

MINUTES

OF THE STATE ELECTION BOARD AT ITS MEETING

November 13, 2012

The State Election Board met in a Special meeting at 5:00 p.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:	STEPHEN CURRY-	Present
	THOMAS MONTGOMERY-	Present
	DIANA SPURLOCK-	Present

BUSINESS CONDUCTED AT THE MEETING

1. **BUSINESS CONDUCTED:** Discussion and action regarding the minutes of the meeting held September 4, 2012. **ACTION TAKEN:** Mr. Montgomery moved that the minutes of the meeting held on September 4, 2012, be approved. Mr. Curry seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.

2. **BUSINESS CONDUCTED:** Discussion and action regarding the Certification of results of the Regular General Election held November 6, 2012. **ACTION TAKEN:** Mr. Montgomery moved that the Board certify the results of the Regular General Election held November 6, 2012, with exception of the State House District No. 45 due to filing of a recount and a petition alleging irregularities. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Certification on file)

3. **BUSINESS CONDUCTED:** Discussion on status of the recognized Americans Election Party. **ACTION TAKEN:** None.

4. **BUSINESS CONDUCTED:** Discussion and possible vote to enter Executive session for the purpose of confidential communications between the Board and its attorneys concerning the following matters if the Board, with the advice of its attorneys, determines that disclosure will seriously impair the ability of the Board to process such claims and/or conduct pending litigation, pursuant to 25 O.S. § 307(B) (4):

A. *Gentges v. Oklahoma State Election Board*, Case No. CV-2012-284, in the District Court for Oklahoma County, State of Oklahoma.

B. *Libertarian Party of Oklahoma, et al., v. Paul Ziriaux, Secretary of the Oklahoma State Election Board, et al*, Case No. CIV-12-119-D, in the United States District Court for the Western District of Oklahoma.

C. *Pepper Draper, et al. v. State of Oklahoma (and all 50 States)*, Case No. 08:12-cv-1602-SVW-JPR, USDC for the Central District of California, Southern Division.

D. *Awad v. Ziriaux, et al.*, Case No. CIV-10-1186, in the United States District Court for the Western District of Oklahoma.

1. Vote to enter into Executive Session
2. Discussion in Executive Session
3. Vote to return to open session
4. Possible vote on matters/options discussed in Executive Session

ACTION TAKEN: Based on the advice received from its attorney, Mr. Montgomery moved that the Board enter Executive Session for the purpose of confidential communications concerning the above matters. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.

BUSINESS CONDUCTED: Vote to return to open session. **ACTION TAKEN:** Mr. Curry moved that the Board return to open session. Mr. Montgomery seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.

BUSINESS CONDUCTED: Possible vote on matters/options discussed in Executive Session. **ACTION TAKEN:** Mr. Curry moved to reject the settlement offer made by or on behalf of Plaintiffs in the case of Libertarian Party of Oklahoma et. al vs. Paul Ziriaux, Secretary of the Oklahoma State Election Board et. al. Mr. Montgomery seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0.

5. **BUSINESS CONDUCTED:** Discussion and action regarding the resignation of the Secretary of the Garvin County Election Board. **ACTION TAKEN:** The Board acknowledged the resignation of Cathy Brinley as the Secretary of the Garvin County Election Board, effective January 1, 2013. (Resignation attached)

6. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the Secretary of the Garvin County Election Board. **ACTION TAKEN:** None.

7. **BUSINESS CONDUCTED:** Discussion and action regarding the resignation of the Secretary of the LeFlore County Election Board. **ACTION TAKEN:** The Board acknowledged the resignation of Phillip Zearley as the Secretary of the LeFlore County Election Board, effective December 31, 2012. (Resignation attached)

8. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the Secretary of the LeFlore County Election Board. **ACTION TAKEN:** Mr. Montgomery moved to appoint Sharon Steele as Secretary of the LeFlore County Election Board, effective January 1, 2013. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Nomination attached)

9. **BUSINESS CONDUCTED:** Discussion and action regarding the resignation of the Secretary of the McIntosh County Election Board. **ACTION TAKEN:** The Board acknowledged the resignation of Polly Williams as the Secretary of the McIntosh County Election Board, effective January 1, 2013. (Resignation attached)

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10. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the Secretary of the McIntosh County Election Board. **ACTION TAKEN:** Ms. Spurlock moved to appoint Carole Hayes as the Secretary of the McIntosh County Election Board, effective January 2, 2013. Mr. Montgomery seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Nomination attached)

11. **BUSINESS CONDUCTED:** Discussion and action regarding the resignation of the Secretary of the Okmulgee County Election Board. **ACTION TAKEN:** The Board acknowledged the resignation of Virginia Ann Powders as the Secretary of the Okmulgee County Election Board, effective December 31, 2012. (Resignation attached)

12. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the Secretary of the Okmulgee County Election Board. **ACTION TAKEN:** Mr. Montgomery moved to appoint Ava Ridgeway as the Secretary of the Okmulgee County Election Board, effective January 1, 2013. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Nomination attached)

13. **BUSINESS CONDUCTED:** Discussion and action regarding the resignation of the alternate Democrat Board member of the Tillman County Election Board. **ACTION TAKEN:** The Board acknowledged the resignation of Sue Ann Kauffman as the alternate Democrat Board member of the Tillman County Election Board. (Resignation attached)

14. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the alternate Democrat Board member of the Tillman County Election Board. **ACTION TAKEN:** Mr. Montgomery moved to appoint Kim Buckner as the alternate Democrat Board member of the Tillman County Election Board. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Nomination attached)

15. **BUSINESS CONDUCTED:** Discussion and action regarding the resignation of the Republican Board member of the Tillman County Election Board. **ACTION TAKEN:** The Board acknowledged the resignation of Les J. Banks as the Republican Board member of the Tillman County Election Board. (Resignation attached)

16. **BUSINESS CONDUCTED:** Discussion and action regarding the appointment of the Republican Board member of the Tillman County Election Board. **ACTION TAKEN:** None.

17. **BUSINESS CONDUCTED:** Discussion and action regarding the polling place change in Woodward County. **ACTION TAKEN:** Mr. Montgomery moved to approve moving the polling place for precinct 770302 outside precinct boundaries in Woodward County. Ms. Spurlock seconded the motion. **ROLL CALL VOTE:** Mr. Curry-aye; Mr. Montgomery-aye; Ms. Spurlock-aye. Motion passed, 3-0. (Request attached)

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

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

State Election Board

Mr. Curry-Chairman

Mr. Montgomery, Vice-Chairman

Ms. Spurlock, Member

Dr. Tim Mauldin, Democrat Alternate

Mr. Gerald Buchanan, Republican Alternate