

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

IN THE MATTER OF THE CONTEST OF )	
THE CANDIDACY OF <b>MADISON HORN</b> )	
FOR THE OFFICE OF UNITED STATES )	CAUSE NO. 2022-12
SENATOR, FULL TERM. )	

**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, Jason Bollinger, appeared in person and was represented by counsel Aimee Majoue. Contestee, Madison Horn, appeared in person and represented by counsel Brian Ted Jones. Contestee Horn 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 Monday, 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 the executed return of service to the Secretary of the State Election Board on the date of the hearing. Prior to the start of the hearing, the Parties announced several stipulations.

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

1. Contestee Horn filed with the State Election Board a Declaration of Candidacy for the Office of United States Senator, Full Term, during the 2022 Candidate Filing Period starting April 13, 2022, and ending on April 15, 2022.

2. Petitioner Bollinger filed with the State Election Board a Declaration of Candidacy for the Office of United States Senator, Full Term, 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 Bollinger alleges that Contestee Horn was unqualified to run for the office of United States Senator because Horn was not a registered voter of the State of Oklahoma at the time of the filing of her Declaration of Candidacy and that she submitted false information or failed to provide information in her Declaration of Candidacy packet.

6. Under U.S. CONST. art. I, § 3, cl. 3, candidates for United States Senator must meet the following qualifications for office, “No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.”

7. Pursuant to 26 O.S. 2021, §4-110.1(D), “Registration for candidate filing or party affiliation purposes occurs at the earliest time the completed voter registration application is received at . . . any agency designated to accept voter registration applications or any licensed operator as part

of a driver license or identification card application provided that the application subsequently is approved by the secretary of the county election board for the county of the applicant's residence.”

8. 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).

9. Contestee Horn grew up in Oklahoma. **See Testimony of Madison Horn (Hrg. Tr. at 12:13-15).**

10. Contestee Horn has returned to Oklahoma and has been a resident since May 23, 2021. **See Testimony of Madison Horn (Hrg. Tr. at 13:4-5).**

11. Contestee Horn works in Oklahoma and pays Oklahoma income tax. **See Testimony of Madison Horn (Hrg. Tr. at 17:3-6).**

12. Contestee also possesses an Oklahoma identification card. **See Testimony of Madison Horn (Hrg. Tr. at 17:16-18).**

13. Contestee registered to vote in Oklahoma on April 12, 2022. Her registration is still pending. **See Testimony of Madison Horn (Hrg. Tr. at 39:14-15).**

14. Contestee stated that she is a United States citizen, at least thirty years old, and an inhabitant of the State of Oklahoma. **See Testimony of Madison Horn (Hrg. Tr. at 41:4-22).**

15. OKLA. CONST. art. I, § 1 states, “The State of Oklahoma is an inseparable part of the Federal Union, and the Constitution of the United States is the supreme law of the land.”

16. Okla. Stat. tit. 26, § 5-105(A) imposes a six-month durational voter registration requirement on candidates for state and county offices only. It does not impose such a requirement on candidates for federal office.

17. In *U.S. Term Limits, Inc. v. Thornton*, the United States Supreme Court held that a provision of the Arkansas State Constitution violated Article I, Section 3 of the United States

Constitution and that states cannot increase qualifications on those seeking federal legislative office. 514 U.S. 779 (1995). Further, the Court specifically determined that a term limit provision on candidates for federal office was not within a state's reserved powers under the Tenth Amendment. Imposing the requirement of voter registration is clearly not contemplated by Article I, Section 3. Even more, it is not required under 26 O.S. § 5-105. To impose this registration requirement against Contestee would be inconsistent with Oklahoma law and would effectively violate the few qualifications outlined in Article I, Section 3 of the U.S. Constitution.

18. In *Bradshaw v. Oklahoma State Election Bd.*, 2004 OK 69, 98 P.3d 1092, the Oklahoma Supreme Court held that 26 O.S. § 5-105 was “uninvocable against candidates for federal offices.” *Id.* at ¶ 1, 98 P.3d at 1093. Thus, to strike Contestee's candidacy because she has not met a durational registration requirement under §5-105 is both contrary to (1) the clear language in the statute and (2) the law as interpreted by the Oklahoma's highest court.

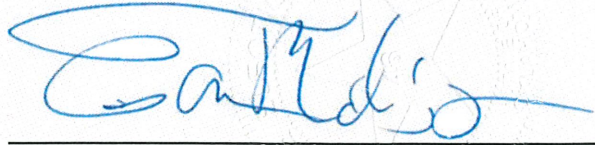
19. Considering the totality of the testimony, exhibits submitted, and legal arguments, Petitioner Bollinger failed to meet his burden of proof by the greater weight of the evidence in showing that Contestee Horn does meet the qualifications for the office of United States Senator. Therefore, the Petition is **DENIED**, and Contestee Horn shall remain on the ballot as a candidate for the Office of United States Senator, Full Term.

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



On the 25th day of April 2022, members of the State Election Board voted unanimously to **DENY** the petition and **RETAIN** the candidacy of Madison Horn for the Office of United States Senator, Full Term.

OKLAHOMA STATE ELECTION BOARD



June 22, 2022

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Date

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**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:

Brian Ted Jones  
Attorney at Law  
403 NW 30th St.  
Oklahoma City, OK 73118  
bt@briantedjones.com

ATTORNEY FOR CONTESTEE HORN

Aimee Majoue  
Crowe & Dunlevy  
Braniff Bldg., Ste. 100  
324 N. Robinson  
Oklahoma City, OK 73102  
[aimee.majoue@crowedunlevy.com](mailto:aimee.majoue@crowedunlevy.com)

ATTORNEY FOR PETITIONER  
BOLLINGER



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**DAVID DUNN**  
*Clerk to the State Election Board*