MINUTES
OF THE STATE ELECTION BOARD AT ITS MEETING

April 23, 2018

The State Election Board met in a Special meeting at 8:30 a.m. in Room B-6 of the State Capitol Building, Oklahoma City, Okla., for consideration of agenda items 1 through 6. The meeting then recessed, moved to, and reconvened at 9:00 a.m. in Room 230, Second floor, Senate wing (North Hall), State Capitol Building, to consider the remaining agenda items. Advance notice of the meeting was performed by filing a written notice with the Secretary of State on December 11, 2017, at 4:25 p.m. A copy of the agenda is attached.

Meeting was called to order by Steve Curry

ROLL CALL: STEPHEN CURRY, CHAIRMAN - Present
THOMAS MONTGOMERY, VICE-CHAIRMAN - Present
DR. TIM MAULDIN, MEMBER - Present
JERRY BUCHANAN, ALTERNATE MEMBER - Present
DEBI THOMPSON, ALTERNATE MEMBER - Present

Also present were Assistant Attorney General Lyn Martin-Diehl and Assistant Attorney General Rachel Rogers. Note: Alternate State Election Board members Jerry Buchanan and Debi Thompson, while physically present, did not participate in the following meeting and/or Hearing on Contests of Candidacy, unless specifically noted in the Minutes. Also, Counsel from the Attorney General’s office did not advise the Board on Item 13. Drummond v. Hunter, Cause No. 2018-10.

BUSINESS CONDUCTED AT THE MEETING:

1. Call to Order, Roll Call, and confirmation of Quorum.

2. Discussion and possible action regarding the minutes of the meeting held March 13, 2018. ACTION TAKEN: Dr. Mauldin moved to approve the minutes of the meeting held March 13, 2018. Mr. Montgomery seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0.

3. Discussion and possible action regarding the appointment of Anthony Pate as the alternate Republican Board member of the Bryan County Election Board. ACTION TAKEN: Mr. Montgomery moved to appoint Anthony Pate as the alternate Republican Board member of the Bryan County Election Board. Dr. Mauldin seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Nomination attached)

4. Discussion and possible action regarding the resignation of Anthony Perna, the Democrat Board member of the Lincoln County Election Board. ACTION TAKEN: Mr. Curry asked for unanimous consent, without objection, to acknowledge the resignation of Anthony Perna, the Democrat Board member of the Lincoln County Election Board. ROLL CALL VOTE: None. (Resignation attached)

5. Discussion and possible action regarding the resignation of Gary Lanham, the Republican Board member of the Osage County Election Board. ACTION TAKEN: Mr. Curry asked for unanimous consent, without objection, to acknowledge the resignation of Gary Lanham, the Republican Board member of the Osage County Election Board. ROLL CALL VOTE: None. (Resignation attached)

6. Discussion and possible action regarding the petition by the Tulsa County Election Board to locate the Precinct 720009 polling place location outside the precinct boundaries. ACTION TAKEN: Dr. Mauldin moved to approve the petition by the Tulsa County Election Board to locate the Precinct 720009 polling
place location outside the precinct boundaries. Mr. Montgomery seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Petition attached.

7. Recess meeting in order to move to Room 230, Second floor, Senate wing (North Hall), State Capitol Building, the room in which the Contests of Candidacy will be heard beginning at approximately 9:00 a.m. **ACTION TAKEN:** Mr. Montgomery moved to recess the meeting in order to move to Room 230, Second floor, Senate wing (North Hall), State Capitol Building, the room in which the Contests of Candidacy will be heard. Dr. Mauldin seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0.

8. Reconvene meeting in Room 230, Second floor, Senate wing (North Hall), State Capitol Building, to conduct the Contests of Candidacy hearings. **ACTION TAKEN:** At 9:00 a.m., in Room 230, Mr. Montgomery moved to reconvene the meeting. Dr. Mauldin seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0.

9. Initial announcements regarding contests of candidacy, contest procedure and docket call. **ACTION TAKEN:** Chairman Curry and State Election Board Secretary Paul Ziriax each made comments. Mr. Ziriax announced that two Contests of Candidacy listed on the posted agenda, **Wright v. Smith**, Cause No. 2018-07, and **Waldron v. Blackburn**, Cause No. 2018-11, had been withdrawn.

