

IN THE SUPREME COURT FOR THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

APR - 4 2008

IN RE:
INITIATIVE PETITION NO. 387,
STATE QUESTION NO. 737

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Case No. 105,525

MICHAEL S. RICHIE
CLERK

MOTION TO WITHDRAW STATE QUESTION 737,
INITIATIVE PETITION 387

TO: THE SUPREME COURT OF THE STATE OF OKLAHOMA

-and-

HONORABLE W.A. DREW EDMONDSON
ATTORNEY GENERAL OF THE STATE OF OKLAHOMA
313 NE 21st Street
Oklahoma City, OK 73105

-and-

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF OKLAHOMA
Attn: Charles S. Thornton
3000 Paseo Drive
Oklahoma City, OK 73103

-and-

RICHARD O'CARROLL
2171 N. Vancouver Ave.
Tulsa, Ok 74127

COME NOW W. Devin Resides ("Mr. Resides"), a citizen and elector of the State of Oklahoma, as well as the Proponent for this State Question Number 737, Initiative Petition Number 387, and the Oklahoma Civil Rights Initiative ("OKCRI," and together with Mr. Resides, collectively, the "Movants"), and hereby move to: 1) withdraw State Question Number 737, Initiative Petition Number 387 from consideration by this Court and future submission to

the Oklahoma State Election Board for placement on the ballot and 2) dismiss this matter, and in support thereof state:

1. On September 10, 2007, Movants filed with the Oklahoma Secretary of State (hereinafter, "Secretary of State") an initiative petition and ballot title proposing an amendment to the Oklahoma Constitution. The petition was designated Initiative Petition No. 387, State Question No. 737 ("SQ 737").

3. On December 10, 2007, Movants delivered signature pamphlets to the Secretary of State pursuant to 34 O.S. Supp. 2007 § 8(A).

4. On February 7, 2008, the Secretary of State submitted a tabulation of signatures and a report regarding SQ 737 (the "Report") to the Oklahoma Supreme Court. In the Report, the Secretary of State certified the total number of signatures counted for SQ 737 as 141,184.

5. Despite their best efforts to obtain signatures in support of SQ 737 in the ninety (90) day time frame allowed by 34 O.S. § 8 (A), Movants do not believe that SQ 737 will meet the 138,970 signatures necessary to be placed on the ballot pursuant to O.K. CONST. art V, § 2.

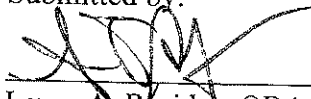
6. Based on the number of signatures delivered to the Secretary of State, the validity rate for the signatures would need to be in excess of ninety percent (90%), which is a statistical impossibility given historical validity rates and the limited time Movants had to verify signatures.

7. Movants do not want to waste this Court's efforts nor taxpayer money on pursuing SQ 737 when Movants are reasonably certain that it will fail to garner the requisite number of signatures.

8. The ballot committee, OKCRI, is in the process of filing its final report to the Oklahoma Ethics Commission. This means that the Oklahoma Civil Rights Initiative will no longer be a viable ballot committee. Due to the expectation that SQ 737 will fail to garner the requisite number of signatures, the funding for OKCRI has ceased and OKCRI has no funds to defend SQ 737.

WHEREFORE, Movants request that this Honorable Court find that: 1) Movants are allowed to withdraw SQ 737 from consideration by this Court and future submission to the Oklahoma State Election Board, and 2) this matter regarding SQ 737 is dismissed.

Submitted by:



Laure A. Resides, OBA #19521

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**ATTORNEYS FOR W. DEVIN RESIDES AND
THE OKLAHOMA CIVIL RIGHTS INITIATIVE**

CERTIFICATE OF SERVICE

The undersigned certifies that on the 4th day of April, 2008, a true and correct copy of the foregoing Objection to the Signature Count was filed with the Supreme Court of the State of Oklahoma, and was mailed, postage prepaid, to the following at the address indicated:


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