

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

In the matter of the Contest of the Candidacy of)
Madison Sheree Horn)
Filed by Jason Bollinger with the) **Cause No. 2022-12**
Secretary of the State Election Board on)
April 19, 2022)

NOTICE OF HEARING

To: Madison Sheree Horn

1130 N. Harvey Ave.

Oklahoma City, OK 73103

You are hereby notified that a Petition in the above-styled cause has been duly filed with the State Election Board as prescribed by law, and a hearing has been set to be held on April 25, at 9:00 a.m. at the following location:

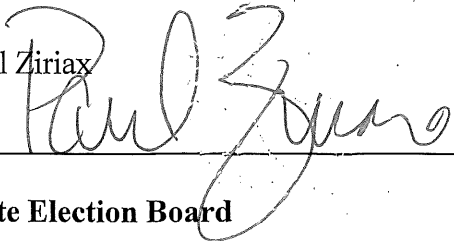
JIM THORPE BUILDING, STATE ELECTION BOARD, RM. G41

2101 N. LINCOLN BLVD.

OKLAHOMA CITY, OK 73105

A copy of the petition is attached.

Paul Ziriaux


_____, Secretary

State Election Board

BEFORE THE OKLAHOMA STATE ELECTION BOARD

In Re: Contest of Candidacy of
Madison Sheree Horn

Case No. 2022-12

PETITION FOR CONTEST OF CANDIDACY

COMES NOW, Jason Bollinger, Candidate for the Democratic Nomination for the United States Senate (full term) in Oklahoma in 2022, and pursuant to Okla. Stat. tit. 26, § 5-118, submits this Petition to disqualify the candidacy of Madison Sheree Horn (“Respondent”). In support hereof, Mr. Bollinger alleges as follows:

STATEMENT OF FACTS

1. On April 13, 2022, the Petitioner, Jason Bollinger, filed his 2022 Oklahoma Declaration of Candidacy, Candidate Information and Oath (“Declaration of Candidacy”) with the Secretary of the State Election Board to place his name on the ballot for the June 28, 2022, election for the Democratic nomination for the Office of United States Senator (full term).
2. On April 14, 2022, Respondent filed her Declaration of Candidacy to place her name on the ballot for the same Office. *See Ex. A.*
3. Mr. Bollinger is qualified to contest Respondent’s candidacy pursuant to Okla. Stat. tit. 26, § 5-118 and does so because (1) Respondent is not qualified under the law and the stated public policy of the State of Oklahoma to become a candidate for the office she seeks and (2) Respondent provided false information on her Declaration of Candidacy, which she swore or affirmed was true and correct.

4. Respondent submitted false information in her Declaration of Candidacy and was missing required information necessary to complete said Declaration of Candidacy.

5. The State Election Board states “incomplete submissions cannot be accepted.” 2022 Candidate Filing Packet, U.S. Senator & U.S. Representative, pg. 3.

6. Oklahoma law provides the filing period for the Office of United States Senator shall take place between “the second Wednesday of April of any even numbered year and no later than 5:00 p.m. on the next succeeding Friday.” Okla. Stat. tit. 26, § 5-110.

7. In 2022, the filing period for the Office of United States Senator began on April 13, 2022, and ended at 5:00 p.m. on April 15, 2022.

8. Respondent was required to have been a registered voter in the State of Oklahoma to complete the required Section 3 of her Declaration of Candidacy and to file a completed Declaration of Candidacy during the statutory time period set forth above. She failed to do so.

9. As of April 14, 2022, Respondent was not a registered voter at 1130 N. Harvey Ave, Oklahoma City, OK 73103 in Oklahoma County, as indicated on her Declaration of Candidacy (*see* Ex. A, pg 1, Section 3), or at any other address in Oklahoma County or the State of Oklahoma.

10. Respondent did not identify a valid Oklahoma voter ID number as part of Section 3 of her Declaration of Candidacy, as required. *See* Ex. A, pg 1, Section 3.

Curiously, she provided a voter ID number which is not registered to any voter in the State of Oklahoma but later marked through the same. *Id.*

11. Respondent did identify under sworn affidavit “I am a registered voter in” and noted precinct #550534 of Oklahoma County under Section 3 of her Declaration of Candidacy, as required. *Id.*

12. Respondent submitted an incomplete Declaration of Candidacy.

13. Respondent knowingly submitted false information on her Declaration of Candidacy, in violation of her sworn oath that all information would be “true and correct.” *See* Ex. A, pg 2, Section 8.

