Oklahoma Council on Judicial Complaints concedes 'party affiliation rule' likely unconstitutional

Tristan Loveless
NonDoc.com

For the first time in decades, state judicial candidates may be able to identify publicly with a political party after attorneys for the Oklahoma Council on Judicial Complaints conceded that the state's "party affiliation rule" is likely unconstitutional. U.S. District Court Judge Timothy DeGiusti has yet to set a hearing or issue a ruling in the case, so judicial candidates may want to wait before updating campaign materials.

Scott Loftis, a candidate for district judge in Kay and Noble counties, advanced to a Nov. 3 runoff alongside Rob Davis, an outcome that means incumbent District Judge Lee Turner will not receive a third elected term in office.

Leading up to the June 16 primary, Loftis filed a lawsuit in U. S. District Court for the Western District of Oklahoma on May 21 that challenged:

• The Oklahoma statute barring judicial candidates from identifying with a political party as an unconstitutional content-based restriction on political speech;

• Oklahoma's Judicial Code of Conduct Rule 4.1(A)(12)-(13) as an unconstitutional content-based restriction on political speech; and

• Two Oklahoma Judicial Ethics Advisory Panel opinions as unconstitutional content-based restrictions on political speech.

Loftis, who said he carries "a move more conservative point of view" than his opponents, would like to identify himself as a Republican during his judicial campaign, according to Loftis' court filings.

On June 4, attorneys for the OCJC filed their initial response to Loftis' lawsuit, conceding his "challenge to the party affiliation rule has a likelihood of success on the merits" in regard to non-incumbent candidates. The state agency declined to oppose Loftis' motion for an injunction that prevents the enforcement of the rule, if it were "properly tailored." Further, the filing indicated the OCJC would not enforce a separate statute which prevented incumbent judges from identifying with a party if an injunction was granted.

The OCJC's brief stated:

Defendants and the council agree that the plain language of the party affiliation rule would (i) prohibit a judicial candidate from publicly identifying their political party affiliation, and (ii) prohibit a candidate from identifying themselves as "liberal" or "conservative," since those terms are so closely associated with major political parties that they would likely make party affiliation known "by implication."

Republican Party of Minnesota v. White held that a provision of the Minnesota Code of Judicial Conduct that prohibited judicial candidates from announcing their views on disputed legal and political issues violated the First Amendment. White did not directly address whether a judicial candidate may be prohibited from announcing themselves as "liberal" or "conservative." However, in a lengthy decision, the White court emphasized judicial candidates' right to free speech and supported the idea that, once a state chose to allow judicial elections, it could not require those elections to be conducted "under conditions of state-imposed voter ignorance. If the state chooses to tap the energy and the legitimizing power of the democratic process, it must accord the participants in that process … the First Amendment rights that attach to their roles."

The OCJC brief opposed Loftis' other two claims, arguing the "pledges, promises or commitments clause" is constitutional and that the council's opinions are non-binding and advisory in nature.

DeGiusti has ordered parties to propose a hearing schedule for the case, but no schedule was filed with the court prior to the publication of this article.

Democracy v. meritocracy: Fundamental judicial tension

Adopted in 1907, the Oklahoma Constitution is famous — or infamous — for its length and populist roots. In a state where the mine inspector, president of the agriculture board, and state printer were all



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Kay County judicial candidate Scott Loftis speaks during a forum Friday, May 29, 2026.

once elected positions, Oklahomans have always elected the majority of their judges instead of modeling the federal appointment system.

At statehood, judges were elected in partisan elections, and bitter campaigns over control of local judges were more common. Jack Drummond, a distant relative of Attorney General Gentner Drummond, detailed to his biographer in Ranching from the Front Seat of a Buick one occasion where he spent $20,000 in 1938 on electing "a judge he could trust" during a land dispute.

While the majority of local squabbles over judicial seats are likely lost to time, the judicial scandal of the 1960s that spurred major reforms has received the most historical attention. Pre-reform Oklahoma courts were not only harangued by partisanship, they suffered from a confusing overlap — county courts, district courts and justices of the peace to name a few — which allowed local lawyers who mastered the system to wield massive influence.

