

STATE ELECTION BOARD OF THE  
STATE OF OKLAHOMA

IN THE MATTER OF CONTEST OF THE )  
CANDIDACY OF **DUSTON JOE SILLS** )  
FOR THE OFFICE OF GOVERNOR, ) CAUSE NO. 2014-07  
STATE OF OKLAHOMA. )

ORDER

The above-styled cause was heard by the Election Board of the State of Oklahoma on April 21, 2014, meeting pursuant to lawful notice.

The following members of the State Election Board ("Board") were present: Steve Curry, Chairman; Tom Montgomery, Vice-Chairman; Diana Spurlock, Member. Also present were Paul Zirix, Secretary, and counsel for the Board, Neal Leader, Senior Assistant Attorney General, and Jan Preslar, Assistant Attorney General. Also present, but not participating, were alternate Board members Dr. Tim Mauldin and Jerry Buchanan.

Petitioner Joseph Dorman was personally present and was represented by counsel, Ben Odom. Contestee Duston Joe Sills appeared, pro se.

Mr. Sills answered the contest and presented a cashier's check in the amount of \$250.00 as prescribed in 26 O.S. 2011, § 5-129.

The Board received proof of personal service made on Mr. Sills by the Cleveland County Sheriff.

The Board conducted the hearing. After considering all evidence and testimony offered and admitted, and after hearing arguments of Mr. Odom and Mr. Sills, the Board makes the following order:

1. Mr. Sills timely filed his Declaration of Candidacy for Governor, during the April 9-11, 2014, filing period.
2. Mr. Dorman timely filed his Declaration of Candidacy for Governor, during the April 9-11, 2014, filing period.

3. The allegations contained in the petition of Mr. Dorman are that:

Sills entered a plea of guilty to a felony charge of unauthorized use of a motor vehicle on April 19, 2000. Under 26 OS 5-105a a person who has entered a guilty plea of guilty or nolo contendere to a felony shall not be eligible to be a candidate for or to be elected to any state office or any other elected office for a period of 15 years following completion of his sentence. (See 1988 OK AG 49 by Robert Henry). See attached plea of guilty, statute, and AG opinion.

4. 26 O.S. 2011, §5-105a(A) provides:

A. A person who has been convicted of a misdemeanor involving embezzlement or a felony under the laws of this state or of the United States *or who has entered a plea of guilty* or nolo contendere *to such* misdemeanor involving embezzlement or *felony* or who has been convicted of a crime in another state which would have been a misdemeanor involving embezzlement or a felony under the laws of this state or has entered a plea of guilty or nolo contendere to such crime shall not be eligible to be a candidate for or to be elected to any state, county, municipal, judicial or school office or any other elective office of any political subdivision of this state for a period of fifteen (15) years following completion of his sentence or during the pendency of an appeal of such conviction or plea.

(Emphasis added.)

5. The evidence showed that on April 19, 2000, Mr. Sills pled guilty to a felony crime for unauthorized use of a motor vehicle, a motorcycle, in Case No CF-99-1922, in the District Court of Cleveland County, State of Oklahoma. In conjunction therewith, Mr. Sills received a deferred sentence.

6. 26 O.S. 2011, §5-130 provides: "The burden of proof shall be upon the petitioner to sustain the allegations in his petition."

7. Mr. Dorman has sustained his burden of proof of showing Mr. Sills pled guilty to a felony crime on April 19, 2000, and it has been less than 15 years since the completion of the sentence. Therefore, Mr. Sills is not qualified to be a candidate for Governor under 26 O.S. 2011, §5-105a(A). Consequently, Mr. Dorman's petition is granted and Mr. Sills's name will be stricken from the ballot as a candidate for Governor.

8. Costs are assessed to Mr. Sills, pursuant to 26 O.S. 2011, §5-131.

Done this 21st day of April, 2014, by a vote of 3-0 of the Election Board of the State of Oklahoma.

OKLAHOMA STATE ELECTION BOARD



A handwritten signature in black ink, appearing to read "Steve Curry", is written over a horizontal line. The signature is stylized and extends to the right of the line.

STEVE CURRY, CHAIRMAN