LEGAL ARGUMENTS

14. Respondent is not registered to vote in the State of Oklahoma, and insofar as Mr. Bollinger is aware, she is not registered to vote at all. As set forth in Okla. Stat. tit. 26, § 5-105(A), to file as a candidate for nomination by a political party, a person “must have been a registered voter of that party for the six-month period immediately preceding the first day of the filing period[.]” *Id.*

15. While Mr. Bollinger recognizes the language of the statute points to “state and county offices,” the statute clearly sets forth the public policy of the State of Oklahoma that a candidate for public office must have been a registered voter of the party for which the candidate seeks nomination for *at least* six months prior to filing to place his, her or their name on the ballot. There is a gap in the law as applied to candidates for federal office, but the State Election Board confirmed the State’s public policy by including a requirement on the Declaration of Candidacy form that

candidates for federal office (United States Senator or United States Representative) provide their voter registration information. *See, e.g., Ex. A, pg 1, Section 3.* No other conclusion may be gleaned from such a clear requirement.

16. Oklahoma’s “public policy concerning election regulation is expressed in the statutes and is mandatory, controlling and applicable to all political parties and nonpartisan candidates alike.” *Bradshaw v. Okla. State. Election Bd*, 2004 OK 69 ¶ 1 (dissent), 98 P.3d 1092, 1094-95 (Kauger, J. dissenting) (*citing Craig v. Bond*, 1932 OK 697, ¶ 31, 15 P.2d 1014).

17. When Okla. Stat. tit. 26, § 5-105 is read together with § 5-102 and Okla. Const. art. 3, § 3—which set forth the way candidates must file to be placed on the ballot—it is clear that the language of Okla. Stat. tit. 26, § 5-105 “was not intended to be confined to state and county offices[] but encompasses federal candidates as well.” *Bradshaw*, 98 P.3d at 1096 (Kauger, J. dissenting).

18. The public policy requiring candidates for public office to be registered for at least six months as a member of the party for which they seek nomination “exists to protect the electorate and to ensure the disclosure of the political positions and qualifications of candidates. *Bradshaw*, 98 P.3d at 1096 (Kauger, J. dissenting). Voters are entitled to know for whom and for what they are casting their ballots. *Id.* (emphasis added). If the Respondent is allowed to remain on the ballot, Oklahoma voters will be left in the dark.

19. Not only is the Respondent not registered to vote in Oklahoma, unless registered in another state, she is not a Democrat—the party whose nomination she seeks for the high office of United States Senator.

20. Because Respondent is not a registered Democrat, she is not qualified to be the Democratic Party's nominee for the Office of United States Senator or any other office. Okla. Stat. tit. 26, § 1-102.

21. Notwithstanding the foregoing, on her Declaration of Candidacy, the Respondent stated that she is affiliated with the Democratic Party (*see* Ex. A, pg 1, Section 2) (she is not—at least not in Oklahoma), provided a precinct at which she alleges she is registered to vote (she is not) (*id.* at Section 3), and provided the county in which she alleges she is registered to vote (she is not) *Id.* Further, Respondent provided a voter ID number which is not affiliated with any voter in the State of Oklahoma but later marked through the same. Respondent's actions in providing knowingly false information on state documents amount to fraud or a crime tantamount thereto.

22. The Respondent has made it no secret that she recently moved to Oklahoma from Virginia to run for office. One would think it prudent, upon attempting to establish residency in a state which one seeks to represent in the United States Senate, to immediately register to vote; however, for some reason, the Respondent chose not to perform her civic duty or to take part in the civic process by which she hopes to be elected.

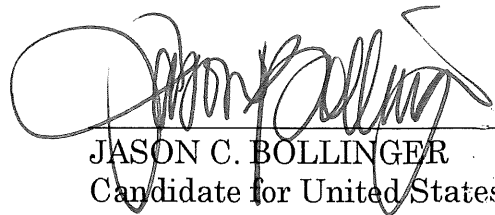
23. Luckily for Oklahomans, the safeguards prescribed by the state legislature prevent individuals from moving into our State and setting up a transitory residence while attempting to run for public office as the Respondent has done. It is unfathomable to surmise that the legislature—or the people of Oklahoma—would intend otherwise.

CONCLUSION

WHEREFORE, because Respondent (1) is not qualified under the law and the stated public policy of the State of Oklahoma to become a candidate for the office she seeks and (2) provided false information on her Declaration of Candidacy, which she swore or affirmed was true and correct, Petitioner Jason Bollinger contests the Respondent's candidacy and respectfully requests that she be disqualified from seeking the Democratic nomination for the office of United State Senator (full term) in 2022 in Oklahoma and that her name be stricken from the ballot for the election for said Office.

Dated this 19th day of April 2022.

Respectfully submitted,



JASON C. BOLLINGER
Candidate for United States Senate

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