

MINUTES
OF THE STATE ELECTION BOARD AT ITS MEETING

April 21, 2014

The State Election Board met in a Special meeting at 8:30 a.m. in Room B-6 of the State Capitol Building. Advance notice of the meeting was performed by filing a written notice with the Secretary of State on April 16, 2014, at 8:10 a.m. A copy of the agenda is attached.

Meeting was called to order by **Thomas Montgomery**

ROLL CALL: STEPHEN CURRY, CHAIRMAN- **Absent**
THOMAS MONTGOMERY - **Present**
DIANA SPURLOCK - **Present**
GERALD BUCHANAN - **Absent**
DR. TIM MAULDIN - **Present**

Also present were Senior Assistant Attorney General Neal Leader and Assistant Attorney General Jan Preslar.

BUSINESS CONDUCTED AT THE MEETING

1. **BUSINESS CONDUCTED:** Discussion and action regarding the minutes of the meeting held April 4, 2014. **ACTION TAKEN:** Ms. Spurlock moved that the minutes of the meeting held on April 4, 2014, be approved. Mr. Montgomery seconded the motion. **ROLL CALL VOTE:** Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 2-0.

2. **BUSINESS CONDUCTED:** Discussion and action regarding the resignation of the Secretary of the Garfield County Election Board. The Board acknowledged the pending resignation and retirement of Roy E. Schneider, Jr., Secretary of the Garfield County Election Board, which will be effective August 1, 2014. **ACTION TAKEN:** None.

Mr. Curry arrived at this point.

3. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the Secretary of the Garfield County Election Board. **ACTION TAKEN:** None.

4. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the Secretary of the Texas County Election Board. **ACTION TAKEN:** Mr. Montgomery moved to appoint Glenda L. Williams as the Secretary of the Texas County Election Board, on a permanent basis. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.

5. **BUSINESS CONDUCTED:** Discussion and action regarding the resignation of the alternate Republican Board member of the Atoka County Election Board. The Board acknowledged the resignation of Robert Lunsford, the alternate Republican Board member of the Atoka County Election Board. **ACTION TAKEN:** None.

6. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the alternate Republican Board member of the Atoka County Election Board. **ACTION TAKEN:** None.

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7. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the Republican Board member of the Canadian County Election Board. **ACTION TAKEN:** Mr. Montgomery moved to appoint Danielle Patterson as the Republican Board member of the Canadian County Election Board. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.
8. **BUSINESS CONDUCTED:** Discussion and action regarding the resignation of the alternate Republican Board member of the Muskogee County Election Board. The Board acknowledged the resignation of John W. Loyd, the alternate Republican Board member of the Muskogee County Election Board. **ACTION TAKEN:** None.
9. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the alternate Republican Board member of the Muskogee County Election Board. **ACTION TAKEN:** None.
10. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the alternate Republican Board member of the Ottawa County Election Board. **ACTION TAKEN:** Mr. Montgomery moved to appoint David G. Hiebert as the alternate Republican Board member of the Ottawa County Election Board. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.
11. **BUSINESS CONDUCTED:** Discussion and action regarding the resignation of the Democrat Board member of the Pottawatomie County Election Board. The Board acknowledged the resignation of Leon Rogers, the Democrat Board member of the Pottawatomie County Election Board. **ACTION TAKEN:** None.
12. **BUSINESS CONDUCTED:** Discussion and action regarding the resignation of the alternate Democrat Board member of the Pottawatomie County Election Board. The Board acknowledged the resignation of Doris Norton, the alternate Democrat Board member of the Pottawatomie County Election Board. **ACTION TAKEN:** None.
13. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the Democrat Board member of the Pottawatomie County Election Board. **ACTION TAKEN:** Ms. Spurlock moved to appoint Doris Norton as the Democrat Board member of the Pottawatomie County Election Board. Mr. Montgomery seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.
14. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the alternate Democrat Board member of the Pottawatomie County Election Board. **ACTION TAKEN:** Ms. Spurlock moved to appoint Vicki Edgin as the alternate Democrat Board member of the Pottawatomie County Election Board. Mr. Montgomery seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.
15. **BUSINESS CONDUCTED:** Discussion and action regarding the resignation of the alternate Republican Board member of the Seminole County Election Board. The Board acknowledged the resignation of Ada Katherin Scarberry, the alternate Republican Board member of the Seminole County Election Board. **ACTION TAKEN:** None.

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16. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the alternate Republican Board member of the Seminole County Election Board. **ACTION TAKEN:** None.

