

**BEFORE THE STATE ELECTION BOARD  
STATE OF OKLAHOMA**

IN THE MATTER OF THE CONTEST OF )  
THE CANDIDACY OF **KENNETH** )  
**BLEVINS** FOR THE OFFICE OF STATE ) CAUSE NO. 2024-02  
REPRESENTATIVE, HOUSE DISTRICT 66 )

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER**

The above-styled cause was heard by the Election Board of the State of Oklahoma on Thursday, April 18, 2024, meeting pursuant to lawful notice under the Open Meeting Act, 25 O.S. 2021, § 301 *et seq.*

The following members of the State Election Board (“Board”) were present: Heather Mahieu Cline, Chair; Dr. Tim Mauldin, Vice Chair; and Mignon Lambley, Member. Also present were Paul Ziriaux, Secretary; Rusty Clark, Assistant Secretary; counsel for the State Election Board, Niki Batt, Deputy Attorney General; and Bailey Warren, Assistant Attorney General; Rachel Rogers, Director of Policy and in-house counsel; and Garris Dennis, Clerk to the Board. Also present, but not participating were Jerry Buchanan, Alternate Member; and Debi Thompson, Alternate Member.

Petitioner, Representative Clay Staires, appeared in person and with counsel Anthony J. Ferate. Contestee, Kenneth Blevins, appeared in person for himself to answer the Petition.

During the hearing, exhibits were offered into the record and testimony was heard from 3 witnesses. All testimony was taken under oath. The hearing was recorded, and a court reporter was present. After considering all evidence and testimony offered and admitted, and after hearing arguments of the parties, the Board makes the following findings of fact and conclusions of law:

1. Contestee Blevins filed with the Secretary of the State Election Board a Declaration of Candidacy for the Office of State Representative, House District 66, during the 2024 Candidate Filing Period starting April 3, 2024, and ending on April 5, 2024.

2. Petitioner Staires filed with the Secretary of the State Election Board a Declaration of Candidacy for the Office of State Representative, House District 66, during the 2024 Candidate Filing Period starting April 3, 2024, and ending on April 5, 2024.
3. The Petition was timely filed and accompanied by a cashier's check in the amount of \$250.00. A Notice of Hearing was issued on Tuesday, April 9, 2024.
4. Contestee Blevins presented a cashier's check in the amount of \$250.00, as required under 26 O.S. 2021, § 5-129 in order to appear and answer the Petition.
5. The Board received a completed Return of Service indicating the Osage County Sheriff attempted but was unsuccessful in serving the Contestee within twenty-four (24) hours of setting the Petition for hearing, as required by 26 O.S. 2021, §§ 5-124 & 5-125. Therefore, constructive service was attained when the Petitioner served the copies of the Petition and Notice of Hearing with the Secretary on the date of the hearing.
6. Under 26 O.S. 2011, § 5-130, “[t]he burden of proof shall be upon the petitioner to sustain the allegations in his petition.” In order to sustain his or her burden of proof, the Petitioner must prove the allegations set forth in the Petition by the greater weight of the evidence.
7. Petitioner Staires alleged that Contestee Blevins’ Petition supporting his Declaration of Candidacy contained an inadequate number of qualified names, or alternatively, that the required number of registered voters for House District 66 cannot be verified.
8. Contestee elected to file for office by presenting a Petition in lieu of a filing fee pursuant to 26 O.S. § 5-112, which states in relevant part, “[a] declaration of candidacy must be accompanied by: . . . a petition supporting a candidate’s filing signed by not fewer than two percent (2%) of the number of registered voters in the district, county, or state, as appropriate for the office sought . . . .”

9. Pursuant to 26 O.S. § 5-117, “[t]he secretary of any election board shall accept any Declaration of Candidacy which the secretary is authorized to accept, except such Declaration which on its face shows that the candidate does not meet the qualifications to become a candidate for the office set forth as contained in the Oklahoma Constitution, statutes or resolution calling the election. Such acceptance shall entitle the candidate to have the candidate's name appear on the appropriate ballots unless the candidate withdraws candidacy according to law, or unless a contest to said candidacy is sustained in the manner hereinafter described.”
10. Okla. Admin. Code. § 230:20-9-4(b) provides that, “[t]he Secretary of an Election Board who accepts a Declaration of Candidacy supported by petition shall not be required to verify the signatures submitted on the petition. Any other candidate who files for the same office shall be entitled to request a copy of a petition submitted in support of a Declaration of Candidacy and may verify the registration information of each person who signed the petition. . . . In the event another candidate for the same office . . . is able to determine that a sufficient number of invalid signatures exists to render the petition insufficient, the candidate or the voter may so state in a contest of candidacy petition which may be filed as provided by state law . . . .”
11. Okla. Admin. Code. § 230:20-3-33(a)(2) provides that, “[t]he number of signatures required on a petition supporting a candidate's Declaration of Candidacy shall be based upon the number of registered voters in the district, county, or state on November 1 in the year preceding the filing period.”
12. Consequently, utilizing the number of registered voters in the district from November 1, 2023, Contestee Blevins’ Petition supporting his Declaration of Candidacy needed to

contain no fewer than 483 signatures of voters registered in House District 66. See 26 O.S. § 5-112.