By the 1960s, Oklahoma's judicial system had rotted. In 1965, U.S. District Judge Stephen Chandler provided Oklahoma Supreme Court Justice William Berry a copy of a statement from former Justice N.S. Corn — who was serving a federal prison sentence for tax evasion — alleging that Justices Earl Welch and Napoleon Bonaparte Johnson accepted bribes from him to decide a case. Welch resigned, while Johnson was impeached.

Berry, at the time, provided the statement to then-Rep. G. T. Blankenship, who broke the scandal to the public during the legislative session. Berry gave the statement to a legislator so they could take advantage of legislative immunity preventing civil lawsuits for statements made in a legislative setting.

News of the scandal led to the passage of judicial reforms between 1966 and 1969, which transformed Oklahoma's judiciary into its modern system of nonpartisan elections for district judgeships and an appointment process guided by the Judicial Nominating Commission for appellate court positions and vacant district court posts. The reform period helped secure Blakenship's election as Oklahoma's only Republican attorney general of the 20th century.

Loftis' suit does not challenge the bulk of the 1960s reforms, although it does affect a small portion of them while echoing Oklahoma's populist roots and the desire for decentralized local control.

The Council on Judicial Complaints met Thursday, June 25, and listed Loftis' litigation as eligible for discussion during an executive session.

LEGALS

IN THE DISTRICT COURT
IN AND FOR
OTTAWA COUNTY
STATE OF OKLAHOMA

TTCU FEDERAL CREDIT UNION, a Federally Chartered Credit Union, Plaintiff,

vs.

THE KNOWN AND UNKNOWN HEIRS OF KATHY CHERYL SPILLMAN, DECEASED, and JOHN DOE AS OCCUPANT OF THE PREMISES, Defendants.

No.: CJ-2026-12
Attorney's Lien Claimed
NOTICE BY PUBLICATION

THE STATE OF OKLAHOMA TO: KATHY CHERYL SPILLMAN, if living, and if deceased, to THE UNKNOWN HEIRS, EXECUTORS, ADMINISTRATORS, TRUSTEES, DEVISEES, SUCCESSORS AND ASSIGNS, immediate and remote, of KATHY CHERYL SPILLMAN.

You are hereby notified that you have been sued by Plaintiff in the above cause in the District Court of Ottawa County, Oklahoma, entitled TTCU, Plaintiff v. Kathy Cheryl Spillman, et al., Defendants, and that you must answer the Petition of said Plaintiff on or before the 15th day of August, 2026, or the allegations of said Petition will be taken as true and a judgment will be entered for the sums due under the Note and Mortgage which are the subject of said suit in the amount of $74,996.44 principal, with interest, attorney fees and all costs and a Decree ordering foreclosure of said Mortgage, barring your interest in the following described real property:

Lot 8 in Southview Estates, an Addition to Ottawa County, Oklahoma, according to the recorded plat thereof.

Common address: 12308 S 569 Road Miami, OK 74354

Dated this 15th day of June 2026.

Ottawa County Court Clerk
Cassie Key
By: /s/ P. Blalock
Deputy Court Clerk

Brian R. Huddleston,
OBA #13295
Huddleston Law Offices
4527 E. 91st St.
Tulsa, OK 74137
(918) 237-3857
brian@huddleston.law
Attorney For Petitioners

(Published in the Miami News Record July 3, 10, and 17, 2026)
LPXLP

IN THE DISTRICT COURT
WITHIN AND FOR
OTTAWA COUNTY
STATE OF OKLAHOMA

ARVEST BANK
Plaintiff,

vs.

