



CV-2024-1559
Andrews

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

AJAY FOR HOUSE 99 2024, a candidate)
committee, by and through)
AJAY PITTMAN,)

Plaintiff,)

v.)

THE STATE OF OKLAHOMA *ex rel.*)
THE OKLAHOMA STATE)
ELECTION BOARD,)

and)

PAUL ZIRIAX, in his capacity as)
Chief administrative officer of the)
State Election Board,)

Defendants,)

and)

BRITTANE SHARE GRANT,)

Nominal Defendant.)

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

JUN - 6 2024

RICK WARREN
COURT CLERK

CV-2024-

111

CV - 2024 - 1 5 5 9

PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

COMES NOW, Plaintiff, Ajay for House 99 2024, a candidate committee, by and through Ajay Pittman ("Plaintiff"), and by way of her claims and demands against the named Defendants alleges and states the following:

GENERAL

1. Plaintiff, Ajay Pittman, is an individual resident of Oklahoma County and a candidate for Oklahoma House District 99.

2. Defendant, The Oklahoma State Election Board (the “Board”), was established by the Oklahoma Constitution as the administrative agency responsible for the conduct of elections in the State of Oklahoma.

3. Defendant Paul Ziriaux (collectively with the Board, “Defendants”) is Board Secretary, Board Chief Administrative Officer, and Secretary of the Oklahoma State Senate.

4. Brittane Share Grant (“Grant”) is an individual resident of Oklahoma County and a candidate for Oklahoma House District 99.

5. Venue is proper in Oklahoma County, Oklahoma according to 12 O.S. § 133.

6. This Court has jurisdiction over the parties and the subject matter of this action.

FIRST CAUSE OF ACTION
(Declaratory Relief)

For her first cause of action, Plaintiff states:

7. Paragraphs 1 through 6 are incorporated herein.

8. On or about November 9, 2016, Grant entered a guilty plea to the felony charges of False Representation in Obtaining Assistance and False Representation in Obtaining Food Stamps.

9. As a consequence of her guilty plea, Grant was given a six-year deferred sentence.

10. On or about April 1, 2024, Grant attested under oath in a form submitted to the Defendants, that she had not pled guilty to a felony under the laws of the state of Oklahoma.

11. Section 18 of Article V of the Oklahoma Constitution provides, in relevant part, that “nor shall any person be eligible to election to the Legislature, who has been adjudged guilty of a felony.”

12. Pursuant to 26 O.S. § 5-105a(A), “(a) person who ... has entered a plea of guilty” to a felony is “not eligible to be a candidate for or to be elected to any state, county, municipal, judicial or school office or any other elective office ... for a period of fifteen (15) years following completion of (her) sentence or during the pendency of an appeal of such conviction or plea.”

13. The only exception to the above disqualification is found in 26 O.S. § 5-105a(B), which allows persons who have received a pardon to hold public office.

14. Upon information and belief, Grant has not received a pardon for her felony offenses cited above.

WHEREFORE, Plaintiff requests that the Court declare, pursuant to 12 O.S. §§ 1651, *et seq.*, that Nominal Defendant Brittane Share Grant is ineligible to serve as State Representative for Oklahoma House District 99 until at least the year 2037.

SECOND CAUSE OF ACTION
(Injunctive Relief)

For her second cause of action, Plaintiff states:

15. Paragraphs 1 through 14 are incorporated herein.

16. Plaintiff seeks an injunction against Defendants, their agents, servants, employees, assigns, and all those persons, directly or indirectly, acting on their behalf, under their direction or control, and/or in active concert or participation with them, enjoining them from taking any steps toward certifying Grant as the winner of the election for Oklahoma House District 99 scheduled for June 18, 2024.

17. Plaintiff has a reasonable likelihood of success on the merits.

18. There is a strong likelihood that Plaintiff will suffer irreparable harm in the absence of injunctive relief.

19. An injunction will serve the public interest in preventing the waste of resources inherent in processing votes for a person ineligible to be either a candidate for or elected to the office in question.

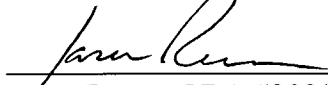
20. Further, the public interest will be served by avoiding the situation where an ineligible candidate is certified as the winner of an election and then not allowed to take office due to legal infirmity and fraud through no fault of the Board or its members and agents.

21. Plaintiff should not be required to post a bond or other security upon issuance of a preliminary injunction.

WHEREFORE, Plaintiff asks that the Court (a) issue an injunction against Defendants, their agents, servants, employees, assigns, and all those persons, directly or indirectly, acting on their behalf, under their direction or control, and/or in active concert or participation with them, enjoining them from taking any steps toward certifying Grant as the winner of the election for Oklahoma House District 99 scheduled for June 18, 2024, pursuant to 12 O.S. § 1381, *et seq.*, without a requirement of bond; and (b) such other relief as the Court might deem just and proper, whether equitable or legal that may be necessary to implement the Court's declarations and issuance of injunctive relief.

Respectfully Submitted,

GOODWIN / LEWIS



Jason Reese, OBA #20813
Paul B. Cason, OBA #31013
420 NW 6th Street
Second Floor
Oklahoma City, OK 73102
405.900.5700
jreese@goodwinlewis.com
pcason@goodwinlewis.com
Attorneys for Plaintiff