17. **BUSINESS CONDUCTED:** Discussion and action regarding a requested polling place change in Oklahoma County. **ACTION TAKEN:** Mr. Montgomery moved to approve moving the polling place location for Precinct 550116 outside the precinct boundaries to a new location within Precinct 550117 in Oklahoma County. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.

18. **BUSINESS CONDUCTED:** Discussion with counsel, Mr. Leader and Ms. Preslar, regarding: A) the procedure for conducting Contests of Candidacy; and B) the Contests of Candidacy enumerated in Agenda items 22 through 29. **ACTION TAKEN:** None.

19. **BUSINESS CONDUCTED:** Discussion of future meetings. Secretary Ziriaux reminded Board members of the next regular meeting on July 1, 2014. David will send members notice via email of all remaining regular meetings in 2014, as well as reminders prior to those meetings. **ACTION TAKEN:** None.

20. **BUSINESS CONDUCTED:** Recess meeting at 9:03 a.m. in order to move to Room 230, Second floor, Senate wing (North Hall), State Capitol Building, the room in which the Contests of Candidacy will be heard beginning at 9:30 a.m. **ACTION TAKEN:** Mr. Montgomery moved to recess the meeting in order to move to Room 230, Second floor, Senate wing (North Hall), State Capitol Building, the room in which the Contests of Candidacy will be heard. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.

Mr. Buchanan arrived at this point. Note: Alternate State Election Board members Gerald Buchanan and Dr. Mauldin, while physically present, did not participate in the following Hearing on Contests of Candidacy.

21. **BUSINESS CONDUCTED:** Reconvene meeting in Room 230, Second floor, Senate wing (North Hall), State Capitol Building, to conduct the Contests of Candidacy hearings. **ACTION TAKEN:** Mr. Montgomery moved to reconvene the meeting in Room 230, Second floor, Senate wing (North Hall), State Capitol Building, to conduct the Contests of Candidacy hearings. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.

22. **BUSINESS CONDUCTED:** Hearing and decision in the matter of the Contest of Candidacy of Kimberly Ann Willis, Dorman v. Willis, Cause No. 2014-06. **ACTION TAKEN:** None. The petitioner, Joseph Dorman, withdrew his contest of candidacy.

23. **BUSINESS CONDUCTED:** Hearing and decision in the Matter of the Contest of Candidacy of Charles Scott Loftis, Hermanson v. Loftis, Cause No. 2014-05. Petitioner Brian Hermanson was personally present and represented by counsel, David Cummings. Contestee Charles Scott Loftis was not present to answer the petition; however, the burden of proof is on the petitioner. **ACTION TAKEN:** Mr. Montgomery moved that the Contestee was in default and further moved to sustain the petition and strike the

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name of C. Scott Loftis from the list of candidates for District Attorney, District 8. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Copies of Petition, Notice of Hearing, Return of Service, Exhibits, and Findings/Order attached)

24. **BUSINESS CONDUCTED:** Hearing and decision in the Matter of the Contest of Candidacy of Bill Layden, Mills v. Layden, Cause No. 2014-01. Petitioner Timothy E. Mills was personally present and represented by counsel, Richard Mildren. Contestee Bill Layden was personally present and represented by counsel, Rob Nigh. Contestee answered the petition by presenting a cashier's check in the amount of \$250. **ACTION TAKEN:** Mr. Montgomery moved to deny the petition and to retain the name of Bill Layden on the list of candidates for Associate District Judge, Pittsburg County. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Copies of Petition, Notice of Hearing, Return of Service, Exhibits, and Findings/Order attached)

25. **BUSINESS CONDUCTED:** Hearing and decision in the Matter of the Contest of Candidacy of Catherine Kay Gray, Bass v. Gray, Cause No. 2014-08. Petitioner Randy Bass was personally present and represented by counsel, Scott Inman. Contestee Catherine Kay Gray was not personally present, but was represented by a "surrogate," Dave Weston, who offered a written statement from the Contestee. Contestee answered the petition by presenting a cashier's check in the amount of \$250. **ACTION TAKEN:** Mr. Montgomery moved to deny the petition and to retain Catherine Kay Gray on the ballot for Oklahoma State Senate, District 32. Mr. Montgomery's motion was not seconded. After further hearing, Ms. Spurlock moved to sustain the petition and to strike the name of Catherine Kay Gray from the list of candidates for Oklahoma State Senate, District 32. Mr. Curry seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Copies of Petition, Notice of Hearing, Return of Service, Exhibits, and Findings/Order attached)

26. **BUSINESS CONDUCTED:** The Chairman declared there would be a 10-minute break. **ACTION TAKEN:** At 11:30 a.m., Mr. Montgomery moved to reconvene the Hearing on Contests of Candidacy. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.

