

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

IN THE MATTER OF THE CONTEST OF)
THE CANDIDACY OF **ADAM PUGH** FOR)
THE OFFICE OF SUPERINTENDENT OF) CAUSE NO. 2026-03
PUBLIC INSTRUCTION)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL AGENCY ORDER

The above-styled cause was heard by the Election Board of the State of Oklahoma at the Thursday, April 16, 2026, meeting pursuant to lawful notice under the Open Meeting Act, 25 O.S. § 301, *et seq.* Petitioner, Representative Toni Hasenbeck, challenged the candidacy of Contestee, Senator Adam Pugh, alleging that he is not qualified by law to become a candidate for Office of Superintendent of Public Instruction because: 1) Okla. Const. art. 5, § 23 prohibits a member of the Legislature, “during the term for which he was elected, from being appointed or elected to any office or commission in the State, which shall have been created, or the emoluments of which shall have been increased, during his term of office...” and 2) the salary and benefits for Superintendent of Public Instruction were increased during Contestee’s Senate term.

The following members of the State Election Board (“Board”) were present: Heather Mahieu Cline, Chair; Dr. Tim Mauldin, Vice Chair; and Mignon Lambley, Member. Also present were Paul Ziriaux, Secretary; Rusty Clark, Assistant Secretary; counsel for the State Election Board, Niki Batt, Deputy Attorney General; Rachel Rogers, Director of Policy and in-house counsel; and Sierra Jones, Clerk to the Board. Also present, but not participating were Jerry Buchanan, Alternate Member and Debi Thompson, Alternate Member.

Petitioner appeared in person and with counsel Spencer Habluetzel and Jim Buxton. Contestee appeared in person and with counsel Michael Fields and Denise Lawson to answer the Petition. Assistant Solicitor General Cullen Sweeney appeared on behalf of Non-Party Chip Carter, in his capacity as a Commissioner of the Statewide Official Compensation Commission.

Proceedings before the Board are governed by the Oklahoma Election Code (“Election Code”), 26 O.S. §§ 1-101, *et seq.*, the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250, *et seq.*, as well as the State Election Board administrative rules set forth in Title 230 of the Oklahoma Administrative Code (“OAC”). The hearing was recorded and a court reporter was present.

At the outset of the hearing, the Board heard and considered initial matters, including the announcement of Joint Stipulations, a Motion to Quash a witness subpoena filed by Non-Party Chip Carter, and Contestee’s Motion to Strike Petitioner’s Reply to Contestee’s Answer/Response. The Parties agreed that the Motion to Quash was mooted by the Joint Stipulations. Contestee’s Motion to Strike Petitioner’s Reply was granted because the Election Code requires a petition contesting the candidacy of a candidate for office be in writing, containing the reasons therefore, and any reason not stated on the face of the petition “shall be considered waived and shall not be grounds for a contest.”¹ 26 O.S. §§ 5-118 and 5-120. Reply briefs are not contemplated by the Election Code and/or administrative rules. However, to the extent that Petitioner’s Reply to Contestee’s Answer/Response constitute legal arguments rebutting Contestee’s Answer/Response, Petitioner was allowed to make those legal arguments before the Board.

After considering the evidence, and after hearing arguments of the parties, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

The Parties entered Joint Stipulations (“Board’s Exhibit 1”), which the Board admitted into evidence. The Parties agreed that with the entry of the Joint Stipulations, neither party needed to call witnesses or admit additional evidence. Considering this agreement and the admission of Board’s Exhibit 1, Joint Stipulations 1 through 18 are set forth in full:

¹ Petitioner’s Reply to Contestee’s Answer/Response remains a part of the “record”, pursuant to 75 O.S. § 309(F).

“1. The Office of Superintendent of Public Instruction (hereinafter “Office”) is subject to election in the 2026 election. **Exhibit 1**, *State of Oklahoma Terms of Office*, OKLA. STATE ELECTION BD.; Okla. Const. Art. 6, § 4.

