

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

IN THE MATTER OF CONTEST OF THE)
CANDIDACY OF **PAUL BREWBAKER**)
FOR THE OFFICE OF STATE) CAUSE NO. 2016-15
REPRESENTATIVE, DISTRICT 95.)

FINDINGS AND ORDER

The above-styled cause was heard by the Election Board of the State of Oklahoma on April 25, 2016, 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 Zirix, Secretary; and counsel for the State Election Board, Jan Preslar, Deputy Attorney General; and Jason Seay, Assistant Attorney General. Also present, but not participating were Jerry Buchanan, Alternate Member; and Debi Thompson, Alternate Member.

Petitioner Roger Ford appeared by and through counsel Glenn Coffee. Contestee Paul Brewbaker did not appear.

The Petition was filed and Notice of Hearing issued on April 19, 2016, at 3:15 p.m.

The Board received proof of personal service made on Contestee by the Oklahoma County Sheriff on April 20, 2016, at 12:15 a.m., within 24 hours of setting the Petition for hearing, as required by 26 O.S. § 5-124.

Mr. Brewbaker did not submit a cashier’s or certified check in the amount of \$250.00, as required by 26 O.S. § 5-129.

The Board made the following findings of fact and conclusions of law:

1. Mr. Ford filed with the Board a Declaration of Candidacy for the office of State Representative, District 95, during the filing period of April 13-15, 2016.
2. Mr. Brewbaker filed with the Board a Declaration of Candidacy for the office of State Representative, District 95, during the filing period of April 13-15, 2016.
3. The Board received proof of personal service made on Contestee within 24 hours of setting the Petition for hearing, as required by 26 O.S. § 5-124.
4. Title 26 O.S. § 5-129 requires a contestee, at the time of filing his or her

answer to the contest, or, if no answer is filed, at the time of his or her appearance, to deposit with the secretary of the election board a cashier's check or certified check in the amount of \$250.00. All persons filing a Declaration of Candidacy are referred to the State Election Board's website to obtain a Candidate Filing Packet. The packet contains, on page three, a notice to contestees that if they desire to respond to a petition contesting their candidacy, they must deposit with the election board secretary a cashier's check or certified check at the time of his or her appearance at the scheduled hearing on the contest.

5. Mr. Brewbaker's failure to answer the petition by submitting the proper cashier's check or certified check in the amount of \$250.00, as required by 26 O.S. § 5-129, places Mr. Brewbaker in default, pursuant to 26 O.S. § 5-130.
6. Pursuant to 26 O.S. § 5-130, Mr. Brewbaker's default constitutes an admission of the allegations of the petition.
7. Mr. Ford's Petition alleges, as the basis for the contest:

Mr. Brewbaker has not been a registered voter in District 95 for at least six (6) months immediately preceding the filing period prescribed by law, as required by 14 O.S. § 108 and 26 O.S. § 5-105.
8. The Board finds the factual allegations of the petition constitute appropriate grounds for disqualification of Contestee's candidacy.
9. Mr. Ford's Petition is sustained, pursuant to 26 O.S. § 5-130, and Mr. Brewbaker's name will not appear on the ballot as a candidate for the office of State Representative, District 95.

Done this 25th day of April, 2016, by a unanimous vote of the Election Board of the State of Oklahoma.

OKLAHOMA STATE ELECTION BOARD


STEVE CURRY, Chairman