

STATE ELECTION BOARD OF THE  
STATE OF OKLAHOMA

IN THE MATTER OF CONTEST OF THE )  
CANDIDACY OF **CHARLES SCOTT** )  
**LOFTIS**, FOR THE OFFICE OF ) CAUSE NO. 2014-05  
DISTRICT ATTORNEY, DISTRICT )  
NO. 8, STATE OF OKLAHOMA )

ORDER

The above-styled cause was heard by the Election Board of the State of Oklahoma on April 21, 2014, meeting pursuant to lawful notice.

The following members of the State Election Board ("Board") were present: Steve Curry, Chairman; Tom Montgomery, Vice-Chairman; and Diana Spurlock, Member. Also present were Paul Ziriak, Secretary, and counsel for the State Election Board, Neal Leader, Senior Assistant Attorney General, and Jan Preslar, Assistant Attorney General. Also present, but not participating, were alternate Board members Dr. Tim Mauldin and Jerry Buchanan.

Petitioner Brian Hermanson was personally present and was represented by counsel, David Cummings. Contestee Charles Scott Loftis was not present.

The Board received proof of personal service on Contestee by the Sheriff of Kay County.

The Board makes the following order:

1. Mr. Hermanson timely filed with the Board a Declaration of Candidacy for the office of District Attorney, District 8, during the filing period of April 9-11, 2014.
2. Mr. Loftis timely filed with the Board a Declaration of Candidacy for the office of District Attorney, District 8, during the filing period of April 9-11, 2014.
3. Mr. Hermanson's petition alleges:

On or about the 4<sup>th</sup> day of March, 2014, the Contestee changed his political party affiliation from "Republican Party" to "Other" by filing a Voter Registration form at the Kay County Election Board. The Contestee, Charles Scott Loftis, was not registered to vote as an independent for the six-month period immediately preceding the first day of the filing period, violating 26 O.S. § 5-105.

4. 26 O.S. 2011, §5-105(B) provides:

To file as an independent candidate for any state or county office, a person must have been registered to vote as an independent for the six-month period immediately preceding the first day of the filing period prescribed by law and, under oath, so state.

5. Because of default, the allegations of Mr. Hermanson's petition are admitted as true, pursuant to 26 O.S. 2011, §5-130. The allegations of Mr. Hermanson's petition are sufficient and constitute appropriate grounds for disqualification. Mr. Hermanson's petition is therefore granted and Mr. Loftis's name will not appear on the ballot as a candidate for the office of District Attorney, District 8.

6. Costs are assessed to Mr. Hermanson, pursuant to 26 O.S. 2011, § 5-131.

Done this 21<sup>ST</sup> day of April, 2014, by vote of 3-0 of the Election Board of the State of Oklahoma.

OKLAHOMA STATE ELECTION BOARD

  
STEVE CURRY, Chairman