The Contests of Candidacy hearings identified in agenda items 10 through 24 were taken up by the State Election Board in the docket order they deemed appropriate and are so reflected in these Minutes.

10. Hearing and decision in the Matter of the Contest of Candidacy of Delene Gilbert, **Cleveland v. Gilbert**, Cause No. 2018-02. Petitioner Bobby Cleveland appeared personally and with counsel, Stan Ward. Contestee Delene (Gonzalez) Gilbert did not appear. **ACTION TAKEN:** The Board found the Contestee to be in default pursuant to 26 O.S. § 5-130, which also constitutes an admission of the allegations of the petition. Mr. Montgomery moved to sustain the petition and strike the name of Delene Gilbert from the list of candidates for State Representative, District 20. Dr. Mauldin seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of the Petition, Notice of Hearing, Return of Service, Exhibits, and Findings and Order attached)

11. Hearing and decision in the Matter of the Contest of Candidacy of Donald Cole Gallup, **Cleveland v. Gallup**, Cause No. 2018-03. Petitioner Bobby Cleveland appeared personally and with counsel Stan Ward. Contestee Donald Cole Gallup did not appear. **ACTION TAKEN:** The Board found the Contestee to be in default pursuant to 26 O.S. § 5-130, which also constitutes an admission of the allegations of the petition. Dr. Mauldin moved to sustain the petition and strike the name of Donald Cole Gallup from the list of candidates for State Representative, District 20. Mr. Montgomery seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of the Petition, Notice of Hearing, Return of Service, Exhibits, and Findings and Order attached)

to 26 O.S. § 5-130, which also constitutes an admission of the allegations of the petition. Mr. Montgomery moved to sustain the petition and to strike the name of Eddie Paul Hunter from the list of candidates for State Representative, District 22. Dr. Mauldin seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of the Petition, Notice of Hearing, Return of Service, Exhibits, and Findings and Order attached)

13. Hearing and decision in the Matter of the Contest of Candidacy of Mike Hunter, Drummond v. Hunter, Cause No. 2018-10. Petitioner Gentner Drummond appeared in person and through counsel Garry Gaskins. Attorney General Mike Hunter appeared in person and through counsel Bob Nance and Neal Leader. Contestee answered the petition by presenting a cashier’s or certified check in the amount of $250. Oklahoma County Assistant District Attorney Aaron Etherington entered a special appearance for Larry Stein, First Deputy Oklahoma County Assessor, who had been served a subpoena via electronic mail and ordered to produce records. Mr. Etherington presented a Motion to Quash, alleging the lack of lawful service on Stein. In addition, counsel for Contestee filed a Motion in Limine and for a Protective Order, in response to a subpoena issued for 10 years of federal and state tax records, which had just earlier been served on the Contestee. ACTION TAKEN: Mr. Montgomery moved to approve the Motion to Quash. Dr. Mauldin seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. ACTION TAKEN: Following discussion by counsel, Mr. Montgomery moved to approve the Motion in Limine and also for a Protective Order. Dr. Mauldin seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. Thereafter, the Board heard the testimony of one witness, Contestee Hunter; received documents in evidence by agreement and with certain stipulations; and heard arguments of counsel, after which the Board determined that Petitioner had failed to meet their burden of proof, pursuant to 26 O.S. 2011 §§5-130. ACTION TAKEN: Chairman Curry moved to deny the petition by Petitioner and to retain Contestee’s name on the ballot for Attorney General. Mr. Montgomery seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of the Petition, Notice of Hearing, Return of Service, Answer to Petition, Exhibits, and Findings and Order attached)

