

# **Bond Case Briefs**

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## **BALLOT INITIATIVE - OKLAHOMA**

### **OCPA Impact, Inc. v. Sheehan**

**Supreme Court of Oklahoma - July 18, 2016 - P.3d - 2016 WL 3946912 - 2016 OK 84**

Challengers filed petition, post-circulation, to determine sufficiency of gist proposed ballot initiative to add article to Oklahoma Constitution to provide for one-cent increase in sales and use tax in order to improve funding for public school education.

The Supreme Court assumed original jurisdiction and determined that initiative did not violate one general subject and was sufficient to submit to voters.

Following signature-gathering period, Secretary of State certified signature count and votes, and was ordered to publish Attorney General's rewritten ballot title. Challengers then filed application with Supreme Court to assume original jurisdiction, objecting to both gist of measure and Attorney General's rewritten ballot title.

The Supreme Court of Oklahoma held that:

- Post-circulation challenge to gist of proposed ballot initiative was untimely, and
- Proposed ballot title for addition of article to Constitution designed to improve funding for public school education was misleading.

Post-circulation challenge to gist of proposed ballot initiative to add article to Oklahoma Constitution to provide for one-cent increase of sales and use tax for purposes of improving funding for public school education was untimely. Rather, under Oklahoma law, objection to sufficiency of proposed initiative had to be filed within ten days of publication, and post-circulation objections were limited to validity or number of signatures or to ballot title.

Proposed ballot title for addition of article to Oklahoma Constitution which would provide for one-cent increase of sales and use tax for purposes of "improving" funding for public school education was misleading to extent did not mention Board of Equalization's role in limiting appropriations of such funds, did not refrain from partiality, and did not identify amount of sales and use tax and its allocations.