

Bond Case Briefs

Municipal Finance Law Since 1971

BALLOT INITIATIVES - OKLAHOMA

In re Initiative Petition No. 426, State Question No. 810

Supreme Court of Oklahoma - May 27, 2020 - P.3d - 2020 WL 2753562 - 2020 OK 44

Protesters filed petition to challenge gist statement of initiative petition to create a new article to the Oklahoma Constitution for the purpose of establishing the Citizens' Independent Redistricting Commission.

The Supreme Court of Oklahoma held that:

- Gist statement that “a panel of retired judges and justices designated by the Chief Justice of the Oklahoma Supreme Court will choose pools” of potential commission members was not affirmatively inaccurate;
- Gist statement concerning vote for approving a redistricting plan was sufficient; and
- Gist statement’s short mention of redistricting criteria was sufficient.

Gist of initiative petition seeking to create a new article to the Oklahoma Constitution establishing citizens' independent redistricting commission, which stated that “a panel of retired judges and justices designated by the Chief Justice of the Oklahoma Supreme Court will choose pools” of potential commission members, was not affirmatively inaccurate, although panel was to be composed of retired judges and justices “who are able and willing to serve on the Panel, selected by random drawing,” as Chief Justice would designate the potential panel members, and random drawing might never come into play.

Information in redistricting commission initiative petition’s gist statement concerning vote for approving a redistricting plan, which stated that there was a “fallback mechanism by which the state Supreme Court, using a report from the Special Master, will select a plan if the Commission cannot reach the required level of consensus within a set timeframe,” was sufficient, despite speculation that there was high likelihood the Supreme Court would be called upon to adopt the redistricting plan based upon “super majority” voting requirements; statement clearly stated that the Supreme Court would select a plan if the Commission could reach the “required level of consensus” within a set timeframe, which informed the potential signatory that a certain “level of consensus” would be required by the Commission to vote on a redistricting plan.

Short mention of redistricting criteria in gist statement for initiative petition seeking to create a new article to the Oklahoma Constitution establishing citizens' independent redistricting commission was sufficient; gist stated that its purpose was to prevent political gerrymandering, gist provided that, in creating the redistricting plans, certain criteria will be used, including political fairness, and gist put a potential signatory on notice that the commission would seek to maximize political fairness as well as the other criteria