



ORIGINAL

FILED
SUPREME COURT
STATE OF OKLAHOMA

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA SEP 23 2020

ROGER GADDIS and ELDON MERKLIN,)
)
 Protestants/Petitioners,)
)
 v.)
)
 ANDREW MOORE, JANET ANN LARGENT and)
 LYNDA JOHNSON,)
)
 Proponents/Respondents.)

JOHN D. HADDEN
CLERK

Sup. Ct. Case No. 119,029

Received:	9-23-20
Docketed:	
Mailed:	
COA/OKC:	R
COA/TUL:	

MARC McCORMICK and SCOTT JOHNSON,)
)
 Protestants/Petitioners,)
)
 v.)
)
 JANET ANN LARGENT, ANDREW MOORE and)
 LYNDA JOHNSON,)
)
 Proponents/ Respondents.)

Sup. Ct. Case No. 119,030

RESPONDENTS' MOTION TO DISMISS

Respondents Andrew Moore, Janet Ann Largent, and Lynda Johnson (collectively, "Proponents") respectfully request that the Court dismiss the instant protest actions as moot, as the initiative petition at issue has been withdrawn.

This case involves a third iteration of a proposal to fundamentally change the process of redistricting in Oklahoma. The first iteration, Initiative Petition 420, was held to be constitutionally valid, but struck down on grounds that its "gist" was insufficient. The second iteration, Initiative Petition 426 ("IP426"), was ultimately held to be both constitutionally and statutorily sufficient; however, the delays caused by the litigation and the arrival of a global pandemic made it impossible to complete the remainder of the initiative petition process in time for the November 2020 election. Thus, Proponents withdrew IP426, and on August 7, 2020, they

filed their third petition, Initiative Petition 430, State Question 815 (“IP430”), with the Secretary of State. On September 1, 2020, Petitioners filed the instant original actions, challenging the constitutionality and the “gist” of IP430.

In Petitioners’ latest constitutional challenge, they urge, *inter alia*, that IP430 violates Oklahoma’s single-subject rule because potential signatories should be able to “wait and see what they think of the Legislature’s redistricting in 2021 before committing the state to a second round in 2023.” Pet. Br. at 8, 15 (Sup. Ct. No. 119,029). The constitutionality of IP430, of course, is not dependent upon the date it is presented; nor are Protestants’ other legal arguments any more persuasive. But Protestants do have a *practical*, if not legal, point: voters might very well want to see what happens in 2021 before making a decision on this measure.

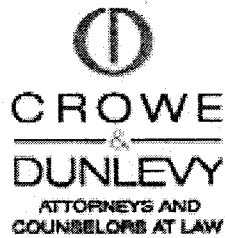
The filing of IP430, along with the lengthy litigation surrounding the prior redistricting petitions, has shed light on the very real problem of political gerrymandering in Oklahoma. And in response to substantial public outcry, the Legislature has promised to do better. For the 2021 round of redistricting, the Legislature has, *inter alia*, pledged to take the process out of secret back rooms, to conduct an “open and transparent process that preserves the public’s role,”¹ and to ensure that the maps are drawn in a bipartisan manner.²

Proponents will take Protestants, and their friends in the Legislature, at their word. Rather than incur the substantial expense of defending two Supreme Court challenges at this time, Proponents have decided to withdraw IP430, *see* Ex. A, and “wait to see what happens in 2021.” Pet. Br. at 8 (Sup. Ct. No. 119,029). After that process has concluded, and maps are released, Proponents will determine whether they believe a mid-decade redistricting cycle is indeed

¹ *See* Sen. Lonnie Paxton, Point of View: Oklahoma Senate will conduct open redistricting process, *available at* <https://oklahoman.com/article/5668074/point-of-view-oklahoma-senate-will-conduct-open-redistricting-process>.

² *See, e.g.*, <https://www.pawhuskajournalcapital.com/story/news/2020/08/31/news/3451300001/>

EXHIBIT A



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September 22, 2020

The Honorable Michael Rogers
Oklahoma Secretary of State
2300 N. Lincoln Boulevard, Ste. 122
Oklahoma City, Oklahoma 73105-4897

Re: Initiative Petition 430

Dear Mr. Secretary:

Pursuant to Title 34, Section 8(E), the proponents of Initiative Petition 430, State Question 815, regarding legislative redistricting, respectfully withdraw the Petition.

Sincerely,

Melanie Wilson Rughani
Counsel for Proponents Andrew Moore,
Janet Ann Largent, and Lynda Johnson