14. Hearing and decision in the Matter of the Contest of Candidacy of Josh Martin, Bush v. Martin, Cause No. 2018-01. Petitioner Carol Bush appeared personally with counsel, Geoffrey Long. Contestee Josh Martin appeared personally with counsel, Robert Goins. Contestee answered the petition by presenting a cashier’s or certified check in the amount of $250. Mr. Goins made a Motion for Continuance to allow time to show the Board that Contestee did register to vote in September, 2017. Chairman Curry explained the State Election Board is under a very tight federal deadline to prepare and print the Primary Election ballots. ACTION TAKEN: Mr. Curry moved to deny Contestee’s motion. Seconded by Dr. Mauldin. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. ACTION TAKEN: The Board found Petitioner sustained the burden of proof in showing that Contestee does not meet the six-month registration requirement set forth in 14 O.S. § 108. Mr. Curry moved to sustain the petition, pursuant to 26 O.S. § 5-130 and further moved to strike the name of Josh Martin from the list of candidates for State Representative, District 70. Mr. Montgomery seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of the Petition, Notice of Hearing, Return of Service, Exhibits, and Findings and Order attached)
15. Hearing and decision in the Matter of the Contest of Candidacy of Robert Eliot Sisson, Stallings v. Sisson, Cause No. 2018-04. Petitioner Susan Stallings appeared personally without counsel. Contestee Robert Sisson appeared personally and with counsel Michael Johnson. Contestee answered the petition by presenting a cashier’s or certified check in the amount of $250. ACTION TAKEN: The Board found the Contestee is not a legal resident of electoral District No. 2 as is required to become a candidate for District Judge, District 7, Office 10, pursuant to 20 O.S. § 92.8a. Dr. Mauldin moved to sustain the petition and further moved to strike the name of Robert Eliot Sisson from the list of candidates for District Judge, District 7, Office 10. Mr. Montgomery seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of Petition, Notice of Hearing, Return of Service, Exhibits, and Findings and Order attached)

16. Hearing and decision in the Matter of the Contest of Candidacy of Shelley Brumbaugh, Ford v. Brumbaugh, Cause No. 2018-05. Petitioner Ross Ford appeared personally with counsel Geoffrey Long. Contestee Shelly Brumbaugh appeared personally with counsel Andy Hayes. Contestee answered the petition by presenting a cashier’s or certified check in the amount of $250. ACTION TAKEN: The Board found Contestee’s name is neither similar to the incumbent’s name nor of any publically announced candidate for such office, and therefore Contestee is not in violation of 26 O.S. § 5-107 or 26 O.S. § 5-108. Contestee’s name, Shelley Brumbaugh, can appear on the ballot. The Board further determined that Contestee is authorized to amend or correct her legal name on her Declaration of Candidacy, pursuant to 26 O.S. § 5-128. Mr. Curry moved to deny the petition and to further allow the Contestee to amend her legal name on her Declaration of Candidacy to reflect her new married name, Shelley Renee Bailey. Seconded by Mr. Montgomery. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of Petition, Notice of Hearing, Return of Service, Exhibits, and Findings and Order attached)

17. Short Recess. ACTION TAKEN: Mr. Montgomery moved to reconvene the hearing. Dr. Mauldin seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0.

18. Hearing and decision in the Matter of the Contest of Candidacy of Kevin McDugle, Mahoney v. McDugle, Cause No. 2018-06. Petitioner Nick Mahoney appeared in person with counsel Jim Cosby. Contestee Kevin McDugle appeared in person without counsel. Contestee answered the petition by presenting a cashier’s or certified check in the amount of $250. ACTION TAKEN: Mr. Montgomery moved to enter into Executive Session. Dr. Mauldin seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. ACTION TAKEN: At 4:04 p.m., Dr. Mauldin moved to reconvene the Open Session. Mr. Montgomery seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. ACTION TAKEN: The Board found that the weight of the evidence presented indicates that Contestee has neither abandoned his domicile, with the intention not to return to it, nor he has taken up an actual residence elsewhere with an intention of making another residence his permanent home. Mr. Curry moved to deny the petition and further moved to allow the Contestee’s name to remain on the Primary Election ballot. Mr. Montgomery seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of the Petition, Notice of Hearing, Return of Service, Exhibits, and Findings and Order attached)
19. Hearing and decision in the Matter of the Contest of Candidacy of Cindy Gaete, **Blancett v. Gaete**, Cause No. 2018-08. Petitioner Melinda Blancett appeared personally with counsel, Emily Virgin. Contestee Cindy Gaete appeared personally without counsel. Contestee answered the petition by presenting a cashier’s or certified check in the amount of $250. **ACTION TAKEN:** The Board found that the Petitioner has sustained the burden of proof in showing the Contestee does not meet the six-month registration requirement set forth in 14 O.S. § 108. Mr. Montgomery moved to sustain the petition and further moved to strike the Contestee’s name from the Primary Election ballot. Dr. Mauldin seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of Petition, Notice of Hearing, Return of Service, Exhibits, and Findings and Order attached)

