

MINUTES

OF THE STATE ELECTION BOARD AT ITS MEETING

November 12, 2014

The State Election Board met in a Regular meeting at 5:00 p.m. in Room B-6 of the State Capitol Building. Advance notice of the meeting was performed by filing a written notice with the Secretary of State on December 9, 2013, at 8:55 a.m. A copy of the agenda is attached.

Due to Chairman **Stephen Curry's** absence, the meeting was called to order by Vice-Chairman **Thomas Montgomery**. Alternate Member **Jerry Buchanan** served for Stephen Curry, in his absence.

ROLL CALL:	STEPHEN CURRY-	Absent
	THOMAS MONTGOMERY-	Present
	DIANA SPURLOCK-	Present
	JERRY BUCHANAN-	Present

BUSINESS CONDUCTED AT THE MEETING

1. **BUSINESS CONDUCTED:** Discussion and action regarding the minutes of the meeting held October 24, 2014. **ACTION TAKEN:** Mr. Buchanan moved that the minutes of the meeting held on October 24, 2014, be approved. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Montgomery-aye; Ms. Spurlock-aye; Mr. Buchanan-aye. Motion passed, 3-0.

2A. **BUSINESS CONDUCTED:** Discussion and possible vote to enter Executive Session, pursuant to 25 O.S. § 307(B)(4), for the purpose of confidential communications between the Board and its attorney regarding pending claims related to the contest for U.S. Representative of Oklahoma Congressional District 2 between Incumbent Rep. Markwayne Mullin (R); Earl E. Everett (D), deceased as of two days before the election; and Jon Douthitt (I). **ACTION TAKEN:** Acting upon the advice of Senior Assistant Attorney General Sandra D. Rinehart pursuant to 25 O.S. § 307(B)(4), Mr. Buchanan then moved to enter into Executive Session for the purpose described. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Montgomery-aye; Ms. Spurlock-aye; Mr. Buchanan-aye. Motion passed, 3-0. (See Agenda attached)

2B. **BUSINESS CONDUCTED:** Discussion in Executive Session.

2C. **BUSINESS CONDUCTED:** Vote to return to Open Session. **ACTION TAKEN:** Mr. Buchanan moved to return to Open Session. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Montgomery-aye; Ms. Spurlock-aye; Mr. Buchanan-aye. Motion passed, 3-0. (See Agenda attached)

2D. **BUSINESS CONDUCTED:** Action on matters discussed in Executive Session deferred to Agenda item #5.

3. **BUSINESS CONDUCTED:** Recess meeting in order to move to Conference Room 511-A, Fifth floor, Senate wing (Southeast Hall), State Capitol Building, the room in which agenda items 4 through 10 will be heard beginning at 5:15 p.m. **ACTION TAKEN:** Ms. Spurlock moved to recess and reconvene the meeting in Conference Room 511-A, Fifth floor, Senate wing (Southeast Hall), State Capitol Building, the room in which agenda items 4 through 10 will be heard beginning at 5:30 p.m. Mr. Buchanan seconded the motion. **ROLL CALL VOTE:** Mr. Montgomery-aye; Ms. Spurlock-aye; Mr. Buchanan-aye. Motion passed, 3-0. (See Agenda attached)

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4. **BUSINESS CONDUCTED:** Reconvene meeting in Conference Room 511-A, Fifth floor, Senate wing (Southeast Hall), State Capitol Building. **ACTION TAKEN:** At 5:30 p.m., Mr. Buchanan moved to reconvene the Regular meeting of the State Election Board. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Montgomery-aye; Ms. Spurlock-aye; Mr. Buchanan-aye. Motion passed, 3-0. (See Agenda attached)

