

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

DEC 07 2022

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

SCOTT CARSON,)
)
and)
)
DAVID ARNETT)

Plaintiff)

v.)

CV-2022-02483
Case No.

PAUL ZIRIAX, SECRETARY OF THE)
OKLAHOMA STATE ELECTION BOARD)

GWEN FREEMAN, SECRETARY)
GEORGE WILAND, CHAIRMAN)
TULSA COUNTY ELECTION BOARD)

And)

INDEPENDENT SCHOOL DISTRICT NO. 1)
OF TULSA COUNTY, aka TULSA)
PUBLIC SCHOOLS,)

Defendant)

DOUG DRUMMOND

**MOTION FOR TEMPORARY INJUNCTIVE
AND BRIEF IN SUPPORT**

Plaintiffs, DAVID ARNETT and SCOTT CARTER hereby move the Court for a temporary restraining order pursuant to 12 Okla. Stat. §§ 1381 *et seq.*, for such time until the Court may afford the parties a hearing, and additionally move for entry of a temporary injunction at such hearing against Defendants, PAUL ZIRIAX, SECRETARY OF THE OKLAHOMA STATE ELECTION BOARD, in his official capacity (“ELECTION BOARD”), GWEN FREEMAN,

**IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA**

SCOTT CARSON,)	
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DAVID ARNETT)	
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Plaintiff)	
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OKLAHOMA STATE ELECTION BOARD)	
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SECRETARY, GEORGE WILAND, CHAIRMAN, TULSA COUNTY ELECTION BOARD and INDEPENDENT SCHOOL DISTRICT NO. 1 OF TULSA COUNTY, aka TULSA PUBLIC SCHOOLS (TPS), (collectively “Defendants”), restraining

(i) the Election Board from enforcing the current deadline of December 7, 2022 by which candidates for the next open school board seat for TPS’s Board District No. 1 are required to file with the State Election Board under 26 Okla. Stat. §26-13A-105 and to postpone the filing deadline until a reasonable time after TPS has approved its redistricting map so that potential candidates and voters will know whether they reside within the boundaries designated for District No. 1;

(ii) restrain TPS from considering any redistricting plan under 70 Okla. Stat. §70-5-107A that would affect TPS District No. 1 boundaries for purpose of the upcoming school board election; and

(iii) order that Board President Stacey Woolley be recused from participating in the reapportionment of TPS board districts and approving a final redistricting plan on the basis that her candidacy for re-election to the TPS School Board is a conflict of interest where her campaign could benefit in how boundaries are drawn.

The requested relief is essential to the Election Board’s purpose to ensure a fair election for both candidates and voters of District No. 1 that could be affected by a redistricting plan that changed the boundaries of Board District No. 1 in the middle of TPS’s election cycle. In support of its Motion, Plaintiff shows the Court the following:

FACTUAL BACKGROUND

1. 70 Okla. Stat. §70-5-107A required that public school boards must apportion the territory constituting their respective school district into board districts according to population

size and then to reapportion the board districts should the U.S. Census demonstrate a population shift of a specified magnitude among the board districts in the year following the U.S. President's receipt of such Census data. The school districts have from August until December 31 to complete the reapportionment process and approve revised board district boundaries consistent with the recent U.S. Consensus criteria. Since the President did not receive that data until 2021, the required reapportionment was postponed until 2022.

2. According to the 2022 Census data for TPS, TPS' board districts must be reapportioned in order to achieve the proper population ratio between the largest and smallest board district. As of the date of this filing, TPS has not been able to reach a consensus on any of the many redistricting proposals the Board has considered. Much of the consternation associated with redistricting involves how the boundaries could affect voting in the upcoming election for the open TPS school board seat for District No. 1.

3. A possible factor in the inability of the TPS Board to reach a consensus is the fact the current Board member representing Board District No. 1, Stacey Wooley, who exercises significant power as Board President within TPS' Board of Education, has filed for re-election and thus has a powerful conflict of interest in how the boundaries of Board District No. 1 could be redrawn that could either disadvantage or advantage her re-election.

4. Under 26 Okla. Stat. § 26-13A-105 (2021), candidates for public school boards are required to file their declaration of candidacy on the first Monday in December through the following Wednesday, which this year would be set for December 5 through December 7th of 2022, which is the day after the date of the filing of this Petition. Unfortunately, though, candidates interested in running for the District No 1 open seat may not know whether they will qualify as a District No. 1 candidate before the filing deadline when it is clear that TPS will not finalize a

redistricting plan before then. The qualification documents required to be filed state that the candidate must attest that they “will” be a resident of the district for which they are filing.

