



CHEROKEE NATION ELECTION COMMISSION

Ph: 918-458-5899 | TF: 800.353.2895 | F: 918.458.6101

AGENDA

SPECIAL MEETING

Thursday, November 17th, 2022

4:00 PM

- I. Call to order
- II. Roll call
- III. Approval of Minutes from the November 8th Regular Meeting
- IV. Old Business
- V. Current Items
 - a. Consideration and possible action on Campaign Financial FAQ
- VI. Executive Session
 - a. Confidential discussion with attorney on pending litigation, claims, investigations or protests
 - b. Personnel
 - c. Exit Executive Session
- VII. Action from Executive Session
- VIII. Announcements
- IX. Adjourn

POSTED
11-15-22 4PM

November 16, 2022 by 4:00 PM
Cherokee Nation Election Office
17763 S. Muskogee Ave
Tahlequah, OK 74464

Chairperson: Rick Doherty

Posted by: _____



CHEROKEE NATION ELECTION COMMISSION

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Special Meeting Minutes

Thursday, November 17th, 2022

I. Call to order

- The Special Meeting of the Cherokee Nation Election Commission for November 17, 2022 was called to order by Chairman Rick Doherty at 4:00 P.M.

II. Roll call

- Election Commission Secretary Shawna Calico called roll and a quorum was established with the following Commissioners present:
Rick Doherty – Chairman
Pamela Sellers – Vice Chairperson
Shawna Calico – Secretary/Treasurer
Randy Campbell - Commissioner
Elizabeth Ballew – Commissioner
- Office staff present: Marcus Fears and Connie Parnell
- Election Commission Attorney Harvey Chaffin was present.
- Election Commission Investigator Nick Goodwin was present.

III. Approval of Minutes

- Chairman Rick Doherty asked for approval and/or discussion regarding the minutes of the November 8th Regular Meeting. Pam Sellers made a motion seconded by Elizabeth Ballew to table the minutes for the November 8th Regular Meeting minutes. The motion was approved by all Commissioners.

IV. Old Business

- None

V. Current Items.

- Consideration and possible action on Campaign Financial FAQ.
 - i. Pam Sellers made a motion, seconded by Elizabeth Ballew to approve the Campaign Financial FAQ, with suggested changes. The motion was approved by all Commissioners.

VI. Executive Session

- None

VII. Action from Executive Session

VIII. Announcements

- None



CHEROKEE NATION ELECTION
COMMISSION

IX. Adjourn

- Pam Sellers made a motion, second by Elizabeth Ballew to adjourn at 4:35 P.M. The meeting was adjourned.

Minutes submitted by Shawna Calico, Secretary/Treasurer

Shawna Calico



Cherokee Nation Election Commission

P.O. Box 1188, Tahlequah, OK 74465-1188

Phone: 918-458-5899 Fax: 918-458-6101

Campaign Financial FAQ

When am I considered a Candidate?

A "Candidate" means a person who has raised funds and/or accepted In-Kind Contributions in excess of One Thousand Dollars (\$1,000.00) OR a person who has filed and is qualified to run in an election to hold elective office in the Cherokee Nation, in accordance with [CNCA Title 26] Chapter 4 §§ 31-34 and in accordance with the Cherokee Nation Constitution. **§3, 3.**

What is a Campaign Contribution?

- "Campaign Contribution" means a contribution in money or goods or services to a Candidate that is offered or given with the intent that it be used in connection with a campaign for elective office; **§41A.**
- Contributions may only be made by individual natural persons. NO corporation, partnership, limited liability company, trust and/or any other legal entity shall contribute to any Cherokee Nation campaign or Candidate; **§43A.**
- No natural person shall contribute more than five-thousand dollars (\$5,000.00) in cash or In-Kind to any one Candidate during an Election Period; **§43B.**
- No Candidate or Financial Agent, corporation, legal entity or other person shall accept anonymous contributions exceeding one thousand dollars (\$1,000.00) in aggregate per Election Period; **§44E.**

When can I begin accepting Campaign Contributions?

No Officeholder, no Candidate, no potential Candidate for elective office and no Financial Agent shall receive campaign contributions prior to the six month period immediately preceding the General Primary Election or Special Election date; **§44A.** "Election Period" shall include the six months prior to and including the Primary Election and the Runoff Election through the completion of any applicable challenge, court requirement of a new election and/ or certification proceedings **§3, 17.**

Can I loan my Campaign money?

