

MINUTES

OF THE STATE ELECTION BOARD AT ITS MEETING

April 23, 2012

The State Election Board met in a Special meeting at 9:30 a.m. in Room B-6 of the State Capitol Building. Advance notice of the meeting was performed by filing a written notice with the Secretary of State on January 11, 2012, at 4:02 p.m. A copy of the agenda is attached.

Meeting was called to order by **Stephen Curry**

ROLL CALL: CHAIRMAN- **Vacant**
STEPHEN CURRY - **Present**
JIM ROTH - **Present**
GERALD BUCHANAN - **Present**
DR. TIM MAULDIN - **Present**

Due to the resignation of Tom Prince, Chairman of the Oklahoma State Election Board, Mr. Gerald Buchanan, the alternate Republican Board member, served in his place.

BUSINESS CONDUCTED AT THE MEETING

1. **BUSINESS CONDUCTED:** Consideration and action regarding the minutes of the meeting held April 18, 2012. **ACTION TAKEN:** Mr. Buchanan moved that the minutes of the meeting held on April 18, 2012, be approved. Mr. Roth seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Buchanan-aye; Mr. Roth-aye. Motion passed, 3-0.
2. **BUSINESS CONDUCTED:** Discuss with counsel the Contests of Candidacy enumerated in items 5 through 11. **ACTION TAKEN:** None.
3. **BUSINESS CONDUCTED:** Recess meeting in order to move to the former Court of Criminal Appeals Courtroom, 2nd floor, North Hall, State Capitol, the room in which the Contests of Candidacy will be heard beginning at 10:00 a.m. **ACTION TAKEN:** Mr. Roth moved to recess the meeting in order to move to the former Court of Criminal Appeals Courtroom, 2nd floor, North Hall, State Capitol, the room in which the Contests of Candidacy will be heard. Mr. Buchanan seconded the vote. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Roth-aye; Mr. Buchanan-aye. Motion passed, 3-0.
4. **BUSINESS CONDUCTED:** Reconvene meeting in the former Court of Criminal Appeals Courtroom, 2nd floor, North Hall, State Capitol, to conduct the Contests of Candidacy hearings. **ACTION TAKEN:** Mr. Buchanan moved to reconvene the meeting in the former Court of Criminal Appeals Courtroom, 2nd floor, North Hall, State Capitol, to conduct the Contests of Candidacy hearings. Mr. Roth seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Roth-aye; Mr. Buchanan-aye. Motion passed, 3-0.
5. **BUSINESS CONDUCTED:** Hearing and decision in the matter of the Contest of Candidacy of Ryan Jernigan, **Coody v. Jernigan**, Cause No. 2012-02. **ACTION TAKEN:** None. The contestee, Ryan Jernigan, withdrew his candidacy.

6. **BUSINESS CONDUCTED:** Hearing and decision in the matter of the Contest of Candidacy of Maurice Aldridge, McDaniel v. Aldridge, Cause No. 2012-03. **ACTION TAKEN:** None. The contestee, Maurice Aldridge, withdrew his candidacy.

7. **BUSINESS CONDUCTED:** Hearing and decision in the matter of the Contest of Candidacy of Mark Schwieso, Loveless v. Schwieso, Cause No. 2012-05. **ACTION TAKEN:** Mr. Schwieso was present, however, he did not have the required cashier's check in the amount of \$250.00 to answer the petition. Mr. Buchanan moved that the contestee was in default and moved to sustain the petition and strike the name of Mark Schwieso from the list of candidates for State Senate, District No. 45. Mr. Roth seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Roth-aye; Mr. Buchanan-aye. Motion passed, 3-0. (Copies of Petition and Findings/Order attached)