5. Because the filing requirements provide that a candidate declaring their candidacy must include a sworn oath that they are qualified to run and to hold the seat, including the qualification that they reside within the board district they will represent, candidates interested in running for Board District No. 1 cannot swear to being qualified to run when its geographic boundaries have not been established. One injury arising on the behalf of interested candidates and voters from the two deadlines working against each other’s purposes, the deadline for filings by candidates on December 7 and the December 31st deadline by which TPS must make a decision on board district boundaries, is that it will force interested candidates in the District No.1 race to roll the dice and gamble whether to file based on the current District No. 1 boundaries. Voters and candidates will have to decide whether to spend money, energy, and time campaigning only to find out after the fact that District No. 1 boundaries have changed and their choice of candidates is disqualified. The only candidate that has some power to protect their candidacy from this uncertainty is the TPS Board President, Stacey Wooley. Other candidates could find that they have been targeting voters who are no longer eligible to vote for them and now must campaign to win new voters with only about a month to go before the primary election in February pursuant to 26 Okla. Stat § 26-3-101 (2020).

6. Another potential injury to voters of District No. 1 is that they find themselves without any choice. Other than possibly Ms. Wooley, either the candidates have been disqualified under the residency requirements or no candidates took the risk and filed with the Election Board by the filing deadline. These have the makings of an inherently unfair election process for District No. 1’s open seat.

7. Due to the conflation of these statutory deadlines and the continued inability of Tulsa Public School to act, candidates and voters could be denied a fair electoral process. Neither interested candidates nor voters will know whether they continue to reside within District No. 1 until the redistricting boundaries are approved by the Tulsa Public School Board way beyond the filing dates. These potential candidates will not know whether they meet the residence requirements for purpose of candidacy qualifications to be able to file by December 7, 2023. More significantly, voters' participation in the election process is frustrated as they do not know in which school district they reside in order to recruit or campaign for a candidate. Until District No. 1's fate is determined, their potential candidates may be selected or excluded more by the happenstance of whether where they are living is affected by where the boundary is redrawn.

ARGUMENTS AND AUTHORITIES

Plaintiffs respectfully prays that the Court enter a temporary restraining order to restrain and/or enjoin (i) Defendant Election Board from enforcing the current deadline of December 7, 2022 for interested candidates to file their Declaration of Candidacy to run as a candidate for an open school board seat for TPS's Board District No. 1; and (ii) Defendant TPS from approving any redistricting plan under 70 Okla. Stat. §70-5-107A that would change the current boundaries of TPS District No. 1 pending such time as Plaintiffs' preliminary or temporary injunction is decided by this Court. In addition, Plaintiffs request that the Court order the recusal of Stacey Woolley from reapportioning deliberations by the Board and from voting to approve a redistricting plan.

A restraining order has the object of preserving the status quo, in order to prevent irreparable injury until such time as the Court may determine the movant's application for a temporary injunction. *Morse v. Earnest*, 1976 OK 31, 12, 547 P.2d 955. The standards to be applied to temporary restraining orders are almost identical to the standards applied to granting

temporary injunctive relief. *See Smith v. Soil Conservation Serv.*, 563 F. Supp. 843, 844 (W.D. Okla.1982); 43 C.J.S. *Injunctions* § 17 at 782-84. To obtain a temporary restraining order and temporary injunctive relief, Plaintiff must, and herein does, show: (1) it will likely prevail on the merits; (2) it will suffer irreparable harm unless the restraining order is issued; (3) the threatened injury to Plaintiff outweighs the damages the restraining order may cause Defendants and (4) the order, if issued, would not be adverse to the public interest. *See Roye Realty and Development, Inc. v. Watson*, 1990 OK CIV APP 21, 791 P.2d 821, 823 (Okla. 1990). To obtain a temporary restraining order Plaintiff must also show specific facts by affidavit or verified petition indicating that immediate and irreparable injury, loss, or damage will otherwise result. *See Okla. Stat. Ann.* tit. 12, §1384.1(B)(1).

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that immediate and irreparable injury, loss, or damage will otherwise result. *See* Okla. Stat. Ann. tit. 12, §1384.1(B)(1).

