

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

IN THE MATTER OF THE CONTEST OF )	
THE CANDIDACY OF <b>BRIAN PATRICK</b> )	
<b>YOUNG</b> FOR THE OFFICE OF DISTRICT )	CAUSE NO. 2022-06
JUDGE OF OKLAHOMA COUNTY, )	
DISTRICT 7, OFFICE NO. 2 )	

**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, Kaitlyn G. Allen, appeared in person and with counsel Jeffrey Hendrickson. Contestee Brian Patrick Young appeared in person and with counsel Craig Hoehns. Contestee Young 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 Oklahoma 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.

Prior to the start of hearing, the parties announced that each had stipulated to the other's exhibits, except for Contestee objecting to the relevance of Petitioner's Ex. 9. The Board overruled Contestee's objection and admitted Ex. 9 into the record.

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

1. Contestee Young filed with the State Election Board a Declaration of Candidacy for the Office of District Judge of Oklahoma County, District 7, Office No. 2 during the 2022 Candidate Filing Period starting April 13, 2022, and ending on April 15, 2022.

2. Petitioner Allen filed with the State Election Board a Declaration of Candidacy for the Office of District Judge of Oklahoma County, District 7, Office No. 2 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 Allen alleged that Contestee Young does not reside in electoral Division 3 as required under 20 O.S. 2021, § 92.8a.

6. In relevant part, under Section 92.8a, "[D]istrict judges shall be nominated and elected as follows . . . candidates for office Nos. 2 and 11 shall be nominated and elected from and be legal residents of electoral Division No. 3 . . . ."

7. 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."

8. On his Declaration of Candidacy, Contestee listed his voter registration and residential address as 1426 SE 20th St., Oklahoma City, OK 73129. **See Pet'r.'s Ex. No. 2.**

9. Contestee listed the same address as his residential address on his Statement of Organization with the Oklahoma Ethics Commission. **See Pet'r.'s Ex. No. 3.**

10. The webpage for the Oklahoma County Assessor shows that the property at 1426 SE 20th St. is owned by James Leonard Young. **See Pet'r.'s Ex. No. 4.**

11. Contestee owns real property at 8304 S. Country Club Dr., Oklahoma City, OK 73159. **See Pet'r.'s Ex. No. 5.**

12. Records from OG&E show that Contestee paid for utilities at the service address of 8304 S. Country Club Dr. for the six (6) months preceding the 2022 candidate filing period. **See Pet'r.'s Ex. No. 6.**

13. A map of the Oklahoma County electoral divisions for district judge shows that the 8304 S. Country Club Dr. address falls in electoral Division 2. **See Pet'r.'s Ex. No. 11.**

14. Contestee updated his voter registration on April 11, 2022—two (2) days before the 2022 candidate filing period began. **See Contestee Ex. No. 2 and Testimony of Brian Patrick Young (Hrg. Tr. 25:20-23).**

15. Contestee admitted to moving into the 1426 SE 20th St. address to run for the district judge office in question. **See Testimony of Brian Patrick Young (Hrg. Tr. 19:6-8).**

16. Contestee's wife still resides at the 8304 S. Country Club Dr. address with their dogs. **See id. (Hrg. Tr. 16:4-5 & 19:13).**

17. Contestee also admitted that he last voted as a registered voter at 8304 S. Country Club Dr. address. **See id. (Hrg. Tr. 25:17-19 & 53:24-54:1).**



18. On inspection of Contestee's driver's license, 8304 S. Country Club Dr. is listed as his address. *See id.* (Hrg. Tr. 34:11-15).

19. Contestee also admitted to not having "any sort of rental agreement" or paying any charges as a condition of living at the 1426 SE 20th St. address. *See id.* (Hrg. Tr. 39:5 and 39:13-16).

20. 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).

21. 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).

22. Accordingly, considering all the evidence and testimony presented, the Board finds and concludes that Petitioner has sustained her burden of proof by the greater weight of the evidence in showing that Contestee Young was not a legal resident of electoral Division 3 at the time of filing

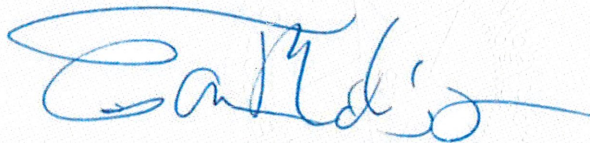
his Declaration of Candidacy as required by 20 O.S. 2021, § 92.8a. As such, the Petition is **SUSTAINED** and Contestee's name shall be **STRICKEN** from the ballot.

23. Contestee Young shall bear the costs incurred pursuant to 26 O.S. 2021, § 5-131.

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On the 25th day of April 2022, all members of the State Election Board, constituting a quorum, voted unanimously to **STRIKE** the candidacy of the Contestee Young and **REMOVE** his name from the ballot.

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:

Craig Hoehns  
HOEHNS LAW OFFICE  
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Jeffrey Hendrickson  
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Oklahoma City, OK 73016

ATTORNEY FOR PETITIONER ALLEN



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**DAVID DUNN**

*Clerk to the State Election Board*