/31/2016

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 \$54.21



(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
4 day of February 2016.



(Notary Public)



NOTICE OF THE FILING OF STATE QUESTION 782, INITIATIVE PETITION 406, 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 January 27, 2016, State Question 782, Initiative Petition 406 was filed in the Office of the Oklahoma Secretary of State.

NOTICE is also hereby given that State Question 782, Initiative Petition 406 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 proponents or proponents 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 782, Initiative Petition 406:
Thomas R. Hunter
P.O. Box 68
Noble, OK 73068

Chris Bengé
Oklahoma Secretary of State and Native American Affairs

Exhibit C

Oklahoma Press Service

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

Thursday, February 04, 2016 12:09 PM

Page 1

Proof of Publication Order Number 16-01-60

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Insertion: 01/31/2016

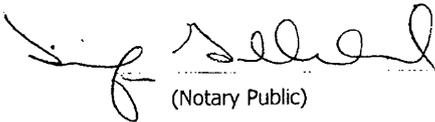
That said newspaper has been published continuously and uninterrupted in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has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

PUBLICATION FEE \$903.81

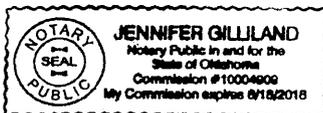


(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
4 day of February 2016.



(Notary Public)



NOTICE OF THE FILING OF STATE QUESTION 782, INITIATIVE PETITION 406, 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 782, Initiative Petition 406:

Thomas R. Hunter
P.O. Box 68
Noble, OK 73068

Chris Bengt
Oklahoma Secretary of State and Native American Affairs

Oklahoma Press Service

3601 North Lincoln Blvd.
Oklahoma City, OK 73105-

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

Thursday, February 04, 2016 12:09 PM

Page 1

Proof of Publication Order Number 16-01-60

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

Insertion: 02/01/2016

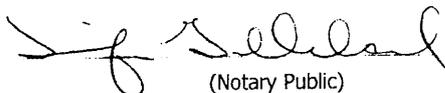
That said newspaper has been published continuously and uninterrupted in said county during a period of one-hundred and four consecutive weeks prior to the publication of the attached notice or advertisement; that it has been admitted to the United States mail as second-class mail matter; that it has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

PUBLICATION FEE \$36.75

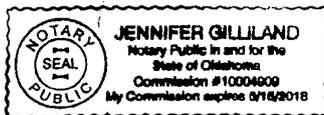


(Editor, Publisher or Authorized Agent)

SUBSCRIBED and sworn to me this
4 day of February 2016.



(Notary Public)



NOTICE OF THE FILING OF STATE QUESTION 782, INITIATIVE PETITION 406, 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 782, Initiative Petition 406:

Thomas R. Hunter
P.O. Box 68
Noble, OK 73068

Chris Bengé
Oklahoma Secretary of State and Native American Affairs

FILED
SUPREME COURT
STATE OF OKLAHOMA
FEB 12 2016

MICHAEL S. RICHIE
CLERK

#114704

Case No. _____

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

In re:)
)
INITIATIVE PETITION NO. 782)
)
STATE QUESTION NO. 406)

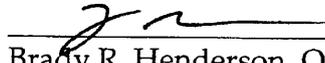
RECEIVED

FEB 12 2016

OKLAHOMA SECRETARY
OF STATE

ENTRY OF APPEARANCE

The undersigned attorney, Brady R. Henderson, of the American Civil Liberties of Oklahoma Foundation, hereby appears as counsel for all Protestants herein.



Brady R. Henderson, OBA# 21212

ACLU of Oklahoma Foundation
Firm

3000 Paseo Drive
Oklahoma City, OK 73103
Address

(405) 525-3831, (405) 524-2296 (fax)
Telephone

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 12th day of February, 2016, a true and correct copy of the above Entry is being filed with the Secretary of State via hand delivery, at 2300 N. Lincoln Blvd., Ste. 101, Oklahoma City, Oklahoma, 73105, and is being served on Thomas R. Hunter, at P.O. Box 68, Noble, Oklahoma, 73069, via certified United States Mail, postage prepaid.



Brady R. Henderson

FILED
SUPREME COURT
STATE OF OKLAHOMA
FEB 12 2016

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

MICHAEL S. RICHIE
CLERK

#114704

In re:)
INITIATIVE PETITION NO. 782)
STATE QUESTION NO. 406)

Case No. _____

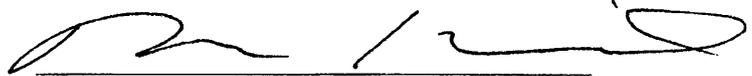
RECEIVED

FEB 12 2016

OKLAHOMA SECRETARY
OF STATE

ENTRY OF APPEARANCE

The undersigned attorney, Ryan Kiesel, of the American Civil Liberties of Oklahoma Foundation, hereby appears as counsel for all Protestants herein.



