

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

IN THE MATTER OF CONTEST OF THE)
CANDIDACY OF **STEVEN J. VINCENT**)
FOR THE OFFICE OF STATE)
SENATOR, DISTRICT 45.)

CAUSE NO. 2016-17

FINDINGS AND ORDER

The above-styled cause was heard by the Election Board of the State of Oklahoma on April 25, 2016, meeting pursuant to lawful notice.

The following members of the State Election Board ("Board") were present: Steve Curry, Chair; Tom Montgomery, Vice-Chair; and Dr. Tim Mauldin, Member. Also present were Paul Ziriaux, Secretary; and counsel for the State Election Board, Jan Preslar, Deputy Attorney General; and Jason Seay, Assistant Attorney General. Also present, but not participating were Jerry Buchanan, Alternate Member; and Debi Thompson, Alternate Member.

Petitioner Kyle D. Loveless appeared *pro se*. Contestee Steven J. Vincent did not appear.

The Petition was filed and Notice of Hearing issued on April 19, 2016, at 4:05 p.m.

The Board received proof of personal service made on Contestee by the Canadian County Sheriff on April 21, 2016, at 7:55 p.m.

Mr. Vincent did not submit a cashier's or certified check in the amount of \$250.00, as required by 26 O.S. § 5-129.

The Board made the following findings of fact and conclusions of law:

1. Mr. Loveless filed with the Board a Declaration of Candidacy for the office of State Senator, District 45, during the filing period of April 13-15, 2016.
2. Mr. Vincent filed with the Board a Declaration of Candidacy for the office of State Senator, District 45, during the filing period of April 13-15, 2016.
3. Mr. Loveless submitted an affidavit from the Sheriff of Canadian County which shows the sheriff's inability to make service 24 hours after the date and place the hearing was set by the board.
4. Therefore the constructive notice provisions apply, pursuant to 26 O.S. § 5-125.

5. 14 O.S. § 80.8 provides:

To file as a candidate for the Senate in any senatorial district, a person must have been a registered voter in the district and a resident residing within such district for the six-month period immediately preceding the first day of the filing period as provided in Section 5-110 of Title 26 of the Oklahoma Statutes. Any member of the Senate whose district has been changed by a reapportionment may change residence with the intent of becoming qualified to seek reelection in such district in the first election applicable to such district following the reapportionment without thereby being deemed to have vacated his or her existing office.

6. Mr. Loveless's Petition alleges, as the basis for the contest:


STEVEN JOSEPH VINCENT does not meet the requirements to file as a candidate for the State Senate as provided in Title 14, Section 80.8 of the Oklahoma Statutes, in that he has not been a registered voter in the district for the six-month period immediately preceding the first day of the filing period prescribed by law.

7. The filing period began on April 13, 2016, pursuant to 26 O.S. § 5-110. Consequently, Mr. Vincent was required to have been registered to vote in District 45 on or before October 13, 2015.
8. Title 26 O.S. § 5-129 requires a Contestee, at the time of filing his or her answer to the contest, or, if no answer is filed, at the time of his or her appearance, to deposit with the secretary of the election board a cashier's check or certified check in the amount of \$250.00. All persons filing a Declaration of Candidacy are referred to the State Election Board's website to obtain a Candidate Filing Packet. The packet contains, on page three, a notice to Contestees that if they desire to respond to a petition contesting their candidacy, they must deposit with the election board secretary a cashier's check or certified check at the time of his or her appearance at the scheduled hearing on the contest.
9. Mr. Vincent's failure to answer the petition by submitting the proper cashier's check or certified check in the amount of \$250.00, as required by 26 O.S. § 5-129, places Mr. Vincent in default, pursuant to 26 O.S. § 5-130.
10. Pursuant to 26 O.S. § 5-130, Mr. Vincent's default constitutes an admission of the allegations of the petition.
11. The Board finds the factual allegations of the petition constitute appropriate grounds for disqualification of Contestee's candidacy.

12. Mr. Loveless's Petition is sustained, pursuant to 26 O.S. § 5-130, and Mr. Vincent's name will not appear on the ballot as a candidate for the office of State Senator, District 45.

Done this 25th day of April, 2016, by a unanimous vote of the Election Board of the State of Oklahoma.

OKLAHOMA STATE ELECTION BOARD


STEVE CURRY, Chairman

