



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

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.)

FILED
SUPREME COURT
STATE OF OKLAHOMA
 JUN 18 2019
 JOHN D. HADDEN
 CLERK

No. 117,962

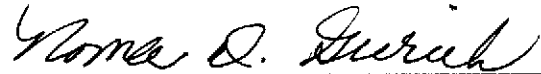
ORDER

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).

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 18th day of June, 2019.



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.