

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

IN THE MATTER OF CONTEST OF THE )  
CANDIDACY OF **MATT VON TUNGELN** )  
FOR THE OFFICE OF STATE ) CAUSE NO. 2016-20  
REPRESENTATIVE, DISTRICT 60. )

**FINDINGS AND ORDER**

The above-styled cause was heard by the Election Board of the State of Oklahoma on April 25, 2016, meeting pursuant to lawful notice.

The following members of the State Election Board (“Board”) were present: Steve Curry, Chair; Tom Montgomery, Vice-Chair; and Dr. Tim Mauldin, Member. Also present were Paul Zirix, Secretary; and counsel for the State Election Board, Jan Preslar, Deputy Attorney General; and Jason Seay, Assistant Attorney General. Also present, but not participating were Jerry Buchanan, Alternate Member; and Debi Thompson, Alternate Member.

Petitioner Rhonda Baker appeared in-person and represented by Counsel, Ralph Shortey. Contestee Matt Von Tungeln appeared *pro se*.

The Petition was filed and Notice of Hearing issued on April 19, 2016, at 4:44 p.m. The Board did not receive sufficient evidence that service was made upon Mr. Von Tungeln within 24 hours from when the contest was set for hearing. *See* 26 O.S. 2011, §§ 5-123, 5-124. However, because Mr. Von Tungeln appeared in-person at the hearing, the Board determined this matter may proceed.

Mr. Von Tungeln submitted a cashier’s check in the amount of \$250.00, as required by 26 O.S. § 5-129.

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

1. Mr. Von Tungeln filed with the Board a Declaration of Candidacy for the office of State Representative, District 60, during the filing period of April 13-15, 2016.
2. Ms. Baker filed with the Board a Declaration of Candidacy for the office of State Representative, District 60, during the filing period of April 13-15, 2016.
3. Ms. Baker challenges Mr. Von Tungeln’s candidacy on the grounds that he is neither registered to vote, and does not reside, in State House District 60. *See* 14 O.S. 2011, § 108.

4. Section 108 in pertinent part states that, “[t]o file as a candidate for the House of Representatives in any representative district, a person must have been a registered voter in such district and a resident residing within such district for at least six (6) months immediately preceding the filing period prescribed by law.” 14 O.S. 2011, § 108.
5. At the hearing of this matter, Mr. Von Tungeln announced that he does not contest the allegations in Ms. Baker’s Petition and that he withdraws his Declaration of Candidacy. The Board considered Mr. Von Tungeln’s announcement as a stipulation to the veracity of the facts stated in Ms. Baker’s Petition.
6. Ms. Baker alleged in her Petition in pertinent part that Mr. Von Tungeln “does not live in House District 60. His residency is not consistent with his voter ID [identification] address.”
7. The Board finds the factual allegations of the petition constitute appropriate grounds for disqualification of Mr. Von Tungeln’s candidacy pursuant to 14 O.S. 2011, § 108.
8. Ms. Baker’s Petition is therefore sustained and Mr. Von Tungeln’s name will not appear on the ballot as a candidate for the office of State Representative, District 60.
9. Costs are assessed against Mr. Von Tungeln pursuant to 26 O.S. 2011, § 5-131.

Done this 25<sup>th</sup> day of April, 2016, by a unanimous vote of the Election Board of the State of Oklahoma.

OKLAHOMA STATE ELECTION BOARD

  
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STEVE CURRY, Chairman

