



**OKLAHOMA SECRETARY OF STATE**  
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**M. Susan Savage**  
Secretary of State

**FILED**  
SUPREME COURT  
STATE OF OKLAHOMA

FEB - 7 2008

MICHAEL S. RICHIE  
CLERK

**Brad Henry**  
Governor

February 7, 2008

The Honorable James R. Winchester  
Chief Justice, Oklahoma Supreme Court  
Room 245, State Capitol  
Oklahoma City, Oklahoma 73105

**#105525**

Dear Justice Winchester:

Enclosed is the Secretary of State's (SOS) tabulation of signatures and report to the Supreme Court for State Question 737, Initiative Petition 387. The Secretary of State officially began its count on January 2, 2008 and concluded January 25, 2008.

Please be advised that this particular count and the preparation of the Secretary of State's report to the Court took significantly more preparation time due to the scope and number of irregularities noted among signature pages throughout the counting and tabulation process. These irregularities were reported to the Attorney General to obtain guidance to ensure consistent compliance by the SOS with Title 34 of the Oklahoma Statutes.

Pursuant to the provisions of Title 34 O.S., Section 8, the Secretary of State reports the following details:

- Twenty-two boxes of signature pamphlets were received on December 10, 2007 from W. Devin Resides, 615 N. Broadway, Suite 203, Oklahoma City, OK 73102. Among the twenty-two boxes, seven were half full of signature petitions; the remaining 15 were approximately one-third full.
- The Secretary of State certifies the total signatures counted for State Question 737, Initiative Petition 387 are 141,184.
- Individual signature sheets were numbered 1 through 8155 and were bound in 41 volumes. Volumes 1 through 40 contained 200 signature sheets per volume; Volume 41 contained 155 signatures sheets.

- The Secretary of State affirms that the State Election Board certified a total of 926,462 votes were cast for the state office receiving the highest number of votes in the last general election.

Ms. Kathy Jekel, Manager of the SOS Executive/Legislative Division supervised the signature count. The following discrepancies noted during the physical count are enumerated for the Court's information and review:


- The petition signature pages are replete with duplicate signatures and duplicate addresses. Following the completion of the count, SOS staff individually tabulated for the Court's consideration, each example of a discrepancy the SOS identified.
- Additionally, the SOS staff manually cross referenced to the best of their ability duplications among Petition Circulators in order to improve the accuracy of the count.
- Among duplicate signatures found containing the same address, SOS staff counted ONE signature only. Any others found were not counted. (Please see Appendix A.)
- Numerous Petition Circulators individually signed Petition 387 several times each. Where duplicate signatures of Circulators were found, SOS staff counted ONE signature only. Duplicates were not counted. (Please see Appendix B)
- SOS staff encountered duplicate signatures (two or more) which appeared to have a slight variation in either the first or last name or address with all other information the same as that previously counted. These signatures were NOT INCLUDED in the total count by the SOS but are provided for the Court's review and final determination. (Please see Appendix C)
- Ninety-two signatures listed 415 Archer, 415 W. Archer, 415 E. Archer or 415 Ocher in Tulsa as an address. These signatures were counted unless there was a signature found that did not meet the Title 34 O.S. Section 6.1 standard. (Please see Appendix D)
- Twenty-eight signatures listed 800 W California, Oklahoma City as an address. These signatures were counted unless there was a signature found that did not meet the Title 34 O.S. Section 6.1 standard. (Appendix E)
- On some affidavits, individual Circulator names and addresses were marked through and a different Circulator's name and address was added. This action raised the questions about the validity of the information provided by that Circulator, however Title 34 does not address this specific situation for the SOS. The signatures from these Circulators are included in the SOS count but are provided for the Court's review and final determination. (Please see Appendix F)
- In some instances, individual Circulators signed their own petitions while listing different addresses on affidavits also signed by them. Again, this situation is not addressed in the statutory instructions to the SOS so the signatures gathered by these Circulators are included in the SOS count. The information is provided for the Court's review and final determination. (Please see Appendix F)
- Appendix F includes three other circumstances where signatures were NOT counted. In some cases the affidavits lacked the signature of the Circulator; affidavits lacked

proper notarizations, omitted seals, or were not signed by a notary; and a signature page for another state question was included with this petition.

The count of State Question 737, Initiative Petition 387 has resulted in an unprecedented situation where large numbers of duplicate names and addresses were discovered well into the signature counting process by the SOS. Even with the extensive effort made to manually cross check names and addresses, it is a reasonable assumption that not all duplicates have been discovered.

Please be advised that this office is prepared to provide the Court with additional information or assistance as needed.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Susan Savage". The signature is written in a cursive style with a large, looping "S" at the end.

M. Susan Savage  
Secretary of State

Enclosures: SQ 737, IP 387  
Tabulation Sheets for SQ 737  
Total Votes Cast as certified by Election Board

cc: W. Devin Resides, Oklahoma Civil Rights Initiative  
Drew Edmondson, Oklahoma Attorney General