Ryan Kiesel, OBA# 21254

ACLU of Oklahoma Foundation

Firm

3000 Paseo Drive
Oklahoma City, OK 73103

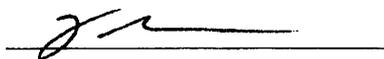
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Brady Henderson

P. O. Box 890343
Oklahoma City, Oklahoma 73108
February 12, 2016

FILED
SUPREME COURT
STATE OF OKLAHOMA
FEB 12 2016

To: Oklahoma Supreme Court

Oklahoma Secretary of State

Thomas R. Hunter
P.O. Box 68
Noble, OK 73068

MICHAEL S. RICHIE
CLERK

RECEIVED

#114704

FEB 12 2016

OKLAHOMA SECRETARY
OF STATE

Re: Citizen protest to Oklahoma State Question 782, Initiative Petition 406 regarding
constitutionality of petition.

Greetings,

Please accept this protest, in accordance with 34 O.S. § 8, as to the constitutionality of Initiative
Petition 406, State Question 782, published first on January 31, 2016.

The United States Constitution, as interpreted by the United States Supreme Court in *Roe v. Wade* (1973), prohibits states from regulating any aspect of abortion in the first trimester of pregnancy, allows state regulation only as reasonably related to maternal health in the second and third trimesters, and allows states to enact abortion laws protecting the life of the fetus only in the third trimester.

The protested initiative petition makes it unlawful for any person to perform, procure, or attempt to perform an abortion, from conception through either live birth or death, and makes the act a criminal act for both those performing and procuring the procedure, thus regulating abortion outside the conditions authorized by the United States Constitution in *Roe v. Wade* (1973).

The Supremacy Clause of the United States (Article VI, Clause 2) establishes that the U.S. Constitution, and federal laws made pursuant to it, and treaties made under its authority, constitute the supreme law of the land. It provides that state courts are bound by the supreme law. In the case of conflict between federal and state law, the federal law must be applied.

Thus, the protested initiative petition violates the United States Constitution and I request the initiative petition process be terminated prior to more state tax funds being paid.

To date, the state has spent \$994.77 simply to publish the required notice of the petition. This does not include the value of employee time spent in dealing with the unconstitutional petition, only amounts paid for publication in three newspapers. To allow this proposed unconstitutional petition to move further in the initiative petition process would be to require the state to make more expenditures when Oklahoma already has a large current year revenue shortfall, and a huge budget gap for FY-2017. Costs incurred, even if the petition does not meet

Oklahoma Supreme Court
Oklahoma Secretary of State
Thomas R. Hunter

February 12, 2016

Page 2

Re: Citizen protest to Oklahoma State Question 782, Initiative Petition 406 regarding constitutionality of petition.

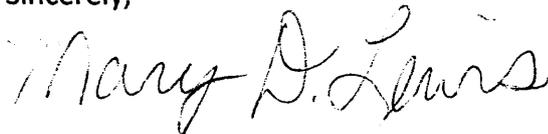
its minimum required signatures, but is filed for counting, include either hiring temporary staff at the Secretary of State's Office to count signatures, or devoting time of current staff to do so, when their time is needed for other duties.

Other costs incurred if sufficient signatures are obtained would include review of the ballot title by the Attorney General's office to determine if it is written at the appropriate reading level, Supreme Court review of objections to the validity or number of signatures or a challenge to the ballot title after signatures are counted, publication of the ballot title by the Secretary of State, and the costs of the election itself. If taken to a vote of the people and passed by the people, the Oklahoma Constitutional Amendment proposed by this petition is bound to be challenged in the United States Supreme Court, with the attendant costs of staff and travel of the Oklahoma Attorney General personally, as well as staff of the office, to defend the amendment.

None of these costs are necessary to make the political statement made by the petition, and are especially egregious when the state is so short on funds to continue essential functions such as taking care of children, schools and roads.

I believe in the Oklahoma initiative petition process for issues which have been left to the discretion of the states, but do not believe it should be used to further a political agenda when that agenda is clearly unconstitutional under the United States Constitution, and will simply result in the waste of significant state resources in a futile attempt to contest the federal law at a time when those resources are severely limited. I strongly object to my state tax dollars being used for this frivolous purpose.

Sincerely,

A handwritten signature in black ink that reads "Mary D. Lewis". The signature is written in a cursive, flowing style.

Mary D. Lewis



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE:)
INITIATIVE PETITION NO. 782,)
STATE QUESTION NO. 406.)

No. 114,704

FILED
SUPREME COURT
STATE OF OKLAHOMA
FEB 22 2016
MICHAEL S. RICHIE
CLERK

ORDER

Pursuant to 34 O.S.2015 Supp. § 8(C), this matter is scheduled for oral presentation before a Referee of this Court on March 2, 2016, at 1:00 p.m.

DONE BY ORDER OF THE SUPREME COURT THIS 22d DAY OF FEBRUARY, 2016.


VICE CHIEF JUSTICE

RECEIVED
FEB 26 2016
OKLAHOMA SECRETARY
OF STATE



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

FEB 23 2016

MICHAEL S. RICHIE
CLERK

IN RE:)
)
INITIATIVE PETITION NO. 406,)
) No. 114,704
STATE QUESTION NO. 782.)

CORRECTED ORDER

Pursuant to 34 O.S.2015 Supp. § 8(C), this matter is scheduled for oral presentation before a Referee of this Court on March 2, 2016, at 1:00 p.m.

Responsive paperwork should be filed no later than March 1, 2016.

DONE BY ORDER OF THE SUPREME COURT THIS 23rd DAY OF
FEBRUARY, 2016.



VICE CHIEF JUSTICE

RECEIVED

FEB 26 2016

OKLAHOMA SECRETARY
OF STATE