13. Neither party disputes that Contestee Blevins Petition accompanying his Declaration contained 528 signatures and was accepted during the candidate filing period by the Secretary of the State Election Board.
14. During the hearing, Petitioner Staires attempted to contest that 81 of the signatures found on Contestee's Petition supporting his Declaration of Candidacy were insufficient signatures and could not be verified. **See Petitioner Exhibit C; See Testimony of Petitioner Witness Joshua Kraft.**
15. During Petitioner Staires' presentation of his case, the Board heard from Joshua Kraft, witness for Petitioner. In support of his allegations that Contestee Blevins' Petition supporting the Declaration of Candidacy contained an inadequate number of registered voters, Petitioner offered a spreadsheet which was the work product of Witness Kraft's "team", identifying names found on Contestee Blevins' Petition that they believed to be in conflict with records obtained from the Election Data Warehouse ("EDW") File. **See Petitioner Exhibit C.**
16. While the Petitioner's witness stated his "team" utilized a downloaded file of the EDW to create his own spreadsheet, neither the Petitioner nor his witness ever published the EDW file in the presentation of their case for the Board to view. **See Petitioner Exhibit A.**<sup>1</sup>
17. Petitioner Exhibit C contained what was characterized as a list of individuals from the Contestee's Petition that Petitioner claimed either had "illegible writing," a "discrepanc[y] in address", or that the person who signed Petition could not be found in the Voter File.

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<sup>1</sup> Petitioner Exhibit A was admitted into evidence as a thumb-drive for the record, however, it was not published or cross-referenced during the Petitioner's presentation of evidence for the Board to review for comparison with the information contained on Petitioner's Exhibit C.

Petitioner's witness, at best, provided unsubstantiated<sup>2</sup> speculation that 81 signatures could not be verified on Contestee's Petition supporting the Declaration of Candidacy. **See Contestee Exhibit C; See Testimony of Petitioner Witness Joshua Kraft.**

18. During Contestee Blevins' presentation of his case, the Board heard from Chris Powell, witness for Contestee, and the Contestee himself. In support of his argument disputing Petitioner's allegations that Contestee's Petition supporting the Declaration of Candidacy contained an adequate number of registered voters, Contestee Blevins offered his own chart which was the work product of Contestee Witness, countering that 47 of the 81 identifying individuals found on Petitioner's chart had been located through a search of the voter portal. **See Contestee Exhibit No. 1.**
19. Accordingly, considering all the evidence and testimony presented, the Board finds and concludes that Petitioner failed to meet his burden of proof in this matter. Petitioner Staires' Petition is therefore **DENIED**, and Contestee Blevins' name shall remain on the ballot as a candidate for the Office of State Representative, House District 66.
20. Petitioner Staires shall bear the costs incurred pursuant to 26 O.S. 2021, § 5-131.

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<sup>2</sup> Witness for Petitioner testified that 9 individuals could not be verified due to discrepancies in addresses, 1 individual could not be verified due to not being in the district, 17 individuals could not be verified due to illegible writing, and 57 individuals could not be verified (located) in the EDW. Upon questioning from Chair Mahieu Cline, witness for Petitioner conceded that he was reviewing a copy of a copy of the Petition supporting a Declaration of Candidacy and did not elect to obtain a clearer version from the Board which would have been easier to read. Further, Petitioner Exhibit C contained several duplications throughout, and it was determined through testimony of the witness there were other errors within the document. For example, an individual listed on the spreadsheet as "not in the district" was later determined through testimony to be a registered voter in the district. Even further, the witness was unable to testify definitively about his team's work by repeating statements such as "I believe" and "if I recall," which made it difficult for the Board to ascertain which, if any, names on the Contestee's Petition were insufficient.

On the 18th day of April 2024, all members of the State Election Board, constituting a quorum,  
voted unanimously to **DENY** the petition and **RETAIN** the candidacy of Kenneth Blevins.

OKLAHOMA STATE ELECTION BOARD

Date

5-7-24



HEATHER MAHIEU CLINE, *Chair*

**CERTIFICATE OF MAILING**

I hereby certify that on the 8 day of May 2024, the above and foregoing Findings of Fact, Conclusions of Law, and Final Order in the above-captioned matter was mailed to:

Kenneth Blevins  
5194 N. State Highway 97  
Sand Springs, OK 74063

CONTESTEE

Anthony J. Ferate  
Spencer Fane LLP  
9400 North Broadway Extension, Suite 600  
Oklahoma City, OK 73114

COUNSEL FOR PETITIONER



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**GARRIS DENNIS**  
*Clerk to the State Election Board*