I. PLAINTIFF IS LIKELY TO PREVAIL ON THE MERITS OF ITS CLAIMS

To obtain a temporary restraining order and/or temporary and/or permanent injunction, the movant need not prove positively that it will prevail on the merits of its claims. In *Atchison, T. and S. F. Ry. Co. v. Lennen*, the court explained:

It is not necessary that plaintiffs show positively that they will prevail on the merits before a preliminary injunction may be granted. As this court stated in *Valdez v. Applegate*, 616 F.2d 570, 572 (10th Cir. 1980), '(t)he determination of a motion for a preliminary injunction and a decision on the merits are different.' It is only necessary that plaintiffs establish a reasonable probability of success, and not an "overwhelming" likelihood of success, in order for a preliminary injunction to issue. [Citation omitted].

640 F.2d 255, 261 (10th Cir. 1981); *see also Roye Realty*, 791 P.2d at 823 ("To warrant issuance of preliminary injunction, it is not necessary that moving party's right to final decision be without doubt; rather, the burden is on the party seeking relief to make prima facie showing of reasonable probability of prevailing on the merits." (quoting *Williams Expl. Co. v. U.S. Dept. of Energy*, 561 F. Supp. 465 (N.D.Okla. 1980))).

There is a substantial likelihood that Plaintiff will prevail on the merits where the situation, without intervention by this Court, will result in an inadvertent violation of one of the cited statutes above that addresses the upcoming primary election and will need to be addressed sooner or later. The Election Board does not have the discretion to address the filing deadline without the intervention of the Court. Already, the filing window is closing. The uncertainty of where TPS board districts will be drawn has had a chilling effect on otherwise interested candidates from filing

within the prescribed filing period. Consequently, voters are already being injured going into this election cycle.

II. PLAINTIFFS ARE SUFFERING AND WILL CONTINUE TO SUFFER IRREPARABLE HARM WITHOUT A RESTRAINING ORDER AND/OR TEMPORARY AND/OR PERMANENT INJUNCTION.

Oklahoma law provides that, "[i]njury or detriment is irreparable when it is incapable of being fully compensated for in damages or where the measure of damages is so speculative that arriving at an amount of damages would be difficult if not impossible to correctly arrive at the amount of damages." *E.g., Tulsa Order of Police Lodge No. 93 ex rel. Tedrick v. City of Tulsa*, 2001 OK CIV APP 153, ¶28, 39 P.3d 152, 159 (Okla. Civ. App. 2001) (quoting *House of Sight & Sound, Inc. v. Faulkner*, 1995 OK CIV APP 112, ¶10, 912 P.2d 357, 361 (Okla. Civ. App. 1995); *Lippitt v. FarmeIns. Exch.*, 2010 OK CIV APP 48, ¶8, 233 P.3d 799, 802 (Okla. Civ. App. 2010). This comports with the well-established rule that an injunction is appropriate when there is no adequate and complete remedy at law. *E.g., Tulsa Order of Police Lodge No. 93*, 2001 OK CIV APP 153, ¶28, 39 P.3d 152, at 158 (citing *First Am. Bank & Trust Co. v. Sawyer*, 1993 OK CIV APP 115, ¶iii 19-20, 865 P.2d 347, 351 (Okla. Civ. App. 1993)).

The injury to Plaintiffs and other similarly situated voters and interested candidates cannot be objectively measured. The chilling effect on persons who may have otherwise been interested in running for the open school board seat but decides not to run because of the uncertainty of TPS board district's boundaries also cannot be ascertain. The impact of an incomplete apportioning when the election process has started is again not objectively measurable. Providing even temporary relief from this Court's issuance of a TRO would at least give voters and potential candidates more time to file while attempting to drive a decision by TPS would help to mitigate

confusion later in the election process. The extent of the impact on election results for Board District No. 1, should the current situation continue, is hypothetical but its impact is certain.

III. PLAINTIFF'S INJURY FAR OUTWEIGHS ANY POTENTIAL INJURY TO THE DEFENDANTS AS THE DEFENDANTS WILL NOT BE HARMED BY A RESTRAINING ORDER AN/OR TEMPORARY AND/OR PERMANENT INJUNCTION.