20. Hearing and decision in the Matter of the Contest of Candidacy of Natalie Mai, **Sloan v. Mai**, Cause No. 2018-09. Petitioner Chris Sloan appeared, represented by Courtney Powell, Counsel. Contestee Natalie Nhu Mai appeared, represented by Denise Lawson and Cara Rodriguez, counsel. Contestee answered the petition by presenting a cashier’s or certified check in the amount of $250. The Board heard testimony from several witnesses. **ACTION TAKEN:** At 5:51 p.m., Mr. Montgomery moved to enter into Executive Session. Dr. Mauldin seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. **ACTION TAKEN:** At 6:02 p.m., Mr. Montgomery moved to reconvene the Open Session. Dr. Mauldin seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of the Petition, Notice of Hearing, Return of Service, Exhibits, and Findings and Order attached)

21. Short Recess. **ACTION TAKEN:** At 6:15 p.m., Mr. Montgomery moved to reconvene the hearing. Dr. Mauldin seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0.

22. Hearing and decision in the Matter of the Contest of Candidacy of Chris Harrison, **House v. Harrison**, Cause No. 2018-12. Petitioner Nkem House appeared and was represented by counsel, Alana House. Contestee Chris Harrison appeared and was represented by counsel, Cara Rodriguez. Contestee answered the petition by presenting a cashier’s or certified check in the amount of $250. Contestee argued that he met the six-month registration requirement, pursuant to 14 O.S. § 108, if the entire three-day filing period (April 11-13, 2018) was considered in calculating the previous six months. **ACTION TAKEN:** The Board found that Petitioner House sustained his burden of proof in showing that the Contestee has not been a registered voter in House District 99 for the six (6) months immediately preceding the filing period, as required by 14 O.S. § 108. The Board did not consider the Petitioner’s separate residency allegation. Mr. Curry moved to sustain the petition and to strike Contestee Harrison’s name from the Primary Election ballot for State Representative, District 99. Mr. Montgomery seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of the Petition, Notice of Hearing, Return of Service, Exhibits, and Findings and Order attached)
23. Hearing and decision in the Matter of the Contest of Candidacy of Ayshia “Ajay” Pittman, House v. Pittman, Cause No. 2018-13. Petitioner NKem House appeared and was represented by counsel, Alana House. Contestee Ayshia “Ajay” Pittman appeared and was represented by counsel, Jason Sansone. Contestee answered the petition by presenting a cashier’s or certified check in the amount of $250. The Board heard testimony from the Contestee and several witnesses. ACTION TAKEN: The Board found that the weight of the evidence presented indicates the Contestee has been domiciled in House District 99 for more than six months immediately preceding the filing period of April 11-13, 2018. Dr. Mauldin moved to deny the petition as to residency, pursuant to 14 O.S. § 108. Mr. Montgomery seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. ACTION TAKEN: The Board next considered Petitioner’s assertion that the Contestee violated section 26 O.S. § 5-107 in that her name is similar or identical to that of her mother, State Senator Anastasia Pittman, who is the former State Senator for Senate District 48/House District 99 and is currently running for Lieutenant Governor. The Board found that Contestee’s name is neither identical to nor similar to the incumbent’s name nor of any publically announced candidate for such office, and that Contestee is not in violation of 26 O.S. § 5-107. The Board further found that Petitioner has failed to sustain his burden of proof pursuant to 26 O.S. § 5-130. Dr. Mauldin moved to deny the petition as to its allegation that the Contestee has violated the identical or similar name prohibition of 26 O.S. § 5-107, and further moved that Contestee Pittman’s name be retained on the Primary Election ballot. Mr. Montgomery seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of the Petition, Notice of Hearing, Return of Service, Exhibits, and Findings and Order attached)