8. **BUSINESS CONDUCTED:** Hearing and decision in the matter of the Contest of Candidacy of Mark Faulk, Dover v. Faulk, Cause No. 2012-06. **ACTION TAKEN:** Mr. Faulk was not present to answer the petition, however, the burden of proof is on the petitioner. Therefore, Mr. Buchanan moved to sustain the petition and strike the name of Mark Faulk from the list of candidates for State Representative, District No. 88. Mr. Roth seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Roth-aye; Mr. Buchanan-aye. Motion passed, 3-0. (Copies of Petition and Findings/Order attached)

9. **BUSINESS CONDUCTED:** Hearing and decision in the matter of the Contest of Candidacy of Daniel Arnett, Shoemake v. Arnett, Cause No. 2012-08. **ACTION TAKEN:** Mr. Buchanan moved to recess until the Board could review all of the evidence for this cause. Mr. Roth seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Roth-aye; Mr. Buchanan-aye. Motion passed, 3-0. **ACTION TAKEN:** Mr. Roth moved that the Board reconvene to conduct the Contest of Candidacy of Daniel Arnett. Mr. Buchanan seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Roth-aye; Mr. Buchanan-aye. Motion passed, 3-0. **ACTION TAKEN:** Mr. Arnett was not present, however, he did answer the petition by posting the required cashier's check in the amount of \$250.00 and filing a written response. Mr. Roth moved that the Board sustain the petition and strike the name of Daniel Arnett from the list of candidates for State Representative, District No. 16. Mr. Curry seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Roth-aye; Mr. Buchanan-aye. Motion passed, 2-1. (Copies of Petition and Findings/Order attached)

BUSINESS CONDUCTED: Mr. Roth moved that the Board recess for lunch and return at 12:45 to conduct the remainder of the Contests of Candidacy hearings. Mr. Buchanan seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Roth-aye; Mr. Buchanan-aye. Motion passed, 3-0.

BUSINESS CONDUCTED: Mr. Roth moved that the Board reconvene the meeting in order to conduct the remainder of the Contests of Candidacy hearings. Mr. Buchanan seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Roth-aye; Mr. Buchanan-aye. Motion passed, 3-0.

State Election Board member, Jim Roth recused himself from this case. Dr. Tim Mauldin, the alternate Democrat Board member served in his place.

10. **BUSINESS CONDUCTED:** Hearing and decision in the matter of the Contest of Candidacy of Fred E. Smith, Paddack v. Smith, Cause No. 2012-07. **ACTION TAKEN:** Mr. Smith was present and answered the petition by posting the required cashier's check in the amount of \$250.00. Mr. Buchanan moved that the Board deny the petition and retain the name of Fred E. Smith on the list of candidates for State Senate, District No. 13. Dr. Mauldin seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Dr. Mauldin-aye; Mr. Buchanan-aye. Motion passed, 3-0. (Copies of Petition and Findings/Order attached)

11. **BUSINESS CONDUCTED:** Hearing and decision in the matter of the Contest of Candidacy of Eric E. Beu, McBride vs. Beu, Cause No. 2012-04. **ACTION TAKEN:** Mr. Beu was present and answered the petition by posting the required cashier's check in the amount of \$250.00. Mr. Buchanan moved that the Board sustain the petition and strike the name of Eric E. Beu from the list of candidates for State Representative District No. 53. Mr. Roth seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Roth-aye; Mr. Buchanan-aye. Motion passed, 3-0. (Copies of Petition and Findings/Order attached)

12. **BUSINESS CONDUCTED:** Discussion of future meetings. **ACTION TAKEN:** The Board will meet as needed.

13. **BUSINESS CONDUCTED:** Motion to Adjourn. **ACTION TAKEN:** Mr. Buchanan moved to adjourn until the next meeting. Mr. Roth seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Roth-aye; Mr. Buchanan-aye. Motion passed, 3-0.

State Election Board

Chairman

Mr. Curry, Vice-Chairman

Mr. Roth, Member

Dr. Tim Mauldin, Democrat Alternate

Mr. Gerald Buchanan, Republican Alternate