

SUPREME COURT OF OKLAHOMA

Allison v. McCoy-Post

Allison, 2026 OK 4 (Okla. 2026) · No. 122946 · Decided February 3, 2026

SUMMARY

The Oklahoma Supreme Court affirmed the Cleveland County District Court's ruling that Referendum Petition 2425-1, concerning Norman's Rock Creek Entertainment District Project Plan and related tax increment financing districts, was legally insufficient. The Court held that the petition's gist inaccurately described the maximum public assistance and failed to explain that the tax increment districts would terminate upon the earliest of three specified events. Chief Justice Rowe dissented, concluding that the gist fairly summarized the governing documents and was not misleading.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Kuehn, V.C.J.; Winchester, J.; Edmondson, J.; Combs, J.; Gurich, J.; Darby, J.; Kane, J.; Jett, J.
JURISDICTION	Supreme Court of Oklahoma
DECIDED	February 3, 2026
DOCKET	122946
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Cleveland County District Court's order granting a protest to the legal sufficiency and signature count of Referendum Petition 2425-1 concerning Norman Ordinance No. O-2425-2. The Oklahoma Supreme Court retained the appeal and affirmed.
STANDARD OF REVIEW	De novo review of the legal sufficiency of the petition's gist.
PRECEDENTIAL VALUE	Published
PARTIES	Pamela Sue McCoy-Post, Paul Thomas Arcaroli, Richard Lorenz Sondag v. Kyle Allison, Vernon McKown, Jr., David Nimmo, Philip Quinn

TOPICS

- municipal finance
- municipal law
- election law
- appellate procedure
- standard of review

PRACTICE AREAS

Municipal law

Election law

Constitutional law

Appellate procedure

Municipal finance

QUESTIONS PRESENTED

1. Whether the gist of Referendum Petition 2425-1 was legally sufficient.
2. Whether the gist was misleading because it failed to identify that the tax-increment districts would terminate upon the earliest of three triggering events rather than simply lasting up to twenty-five years.
3. Whether the gist inaccurately described the maximum amount of public financial assistance authorized by Ordinance No. O-2425-2.

HOLDINGS

1. A referendum petition's gist is legally insufficient when material misstatements or omissions prevent a potential signatory from understanding the true nature of the ordinance and project.
2. Describing tax-increment districts as lasting a maximum of twenty-five years is insufficient when the governing ordinance provides that the districts terminate upon the earliest of three specified events.
3. The gist was legally insufficient because it inaccurately described the maximum amount of public financial assistance authorized for the project.

KEY QUOTATIONS

“A gist must provide sufficient information for a potential signatory, who may choose to look only at the gist before signing a petition, to make an informed decision about the Ordinance and the Rock Creek Plan.” (¶ 11)

“The misstatement and omission of the three triggering events makes the gist incorrect and misleading.” (¶ 15)

FACTUAL BACKGROUND

In 2023, the City of Norman adopted a resolution concerning the Rock Creek Entertainment District Project Plan, which contemplated an arena, parking garage, public plaza, and related development. In September 2024, the City enacted Ordinance No. O-2425-2 creating a sales-tax increment district and an ad valorem tax-increment district to finance the project. The ordinance provided that the districts would remain active until the earliest of specified financing or public-assistance thresholds or twenty-five years. The referendum petition's gist described the districts as lasting a maximum of twenty-five years and stated that the project plan authorized up to \$600 million in project costs and assistance in financing \$230 million in construction-related costs.

PROCEDURAL HISTORY

The proponents submitted Referendum Petition 2425-1 to the Norman City Clerk after the City adopted Ordinance No. O-2425-2 creating two tax-increment-financing districts for the Rock Creek Entertainment District Project. Protestants challenged the petition in the Cleveland County District Court, which found the petition's gist legally insufficient and granted the protest. The proponents appealed, and the Supreme Court of Oklahoma affirmed.

DISPOSITION

affirmed

CASES CITED

- Oklahoma's Child., Our Future, Inc. v. Coburn, 2018 OK 55, 421 P.3d 867
- In re Initiative Petition No. 420, State Question No. 804, 2020 OK 9, 458 P.3d 1088
- In re State Question No. 813, Initiative Petition No. 429, 2020 OK 79, 476 P.3d 471
- Miller v. Ellis, 2020 OK 52, 467 P.3d 691
- In re Initiative Petition No. 426, State Question No. 810, 2020 OK 44, 465 P.3d 1259
- In re Initiative Petition No. 384, 2007 OK 48, 164 P.3d 125
- Tay v. Green, 2022 OK 37, 508 P.3d 431
- In re Initiative Petition No. 425, 2020 OK 58, 470 P.3d 284
- In re Initiative Petition No. 420, State Question No. 804, 2020 OK 10, 458 P.3d 1080
- McDonald v. Thompson, 2018 OK 25, 414 P.3d 367
- In re Initiative Petition No. 448, 2025 OK 56, 577 P.3d 276