BRANDON WAYNE SHOCKLEY, et al.
Defendant(s)

No: CJ-2026-35
NOTICE BY PUBLICATION

THE STATE OF OKLAHOMA TO: Brandon Wayne Shockley, Spouse of Brandon Wayne Shockley

TAKE NOTICE that you have been sued by the above named Plaintiff, and that you must answer the Petition of said Plaintiff on file in said cause on or before August 29, 2026, or the allegations of said Petition will be taken as true and judgment rendered, foreclosing any interest you may have in the following-described real estate (property) situated in Ottawa County, Oklahoma, to-wit:

A tract of land in Lot 1 in the NE1/4 of Section 29, Township 29 North, Range 25 East of the Indian Meridian, Ottawa County, Oklahoma, being more particularly described as follows: Beginning at the Southeast corner of Lot 1 in said Section 29; Thence West 212 feet; Thence North 424 feet; Thence East 212 feet; Thence South 424 feet to the point of beginning.

for the sum for:
Reason:
Unpaid Principal Balance
Amount:
$20,198.45
Date of Default
October 1, 2025
Interest Due From
September 1, 2025
Interest Rate(s)
2.75000 %
*or as adjusted by the Note and Mortgage

including all advances by Plaintiff, if any, for taxes, insurance premiums, or expenses necessary for the preservation of the subject property, all costs of this action, reasonable attorney`s fees and costs as the Court may allow, and the costs of foreclosing your interest in the property and ordering said property sold with or without appraisement as Plaintiff may elect, all of which you will take due notice.

WITNESS my hand and official seal this 25 day of June, 2026.

Ottawa County Court Clerk,
Cassie Key
By: /s/ P. Blalock
DEPUTY COURT CLERK

Don Timberlake - #9021
Matt Hudspeth - #14613
Kim S. Jenkins - #32809
Gina D. Knight - #12996
Chynna Scruggs - #32663
Rachel P. O`Day - #36561
BAER & TIMBERLAKE, P.C.
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Telephone: (405) 842-7722
Email: mail@baertimberlake.com
BT #: 212593-01

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LPXLP

DISTRICT COURT OF
OTTAWA COUNTY
STATE OF OKLAHOMA

In Re: The Name of: Dawn M'Lynn Nicole Robertson

CV-26-58
NOTICE OF HEARING
ON PETITION TO
CHANGE NAME

TO: All interested parties.

Take notice that Dawn M'Lynn Nicole Robertson has petitioned to change his/her name to M'Lynn Nicole Robertson.

A Hearing on said petition is set for 9:30 o'clock a.m. on the 23 day of July, 2026, before Judge Whalen at 9:30 o'clock in courtroom 3 at the Ottawa County Courthouse. Should you know of some reason why this change of name should not be allowed you must file a written protest in the above styled and numbered cause prior to the above date with the Clerk of this Court. Should you fail to do so, the petition for change of name will be granted as prayed.

COURT CLERK
/s/ F Henry
By: DEPUTY

(Published in the Miami News Record July 10, 2026)
LPXLP

IN THE DISTRICT COURT
WITHIN AND FOR
OTTAWA COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF THE ESTATE OF FRANK LEROY FERRIS, DECEASED.

No. PB-2023-41
NOTICE OF HEARING THIRD AMENDED PETITION TO SELL REAL PROPERTY

THE STATE OF OKLAHOMA TO THE HEIRS, NEXT OF KIN AND CREDITORS OF SAID DECEDENT: FRANK LEROY FERRIS

You are hereby notified that Lorrie A. Sorenson, Personal Representative of the estate of FRANK LEROY FERRIS, that all persons interested in the estate of the said FRANK LEROY FERRIS, deceased, appear before the District Court of the County of Ottawa, State of Oklahoma, in the courtroom thereof, in said County and State, on the 23rd day of July, 2026, at 11:30 o'clock A.M., before the Honorable Judge Whalen; being more than ten (l0) days and less than four (4) weeks from the time of making this Notice of Hearing Third Amended Petition to Sell Real Property.

You are further notified that pursuant to Title 58 O.S. §413, all persons interested in the Estate of FRANK LEROY FERRIS, deceased, shall appear before this Court on the aforementioned Court date, then and there to show cause, if any they have, why an Order, as prayed for in said Third Amended Petition to Sell Real Property should not be granted to the said Personal Representative to sell, at private sale, for the reasons and purposes mentioned in said Third Amended Petition to Sell Real Property, the interest of said estate in the following described real property, to-wit:

The Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Four (4), in Township Twenty-eight (28) North, Range Twenty-five (25) East of the Indian Meridian

Dated this 6th day of July 2026.