27. **BUSINESS CONDUCTED:** Hearing and decision in the Matter of the Contest of Candidacy of Duston Joe Sills, Dorman v. Sills, Cause No. 2014-07. Petitioner Joseph Dorman was personally present and represented by counsel, Ben Odom. Contestee Duston Joe Sills appeared, pro se. Contestee answered the petition by presenting a cashier's check in the amount of \$250. **ACTION TAKEN:** Mr. Montgomery moved to sustain the petition and to strike the name of Joe Sills from the list of candidates for Governor. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Copies of Petition, Notice of Hearing, Return of Service, Exhibits, and Findings/Order attached)

28. **BUSINESS CONDUCTED:** Hearing and decision in the Matter of the Contest of Candidacy of Orenthel Denson, Deason v. Denson, Cause No. 2014-02. Petitioner Donald L. Deason was personally

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present and represented by counsel, Mack Martin. Contestee Orenthel Denson appeared, pro se. Contestee answered the petition by presenting a cashier's check in the amount of \$250. **ACTION TAKEN:** Mr. Montgomery moved to deny the petition; whereupon he withdrew his motion. **BUSINESS CONDUCTED:** Upon the recommendation of Mr. Leader, the Board heard six witnesses from Petitioner, including the Contestee. **ACTION TAKEN:** Ms. Spurlock moved to deny the petition and to retain the name of Orenthel Denson on the list of candidates for District Judge, District 7, Office 3, in Oklahoma County. Mr. Montgomery seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Copies of Petition, Notice of Hearing, Return of Service, Exhibits, and Findings/Order attached)

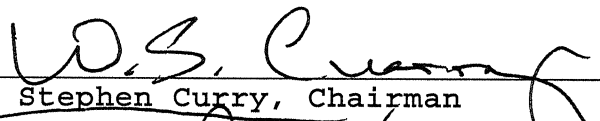
29. **BUSINESS CONDUCTED:** At 1 p.m., the Chairman declared there would be a 45-minute lunch break. **ACTION TAKEN:** At 1:45 p.m., Mr. Montgomery moved to reconvene the Hearing on the remaining Contests of Candidacy. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.

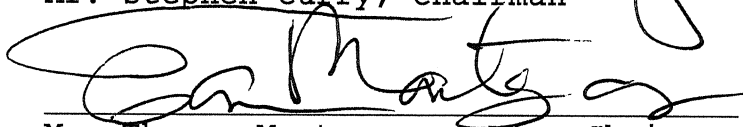
30. **BUSINESS CONDUCTED:** Hearing and decision in the Matter of the Contest of Candidacy of Josiah Stone, Payton v. Stone, Cause No. 2014-03. Petitioner Jeff Payton was personally present and represented by counsel, Rex Earl Starr. Contestee Josiah Stone appeared, pro se. Contestee answered the petition by presenting a cashier's check in the amount of \$250. **ACTION TAKEN:** Mr. Montgomery moved to sustain the petition and to strike the name of Josiah Stone from the list of candidates for District Judge, District 15, Office 3. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Copies of Petition, Notice of Hearing, Return of Service, Exhibits, and Findings/Order attached)

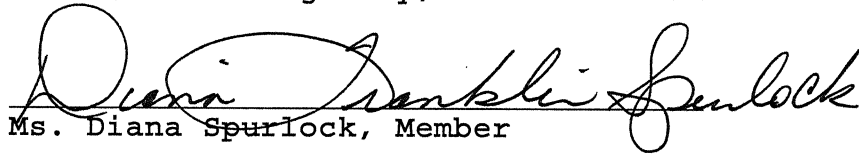
31. **BUSINESS CONDUCTED:** Hearing and decision in the Matter of the Contest of Candidacy of Terry Autry, Wallace v. Autry, Cause No. 2014-04. Petitioner Kevin Wallace appeared, pro se. Contestee Terry Autry was personally present and represented by counsel, Matthew Flies. Contestee answered the petition by presenting a cashier's check in the amount of \$250. **ACTION TAKEN:** Mr. Montgomery moved to sustain the petition and to strike the name of Terry Autry from the list of candidates for State Representative, District 32. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Copies of Petition, Notice of Hearing, Return of Service, Exhibits, and Findings/Order attached)

32. **BUSINESS CONDUCTED:** Motion to Adjourn. **ACTION TAKEN:** Mr. Montgomery moved to adjourn until the next meeting. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.

STATE ELECTION BOARD


Mr. Stephen Curry, Chairman


Mr. Thomas Montgomery, Vice-Chairman


Ms. Diana Spurlock, Member

Mr. Gerald Buchanan, Republican Alternate

Dr. Tim Mauldin, Democrat Alternate