

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

IN THE MATTER OF THE CONTEST OF)	
THE CANDIDACY OF ALLISON)	
LAFFERTY FOR THE OFFICE OF)	CAUSE NO. 2022-04
ASSOCIATE DISTRICT JUDGE OF)	
BLAINE COUNTY)	

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 Monday, April 25, 2022, meeting pursuant to lawful notice under the Open Meeting Act, 25 O.S. 2021, § 301 *et seq.* All testimony was taken under oath. The hearing was transcribed, and a permanent record of such will be kept.

The following members of the State Election Board (“Board”) were present: Tom Montgomery, Chair; Dr. Tim Mauldin, Vice Chair; and Heather Cline, Member. Also present were Paul Ziriaux, Secretary; and counsel for the State Election Board, Niki Batt, Deputy Attorney General; and Thomas R. Schneider, Deputy General Counsel to the Attorney General. Also present, but not participating were Jerry Buchanan, Alternate Member; and Debi Thompson, Alternate Member.

Petitioner, Jenna Brown, appeared in person and with counsel Sammy Duncan. Contestee Allison Lafferty appeared in person and represented herself. Contestee Lafferty filed an Answer along with a cashier's or certified check in the amount of \$250.00, as required under 26 O.S. 2021, § 5-129.

The Petition was timely filed and Notice of Hearing issued on Tuesday, April 19, 2022. The Board received proof from the Petitioner that the Canadian County Sheriff served Contestee within 24 hours of setting the Petition for hearing, as required by 26 O.S. 2021, § 5-124. The Petitioner delivered an executed return of service to the Secretary of the State Election Board on the date of the hearing.

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

1. Contestee Lafferty filed with the State Election Board a Declaration of Candidacy for the Office of Associate District Judge of Blaine County during the 2022 Candidate Filing Period starting April 13, 2022, and ending on April 15, 2022.

2. Petitioner Brown filed with the State Election Board a Declaration of Candidacy for the Office of Associate District Judge of Blaine County during the 2022 Candidate Filing Period starting April 13, 2022, and ending on April 15, 2022.

3. The SEB received proof of personal service made on Contestee within twenty-four (24) hours of setting the Petition for hearing, as required by 26 O.S. 2021, §§ 5-124 & 5-125.

4. 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.

5. Petitioner Brown alleged that Contestee Lafferty does not reside in Blaine County as required under 20 O.S. 2021, § 92i but instead resides in Canadian County.

6. Okla. Stat. tit. 20, § 92i states, in pertinent part, “To file as a candidate for the office of district judge or associate district judge, one must have been a registered voter and actual resident of the appropriate county for at least six (6) months prior to the first day of the filing period.”

7. Contestee’s Declaration of Candidacy lists 256203 E. 780 Rd., Watonga, OK 73772 as the residential and voter registration address for Contestee Lafferty. **See Ex. No. 1.**

8. A certified property record for 256203 E. 780 Rd., Watonga, OK 73772 from the Blaine County Assessor’s Office shows that Todd and Allison Lafferty own the property at the address and also claim a homestead exemption. **See Ex. No. 3; see also Testimony of Todd Lafferty (Hrg. Tr. 129:19-20).**

9. A property record from the Canadian County Assessor's Office shows that Allison M. and Todd Lafferty own real property at 9301 NW 99th Circle, Yukon, OK 73099 with no active homestead exemption. **See Ex. No. 4.**

10. A restricted Voter Activity Log shows that Contestee Lafferty voted in the February 8, 2022 special election for Watonga Public Schools in Blaine County. **See Ex. No. 4.**

11. A photo of a wall in the Watonga home shows framed family photos. **See Ex. No. 15**
Testimony of Todd Lafferty (Hrg. Tr. 117:10-11).

