

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

IN THE MATTER OF THE CONTEST OF)
THE CANDIDACY OF **MATTHEW D.**)
HUGGANS FOR THE OFFICE OF STATE)
REPRESENTATIVE, HOUSE DISTRICT 42)

CAUSE NO. 2022-09

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER

The above-styled cause was heard by the Election Board of the State of Oklahoma on Monday, April 25, 2022, meeting pursuant to lawful notice under the Open Meeting Act, 25 O.S. 2021, § 301 *et seq.* All testimony was taken under oath. The hearing was transcribed, and a permanent record of such will be kept.

The following members of the State Election Board (“Board”) were present: Tom Montgomery, Chair; Dr. Tim Mauldin, Vice Chair; and Heather Cline, Member. Also present were Paul Ziriaux, Secretary; and counsel for the State Election Board, Niki Batt, Deputy Attorney General; and Thomas R. Schneider, Deputy General Counsel to the Attorney General. Also present, but not participating were Jerry Buchanan, Alternate Member; and Debi Thompson, Alternate Member.

Petitioner, Cynthia Roe, appeared in person and by counsel, Matthew Flies. Contestee, Matthew Huggans, appeared in person and by counsel to answer along with a cashier's or certified check in the amount of \$250.00, as required under 26 O.S. 2021, § 5-129.

The Petition was timely filed and Notice of Hearing issued on Tuesday, April 19, 2022. The Board received proof from the Petitioner that the Stephens County Sheriff served Contestee within 24 hours of setting the Petition for hearing, as required by 26 O.S. 2021, § 5-124. The Petitioner delivered the executed return of service to the Secretary of the State Election Board on the date of the hearing.

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

1. Contestee Huggans filed with the State Election Board a Declaration of Candidacy for the Office of State Representative, District 42, during the 2022 Candidate Filing Period starting April 13, 2022, and ending on April 15, 2022.

2. Petitioner Roe filed with the State Election Board a Declaration of Candidacy for the Office of State Representative, District 42, during the 2022 Candidate Filing Period starting April 13, 2022, and ending on April 15, 2022.

3. The SEB received proof of personal service made on Contestee within twenty-four (24) hours of setting the Petition for hearing, as required by 26 O.S. 2021, §§ 5-124 & 5-125.

4. Under 26 O.S. 2011, § 5-130, “[t]he burden of proof shall be upon the petitioner to sustain the allegations in his petition.” In order to sustain his or her burden of proof, the petitioner must prove the allegations set forth in the Petition by the greater weight of the evidence.

5. Petitioner Roe alleges that Contestee Huggans was not a resident of House District 42 by December 31, 2021.

6. Pursuant to 14 O.S. 2021, § 108, a candidate for State Representative for any House district in 2022 “must have been a registered voter and a resident residing in such district no later than December 31, 2021.”

7. Consequently, Contestee Huggans was required to have been a registered voter and resident of House District 42 on or before December 31, 2021.

8. Prior to filing her petition, Petitioner Roe engaged the services of Randy Ramming. **See Testimony of Randy Ramming (Hrg. Tr. at 17:2-5).**

9. According to Ramming, the Contestee’s residence appeared under renovation from the time he began surveilling the property until April 2022. **See Testimony of Randy Ramming**

(Hrg. Tr. at 16:23-17:1). Mr. Ramming’s narrative and report along with pictures supporting the report were admitted as Ex. 16.

10. Mr. Ramming claimed that the 121 N. Elm property was not livable until January 21, 2022. **See Ex. 16.**

11. A joint tenancy warranty deed indicates that Contestee and his wife purchased a home in Pauls Valley. **See Ex. 1 and Testimony of Matthew Huggans (Hrg. Tr. at 34:20-35:5).**

12. Contestee Huggans filed a Statement of Organization with the Oklahoma Ethics Commission (“OEC”) on September 3, 2021, listing 35000 E CR 1600, Pauls Valley, OK 73075 as his address and State Representative, District 42 as the office sought. **See Ex. 3.**

13. Upon learning that his residence may fall outside of House District 42 due to redistricting, Contestee Huggans and his wife determined “at the end of October [or] . . . the first part of November” that they would move to ensure they resided within House District 42. Their former address fell within House District 48. **See Testimony of Matthew Huggans (Hrg. Tr. at 55:14-20).**

14. Prior to moving inside the 121 N. Elm home, Contestee and his wife renovated the home extensively. **See Testimony of Matthew Huggans (Hrg. Tr. at 46:20-47:3).**

