

SUPREME COURT OF OKLAHOMA

Oklahoma Council of Public Affairs v. Smalley

2019 OK 48 (Okla. 2019) · No. 117962 · Decided June 19, 2019

SUMMARY

The Oklahoma Supreme Court held that the gist of Initiative Petition 419, State Question 802, was sufficient and not misleading in describing a proposed Medicaid expansion using a 133% federal poverty-level threshold. The Court also denied the remaining constitutional challenges to the initiative petition.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Per curiam; Gurich, C.J.; Darby, V.C.J.; Kauger, J.; Reif, S.J.; Thornbrugh, S.J.; Swinton, S.J.; Winchester, J.; Combs, J.; Bell, S.J.
JURISDICTION	Oklahoma
DECIDED	June 19, 2019
DOCKET	117962
DISPOSITION	other
PROCEDURAL POSTURE	Petitioners/protestants challenged the sufficiency of the gist and the constitutionality of Initiative Petition 419, State Question 802, under 34 O.S. Supp. 2015 § 8(B)-(C).
PRECEDENTIAL VALUE	The opinion is marked as not released for publication and subject to revision or withdrawal; its precedential status should be treated as limited or unpublished based on the provided text.
PARTIES	Oklahoma Council of Public Affairs, Inc., Douglas P. Beall, M.D., Jonathan S. Small, II, Jennifer Witherby, R.N. v. Kelly Smalley, Erin Taylor

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QUESTIONS PRESENTED

1. Whether the gist of Initiative Petition 419 was misleading or insufficient because it stated that Medicaid eligibility would extend to adults whose income did not exceed 133% of the federal poverty level.
2. Whether the remaining constitutional challenges to Initiative Petition 419, State Question 802, had merit.

HOLDINGS

1. The gist's use of 133% of the federal poverty level was not misleading, and the gist was sufficient.
2. The remaining constitutional challenges to Initiative Petition 419, State Question 802, were meritless and were denied.

KEY QUOTATIONS

“By its very nature, the gist is a simple statement that summarizes the petition.” (§ 1)

“The gist informs signers of what the proposed amendment is intended to do--"expand Oklahoma's Medicaid program to include certain low-income adults between the ages of 18 and 65 whose income does not exceed 133% of the federal poverty level, as permitted under the federal Medicaid laws.” (§ 1)

FACTUAL BACKGROUND

Initiative Petition 419, State Question 802, proposed expanding Oklahoma's Medicaid program to certain low-income adults ages 18 through 65 whose income did not exceed 133% of the federal poverty level. Petitioners argued that the gist's reference to 133% was misleading and also challenged the constitutionality of the initiative.

PROCEDURAL HISTORY

The Oklahoma Supreme Court heard oral argument on June 18, 2019, concerning the protest to Initiative Petition 419. The court denied the challenge to the gist and denied the remaining constitutional challenges.

DISPOSITION

other

CASES CITED

- McDonald v. Thompson, 2018 OK 25, 414 P.3d 367, 373

OPINION

PER CURIAM.

OKLAHOMA COUNCIL OF PUBLIC AFFAIRS v. SMALLEY Skip to Main Content
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COUNCIL OF PUBLIC AFFAIRS v. SMALLEY Previous Case Top Of Index This Point in Index

Citationize Next Case Print Only OKLAHOMA COUNCIL OF PUBLIC AFFAIRS v. SMALLEY2019 OK 48Case Number: 117962Decided: 06/19/2019THE SUPREME COURT OF THE STATE OF OKLAHOMA Cite as: 2019 OK 48, __ P.3d __ NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION.

UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL. OKLAHOMA COUNCIL OF PUBLIC AFFAIRS, INC., DOUGLAS P. BEALL, M.D., JONATHAN S. SMALL, II, and JENNIFER WITHERBY, R.N., Petitioners/Protestants, v. KELLY SMALLEY and ERIN TAYLOR, Respondents/Proponents. ORDER ¶1 Oral argument was held on June 18, 2019, concerning a challenge to the sufficiency of the gist and the constitutionality of Initiative Petition 419, State Question 802, pursuant to 34 O.S.

Supp. 2015 § 8 (B) & (C). We find that the challenge to the gist's use of 133% in determining eligibility for the proposed Medicaid expansion is not misleading and is sufficient. In McDonald v. Thompson, we stated that "[b]y its very nature, the gist is a simple statement that summarizes the petition." 2018 OK 25, ¶ 12, 414 P.3d 367, 373.

We believe the language of the gist is clear. The gist informs signers of what the proposed amendment is intended to do--"expand Oklahoma's Medicaid program to include certain low-income adults between the ages of 18 and 65 whose income does not exceed 133% of the federal poverty level, as permitted under the federal Medicaid laws." (emphasis added). ¶2 The remaining challenges to the constitutionality of Initiative Petition 419, State Question 802, are also denied.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE this 19th day of June, 2019. /S/CHIEF JUSTICE CONCUR: Gurich, C.J., Darby, V.C.J., Kauger, J., Reif, S.J., Thornbrugh, S.J. and Swinton, S.J. CONCUR IN PART; DISSENT IN PART: Winchester and Combs, JJ. and Bell, S.J. Combs, J., with whom Winchester, J. and Bell, S.J., join, concurring in part; dissenting in part: "I concur with the majority that the Protestant's constitutional challenges to Initiative Petition 419 are meritless.

However, I dissent to its ruling that the gist is sufficient. The use in the gist of 133% of the federal poverty level rather than the more accurate 138% is misleading to signatories and therefore the petition should be stricken on that basis alone." RECUSED: Edmondson and Colbert, JJ. Citationizer© Summary of Documents Citing This Document Cite Name Level None Found.

Citationizer: Table of Authority Cite Name Level Oklahoma Supreme Court Cases CiteNameLevel 2018 OK 25, 414 P.3d 367, McDONALD v. THOMPSONDiscussed Title 34. Initiative and Referendum CiteNameLevel 34 O.S. 8, Filing Copy of Proposed Petition - Publication - Protest - Hearing and Determination - Signature Gathering DeadlineCited oscn EMAIL: webmaster@oscn.net Oklahoma Judicial Center 2100 N Lincoln Blvd.

Oklahoma City, OK 73105 courts Supreme Court of Oklahoma Court of Criminal Appeals Court of Civil Appeals District Courts decisions New Decisions Supreme Court of Oklahoma Court of Criminal Appeals Court of Civil Appeals programs The Sovereignty Symposium Alternative Dispute Resolution Early Settlement Mediation Children's Court Improvement Program (CIP) Judicial Nominating Commission Certified Courtroom Interpreters Certified Shorthand Reporters Accessibility ADA Contact Us Careers Accessibility ADA

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