Plaintiffs acknowledge that Defendants State and County Election Boards would incur inconvenience and possibly administrative expenses associated with extending candidates' filing deadline, but Plaintiffs' injuries represent the public's interest in a fair and regulated election. School elections are non-partisan and therefore theoretically TPS should be indifferent as to where the boundaries are drawn. TPS and its Board, should likewise, be indifferent to the Court issuing an injunction as requested hereunder. They are already under the obligation to complete reapportionment and expediting its completion before its statutory deadline will merely allow the TPS Board to move onto other important business. The only other harm potentially claimed by TPS Board members would be political in nature.

IV. THE PUBLIC INTEREST IS SERVED BY THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER AND/OR TEMPORARY AND/OR PERMANENT INJUNCTION

The public interest in a fair and regulated election process is best served by the Court's intervention to assure that the confluence of statutory deadlines to effectuate the timeliness of those processes purposefully designed to protect fairness not be so affected by COVID that it unwinds the orderliness under these statutory provisions, especially when the election cycle has already begin. Only a temporary injunction can interrupt what is becoming a growing snowball the farther it rolls down the hill without interruption.

CONCLUSION

The public interest as represented by Plaintiffs calls out for injunctive relief to stop the acceleration of confusion and a declaratory order that recognizes the threat to a fair election process for TPS District No. 1 open board seat without clarification and guidance from this Court regarding how the conflict among certain statutory deadlines associated with the upcoming February 2023 primary election should be resolved. For the reasons stated above, Plaintiff respectfully requests that this Court grant the restraining order and set for hearing as expeditiously as the Court's calendar will permit Plaintiffs' motion for temporary injunction; and that the Court grant a temporary injunction at such further hearing, of the same substance as the restraining order.

Respectfully submitted



LEGAL OVERWATCH FOR PARENTS'
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DOUG DRUMMOND

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INDEPENDENT SCHOOL DISTRICT NO. 1)
OF TULSA COUNTY, aka TULSA)
PUBLIC SCHOOLS,)

Defendants)

**PETITION FOR DECLARATORY AND INJUNCTIVE RELIEF
AND BRIEF IN SUPPORT**

COME NOW, the Plaintiffs, SCOTT CARSON and DAVID ARNETT (“Plaintiffs”) and file this Petition for Declaratory and Injunctive Relief against Defendants, PAUL ZIRIAX, SECRETARY OF THE OKLAHOMA STATE ELECTION BOARD, in his official capacity (“STATE ELECTION BOARD”), GWEN FREEMAN, SECRETARY and GEORGE WILAND, CHAIRMAN, TULSA COUNTY ELECTION BOARD (“COUNTY ELECTION BOARD), and

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INDEPENDENT SCHOOL DISTRICT NO. 1 OF TULSA COUNTY, aka TULSA PUBLIC SCHOOLS (TPS), (collectively “Defendants”), requesting the Court to issue injunctive relief and a declaratory order as set forth below:

(i) to enjoin the State and County Election Boards from enforcing the current deadline of December 7, 2022 by which candidates for the next open school board seat for TPS’s Board District No. 1 are required to file with the County Election Board under 26 Okla. Stat. §26-13A-105 and to postpone the filing deadline until a reasonable time after TPS has approved its redistricting map so that potential candidates and voters will know whether they reside within the boundaries designated for District No. 1; and

(ii) to issue a declaratory order compelling TPS

(a) to approve a redistricting plan by an earlier date certain as determined by the Court to be fair and reasonable in light of other statutory deadlines as stated herein as applicable to the upcoming school board election for TPS District No. 1; or alternatively,

(b) to approve a redistricting plan that meets the apportionment requirement under 70 Okla. Stat. §70-5-107A but does not affect TPS District No. 1 boundaries for purpose of the upcoming school board election.

(c) to order TPS that Board President Stacey Woolley be recused from participating in the reapportionment of TPS board districts and approving a final redistricting plan on the basis that her candidacy for re-election to the TPS School Board is a conflict of interest where her campaign could benefit in how boundaries are drawn.

The requested relief is essential to the Election Boards' purpose to ensure a fair election for both candidates and voters of District No. 1. In support of its Petition, Plaintiff states the following:

I. PARTIES

1. Plaintiff SCOTT CARSON is a resident of the City of Tulsa in Tulsa County, Oklahoma, and resides within TPS District, as well as within the current geographical boundaries for TPS Board District No. 1, which Board seat is up for election this upcoming election term. However, his residency status could be subject to change under the redistricting plan ultimately approved by TPS, which, in turn, would affect his ability to vote this election term and his right to run for the open school board seat for the redesigned District No. 1, as he attests in his Affidavit supporting this Petition, attached hereto, incorporated and made a part hereof by reference.