/s/ R. Matt Whalen
JUDGE OF THE DISTRICT COURT

Prepared and Submitted by:
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Attorneys for the Personal Representative, Lorrie A. Sorenson

(Published in the Miami News Record July 10, 2026)
LPXLP

IN THE DISTRICT COURT
IN AND FOR
OTTAWA COUNTY
STATE OF OKLAHOMA

In the Matter of the Estate of: WANDA ALEEN ELMER, deceased.

Case No. PB-2026-4
AMENDED NOTICE TO CREDITORS

All creditors having claims against Wanda Aleen Elmer, deceased, are required to present the same, with the description of all security interest and other collateral (if any) held by each creditor with respect to such claim, to the named Personal Representative, c/o Andrew T. Doney, 2 North Main, Ste. 404, Miami, OK 74354, on or before the following presentment date September 11, 2026, or the same will be forever barred.

Dated this 6th day of July, 2026.

DONEY LAW PLLC
By: /s/Andrew T. Doney
Andrew T. Doney, OBA #31366
First National Bank Bldg.
2 North Main, Ste. 404
Miami, OK 74354
(918) 540-2199
Fax (918) 540-1999
Attorney for Personal Representative

(Published in the Miami News Record July 10 and 17, 2026)
LPXLP

ELECTION PROCLAMATION AND NOTICE OF ELECTION

Pursuant to the provisions Article 10 Section 35 of the Constitution of the State of Oklahoma, as amended, inclusive, and pursuant to a Resolution of the Board of County Commissioners of Ottawa County, Oklahoma (the "Board of County Commissioners"), authorizing the calling of a special election for the purposes hereinafter set forth, I, the undersigned, Mike Furnas, Chairman of the Board of County Commissioners hereby call a special election to be held on the 25th day of August, 2026, within Ottawa County, Oklahoma (the "County"), for the purpose of submitting to the qualified electors of said County, for their approval or rejection of the following proposition:

PROPOSITION

SHALL A PROPOSITION OF OTTAWA COUNTY, OKLAHOMA, ENTITLED:

A Proposition providing for funds for Ottawa County, Oklahoma, as a community and economic development issue; levying a one (1) cent sales tax increase, as authorized by Article 10, Section 35 of the Constitution of the State of Oklahoma, on gross receipts or proceeds on certain taxable sales; the sales tax increase to terminate on December 31, 2042 or until any debt issued in connection with said sales tax increase has been satisfied in full, whichever occurs sooner; such tax to be used to provide funds to pay and satisfy the balance due and owing on the judgment entered against Ottawa County in Case #NDOK4:17-CV-00325, Estate of Ellis vs Sheriff of Ottawa County in the United States District Court for the Northern District of Oklahoma and affirmed on April 21, 2026, said sales tax to be used for that purpose and that purpose only; authorizing the payment of debt service and costs of issuance, if any; fixing an effective date; making provisions severable.

BE APPROVED?

The voting machines or devices used at said election shall set out the proposition as above set forth and shall also contain the words:

[] YES - FOR THE ABOVE PROPOSITION
[] NO – AGAINST THE ABOVE PROPOSITION

That only the registered, qualified voters of the County may vote upon the propositions as above set forth.

The polls shall be opened at 7:00 a.m. and remain open continuously and be closed at 7:00 p.m. on the day of the election.

The number and location of the polling places for said election shall be the same as the regular precinct polling places designated by the Ottawa County Election Board, which officers shall also act as counters.

Returns of said election will be canvassed by the Ottawa County Election Board and results will be certified by said Ottawa County Election Board to the Board of County Commissioners through the County Clerk.

WITNESS my hand as Chairman of the Board of County Commissioners this 2nd day of June, 2026.

/s/ Mike Furnas
Chairman, Board of County Commissioners,
Ottawa County, Oklahoma

ATTEST:
/s/ Robyn Mitchell
County Clerk
(SEAL)

(Published in the Miami News Record June 19 and 26, and July 3 and 10, 2026)
LPXLP