

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

IN THE MATTER OF CONTEST OF THE )  
CANDIDACY OF **CINDY GAETE** )  
FOR THE OFFICE OF STATE ) CAUSE NO. 2018-08  
REPRESENTATIVE, DISTRICT 78 )

**FINDINGS AND ORDER**

The above-styled cause was heard by the Election Board of the State of Oklahoma on April 23, 2018, 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 Ziriaux, Secretary; and counsel for the State Election Board, Lyn Martin-Diehl, Assistant Attorney General; and Rachel Rogers, Assistant Attorney General. Also present, but not participating were Jerry Buchanan, Alternate Member; and Debi Thompson, Alternate Member.

Petitioner Meloyde Blancett appeared personally with counsel, Emily Virgin. Contestee Cindy Gaete appeared personally without counsel.

The Petition was filed and Notice of Hearing issued on April 17, 2018, at 2:00 p.m. The Board received proof of personal service made on Contestee by the Tulsa County Sheriff on April 17, 2018, within 24 hours of setting the Petition for hearing, as required by 26 O.S. § 5-124.

Contestee appeared and submitted a cashier's or certified check in the amount of \$250.00, as required by 26 O.S. § 5-129.

The Board conducted the hearing. After considering all evidence and testimony offered and admitted, and after bearing arguments of the parties, the Board makes the following findings of fact and conclusions of law:

1. Ms. Blancett filed with the Board a Declaration of Candidacy for the office of State Representative, District 78, during the filing period of April 11-13, 2018.
2. Ms. Gaete filed with the Board a Declaration of Candidacy for the office of State Representative, District 78, during the filing period of April 11-13, 2018.
3. The Board received proof of personal service made on Ms. Gaete within 24 hours of setting the Petition for hearing, as required by 26 O.S. § 5-124.
4. Ms. Gaete submitted the proper cashier's check or certified check in the amount of \$250.00, as required by 26 O.S. § 5-129.

5. 26 O.S. § 5-130 provides: “The burden of proof shall be upon the petitioner to sustain the allegations in his petition.”
6. The allegations contained in the Petition filed by Ms. Blancett are that:  
  
Contestee had not been a registered voter in District 78 for at least six months immediately preceding the filing period as required by Title 14 O.S. Section 108.
7. 14 O.S. § 108 in pertinent part states, “[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.”
8. The filing period began on April 11, 2018, pursuant to 26 O.S. § 5-110. Consequently, Ms. Gaete was required to have been a registered voter in House District 78 on or before October 10, 2017.
9. Evidence presented by the Petitioner from the Tulsa County Election Board showed the earliest transaction date for Ms. Gaete’s current registration for State House District 78 was April 13, 2018, which was activated April 16, 2018. Documentation also showed Ms. Gaete’s former registration was located in State House District 79.
10. During the proceedings, Ms. Gaete stated she has lived in State House District 78 for the past six months, but only recently updated her address with the county election board on April 13, 2018. Ms. Gaete confirmed that the demonstrative maps for State House Districts 78 and 79 accurately represent her current and previous addresses, respectively.
11. This Board has consistently maintained that the ordinary and plain meaning of Section 108 requires voter registration, and residence, within the district for which a candidate seeks office for the six months immediately preceding the filing period. *See e.g.*, State Election Board Orders in Cause Nos. 2012-06, 2014-04, and 2016-08.
12. The Board finds that Ms. Blancett has sustained the burden of proof in showing Ms. Gaete does not meet the six-month registration requirement set forth in 14 O.S. §108.
13. Ms. Blancett’s Petition is therefore sustained, pursuant to 26 O.S. § 5-130, and Ms. Gaete’s name will not appear on the ballot as a candidate for the office of State Representative, District 78.
14. Costs are assessed against Ms. Gaete, pursuant to 26 O.S. §5-131.

Done this 23<sup>rd</sup> day of April, 2018, by a unanimous vote of the Election Board of the State of Oklahoma.

OKLAHOMA STATE ELECTION BOARD



*Steve Curry*

STEVE CURRY, Chairman