2. Plaintiff, DAVID ARNETT, is a resident of the City of Tulsa in Tulsa County, Oklahoma, and resides within TPS District and supports TPS with his taxes, and so has an interest in the budget as approved by elected TPS Board Members. *See* his Affidavit supporting this Petition, attached hereto, incorporated and made a part hereof by reference.

3. Defendant, OKLAHOMA STATE ELECTION BOARD is a state agency duly organized under 26 Okla. Stat. § 26-2-101.

4. Defendant, TULSA COUNTY ELECTION BOARD is a county agency duly organized under 26 Okla. Stat. §26-2-111.

5. Defendant, INDEPENDENT SCHOOL DISTRICT NO. 1 OF TULSA COUNTY, aka TULSA PUBLIC SCHOOLS, is a duly organized school district of the State of Oklahoma and is a proper party pursuant to 70 Okla. Stat. § 70-5-105.

II. JURISDICTION AND VENUE

6. This action arises under the authority vested in this Court by virtue of Oklahoma Constitution Section VII-7.

7. Venue is proper in this Court pursuant to 12 Okla. Stat. §133 and 1653 in that this is an action against public officers for acts performed by such public body, or failed to perform, under color of the public office, and Plaintiffs' cause of action arose in Tulsa County, Oklahoma.

III. FACTS AND BRIEF IN SUPPORT

8. 70 Okla. Stat. §70-5-107A required that public school boards must apportion the territory constituting their respective school district into board districts according to population size and then to reapportion the board districts should the U.S. Census demonstrate a population shift of a specified magnitude among the board districts in the year following the U.S. President's receipt of such Census data. The school districts have from August until December 31 to complete the reapportionment process and approve revised board district boundaries consistent with the recent U.S. Census criteria. Since the President did not receive that data until 2021, the required reapportionment was postponed until 2022.

9. According to the 2022 Census data for TPS, TPS' board districts must be reapportioned in order to achieve the proper population ratio between the largest and smallest board district. As of the date of this filing, TPS has not been able to reach a consensus on any of the many reapportionment proposals the Board has considered. Much of the consternation associated with redistricting involves how the boundaries could affect voting in the upcoming election for the open TPS school board seat for District No. 1. It should be noted that the current Board member representing Board District No. 1, Stacey Woolley, President of TPS Board of Education, has filed for re-election and thus has a conflict of interest in how the boundaries of Board District No. 1

could be redrawn to advantage her re-election. It is unclear as to whether her political interest in the boundaries of Board District No. 1 is a factor in the stalemate that the Board is experiencing in approving a redistricting plan. However, her recusal could help reapportionment discussions move forward to resolution and approval of a plan.

10. Under 26 Okla. Stat. § 26-13A-105 (2021), candidates for public school boards are required to file their declaration of candidacy on the first Monday in December through the following Wednesday, which this year would be set for December 5 through December 7 of 2022, which includes the same date as the filing of this Petition. Unfortunately, though, candidates interested in running for the District No 1 open seat will not know whether they will qualify as a District No. 1 candidate before the filing deadline when it is clear that TPS will not finalize a redistricting plan before then. Because the filing requirements provide that a candidate declaring their candidacy must include a sworn oath that they are qualified to run and to hold the seat, including the qualification that they reside within the board district they will represent, candidates interested in running for Board District No. 1 cannot swear to being qualified to run when its geographic boundaries have not been established.

11. One injury arising on the behalf of interested candidates and voters from the conflicts, described above, between the deadline for candidacy filing on December 7 and the December 31st deadline by which TPS must decide on board district boundaries, is that it will force interested candidates in the District No.1 race to roll the dice and gamble whether to file based on the current District No. 1 boundaries. Voters and candidates will have to decide whether to spend money, energy, and time campaigning only to find out after the fact that District No. 1 boundaries have changed and their choice of candidates is disqualified because they do not live within the new boundaries and that they have been targeting voters who are no longer eligible to vote for them and

now must campaign to win new voters with only about a month to go before the primary election in February pursuant to 26 Okla. Stat § 26-3-101 (2020). Another potential injury to voters of District No. 1 is that they find themselves without any candidate other than the current Board President who is seeking re-election from which to choose. Either the candidates have been disqualified under the residency requirements or no candidates took the risk and filed with the Election Board by the filing deadline. These factors, particularly the chilling effect of uncertain election rules in this unique situation have the makings of an inherently unfair election process for District No. 1's open seat.

