

Bond Case Briefs

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BALLOT INITIATIVES - OKLAHOMA

McDonald v. Thompson

Supreme Court of Oklahoma - March 19, 2018 - P.3d - 2018 WL 1376759 - 2018 OK 25

Objectors filed application to the Supreme Court to assume original jurisdiction over protest of the sufficiency of the gist of an initiative petition to create a new Article in the Constitution that would create two special purpose funds to support quality instruction without supplanting or replacing other educational funding.

The Supreme Court of Oklahoma held that:

- Initiative petition's gist was not legally insufficient on the basis it mentioned only teachers as recipients of a salary increase;
- Gist was not insufficient on the basis it used terms that were partial, deceitful, misleading, or would have prevented a potential voter from making an informed decision;
- Gist was not legally insufficient on the basis it failed to specify that 10% of new proceeds would go to the Department of Education;
- Gist was not legally insufficient on the basis it failed to mention that a new tax on oil and gas production from certain wells would be applied in a retroactive manner; and
- Gist was not legally insufficient on the basis it failed to mention that any salary increases for common education certified personnel or taxes will be set by the Constitution, or that any salary increases will be without regard to merit.