

ORIGINAL



FILED
SUPREME COURT
STATE OF OKLAHOMA

MAY - 7 2020

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA
JOHN D. HADDEN
CLERK

THEODIS MANNING AND GENE RAINBOLT,)
)
Petitioners/Proponents,)
)
v.)
)
MICHAEL ROGERS, Oklahoma Secretary of)
State, in his official capacity,)
)
Respondent/Protestant.)

Sup. Ct. Case # **118774**

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APPLICATION TO ASSUME ORIGINAL JURISDICTION AND PETITION FOR EXTRAORDINARY RELIEF

Petitioners/Proponents of Initiative Petition 421, State Question 805, Theodis Manning and Gene Rainbolt, respectfully request that the Court, pursuant to Article 7, § 4 of the Oklahoma Constitution, assume original jurisdiction and issue a writ of mandamus or other appropriate extraordinary relief directing Respondent, Michael Rogers, in his capacity as Oklahoma Secretary of State, to accept Proponents' initiative petition—signed by more than 260,000 Oklahomans—for filing, and timely commence (and complete) the signature-counting process.

In support of this Application and Petition, Petitioners show the Court:

1. Petitioner Theodis Manning is a resident and citizen of the State of Oklahoma, and is one of the named Proponents of Initiative Petition 421, State Question 805.
2. Petitioner Gene Rainbolt is a resident and citizen of the State of Oklahoma, and is one of the named Proponents of Initiative Petition 421, State Question 805.
3. Respondent Michael Rogers is the Oklahoma Secretary of State, and is named in his official capacity. Respondent has the authority, and obligation, to accept Petitioner/Proponents' initiative petition for filing and begin (and complete) the counting process. *See* 34 O.S. § 8.

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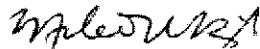
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4. As explained in the accompanying brief, there is no mechanism for appeal of the Secretary's refusal to accept Proponents' initiative petition for filing; thus, there is no adequate remedy at law. Furthermore, time is of the essence: according to the State Election Board, all measures must be finalized by August 19, 2020 in order to be printed on the November general election ballot. Given the number of steps that remain to be completed in the initiative process, and the potential for delay under current circumstances, an original action in this Court is Proponents' only available and adequate remedy.

5. This application is not filed within ten days of any scheduled trial or hearing date.

WHEREFORE, Petitioners pray that this Court assume original jurisdiction of this matter and issue a writ of mandamus or other appropriate extraordinary relief.

Respectfully Submitted,



D. KENT MEYERS, OBA #6168
MELANIE WILSON RUGHANI, OBA #30421
JORDAN E.M. SESSLER, OBA #33264
CROWE & DUNLEVY
A Professional Corporation
Braniff Building
324 North Robinson Avenue, Suite 100
Oklahoma City, Oklahoma 73102
(405) 235-7700
(405) 239-6651 (Facsimile)
kent.meyers@crowedunlevy.com
melanie.rughani@crowedunlevy.com
jordan.sessler@crowedunlevy.com

**ATTORNEYS FOR PETITIONERS/
PROponents**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing was served by U.S. Mail, postage prepaid, and e-mailed this 7th day of May, 2020, to:

Mike Hunter, Attorney General
Mithun Mansinghani, Solicitor General
Office of the Oklahoma Attorney General
313 NE 21st St
Oklahoma City, Oklahoma 73105
mithun.mansinghani@oag.ok.gov