

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 vs.)
)
 RICHARD MERRILL CARPENTER)
)
)
 PAUL JACOB)
 &)
)
 SUSAN ELIZABETH JOHNSON)
)
)
 Defendants.)

CF-2007-5713

Case No. _____

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

OCT 02 2007

PATRICIA PEEBLEY, COURT CLERK
by  DEPUTY

INDICTMENT

FOR: Conspiracy, 21 O.S. 2001, § 424 [Count 1]

Violation of the Petition and Referendum Act, 34 O.S. § 23 [Count 2]

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA:

By order of the Supreme Court of Oklahoma entered on the 9th day of January, 2007, the eleventh Oklahoma Multicounty Grand Jury was convened with its principal site to be Oklahoma City, Oklahoma County, Oklahoma, to serve for a regular term of eighteen (18) months from the date of its convening on February 20, 2007 until August 31, 2008. The said Multicounty Grand Jury of the State of Oklahoma, being composed of good and lawful men and women, legally drawn and summoned according to law and then and there examined, impaneled, sworn and charged according to law to diligently inquire into and true presentment make of all public offenses against the State

of Oklahoma committed and triable within the State of Oklahoma, upon their oath and in the name and by the authority of the State of Oklahoma, do present and find that:

COUNT 1:

During a period commencing upon the 1st day of September, 2005 through the 31st day of December, 2005, the crime of **CONSPIRACY TO DEFRAUD THE STATE** was feloniously committed in Oklahoma County, Oklahoma, by the defendants, **RICHARD MERRILL CARPENTER, PAUL JACOB AND SUSAN ELIZABETH JOHNSON** together with others unnamed. During all times set forth herein, and within said County and State, **RICHARD MERRILL CARPENTER** of Oklahomans In Action, **PAUL JACOB** of Citizens In Charge and **SUSAN ELIZABETH JOHNSON** of National Voters Outreach knowingly, willfully, fraudulently and feloniously caused to be filed initiative petitions knowing the same to be falsely made. That during said time period, Oklahomans In Action was formed for the specific purpose of forwarding Initiative Petition No. 379, State Question 726 commonly known as TABOR, an acronym for Taxpayer Bill of Rights, a measure which sought to amend art. 10 §23 of the Oklahoma Constitution setting limits on the growth of state spending and requiring any surplus funds to be placed in a constitutional emergency fund. Defendant **RICHARD MERRILL CARPENTER** was an officer for Oklahomans In Action during the relevant time and was a named proponent of the initiative petition.

Defendant **SUSAN ELIZABETH JOHNSON** is the head of National Voters Outreach a Nevada Corporation which is the entity responsible for the circulation and signature collection process used to gather signatures purportedly in support of the TABOR petition.

In exchange and consideration for **SUSAN ELIZABETH JOHNSON** 's effort to obtain signatures through circulators, many of which were out-of state- circulators, National Voter Outreach was paid by and through defendants **RICHARD MERRILL CARPENTER** and **PAUL JACOB** for signatures gathered in support of the TABOR petition.

By law, citizen initiative petitions may be circulated for ninety (90) days. At the end of the referenced ninety (90) day period used to circulate an initiative petition, signatures gathered in support of the petition must be submitted for verification to the Secretary of State for the State of Oklahoma which is located at 101 State Capitol, 2300 North Lincoln Blvd., Oklahoma City, Oklahoma. As the official repository and filing agency for all proposed state questions and initiative petitions, the Secretary of State verifies that only registered voters have signed the petition, among other things.

It is the responsibility of a circulator to verify that a registered voter actually signed the petition. Circulators must swear that the individual listed on the petition sheet signed that petition in their presence. Furthermore, each time the circulator executes the verification of signatures, the individual must swear to be "a qualified elector of the State of Oklahoma and provide a post office address. Nothing less than an accurate address for the circulator will constitute substantial compliance with the statutory requirement of providing a post office address.

On September 29, 2005, Defendant **RICHARD MERRILL CARPENTER** filed Initiative Petition No. 379 with the Oklahoma Secretary of State and, therefore commenced the running of a ninety (90) day period during which signatures must be gathered. Within the ninety (90) day period, the defendants hired and used out-of-state residents to circulate the herein referenced citizen initiative petition in order to gather signatures in support. Invoices relating to the heretofore referenced out-of state circulators were generated by National Voter Outreach and indicate that out-

of-state circulators were paid between approximately \$1.50 and \$1.75 per signature, that individual managers had the option of paying circulators under their supervision at higher rates and exercised such discretion at various times during the time referenced above. On or about December 19, 2005, the referenced ninety (90) day period expired and the proponent was required to submit signatures purportedly gathered in support of the herein referenced initiative petition.

