



ORIGINAL

1064051679

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

THE HONORABLE KENDAL
SACCHIERI, Oklahoma State Senator, et
al.

FILED
SUPREME COURT
STATE OF OKLAHOMA

JAN 27 2026

SELDEN JONES
CLERK

Petitioners,

v.

Case No: _____

SERVICE OKLAHOMA, a State Agency,
and JAY DOYLE, in his official capacity as
Executive Director;

Respondents,

#123760

**APPLICATION TO ASSUME ORIGINAL JURISDICTION AND MOTION FOR
EMERGENCY STAY AND TEMPORARY INJUNCTION**

Submitted by:

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----- ORIGINAL -----	
Received	_____
Marshall	_____ <i>[Signature]</i>
Reynolds	_____
Cert mailed	_____

1. COMES NOW Petitioners, by and through undersigned counsel, and respectfully apply for this Court to assume original jurisdiction and to enter an emergency stay and temporary injunction preventing Respondents from transmitting or uploading Oklahoma driver license and identification card data to the American Association of Motor Vehicle Administrators (AAMVA) "State-to-State" / SPEXS system (or any equivalent AAMVA data-exchange repository), scheduled for February 2026 (or any future date), pending further order of this Court. Petitioners contemporaneously file a Brief in Support.

RELIEF REQUESTED

2. Petitioners request that the Court:
 - a) Assume original jurisdiction under Okla. Const. art. VII, § 4 and 12 O.S. § 1651;
 - b) Issue an emergency stay and temporary injunction ordering Respondents to refrain from any transmission, upload, synchronization, or other disclosure of Oklahoma driver license and identification card data to AAMVA's State-to-State/SPEXS system, or any successor system, until the Court resolves the merits and/or the Oklahoma Legislature provides specific statutory authorization;
 - c) Order Respondents to show cause on an expedited schedule why a writ of prohibition and/or mandamus and declaratory relief should not issue; and,
 - d) Grant such other relief as the Court deems just and proper.

ORIGINAL JURISDICTION IS WARRANTED

3. This case presents a matter of *publici juris*—one “affect[ing] the public interest, with an urgent and pressing need for an early decision.” *Tobacco Settlement Endowment Trust Fund v. Stitt* (“TSET”), 2026 OK 1, ¶ 11, __ P.3d __. The planned transfer involves the entire population of Oklahoma credential holders, including those who obtained a REAL ID

Noncompliant credential specifically marked “not acceptable for official federal purposes.”

See Okla. Stat. tit. 47, § 6-101(G)(1)(b).

4. The controversy presents a pure separation-of-powers and statutory-authority question: whether a state agency may implement a programmatic, bulk transfer of sensitive identity data to an interstate data-exchange system absent clear legislative authorization. Oklahoma law is clear that major policy decisions must come from the Legislature. *See Okla. State Med. Ass'n v. Corbett*, 2021 OK 30, ¶ 12, 489 P.3d 1005, 1009 (citing “well-settled rule that ‘the legislature must not abdicate its responsibility to resolve fundamental policy making’”).

5. Seeking interim relief from a district court (such as a temporary injunction) is neither feasible nor efficacious under the circumstances, as the conduct challenged herein is set to occur in the coming weeks and has been implemented through internal policy or operational directive rather than through public, official channels. This Court’s immediate review is thus warranted under its general superintending control. OKLA. CONST. art. VII, § 4. There is no need for factual inquiry here; Respondents’ intention to opt in is publicly announced and the central question is whether Oklahoma law authorizes the planned conduct.

6. To the extent Respondents’ onboarding and data transmission require the expenditure of public funds, such expenditure was neither authorized nor requested by the Legislature, further supporting original jurisdiction.

7. Emergency relief is necessary. Once transmitted, Oklahoma credential data cannot be clawed back. This Court has explained that original jurisdiction is “an extraordinary stand-by service” when “great injury will be done by the failure of this court to exercise that original jurisdiction.” *Jarman v. Mason*, 1924 OK 722, ¶ 20, 229 P. 459.

8. Petitioners are current members of the Oklahoma House of Representatives and Oklahoma Senate, *see* EXHIBIT A attached hereto. They sue (i) to protect the Legislature's constitutional prerogatives against agency lawmaking; and (ii) because each Petitioner is also a holder of an Oklahoma credential and will have his or her personal identifying information transmitted absent relief.

