

SUPREME COURT OF THE OKLAHOMA INTERCOLLEGIATE LEGISLATURE

JOHNNY AMAN,
In his official capacity as Senate Judiciary Chairman

Plaintiff,

vs.

BRAD CROFFORD,
In his official capacity as Attorney General of the Oklahoma Intercollegiate Legislature

Case No.: S2015-001

CITE AS: AMAN V. CROFFORD, S2015-001

ARGUED: 4-23-2015

DECIDED: 4-23-2015

DECISION PUBLISHED: 4-23-2015

Defendant

for their official opinion. The two legal questions that were presented were the following:

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With CHIEF JUSTICE NIEMAN, JUSTICE COLSTON, JUSTICE WEBB, JUSTICE RODRIGUEZ and JUSTICE WISKOFSKE concurring, JUSTICE MAXWELL delivered the opinion of the Court:

I

On or about March 23rd 2015, the Attorney General of the Oklahoma

Intercollegiate Legislature was presented with two legal questions that inquired

1. Does the language in Title 5, Chapter 5, Section 501 "placing of legislation into proper form'" include changes to the title of a bill?

2. Do the limits placed on the Secretary of State to change legislation (Title 5, Chapter 5, Section 501) apply to edits made before the bill packet has been assembled?

The Attorney General issued their response and official opinion on or about March 23rd 2015 as well. The Attorney General concluded in their opinion the following:

The answer to the first question is a qualified yes. The answer to the second is that the limits do not apply, but it is unclear whether this actually increases or reduces the Secretary of State's discretion.

II

A complaint was filed by the Chairman of the Senate Judiciary

Committee of the Oklahoma Intercollegiate Legislature following the Attorney

General's opinion. The complaint alleged the opinion was unconstitutional and
violated statutes on grounds that it created damages to the defendant; as well as,
it implied prohibited powers to the Secretary of State to make substantive
changes to a bill through the addition of material or grammatical correction. A
request for injunctive relief was sought and denied preceding the Court's hearing.

While the Court contends that the Plaintiff holds standing, the Court does not
contend the Attorney General was in error when issuing the opinion.

III

The Court is a vital institution within the Oklahoma Intercollegiate

Legislature and exists for a number of reasons. One of the most vital reasons is to check the powers of other branches and specific individuals to ensure that the VS. CROFFORD

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rights of other branches and individuals are not being infringed, thus causing damages. The Court also exists to insure that branches and individuals actions are within constitutional and statutory bounds. TITLE THREE, Section 102 of the statutes contends the Court may hear and rule on any case in consideration of an opinion by the Attorney General. The Court holds that this statute grants any individual to bring suit against an opinion of the Attorney General to this very court; thus, standing was met by the Plaintiff. The Court will not issue wisdom on the Plaintiff's claims of damages. IV

Before the Court can rule on the constitutionality of "substantive" changes to legislation by the Secretary of State, the Court must render distinction between enrolled legislation and unenrolled legislation. The Court defines enrolled legislation as a bill that has passed both chambers and has been signed by the chief executive. The Court defines unenrolled legislation as a bill that exists before any passage or final approval. In regards to the Secretary of State holding the power to make substantive changes the Court holds that those powers do not exist. Numerous checks and balances exist to ensure this does not occur, including judicial remedies afforded to the court. The Court grants the Secretary of State the power to make practical changes to both enrolled and unenrolled legislation. Practical changes meaning changes that do not change the substance or spirit of the legislation. The Court holds form, grammatical, punctual and spelling corrections are not substantive changes but instead practical changes and is an afforded power granted to the Secretary of State under TITLE FIVE, Section 501 of the Oklahoma Intercollegiate Legislature's statutory law. The

Court cannot say whether or not the Secretary of State holds the power to make AMAN VS. CROFFORD

any further changes beyond form, grammatical, punctual and spelling changes and refer to them as "practical" changes. The Court cannot issue guidance and wisdom on further changes because the statutes are too vague. The statutes do not explicitly grant the power, but nor do they deny the Secretary of State any further editing powers. Statutory editing is a power reserved to the legislature and individuals who hold such positions including, but not limited to, Chairman of the Senate Judiciary Committee; not the Supreme Court. Until further legislative action is taken, the Attorney General's opinion stands, and the Secretary of State is granted to conduct himself accordingly.

It Is So Ordered.

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