15. Contestee’s wife, Mary Ann Huggans, filed a voter registration address listing 121 N. Elm, Pauls Valley, OK 73075 as her residential address on November 9, 2021. **See Ex. 5 and Testimony of Matthew Huggans (Hrg. Tr. at 35:12-18).**

16. Contestee Huggans registered to vote in House District 42 prior to December 31, 2021, and received a voter registration card issued on November 18, 2021, listing 121 N. Elm St., Pauls Valley, OK 73075 as his residential address and State Representative. **See Ex. 7 and Testimony of Matthew Huggans (Hrg. Tr. at 51:21-23).**

17. Contestee Huggans amended his OEC Statement of Organization on January 25, 2022, changing his address to 121 N. Elm, Pauls Valley, OK 73075, claiming that OEC staff told him that the address could be changed at any time. **See Ex. 13 and Testimony of Matthew Huggans (Hrg. Tr. at 39:2-9).**

18. Contestee Huggans admitted that he and his wife were not fully moved into the 121 N. Elm house until the end of February 2022. **See Testimony of Matthew Huggans (Hrg. Tr. at 50:9-12).**

19. Contestee Huggans also stated that he and his wife are attempting to sell their former home at 35000 E. CR 1600, Pauls Valley, OK 73075. **See Testimony of Matthew Huggans (Hrg. Tr. at 40:9-10).**

20. Contestee signed his Declaration of Candidacy on April 12, 2022, listing 121 N. Elm, Pauls Valley, OK 73075 as his voter registration, residential, and mailing address. **See Ex. 13 and Testimony of Matthew Huggans (Hrg. Tr. at 35:21-36:2).**

21. Contestee Huggans shared a Facebook post on December 3, 2021, from Elmer Carabantes, sharing pictures of newly installed windows. Huggans caption reads, “Elmer Carabantes working on my house on N. ELM IN PV. Good work!” **See Ex. 15.**

22. Contestee Huggans intended to reside at the address before December 31, 2021. **See Testimony of Matthew Huggans (Hrg. Tr. at 36:21-23 & 36:24-37:1).**

23. The Oklahoma Supreme Court ruled on the question of residency as it was set forth in 14 O.S. § 108, in *Box v. State Election Bd. of Okla.*, 1974 OK 104, 526 P.2d 936. In determining the question of residency, the Court noted that it was one of fact, not law. *Id.* at ¶ 21, 526 P.2d at 940. Moreover, the Court also stated, “[t]he controlling fact to be considered is the fact of intent and to determine this fact . . . may take into consideration all the movements, transactions, and attending circumstances of the party or parties involved in the question.” *Id.* (emphasis added).

24. In *Suglove v. Oklahoma Tax Commission*, 1979 OK 168, ¶15, 605 P.2d 1315, 1317-18, the

Court said:

[T]o effect a change of domicile, there must be (a) actual abandonment of the first domicile coupled with (b) the intention not to return to it and (c) actual residence in another place with intention of making it a permanent home. Indicia of a changed domicile are to be found in the habits of the person, his business and domestic relations, declarations, exercise of political rights, community activities and other pertinent objective facts ordinarily manifesting the existence of requisite intent. As a general principle, Oklahoma domicile, once established, is presumed to continue unless an individual can show that a change has occurred

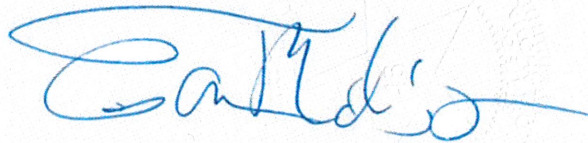
(citations omitted).

25. Accordingly, considering all the testimony and exhibits, the Board finds and concludes that Petitioner Roe failed to meet her burden by the greater weight of the evidence in showing that Contestee Huggans does not reside in House District 42. Petitioner Roe's Petition is therefore **DENIED**, pursuant to 26 O.S. 2021, § 5-130, and Contestee Huggans' name shall remain on the ballot as a candidate for the Office of State Representative, House District 42.

26. Petitioner Roe shall bear the costs incurred pursuant to 26 O.S. 2021, § 5-131.

On the 25th day of April 2022, all members of the State Election Board, constituting a quorum, voted unanimously to **DENY** the petition and **RETAIN** the candidacy of Matthew D. Huggans from the ballot in the above-captioned cause pursuant to its duty under 26 O.S. 2021, § 5-126.

OKLAHOMA STATE ELECTION BOARD



TOM MONTGOMERY, *Chairman*

June 22, 2022

Date

CERTIFICATE OF MAILING

I hereby certify that on the 22 day of June 2022, 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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DAVID DUNN

Clerk to the State Election Board