



SERVICE COPY

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

SEP 24 2020

JOHN D. HADDEN
CLERK

(1) ROGER GADDIS, AND
(2) ELDON MERKLIN,

PROTESTANTS/PETITIONERS,

v.

(1) ANDREW MOORE,
(2) JANET ANN LARGENT, AND
(3) LYNDA JOHNSON,

RESPONDENTS/PROPOSERS.

Sup. Ct. Case No. 119,029

Received:	9-24-20
Docketed:	
Marshal:	
COA/OKC:	
COA/TUL:	

(1) MARC MCCORMICK, AND
(2) SCOTT JOHNSON

PROTESTANTS/PETITIONERS,

v.

(1) JANET ANN LARGENT,
(2) ANDREW MOORE, AND
(3) LYNDA JOHNSON,

RESPONDENTS/PROPOSERS.

Sup. Ct. Case No. 119,030

RESPONSE TO MOTION TO DISMISS

Come now the Protestants in cases number 119,029 and 119,030 and respond to the Motion to Dismiss filed September 23, 2020 by the Proposers of Initiative Petition 430. ("IP 430")

1. The first sentence of Proposers' Motion asks that these cases be dismissed as moot because the Proposers have chosen to formally withdraw IP 430. The Protestants agree with that sentence and do not object to the requested dismissal.

2. Everything after the first sentence in the Motion should be disregarded. Although the Proponents attempt to justify their decision to withdraw IP 430, the fact is that the briefing of Protestants revealed obvious constitutional violations in IP 430. The Proponents' Brief in Response was due on September 23, and they withdrew IP 430 on September 22 because they had no adequate response. To provide just two examples:

- Because the Proponents' proposal for mid-decade redistricting would result in Oklahoma having more than 48 senators, some districts would have two senators while others would have only one. It would be a clear Equal Protection violation. *Reynolds v. Sims*, 377 U.S. 533 (1964); *Evenwell v Abbott*, ___ U.S. ___, 136 S.Ct. 1120 (2016); *Rucho v. Common Cause*, ___ U.S. ___, 139 S.Ct. 2484 (2019).
- The Proponents' timeline for mid-decade redistricting was such that the deadline for candidates to establish residency in their districts could come and go before the district lines had even been drawn. 14 O.S. §§ 80.8, 108. The Proponents' solution was that there would be no residency requirement for the Legislature in the election of 2024. IP 430, § 4(F)(3) (providing that "such requirements shall be suspended and not apply for any affected election.").

3. This Court should ignore the Proponents' rhetoric about why they abandoned their petition, and simply dismiss these cases as moot.

Respectfully Submitted,



ROBERT G. MCCAMPBELL, OBA No. 10390
GABLEGOTWALS
One Leadership Square, 15th Floor
211 North Robinson Avenue
Oklahoma City, OK 73102
Telephone: (405) 235-5500
RMcCampbell@Gablelaw.com

Attorney for Protestants/Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of September 2020, a true and correct copy of the above and forgoing was served by U.S. mail postage prepaid as follows:

D. Kent Meyers
Roger A. Stong
Melanie Wilson Rughani
CROWE & DUNLEVY, P.C.
324 N. Robinson Ave., Suite 100
Oklahoma City, OK 73102

Secretary of State's Office
State of Oklahoma
2300 N. Lincoln Blvd.
Suite 101
Oklahoma City, OK 73105-4897

Attorney General's Office
313 NE 21st Street
Oklahoma City, OK 73105-4897



Robert G. McCampbell

S552358