FACTUAL BACKGROUND

9. Oklahoma statutes create two distinct credential tracks: a REAL ID Compliant credential and a REAL ID Noncompliant credential that is clearly distinguished as "not acceptable for official federal purposes." 47 O.S. § 6-101(G)(1)(a)-(b). Oklahoma law likewise provides for issuance of noncompliant identification cards. 47 O.S. § 6-105.3.

10. The Legislature has enacted findings and limitations emphasizing the voluntary nature of REAL ID participation, including that the State "shall not share with the federal government any personal information or biometric data obtained from an applicant" for an Oklahoma REAL ID compliant or noncompliant credential except as required by the REAL ID Act. *See* 47 O.S. § 6-110.3(A), (C).

11. As publicly announced by AAMVA, Respondents have decided to upload or transmit thereto a dataset covering all Oklahoma credential holders, including those who hold REAL ID Noncompliant credentials, as part of planned onboarding in February 2026. *See* EXHIBIT B attached hereto.

12. Petitioners allege there is no state statute authorizing Service Oklahoma to transmit the personal identity data of all credential holders to AAMVA, and no statute authorizing the transmission of REAL ID Noncompliant credential holder data in particular.

SUMMARY OF ARGUMENT

13. Respondents' planned transmission exceeds their statutory authority and invades the Legislature's lawmaking power, in violation of art. IV, § 1 and art. V, § 1 of the Oklahoma Constitution. In *Treat v. Stitt*, this Court reaffirmed that “[t]he Executive branch's authority . . . is statutory-not constitutional” and “must be in conformity with the statute.” 2021 OK 3, ¶ 6, 481 P.3d 240, 242.
14. Petitioners further allege the planned transmission contravenes the Legislature's express limitation on sharing personal or biometric data obtained from applicants for Oklahoma credentials absent a REAL ID Act requirement. *See* 47 O.S. § 6-110.3(C).
15. Federal REAL ID law sets conditions for federal acceptance of compliant credentials; it does not require Oklahoma to participate in AAMVA's systems, nor can it supply missing state-law authority for Respondents' planned programmatic upload.
16. The Legislature created a REAL ID Noncompliant credential option, and explicitly distinguished it from a REAL ID Compliant credential. *See* O. S. 47 § 6-101(G)(1)(b). Agency action that collapses the distinction by treating noncompliant credential holders as if they consented to interstate data exchange is a fundamental policy choice that requires legislative authorization. *Corbett*, 2021 OK 30, ¶ 13, 489 P.3d at 1010 (invalidating agency action where the agency “moved ahead without the required legislative authorization”).
17. Federal REAL ID law does not supply state-agency authority. The REAL ID Act sets conditions for federal acceptance of state credentials; it does not, by itself, create new powers in a state executive agency under Oklahoma law.

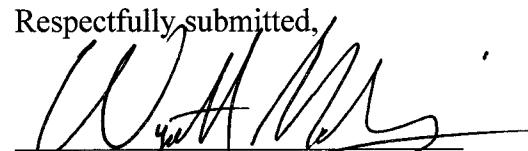
18. Because Petitioners are likely to succeed and face irreparable harm absent relief, the balance of equities and public interest favor an emergency stay and temporary injunction preserving the status quo.

PRAYER

19. WHEREFORE, Petitioners respectfully pray that this Court:

- a) Assume original jurisdiction;
- b) Immediately enter an emergency stay and temporary injunction prohibiting Respondents from transmitting, uploading, synchronizing, or otherwise disclosing any Oklahoma driver license or identification card data to AAMVA State-to-State / SPEXS (or any successor system) pending further order of this Court;
- c) Set an expedited schedule and order Respondents to show cause why the Court should not grant declaratory relief and issue a writ of prohibition and/or mandamus; and,
- d) Award such other relief as is just and proper.

Respectfully submitted,



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ATTORNEY FOR PETITIONERS

CERTIFICATE OF SERVICE

On this 27th day of January, 2026, the undersigned certifies that a true and correct copy of this Application and Petition was placed in the U.S. Mail (Certified), postage prepaid, to the following:

SERVICE OKLAHOMA
6015 N. Classen Blvd.
Oklahoma City, OK 73118

A courtesy copy of this Application and Petition was also placed in the U.S. Mail, postage prepaid, and electronically mailed to the following:

SERVICE OKLAHOMA
Business Support Services
PO Box 11415
Oklahoma City, OK 73136-0415
legal@service.ok.gov



For the Firm