A Candidate who provides a loan of personal funds to his or her campaign may repay him or herself from later raised campaign funds and shall be reflected in the financial report of the Candidate. Such personal loan repayment shall not exceed an amount of Fifty Thousand Dollar (\$50,000.00) per election period; **§43C.**

The Cherokee Nation Election Commission is not authorized by Cherokee Law to give formal opinions or informal legal opinions. Only the Attorney General of the Cherokee Nation can give formal opinions that have the force of law until overturned by a Cherokee Nation Court. You may seek an opinion from your own legal counsel or from the Office of the Attorney General.



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What is a Campaign Expenditure?

"Campaign Expenditure" means an expenditure of money or services incurred by any person in connection with a campaign for an elective office; **§41B.**

Can I report my Filing Fee as an Expenditure?

New for 2023, a filing fee may be paid from a Candidate's personal or campaign funds; **§35C.**

What is an Independent Expenditure?

"Independent Expenditure" means an expenditure made by an individual or legal entity for a communication expressly advocating the election or defeat of a clearly identified Candidate that is not made in coordination with, cooperation with, consultation with, or concert with, or at the request or suggestion of a Candidate, an agent of a Candidate. An independent Expenditure shall not include the display of a noncommercial yard sign, lapel pin, button, bumper sticker or similar de minimis display of support or opposition to a Candidate; **§3, 19.** Independent Expenditures shall be prohibited in the elections of the Cherokee Nation; **§48A.**

Can I report Attorney's Fees as an Expenditure?

If attorney's fees are PAID, such fees must be paid from a Candidate's personal funds, and may not be paid from funds of a campaign account; **§44H.** Legal services provided to a Campaign by a natural person shall not be considered an In-Kind Contribution if: 1. Such natural person is a licensed member of the Cherokee Nation Bar Association; and 2. Such services are provided only for the purpose of ensuring the Campaign's compliance with the laws of the Cherokee Nation, and/or representation of a Campaign or Candidate in proceedings before the Cherokee Nation Election Commission or Courts of the Cherokee Nation. **§43F.**

Can I withdraw from Candidacy?

Any Candidate who wishes to withdraw from the election shall have the opportunity to do so by providing a formal written notice to the Election Commission; **§36D.** A Candidate that withdraws from an election or fails to file, must report their contributions and expenditures. Any excess contributions beyond expenses must be forwarded to the Election Commission or returned to the contributors by the end of the applicable election period; **§41A & B.**

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Financial Reports; When are Financial Reports Due?

- February Report is due on or before March 15, 2023 & shall include December 3, 2022 to February 28 2023; **§46B.**
- March Report is due on or before April 17, 2023 & shall include March 1 to March 31, 2023
- April Report is due on or before May 15, 2023 & shall include April 1 to April 30, 2023
- May Report is due on or before June 15, 2023 & shall include May 1 to May 31, 2023
- June Report is due on or before July 17, 2023 & shall include June 1 to June 30, 2023
- Early submissions before the 15th are appreciated.
- **ALL Final Financial Reports are due on or before August 9th, 2023; §46C.**
- **Revised Final Reports are due before February 1, 2024 and should include all Contributions and/or Expenditures after the submission of the Final Report; §46D.**
- **If you submit a Financial Report containing any dates other than the dates listed above, the Commission will return it to you to revise.**
- **If your report is late the Election Commission shall impose a fine in the amount of \$100 on the Candidate unless the Candidate can show extenuating circumstances for his or her failure to report. §46B.**

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CHEROKEE NATION ELECTION COMMISSION

 REGULAR MEETING

 SPECIAL MEETING

ELECTION COMMISSION PRESIDED BY: Rick Doherty

MEETING DATE: 11/17/22 at 4:00 AM/PM at the CNEC Office

Commission Member: Present/Absent

Rick Doherty Present/Absent

Pamela Sellers Present/Absent

Shawna Calico Present/Absent

Randy Campbell Present/Absent

Elizabeth Ballew Present/Absent

Quorum Established: YES / NO

CNEC Attorney: Harvey Chaffin ☒ CNEC Investigator: Nick Goodwin ☒

Staff Present: ☒ Marcus Fears, ☐ Connie Parnell, ☐ Kendal Bishop, ☐ Charlene Keys

Visitors:

