

MWR

IN THE SUPREME COURT
STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA
JAN 24 2022

JOHN D. HADDEN
CLERK

Jed Green,)
Petitioner,)
V.)
Michelle Diane Tilley Nichols,)
Michelle Anne Jones,)
Respondents.)

Case No. 120170

APPLICATION FOR ORIGINAL JURISDICTION OF CHALLENGE TO THE
CONSTITUTIONALITY OF STATE QUESTION 820 INITIATIVE PETITION 434

Comes now the Petitioner in challenge to Respondents filing of Initiative Petition 434. Petitioner respectfully requests The Court consider and hear the complaints contained herein regarding IP 434 and render a decision determining constitutionality of, and the appropriateness for gathering signatures by the Respondents and submission as a ballot measure before the People of Oklahoma.

Statements of the Case

Violation of Single Subject Rule

Initiative Petition 434 "The Adult Use Marijuana Regulation Act" would create new sections in Title 63 to include:

- a. Section 431 - "Adult Use Marijuana Regulation Act"
- b. Section 432 - "Definitions"
- c. Section 433 - "Limitations"
- d. Section 434 - "Employment, Property and Patients"
- e. Section 435 - "Personal Use Protections"
- f. Section 436 - "Personal Use Penalties"
- g. Section 437 - "Licensing"
- h. Section 438 - "Rules and Regulations"
- i. Section 439 - "Licensee Protections"
- j. Section 440 - "License Restrictions"
- k. Section 441 - "Local Governments"
- l. Section 442 - " Marijuana Tax"
- m. Section 443 - "Oklahoma Marijuana Revenue Trust Fund"
- n. Section 444 - "Annual Report"
- o. Section 445 - "Retroactive Application"

While the proposed Sections 431- 444 are generally within the subject of a state regulated marijuana program, proposed section 445 goes afield in establishing what could be generally described as retroactive processes, procedures and requirements of the courts. These subjects are typically addressed and more appropriately belong in one of: Title 20 "Courts", Title 21 "Crimes and Punishments", or Title 22 "Criminal Procedure" Initiative Petition 434 "The Adult Use Marijuana Regulation Act", a statutory proposal, also does not clearly express or address in its title the separate subject of retroactive justice reforms.

As stated in Oklahoma Constitution Article 5, Section 57:

"Every act of the Legislature shall embrace but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes. ..."

Conflicting and unclear proposed "Gist" and Ballot Title"

The proposed "Gist" and the proposed "Ballot Title" provide differing descriptions of what is contained in Initiative Petition 434. Title 34 Section 9 addresses requirements for the Ballot Title:

"Title 34 Section 9

A. When a referendum is ordered by petition of the people against any measure passed by the Legislature or when any measure is proposed by initiative petition, whether as an amendment to the Constitution or as a statute, it shall be the duty of the parties submitting the measure to prepare and file one copy of the measure with the Secretary of State and one copy with the Attorney General.

B. The parties submitting the measure shall also submit a suggested ballot title which shall be filed on a separate sheet of paper and shall not be deemed part of the petition. The suggested ballot title:

- 1. Shall not exceed two hundred (200) words, or three hundred (300) words if the proposed measure will have a fiscal impact on the state;**
- 2. Shall explain in basic words, which can be easily found in dictionaries of general usage, the effect of the proposition;**
- 3. Shall not contain any words which have a special meaning for a particular profession or trade not commonly known to the citizens of this state;**
- 4. Shall not reflect partiality in its composition or contain any argument for or against the measure;"**

Examples of conflict, by subject, between the “Gist” and the Ballot Title” as evidence that both are written in a manner intended to influence two separate viewers of Initiative Petition 434:

1. POWERS OF REGULATION BY POLITICAL SUBDIVISIONS
 - a. GIST: “providing for local government regulation within limits;”
 - b. BALLOT TITLE: “ Local governments could regulate the time, place, and manner of operation of businesses licensed pursuant to this Act, but not limit the number or completely prohibit such businesses. ”
 - c. The substantial difference between the two is that the Gist does not indicate that passage of IP 434 gives local governments the power to dictate core business operations.
2. EXCISE TAX ON ADULT USE MARIJUANA SALES
 - a. GIST: “ establishing an excise tax, and providing for collection and distribution of proceeds thereof”
 - b. BALLOT TITLE: ” it would impose a 15% excise tax on sales to consumers (not applicable to medical marijuana) to fund the Authority, with the surplus directed to localities where sales occur (10%), to the General Revenue Fund (30%), to courts (10%), to schools (for programs to prevent substance abuse and improve student retention and performance) (30%), and to drug addiction treatment programs (20%).”
 - c. The substantial difference between the two is that the Gist does not inform consumers of the 15% excise tax rate on Adult Use Marijuana sales, or how that revenue would be expended.
3. RETROACTIVE JUSTICE REFORM
 - a. GIST: “providing for retroactive application; establishing a judicial process for resentencing, reversal of convictions, or modification of judgment and sentence for individuals previously convicted of certain marijuana-related offenses; establishing rules of construction;”
 - b. BALLOT TITLE:”The measure would provide a judicial process for people to seek modification, reversal, redesignation, or expungement of certain prior marijuana-related judgments and sentences.”
 - c. The substantial difference between the two is that the Ballot Title does not make clear the retroactive nature of the proposal.

The obvious intent is to create two separate descriptions of IP 434 for the purpose of gathering support between two targeted demographic groups. The Gist is written to appeal to Oklahomans most likely to sign the document for ballot access. The Ballot title is written to appeal to a broader group of Oklahomans at the ballot box.


Creates requirement of Oklahoma Medical Marijuana Authority in conflict with administrative code procedures.

Section 8 of Initiative Petition 434, which would create Section 438 of title 63. It begins with section “A” to say:

"Not later than 90 days after the effective date of this Act, the Authority shall promulgate rules and issue regulations necessary for the implementation and enforcement of this Act...."

This timeline would clearly violate procedures outlined in Title 75 Section 303. Doing so would create conflict and deprive the people of Oklahoma from typically afforded input into those future rules and regulations.

Respectfully submitted for consideration this 24th day of January, 2022,

x  _____

Petitioner

Jed Green

2900 Venice Blvd

Oklahoma City, OK 73107

MWR

IN THE SUPREME COURT
STATE OF OKLAHOMA

Jed Green,
Petitioner,

V.

Respondents.

Michelle Diane Tilley Nichols,
3216 NW 188 Ter.
Edmond, Oklahoma 73012

Michelle Anne Jones,
405 N. Aster Ave.
Broken Arrow, Oklahoma, 74012

Melanie Wilson Roughen
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The Honorable Brian Bingman
421 NW 13th St #210,
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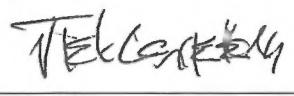
#120170

Case No. _____

FILED
SUPREME COURT
STATE OF OKLAHOMA
JAN 24 2022
JOHN D. HADDEN
CLERK

Notice of Original Jurisdiction Supreme Court Proceeding

Notice to:
Michelle Diane Tilley Nichols, Michelle Anne Jones, Melanie Wilson Roughen, The Honorable Brian Bingman



Jed Green
2900 Venice Blvd.
Oklahoma City, OK 73107

The attached original proceeding has been filed. Dates for response and any oral presentation will be set by order of the Chief Justice.

mwr

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA
JAN 21 2022

JED GREEN,

Petitioner

JOHN D. HADDEN
CLERK

-vs-

Case No. #120170

MICHELLE DIANNE TILLEY NICHOLS

And

MICHELLE ANN JONES,

Respondents

ENTRY OF APPEARANCE -- PRO SE

I hereby notify the clerk that I am appearing pro se as the Applicant/Petitioner in this case.

All notices regarding the case should be sent to me at the address below. If my mailing address changes, I will promptly notify the clerk in writing of my new address.

Jed Green
Signature

JED GREEN
Jed Green
hometurfstrategy@gmail.com
Designated Case Specific Email Address [if applicable*]
ORCA40K@gmail.com
Secondary Email Address [if applicable*]
2900 VENICE BLVD
Mailing Address
OKC, OK 73107
City, State, Zip Code
405-208-9449
Area Code, Telephone Number

CERTIFICATE OF MAILING TO PARTIES

I certify that a true and correct copy of the Entry of Appearance was mailed this 24 day of January, 2022, by depositing it in the U.S. Mail, postage prepaid or by electronic mail to _

JFB COUNSEL
(Name and Address and/or Email Address of Each Party or Counsel)

Michelle Diane Tilley Nichols
3216 NW 188 Ter.
Edmond, Oklahoma 73012,

The Honorable Brian Bingman
421 NW 13th St. #210
Oklahoma City Oklahoma 73103

Michelle Anne Jones
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*Note regarding email addresses: For electronic service in a particular case, Registered Users of the Oklahoma Unified Case Management System (OUCMS) must provide a Designated Case-Specific Email Address, as described in Rule 2, paragraph 1 of the Oklahoma Rules for E-Filing in Selected Pilot Courts (See Supreme Court Administrative Directive No. SCAD-2012-36, RE Rules for Electronic Filing in the Oklahoma Courts Selected as Pilot Courts, 2012 OK 61):

1. Email addresses:

1. "Designated Case-Specific Email Address" is the primary email address provided by the Registered User in a specific case or matter for E-Service in that specific case or matter. A Registered User must provide a Designated Case-Specific Email Address at the time the Registered User files his or her entry of appearance or other initial filing. A Designated Case-Specific Email Address must have the functionality required by the OUCMS, and E-Service shall originate from and be perfected to this email address. Once a Registered User provides a Designated Case-Specific Email Address in a specific case, that address shall serve as the "last known address" for purposes of service in that matter as required by any statute or court rule.
2. "Registration Email Address" means the email address provided by a Registered User during the registration process. The Registration Email Address shall be associated with the user's profile, and OUCMS will use these addresses for notifications related to E-Filing under that user's account regardless of the Designated Case-Specific Email Address on file in a specific case.
3. "Secondary Email Address" means the email address or addresses provided by a Registered User in a particular case or matter, in addition to the Designated Case-Specific Email Address. If a Registered User designates a Secondary Email Address in a case, any E-Filer in that case shall also send electronic copies of Documents filed in that case to the Secondary Email Address.