Defendants **SUSAN ELIZABETH JOHNSON , RICHARD MERRILL CARPENTER** and **PAUL JACOB** knowingly and without the intent of the out-of state circulator that he or she would remain in the State of Oklahoma, enlisted non-Oklahomans to come into the State of Oklahoma to circulate the TABOR petition and the same defendants did so with full knowledge and understanding that the out-of-state circulators would come into the state with the intent of leaving the state once the TABOR drive was complete. The defendants brought said out-of-state circulators into the State of Oklahoma or caused them to come into the State of Oklahoma temporarily for no reason other than to circulate the TABOR petition. In numerous instances, said out-of-state circulators, signed a certificate to verify by sworn testimony that the circulator is a qualified elector - that being a United States citizen over the age of 18 and a bona-fide Oklahoma resident. That within the aforesaid times and dates and the aforesaid County and State, the aforesaid defendants, together with other persons, did wilfully, corruptly, deceitfully, fraudulently and feloniously conspire and agree among themselves to defraud the State of Oklahoma by impairing, obstructing or defeating the function of the Secretary of State as it relates to verification of signatures submitted in support of an initiative petition and as is set out in Title 34 Okla. Stat. § 3.1 and Article III § 1 of the Oklahoma Constitution by enlisting and employing out of state residents to come into the State of Oklahoma for the specific purpose of circulating petitions and

gathering signatures in support of the TABOR initiative. Pursuant to this unlawful agreement and *Conspiracy* overt acts were committed as follows:

1. Orchestrated the manner in which signatures would be gathered in support of the TABOR petition;
2. Devised a plan by which non-resident circulators would be drafted, used to gather signatures, and paid for gathering signatures in support of the TABOR petition;
3. Maintained non-resident circulators by providing transportation and lodging;
4. Filed sworn affidavits erroneously purporting that the non-residents are qualified electors of the State of Oklahoma;
5. Issued or caused to be issued 1099 forms for tax reporting purposes to non-resident circulators;

All of the foregoing being committed contrary to the provisions of Section 424 of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

COUNT 2:

That is to say on or about the 1st day of September, 2005, A.D., through the 31st day of December, 2005, A.D., the defendant, **RICHARD MERRILL CARPENTER** did willfully, intentionally, unlawfully and feloniously commit the crime of **FILING A FALSE, FRAUDULENT, FELONIOUS AND FICTITIOUS INITIATIVE PETITION** in violation of the Petition and Referendum Act. The defendants committed said criminal acts in Oklahoma County, Oklahoma. During all times set forth herein, and within said County and State, **RICHARD MERRILL CARPENTER** of Oklahomans In Action, knowingly, willfully, fraudulently and feloniously caused to be filed an initiative petition knowing the same to be falsely made. Said Oklahomans In Action was formed for the specific purpose of forwarding Initiative

Petition No. 379, State Question 726 commonly known as TABOR, an acronym for Taxpayer Bill of Rights, a measure which sought to amend art. 10 §23 of the Oklahoma Constitution setting limits on the growth of state spending and requiring any surplus funds to be placed in a constitutional emergency fund.

On September 19, 2005, Defendant **RICHARD MERRILL CARPENTER** filed Initiative Petition No. 379, State Question 726 with the Oklahoma Secretary of State and, therefore, prompted the running of ninety (90) days during which signatures may be gathered . On or about December 19, 2005, the referenced ninety (90) day period expired and the proponent was required to submit signatures purportedly gathered in support of the herein referenced initiative petition to the secretary of State for the State of Oklahoma.

Hence, defendant **RICHARD MERRILL CARPENTER** as the proponent of the herein described petition filed with the Secretary of State located in Oklahoma County, State of Oklahoma a petition accompanied by signatures gathered in support of the TABOR initiative and that said defendant did so with full knowledge and understanding that said petition contained numerous signatures gathered by out-of-state circulators who came into the state with intent to leave the state once the TABOR drive was complete. Defendant **RICHARD MERRILL CARPENTER** caused said out-of-state circulators to temporarily come into the State of Oklahoma for the sole purpose of circulating the TABOR petition. Furthermore, said out-of-state circulators, signed a certificate to verify by sworn testimony that the circulator is a qualified elector - that being a United States citizen over the age of the age of 18 and a bona-fide Oklahoma resident.

The defendant corruptly, fraudulently and falsely made, procured , submitted and/or filed a citizens initiative petition supported by illegal signatures and false affidavits. That is to say, in support of the heretofore referenced TABOR petition numerous signatures in support were

gathered by circulators who were known to the defendant as non-residents and not as bona fide residents of the State of Oklahoma as is required by 34 O.S. § 3.1 and Article III § 1 of the Oklahoma Constitution, that the defendant acted contrary to the provisions of Section 23 of Title 34 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

TRUE BILL (X)

NO BILL ()



FOREMAN
OKLAHOMA MULTICOUNTY GRAND JURY

Penalties:

CONSPIRACY AGAINST THE STATE, 21 O.S. § 424: Imprisonment in the State Penitentiary not exceeding ten (10) years, and/or by a fine not exceeding Twenty-Five Thousand Dollars (\$25,000.00).

FILING A FALSE, FRAUDULENT, FELONIOUS AND FICTITIOUS INITIATIVE PETITION in violation of the Petition and Referendum Act, 34 O.S. § 23: a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

WITNESSES APPEARING BEFORE THE MULTICOUNTY GRAND JURY:

Richard "Rick" Carpenter, 3135 S. 76th East Avenue, Tulsa, Oklahoma 74145
Melody Eckert, 4633 S. 72nd East Place, Tulsa, Oklahoma 74145
Jane Ann Eades, 620 S. Yorktown, Tulsa, Oklahoma 74104
Susan Johnson, National Voter Outreach, 3134 W. Johnson Road, Ludington, Michigan 49431
Paul Jacob, 2617 Pheasant Hunt Road, Woodbridge, Virginia 22192
Rosemary Jackson, Oklahoma City, Oklahoma
Linda Howard, Moore, Oklahoma
Robert Colby, P.O. Box 2002, San Jose, California 95050
Tommy Butler, Office of Attorney General