2. The term of the Office begins January 11, 2027. Okla. Const. Art. 6, § 4.

3. The return of election for the Office will be on January 5, 2027. Okla. Const. Art. 5, § 26, Art. 6, § 5.

4. Petitioner Toni Hasenbeck filed with the Secretary of the State Election Board a Declaration of Candidacy for the Office during the 2026 candidate filing period starting April 1, 2026 and ending April 3, 2026. **Exhibit 2**, *Declaration of Candidacy T. Hasenbeck*.

5. [Contestee]² Adam Pugh filed with the Secretary of the State Election Board a Declaration of Candidacy for the Office during the 2026 candidate filing period starting April 1, 2026 and ending April 3, 2026. **Exhibit 3**, *Declaration of Candidacy A. Pugh*.

6. Petitioner and [Contestee] are candidates for the Office for the 2026 election cycle.

7. On April 7, 2026, Petitioner timely filed a *Petition to Contest Candidacy of Adam Pugh* accompanied by a cashier’s check in the amount of \$250. **Exhibit 4**, *Receipt*. A Notice of Hearing was issued the same day, setting the hearing on April 16, 2026 at 9:00 a.m.

8. [Contestee] was served within 24 hours of setting the Petition for hearing, as required by 26 O.S. §§ 5-123, 5-124, 5-125. **Exhibit 5**, *Return of Service*. [Contestee] has actual notice of the hearing. [Contestee] stipulates to proper service.

9. [Contestee] is the current Oklahoma State Senator for District 41. His current term started November 20, 2024 and will end November 21, 2028. **Exhibit 6**, *Certificate of Election 2024*; 14 O.S. § 80.35.14(A).

² The Joint Stipulations (Board’s Exhibit 1) refer to Senator Adam Pugh as “Respondent”, instead of “Contestee”. This Final Agency Order utilizes “Contestee” instead to conform with 26 O.S. § 5-118.

10. In 2025, the Oklahoma Legislature passed a law creating and delegating authority to the “Statewide Official Compensation Commission” (hereinafter “SOCC”) to “set the salary” for certain elected officials, including for the Office. **Exhibit 7**, *HB2674 (2025 Reg. Sess.) (eff. Nov. 1, 2025)*; 74 O.S. §§ 250.4(B); 291.4 (stating at § 250.4 that “the order of the Commission shall supersede the provisions of this section with respect to the applicable statewide elected official.”).

11. On November 18, 2025, the SOCC met. **Exhibit 8**, *SOCC Agenda Nov. 18, 2025*.

12. At the meeting, the SOCC voted to increase the salary for the Office from \$124,373 to \$175,000 to be effective the next term, which was memorialized in a written order. **Exhibit 9**, *SOCC Order*; 74 O.S. §§ 250.4, 291.4.

13. During the SOCC meeting, prior to the motion to increase the Office’s salary, a committee member stated during the Nov. 18th meeting:

COMMITTEE MEMBER: Mr. Chair, pursuant to Section 23, Article V of the Oklahoma Constitution, no attempted adjustment adopted herein shall operate to increase the emoluments of any office for which a current member of the legislature is elected or appointed. Any such office shall retain the emoluments in effect prior to the attempted adjustment adopted herein.

With that, I move to increasing the salary of the State Superintendent of Public Instruction to \$175,000.

Exhibit 10, *SOCC Hrg. Tr. at 27:4-14*. The motion passed 7-2. *Id. at 28:24 – 29:20*.

14. State officers and employees also receive health benefits, including a “flexible benefit allowance” (a/k/a “employee benefit allowance”) to use on health insurance benefits. 74 O.S. §§ 1363, 1366(A), 1370.

15. Under Oklahoma statute, the flexible benefit allowance is to be calculated and adjusted annually according to a formula specified by statute, which is based on the premium amounts of certain insurance coverages. 74 O.S. § 1370(C)(5). This specific provision was added to the statute in 2021. **Exhibit 11**, *SB650 (2021 1st Reg. Sess.)*.

