

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

IN THE MATTER OF THE CONTEST OF )	
THE CANDIDACY OF <b>LAWRENCE M.</b> )	
<b>WHEELER</b> FOR THE OFFICE OF )	CAUSE NO. 2022-08
ASSOCIATE DISTRICT JUDGE OF )	
STEPHENS 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, Anthony Sykes, appeared in person and represented himself. Contestee, Lawrence M. Wheeler, appeared in person and was represented by David Hammond. Contestee Wheeler 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 Stephens 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 makes the following findings of fact and conclusions of law:

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

2. Petitioner Sykes filed with the State Election Board a Declaration of Candidacy for the Office of of Associate District Judge of Stephens 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 Sykes alleges that Contestee Wheeler does not meet the requirements of 20 O.S. 2021, § 92i. Petitioner further alleges that a defect in the Contestee’s Declaration of Candidacy provides grounds for a contest. Specifically, Petitioner alleges that Contestee inaccurately represented on a cover sheet that he is a participant of the Address Confidentiality Program established by 22 O.S. 2021, § 60.14.

6. Under 26 O.S. 2021, § 5-120, grounds for contest of candidacy “must allege that the contestee was *not qualified* to become a candidate for the office for which he filed a Declaration of Candidacy and must contain the reasons therefor” (emphasis added).

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. 26 O.S. 2021, § 4-115.2 and OKLA. ADMIN. CODE § 230:15-9-25 allow members of certain classes to keep residence and mailing address details confidential with the county election board. The State Election Board has created a Confidential Declaration of Candidacy Request form for when such individuals file for elective office. **See Ex. 1.** The record indicates that Contestee Wheeler completed a Request for Restricted Records Status with the county election board in January of 2015. **See Ex. 6.** Contestee Wheeler has previously been employed as a municipal prosecutor and municipal Judge. **See Testimony of Lawrence M. Wheeler (Hrg. Tr. 24:8-21).**

9. Contestee Wheeler incorrectly and mistakenly marked the checkbox for the Address Confidentiality Program on the Confidential Declaration of Candidacy Request when he filed his Declaration of Candidacy on April 13, 2022 rather than the first checkbox on the form designated for individuals with restricted records status. **See Exs. 1, 2, and 6 and Testimony of Lawrence M. Wheeler (Hrg. Tr. 16:6-8, 21:22-25, 23:25-24:2, & 48:13-16).**

10. Section 4-115.2 further allows another candidate to obtain the address information of a restricted records participant in anticipation of a contest of candidacy. The record reflects that the Petitioner was able to obtain a copy of the Contestee's Declaration of Candidacy containing the Contestee's address information from the Secretary of the State Election Board prior to the Petitioner filing his Contest of Candidacy. **(Hrg. Tr. 11:1-3, 35:13-25).**

11. Contestee and his wife acquired real property in 2019 in Stephens County where they resided. **See Exs. 3 & 4.**

12. Contestee and his wife previously acquired real property in 2012 in Stephens County where they resided prior to their 2019 move. **See Exs. 3 & 4.**

13. Contestee Wheeler registered to vote from his new address in July 29, 2020. **See Exs. 5 (Contestee's Exs. C-1 & C-2).**

14. Contestee testified that he is a resident of Stephens County and has been one since April 2012. **See Testimony of Lawrence M. Wheeler (Hrg. Tr. 42:13-18).**

15. Contestee affirmed that he has been a registered voter of Stephens County since 2012. **See Testimony of Lawrence M. Wheeler (Hrg. Tr. 42:23-24).**

16. Contestee did provide his correct address on his Declaration of Candidacy. **See Testimony of Lawrence M. Wheeler (Hrg. Tr. 42:18-22).**

17. An error made on a Confidential Declaration of Candidacy Request does not constitute a disqualification for office under 26 O.S. 2021, § 5-120.

18. The record, considering its totality, reflects that the Petitioner failed to meet the burden of proof in showing Contestee was not qualified by law to become a candidate for the office of Associate District Judge.

19. 26 O.S. 2021, § 5-128 provides, “[i]f said contestee’s Declaration of Candidacy may be amended or corrected to conform to law, the election board may order the same to be done, if the board determines such amendment or correction to be proper at the time of its order or decision.”

20. Accordingly, considering all the evidence and testimony presented, the Board determines it appropriate to **ORDER** Contestee to amend his Confidential Declaration of Candidacy Request to conform with his restricted records status under 26 O.S. 2021, § 4-115.2 and OKLA. ADMIN. CODE § 230:15-9-25.

21. Contestee Wheeler 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 **ORDER** Contestee Wheeler to (1) amend the Confidential Declaration of Candidacy Request cover sheet which accompanied his Declaration of Candidacy to reflect that he is

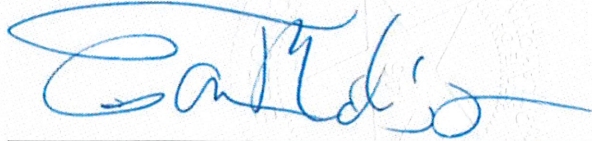
*In re the Contest of the Candidacy of Lawrence M. Wheeler for the Office of Associate District Judge of  
Stephens County,*

**Cause No. 2022-08**

---

not a member of the Address Confidentiality Program but instead the Restricted Records Status and  
(2) bear the costs incurred.

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:

David Hammond  
HAMMOND, ARCHER & KEE  
1102 W. Maple  
Duncan, OK 73533

ATTORNEY FOR CONTESTEE  
WHEELER

Anthony Sykes  
400 Fawn Brook Dr.  
Duncan, OK 73533

PETITIONER



---

**DAVID DUNN**

*Clerk to the State Election Board*