5. **BUSINESS CONDUCTED:** Report by the Secretary and Certification of results in the Regular General Election held November 4, 2014. **ACTION TAKEN:** Mr. Paul Ziriaux, Secretary of the State Election Board, reported to the Board the results of the Regular General Election as canvassed and certified by the County Election Boards. During the report, Mr. Ziriaux read publicly the conclusion of the Attorney General's legal memorandum advising that 26 O.S. § 1-105 did not work as a bar to certification of the election results for Oklahoma Congressional District 2 because it was preempted by federal law. Mr. Ziriaux also reported that a petition for recount had been filed in the race for Associate District Judge in Sequoyah County. Mr. Montgomery moved to certify results in the Regular General Election held November 4, 2014, except for results in the contest for Associate District Judge in Sequoyah County due to a recount petition being filed with the Secretary. Mr. Buchanan seconded the motion. At this point, a substitute motion was offered by Ms. Spurlock, who moved to certify results in the Regular General Election held November 4, 2014, except for results in the contest for U.S. Representative of Oklahoma Congressional District 2 and Associate District Judge in Sequoyah County. Receiving no second, the substitute motion was laid upon the table. A roll call vote was then held on the Mr. Montgomery's original motion to certify results in the Regular General Election held November 4, 2014, except for results in the contest for Associate District Judge in Sequoyah County. **ROLL CALL VOTE:** Mr. Montgomery-aye; Ms. Spurlock-aye; Mr. Buchanan-aye. Motion passed, 3-0. (See signed Certification Report)

6. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the alternate Republican Board member of the Atoka County Election Board. **ACTION TAKEN:** Mr. Buchanan moved to appoint Clifton Miller as the alternate Republican Board member of the Atoka County Election Board. Mr. Montgomery seconded the motion. **ROLL CALL VOTE:** Mr. Montgomery-aye; Ms. Spurlock-aye; Mr. Buchanan-aye. Motion passed, 3-0. (Nomination attached)

7. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the Democrat Board member of the Greer County Election Board. **ACTION TAKEN:** Ms. Spurlock moved to appoint Gary Blair as the Democrat Board member of the Greer County Election Board. Mr. Buchanan seconded the motion. **ROLL CALL VOTE:** Mr. Montgomery-aye; Ms. Spurlock-aye; Mr. Buchanan-aye. Motion passed, 3-0. (Nomination attached)

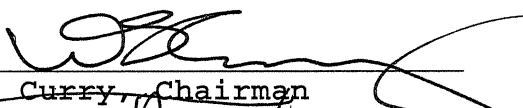
8. **BUSINESS CONDUCTED:** New business. **ACTION TAKEN:** None.

9. **BUSINESS CONDUCTED:** Discussion regarding the scheduling of future meetings and selection of the items to be placed on future agendas. **ACTION TAKEN:** The Board tentatively scheduled a Special meeting for Wednesday Nov. 19, 2014, at 3:00 p.m. to certify results, following a recount, in the contest for Associate

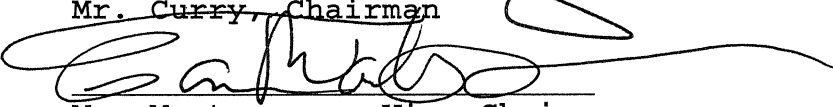
District Judge in Sequoyah County, a part of the Regular General Election held November 4, 2014.

10. BUSINESS CONDUCTED: Motion to Adjourn. ACTION TAKEN: Mr. Buchanan moved to adjourn until the next meeting. Ms. Spurlock seconded the motion. ROLL CALL VOTE: Mr. Montgomery-aye; Ms. Spurlock-aye; Mr. Buchanan-aye. Motion passed, 3-0.

State Election Board



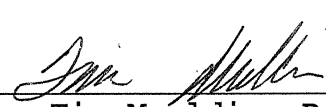
Mr. Curry, Chairman



Mr. Montgomery, Vice-Chairman

Ms. Spurlock, Member

Mr. Gerald Buchanan, Republican Alternate



Dr. Tim Mauldin, Democrat Alternate