16. Pursuant to certain guidance published by the Office of Management and Enterprise

Services ("OMES"), the flexible benefit allowance increased in 2025 and 2026. **Exhibit 12, 2024, 2025, 2026 Employee Benefit Enrollment Guide Excerpts** (compare 2025 to 2024 showing \$28/mo increase and 2026 to 2025 showing \$0.72/mo increase).

17. Petition and [Contestee] stipulate to the authenticity, relevance, and admissibility for all of the above-listed exhibits.

18. Petitioner and [Contestee] agree to these stipulations.”

CONCLUSIONS OF LAW

1. Petitioner, herself a candidate for the Office of Superintendent of Public Instruction, is authorized by law to contest the candidacy of Adam Pugh as a candidate for the Office of Superintendent of Public Instruction. 26 O.S. § 5-118.

2. Petitioner timely filed a petition challenging Contestee’s qualifications to run for the Office of Superintendent of Public Instruction. 26 O.S. § 5-119.

3. Petitioner served Contestee with the Petition and Notice for hearing, as required by 26 O.S. §§ 5-123, 5-124, and 5-125.

4. Contestee answered the Petition and presented a cashier’s check in the amount of \$250.00, as required by 26 O.S. § 5-129.

5. Under 26 O.S. § 5-130, “[t]he burden of proof shall be upon the petitioner to sustain the allegations in his petition.” In order to sustain her burden of proof, the Petitioner must prove the allegations set forth in the Petition by the greater weight of the evidence. OAC 230:20-5-11.

6. The Oklahoma Constitution states, “[n]o member of the Legislature shall, during the term for which he was elected, be appointed or elected to any office or commission in the State, which shall have been created, or the emoluments of which shall have been increased, during his term of office...” Okla. Const. art. 5, § 23.

7. The Statewide Official Compensation Commission's November 18, 2025 vote increasing the salary of Superintendent of Public Instruction did not apply to any current member of the legislature.

8. State officers and employees receive health benefits, including a "flexible benefit allowance", which is an annual sum used to purchase benefits under the State benefits plan. 74 O.S. §§ 1363. The "flexible benefit allowance" is set by a statutory formula passed by the Legislature through S.B. 650, 58th Leg, 1st Reg. Sess. (Okla. 2021), and codified at 74 O.S. § 1370. Senate Bill 650 was passed in 2021, prior to Contestee's current Senate term.

9. Petitioner failed to meet her burden proving that the Contestee was not qualified by law to become a candidate for the Office of Superintendent of Public Instruction. The Petitioner failed to prove by the greater weight of the evidence that the emoluments *as they relate to Contestee* for the Office of Superintendent of Public Instruction were increased during Contestee's current term of office.

Accordingly, considering all the evidence and argument presented, the Board finds and concludes that Petitioner failed to meet her burden of proof in this matter. Petitioner Hasenbeck's Petition is therefore **DENIED**, and Contestee Pugh's name shall remain on the ballot as a candidate for the Office of Superintendent of Public Instruction.

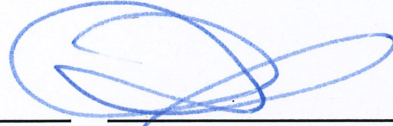
Petitioner Hasenbeck shall bear the costs incurred pursuant to 26 O.S. § 5-131.

On the 16th day of April 2026, all members of the State Election Board, constituting a quorum, voted unanimously to **DENY** the petition and **RETAIN** the candidacy of Adam Pugh.

OKLAHOMA STATE ELECTION BOARD

Date

4/22/26



HEATHER MAHIEU CLINE, *Chair*

CERTIFICATE OF MAILING

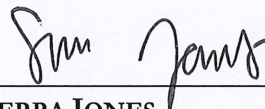
I hereby certify that on the 22 day of April 2026, the above and foregoing Findings of Fact, Conclusions of Law, and Final Order in the above-captioned matter was mailed to:

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