12. An envelope from a Christmas card sent out by Contestee Lafferty in 2021 bears the Watonga address. **See Ex. No. 16 and Testimony of Todd Lafferty (Hrg. Tr. 117:12-15).**

13. Witnesses for Petitioner as well as Contestee Lafferty confirmed that Contestee did discuss the purchase of the Yukon house in the courtroom. **See Testimonies of Erik Roscum, Jenna Brown & Allison Lafferty.**

14. The Laffertys do all of their banking in Watonga (Blaine County). **See Testimony of Todd Lafferty (Hrg. Tr. 126:21).**

15. The Laffertys are members of the Watonga community. They are members of the Watonga Christian Church, Watonga Chamber of Commerce, and Watonga Community Theater. **See Testimony of Todd Lafferty (Hrg. Tr. 114:2-5).**

16. Concerning the purchase of the Yukon house, Contestee Lafferty explained, "I was getting a home in Yukon and I was very excited about it. I – but I have never given up any – my domicile is Blaine County . . . I have no intent to change my domicile . . ." **See Testimony of Allison Lafferty (Hrg. Tr. 133:15-19).**

17. The Oklahoma Supreme Court ruled on the question of residency as it was set forth in 14 O.S. § 108, in *Box v. State Election Bd. of Okla.*, 1974 OK 104, 526 P.2d 936. In determining the question of residency, the Court noted that it was one of fact, not law. *Id.* at ¶ 21, 526 P.2d at 940.

Moreover, the Court also stated, '[t]he controlling fact to be considered is the fact of intent and to determine this fact . . . may take into consideration all the movements, transactions, and attending circumstances of the party or parties involved in the question.' *Id.* (emphasis added).

18. In *Suglove v. Oklahoma Tax Commission*, 1979 OK 168, ¶5, 605 P.2d 1315, 1317-18, the Court said:

[T]o effect a change of domicile, there must be (a) actual abandonment of the first domicile coupled with (b) the intention not to return to it and (c) actual residence in another place with intention of making it a permanent home. Indicia of a changed domicile are to be found in the habits of the person, his business and domestic relations, declarations, exercise of political rights, community activities and other pertinent objective facts ordinarily manifesting the existence of requisite intent. As a general principle, Oklahoma domicile, once established, is presumed to continue unless an individual can show that a change has occurred

(citations omitted).

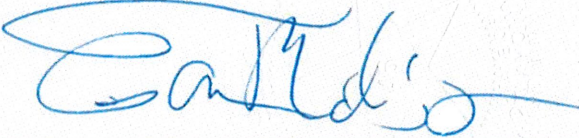
19. The weight of the evidence presented indicates that the Contestee has neither abandoned her domicile at the Watonga address with the intention not to return to it, nor has she taken up an actual residence elsewhere with intention of making another residence her permanent home.

20. Accordingly, considering all the evidence and testimony presented, the Board finds and concludes that Petitioner Brown has not sustained her burden of proof by the greater weight of the evidence in attempting to show that Contestee Lafferty is not an actual resident of Blaine County as required by 20 O.S. 2021, § 92i. Therefore, Petitioner Brown's Petition is **DENIED** and Contestee Lafferty's name shall remain on the ballot as a candidate for the Office of Associate District Judge of Blaine County.

21. Petitioner Brown shall bear the costs incurred pursuant to 26 O.S. 2021, § 5-131.

On the 25th day of April 2022, all members of the State Election Board, constituting a quorum, voted unanimously to **DENY** the petition and **RETAIN** the candidacy of Allison Lafferty.

OKLAHOMA STATE ELECTION BOARD



June 22, 2022

Date

TOM MONTGOMERY, Chairman

CERTIFICATE OF MAILING

I hereby certify that on the 22 day of June 2022, the above and foregoing Findings of Fact, Conclusions of Law, and Final Order in the above-captioned matter was mailed to:

Hon. Allison Lafferty
256203 E. 780 Rd.
Watonga, OK 73772

CONTESTEE

Sammy Duncan
DUNCAN & HILL LAW FIRM
1601 N. Blackwelder, Ste. 6
Oklahoma City, OK 73016

ATTORNEY FOR PETITIONER BROWN



DAVID DUNN

Clerk to the State Election Board