24. Hearing and decision in the Matter of the Contest of Candidacy of Oscar Loza Hoyos, Fugate v. Hoyos, Cause No. 2018-14. Petitioner Andy Fugate was not present, but was represented by counsel, Emily Virgin. Contestee Oscar Loza Hoyos appeared pro se. Contestee answered the petition by presenting a cashier’s or certified check in the amount of $250. Contestee contended that he failed to change of party notice form on October 5, 2017, well before the registration deadline of on or before October 10, 2017—but he did not have a postal receipt showing the date of mailing. ACTION TAKEN: The Board found that, although it appears that Contestee Hoyos acted in good faith to meet the requirements of the law, the Petitioner has sustained his burden of proof by showing the Contestee has not been a registered voter of the relevant political party for the six (6) months immediately preceding the filing period, as required by 26 O.S. § 5-105. Mr. Montgomery moved to sustain the petition, pursuant to 26 O.S. § 5-130, and further moved to strike the Contestee’s name from the list of candidates for State Representative, District 94. Dr. Mauldin seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0. (Copies of the Petition, Notice of Hearing, Return of Service, Exhibits, and Findings and Order attached)

25. Discussion regarding the scheduling of future meetings and requests for items to be placed on future agendas. ACTION TAKEN: None.

26. Motion to Adjourn. ACTION TAKEN: At approximately 8:00 p.m., Dr. Mauldin moved to adjourn until the next meeting. Mr. Montgomery seconded the motion. ROLL CALL VOTE: Mr. Curry-aye; Mr. Montgomery-aye; Dr. Mauldin-aye. Motion passed, 3-0.
STATE ELECTION BOARD

Mr. Stephen Curry, Chairman

Mr. Thomas Montgomery, Vice-Chairman

Dr. Tim Mauldin, Member

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Mr. Gerald Buchanan, Republican Alternate

Ms. Debi Thompson, Democrat Alternate
AGENDA FOR OKLAHOMA STATE ELECTION BOARD MEETING

As required by Title 25 of the Oklahoma Statutes, § 311, notice is hereby given that the Oklahoma State Election Board will hold a Special meeting, April 23, 2018, at 8:30 a.m.

The meeting will convene in Room B-6, State Capitol Building, Oklahoma City, Oklahoma, for consideration of agenda items 1 through 6. The meeting will then recess, move to, and reconvene at approximately 9:00 a.m. in Room 230, Second floor, Senate wing (North Hall), State Capitol Building, Oklahoma City, Oklahoma, to consider the remaining agenda items.

1. Call to Order, Roll Call, and confirmation of Quorum.

2. Discussion and possible action regarding the minutes of the meeting held March 13, 2018.

3. Discussion and possible action regarding the appointment of Anthony Pate as the alternate Republican Board member of the Bryan County Election Board.

4. Discussion and possible action regarding the resignation of Anthony M. Perna, the Democrat Board member of the Lincoln County Election Board.

5. Discussion and possible action regarding the resignation of Gary Lanham, the Republican Board member of the Osage County Election Board.

6. Discussion and possible action regarding the petition by the Tulsa County Election Board to locate the Precinct 720009 polling place location outside the precinct boundaries.

7. Recess meeting in order to move to Room 230, Second floor, Senate wing (North Hall), State Capitol Building, the room in which the Contests of Candidacy will be heard beginning at approximately 9:00 a.m.

8. Reconvene meeting in Room 230, Second floor, Senate wing (North Hall), State Capitol Building, to conduct the Contests of Candidacy hearings.

9. Initial announcements regarding contests of candidacy, contest procedure and docket call.

The Contests of Candidacy hearings identified in agenda items 10 through 24 may be taken in any order and will follow the following procedure:

a. Board to review the petitions, answers, documents introduced into evidence, and hear testimony and/or oral arguments pertaining to the matter as deemed necessary by the Board.

b. Proposed executive session, if deemed necessary, to engage in deliberations or rendering a final or intermediate decision in the specific Cause pursuant to 25 O.S. § 307(B)(8):
   i. Consideration of a motion and vote to enter into executive session pursuant to 25 O.S. § 307(B)(8).
   ii. Discuss and deliberate the specific Cause pursuant to 25 O.S. § 307(B)(8).
   iii. Vote to return to open session.

c. Board to take appropriate action as deemed necessary by roll call vote.


25. Discussion regarding the scheduling of future meetings and requests for items to be placed on future agendas.

26. Motion to adjourn.

Name of person posting this Notice: DAVID DUNN

[Signature]

Date: April 19, 2018

Clerk, Oklahoma State Election Board

(Time)