12. Due to the conflation of these statutory deadlines and the continued inability of Tulsa Public School to act, candidates and voters could be denied a fair electoral process. Neither interested candidates nor voters will know whether they continue to reside within District No. 1 until the redistricting boundaries are approved by the Tulsa Public School Board way beyond the filing dates. These potential candidates will not know whether they meet the residence requirements for purpose of candidacy qualifications to file by December 7, 2023. More significantly, voters' participation in the election process is frustrated as they do not know in which school district they reside in order to recruit or campaign for a candidate. Until District No. 1's fate is determined, their potential candidates may be selected or excluded more by the happenstance of whether where they are living is affected by where the boundary is redrawn.

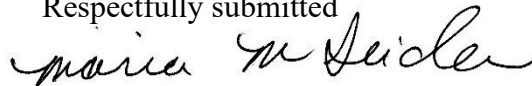
IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray that the Court issue a declaratory order that recognizes the threat to a fair election process for TPS District No. 1 open board seat without clarification and guidance from this Court regarding how the conflict among certain statutory

deadlines associated with the upcoming February 2023 primary election should be resolved, which relief should include one or more of the following:

- (i) an injunction restraining the Election Board from enforcing the current deadline of December 7, 2022 as the deadline under 26 Okla. Stat. § 26-13A-105 for filing to run as a candidate for the next open school board seat for TPS District No. 1;
- (ii) a declaratory order that the Election Board shall postpone the filing deadline until a reasonable time after TPS has approved its redistricting map;
- (iii) a declaratory order requiring TPS to approve a redistricting plan by a date certain as determined by the Court to be fair and reasonable considering other statutory deadlines applicable to the upcoming school board election for TPS District No. 1; or alternatively, to approve a redistricting plan that meets the apportionment requirement under 70 Okla. Stat. § 70-5-107A but does not affect TPS District No. 1 boundaries for purpose of the upcoming school board election; and
- (iv). a declaratory order requiring TPS to recuse Board President Stacey Woolley from participating in discussions regarding the reapportionment of TPS board districts and from approving a final redistricting plan.

Respectfully submitted



LEGAL OVERWATCH FOR
PARENTS' SCHOOL RIGHTS
MARIA MERCEDES SEIDLER
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Attorney for Plaintiffs

**AFFIDAVIT OF DAVID ARNETT
IN SUPPORT OF PLAINTIFF'S PETITION AND
MOTION FOR TEMPORARY RESTRAINING ORDER**

BEFORE ME, this date, personally appeared the undersigned, who after being first duly sworn hereby states, as follows:

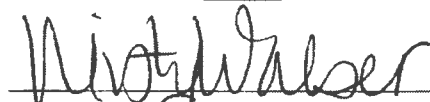
1. My name is David Arnett. I am over the age of 18 and not laboring under any disabilities. I have personal knowledge of the facts and matters to which I am testifying below.
2. I reside within the Tulsa Public School (TPS) District and pay real estate taxes that support the District.
3. I have read the facts stated in Plaintiff's Petition and Motion for a Temporary Restraining Order filed on my behalf and can testify to their truthfulness and accuracy, specifically, the following material facts.
4. According to the law, as I understand it, TPS is required to reapportion its Board Districts consistent with the recent National Census when it shows a change in population among the five Board Districts that make up TPS. While TPS has until December 31, 2022, to finalize and approve a reapportionment plan, I am concerned that the lack of certainty regarding district boundaries will affect the choice of voters as to the slate of candidate(s) voters would otherwise support.
5. TPS has one open board seat this election term, District No. 1, that could be affected by whatever redistricting plan TPS approves. This is a problem. Until TPS approves a redistricting plan, interested candidates and voters, including myself, will not know which district we reside within and whether a candidate is able to run for the open seat. While interested candidates do not know if they can run for the District No. 1 seat pending TPS's redistricting approval, the time period for filing to run is closing.

