

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

IN THE MATTER OF CONTEST OF THE)
CANDIDACY OF **DARRELL KNOX**)
FOR THE OFFICE OF STATE) CAUSE NO. 2016-21
SENATOR, DISTRICT 11)

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 Ziriak, 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 Kevin Matthews appeared, pro se. Contestee Darrell Knox appeared, represented by legal counsel, Michael Manning.

The Petition was filed and Notice of Hearing issued on April 19, 2016, at 5:03 p.m.

The Board received proof of personal service made on Contestee by the Tulsa County Sheriff on April 20, 2016, at 12:45 p.m., within 24 hours of setting the Petition for hearing, as required by 26 O.S. § 5-124.

Mr. Knox answered the petition and submitted a cashier’s check in the amount of \$250.00, as required by 26 O.S. § 5-129.

The Board conducted the hearing. After considering all evidence and testimony offered and admitted, and after hearing arguments of the parties, the Board makes the following order:

1. Mr. Matthews timely filed with the Board a Declaration of Candidacy for the office of State Senator, District 11, during the filing period of April 13-15, 2016.
2. Mr. Knox timely filed with the Board a Declaration of Candidacy for the office of State Senator, District 11, during the filing period of April 13-15, 2016.
3. Title 26 O.S. § 5-105a provides, in pertinent part:

A. A person who has been convicted of a misdemeanor involving embezzlement or a felony under the laws of this state or of the United States or who has entered a plea of guilty or nolo contendere to such misdemeanor involving embezzlement or felony or who has been convicted of a crime in another state which would have been a misdemeanor involving embezzlement or a felony under the laws of this state or has entered a plea of guilty or nolo contendere to such crime shall not be eligible to be a candidate for or to be elected to any state, county, municipal, judicial or school office or any other elective office of any political subdivision of this state for a period of fifteen (15) years following completion of his sentence or during the pendency of an appeal of such conviction or plea.

4. Mr. Matthew's Petition alleges:

Based upon cited qualifications a person convicted of a misdemeanor involving embezzlement or a felony under laws of this state or of the United States or who entered a plea of guilty or nolo contendere to such...(26 O.S. § 5-105a) convicted felon registered to vote therefore committing additional felony.

5. During the hearing Mr. Matthew's clarified that he was seeking to disqualify Mr. Knox, solely on the grounds Mr. Knox committed a felony by registering to vote in 1997, before the completion of his sentence in 1999, thereby violating 26 O.S. § 4-101.

6. 26 O.S. § 5-130 provides: "The burden of proof shall be upon the petitioner to sustain the allegations in his petition."

7. Mr. Knox has not been convicted of, nor has he pleaded to, the alleged felony Mr. Matthew's claims Mr. Knox has committed. 26 O.S. § 5-105a therefore does not apply to disqualify Mr. Knox.

8. Mr. Matthew's Petition is therefore denied.

9. Costs are assessed against Mr. Matthews pursuant to 26 O.S. § 5-131.

Done this 25th day of April, 2016, by a vote of 3-0 of the Election Board of the State of Oklahoma.

OKLAHOMA STATE ELECTION BOARD


STEVE CURRY, Chairman