



OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA INTERCOLLEGIATE LEGISLATURE

OPINION 2017-001

May 7, 2017

Honorable Delegates and Members,

The very first opinion of my term has been requested and it pertains to discrepancies between the Oklahoma Intercollegiate Legislature (OIL) Constitution and Statutes with regard to the Attorney General position. It falls into two (2) separate questions; they are as follows:

1. Does the OIL Supreme Court have the authority to strike down any and all statutes that insinuate that the Attorney General is elected?
2. If so, who has just cause and standing to file the case before the OIL Supreme Court? If not, is internal legislation the only solution to fix this confliction?

First question first: yes. According to the OIL Statutes, Chapter Two, Section 200:

“The Supreme Court shall have jurisdiction to hear cases arising from opinions of the AG, constitutionally questioned actions of executive officers, constitutionally questioned legislation which affects the organization, the mock constitutionality of legislation for educational purposes, matters outlined in the Senate approved Supreme Court Rules, and constitutional or statutorial disputes between branches of government.”

Thus, if a case was presented to the Supreme Court, they would have jurisdiction to strike down any unconstitutional statute.

The answer to the second question is a little less clear. The clear answer is the Attorney General. The person in that position obviously has standing, as the nature of their position is

compromised by the conflict between the Constitution and Statutes. The indirect answer is the Governor. In the Article of the Fourth, Section Five, subsection 2, the Constitution states that “the Governor elect, before taking office, shall appoint, with the advice and consent of the Senate, the Attorney General for a term beginning not before the Governor elect’s swearing in and expiring to later than the Governor’s last day in office.” It is up to the Governor to appoint her or his Attorney General, and in doing so, she or he is in violation of statute while following what is constitutionally required of her or him. For this, I see that she or he would also have standing to file a case with the Supreme Court.

Of course, there is a legislative option open, as well. A member of the House of Representatives or of the Senate could bring a piece of internal legislation specifically striking language in statute stating that the Attorney General is an elected position, which, after passing both houses and receiving the Governor’s signature, would serve the same purpose.

Yours respectfully,

A handwritten signature in black ink that reads "Kimberley Bishop". The signature is written in a cursive, flowing style.

Kimberley Bishop
Attorney General