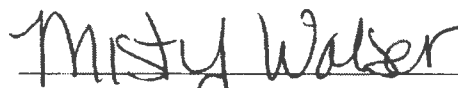
6. Nominations for District 1 member of the School Board are due on December 7th, but to file to run, a candidate has to swear that they qualify to run, including that they live within the boundaries of the board district for which they file. This puts candidates that I might be interested in supporting in a catch-22, whether to wait for TPS but miss the filing date; or to file and then possibly be disqualified later – breaking their oath by no fault of their own.
7. It is impossible for candidates to know the final boundaries of District 1 by the time nominations are due.
8. I believe it is my right as a taxpayer and a voter to ensure that this situation is not allowed to continue.

BEFORE ME, the undersigned authority, appeared David Arnett who has been by me duly sworn, stated under oath that he has read the above and foregoing document and that every matter stated therein is true and correct and within his personal knowledge


 David Arnett

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS 7th DAY OF DECEMBER 2022.


 NOTARY PUBLIC-STATE OF OKLAHOMA


 TYPED/PRINTED NAME OF NOTARY

My Commission Expires:

5/10/2026

<p>MISTY WALSER Notary Public, State of Oklahoma Commission #22006594 My Commission Expires May 10th, 2026</p>
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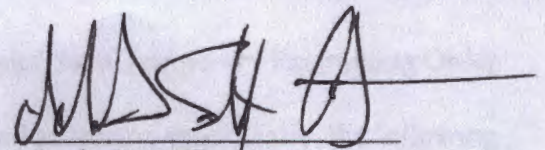
**AFFIDAVIT OF MARTIN SCOTT CARTER
IN SUPPORT OF PLAINTIFF'S PETITION AND
MOTION FOR TEMPORARY RESTRAINING ORDER**

BEFORE ME, this date, personally appeared the undersigned, who after being first duly sworn hereby states, as follows:

1. My name is Martin S. Carter. I am over the age of 18 and not laboring under any disabilities. I have personal knowledge of the facts and matters to which I am testifying below.
2. I reside within Board District No. 1 of the Tulsa Public School (TPS) District and pay real estate taxes that support TPS. I vote for and am represented by the elected Board Member for District No. 1.
3. I have read the facts stated in Plaintiff's Petition and Motion for a Temporary Restraining Order filed on my behalf and can testify to their truthfulness and accuracy, specifically, the following material facts.
4. According to my understanding of Oklahoma law, TPS is required to reapportion its seven board districts consistent with the population changes recorded by the recent National Census. There has been significant controversy around the various reapportioning proposals that TPS has considered and so it has yet to approve a redistricting plan. However, it has until the statutory deadline of December 31, 2022 to finalize the District's reapportionment.
5. Meanwhile, pending TPS's decision, the TPS board seat that is opened this election term is for my board district, District No. 1. Interested candidates must file during the filing period commencing December 5, 2022, and terminating December 7, 2022, as established by law.
6. However, under Oklahoma election statutes, when candidates file with the Election Board and declare one's candidacy, candidates have to swear that they are qualified to run, including that they meet the residency requirement and live within the boundaries of the board district for

which they file. Not knowing the geographical boundaries of District No. 1 before the end of the filing period is problematic for candidates who do not know whether they will continue to reside with District 1 by the filing deadline and voters who will not know whether they reside within District 1 for purposes of voting and selecting candidates whom they want to support. Should I want to run, I do not know whether I would qualify under the residency requirements at the time I am required to file my declaration of candidacy.

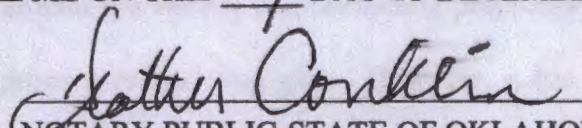
7. It is impossible for candidates to know the final boundaries of District 1 by the time nominations are due. I believe it is my right and obligation as a taxpayer, a voter, and a potential candidate to seek guidance from the Court in resolving the conflicts arising from the conflation of these statutes.


Martin Scott Carter

BEFORE ME, the undersigned authority, appeared Scott Carter who has been by me duly sworn, stated under oath that he has read the above and foregoing document and that every matter stated therein is true and correct and within his personal knowledge

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS 7 DAY OF DECEMBER 2022.

HEATHER CONKLIN
Notary Public, State of Oklahoma
Commission # 21014259
My Commission Expires 10-29-2025


NOTARY PUBLIC-STATE OF OKLAHOMA
Commission # 21014259

My Commission Expires:

10/29/2025

HEATHER CONKLIN
TYPED/PRINTED NAME OF NOTARY