



## **CHEROKEE NATION ELECTION COMMISSION**

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

### **AGENDA SPECIAL MEETING**

*July 26<sup>th</sup>, 2021*

*2:00 PM*

- I. Call to order
- II. Roll call
- III. Approval of Minutes from the July 22<sup>nd</sup> Special Meeting
- IV. Old Business-None
- V. Current Items
  - a. Certification of the Vote Count for the 2021 Run-Off Election
- 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**  
7-23-21 2pm

July 23, 2021 by 5:00PM  
Cherokee Nation Election Office  
17763 S. Muskogee Ave  
Tahlequah, OK 74464

Chairperson: Shawna Calico

Posted by: \_\_\_\_\_



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### **CHEROKEE NATION ELECTION COMMISSION**

#### **Special Meeting Minutes**

July 26<sup>th</sup>, 2021

#### **I. Call to order**

- The Special Meeting of the Cherokee Nation Election Commission for July 26<sup>th</sup>, 2021 was called to order by Chairperson Shawna Calico at 2:04pm.
- Pam Sellers made a motion seconded by Elizabeth Ballew to allow Randy Campbell to attend by phone. The motion was approved by all Commissioners.

#### **II. Roll call**

- Election Commission Chairperson Shawna Calico called roll and a quorum was established with the following Commissioners present:

Shawna Calico – Chairperson

Pamela Sellers – Vice Chairperson

Rick Doherty – Secretary/Treasurer

Randy Campbell – Commissioner-by phone

Elizabeth Ballew – Commissioner

- Office staff present was: Connie Parnell & Marcus Fears
- Election Commission Attorney Harvey Chaffin was present

#### **III. Approval of Minutes**

- Chairperson Shawna Calico asked for approval and/or discussion regarding the minutes of the July 22<sup>nd</sup> Special Meeting. Elizabeth Ballew made a motion seconded by Pam Sellers to table the July 22<sup>nd</sup> Special Meeting minutes until the next meeting. The motion was approved by all Commissioners.

#### **IV. Old Business**

- None

#### **V. Current Items**

- Certification of the Vote Count for the 2021 Run-Off Election.
  - i. Pam Sellers made a motion seconded by Elizabeth Ballew to approve the Vote Count for the 2021 Run-Off Election. All Commissioner present signed the Vote Count. The motion was approved by all Commissioners. **(Attachment 1)**

#### **VI. Executive Session**



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- Pam Sellers made a motion seconded by Elizabeth Ballew to enter Executive Session at 2:11pm. The motion was approved by all Commissioners.
- Pam Sellers made a motion seconded by Elizabeth Ballew to Exit Executive Session at 4:46pm. The motion was approved by all Commissioners.

### **VII. Action from Executive Session**

- Pam Sellers made a motion seconded by Elizabeth Ballew to issue Alias Notice of Hearing with added Return of Service moving the Hearing previously scheduled for Thursday, July 29<sup>th</sup> at 9:30am to Monday, August 2 at 1:30pm. The motion was approved by all Commissioners.

**(Attachment 2)**

### **VIII. Announcements**

### **IX. Adjourn**

- Pam Sellers made a motion to adjourn at 4:48pm. The meeting was adjourned.

Minutes submitted by Rick Doherty, Secretary/Treasurer



# Cumulative Report — Official

## CHEROKEE NATION — GENERAL ELECTION RUN-OFF — July 24, 2021

Page 1 of 1

*Attachment # 1*

Total Number of Voters : 5,147 of 42,050 = 12.24%

Precincts Reporting 14 of 14 = 100.00%

Party	Candidate	Absentee	Early	Election	Total
<b>DIST 2 TRIBAL COUNCILOR, Vote For 1</b>					
	CANDESSA TEHEE	134 52.56%	141 61.84%	92 37.70%	367 50.48%
	BOBBY SLOVER	121 47.45%	87 38.16%	152 62.30%	360 49.52%
	<b>Cast Votes:</b>	255 99.22%	228 100.00%	244 100.00%	727 99.73%
	<b>Over Votes:</b>	1 0.39%	0 0.00%	0 0.00%	1 0.14%
	<b>Under Votes:</b>	1 0.39%	0 0.00%	0 0.00%	1 0.14%
<b>DIST 7 TRIBAL COUNCILOR, Vote For 1</b>					
	JOSHUA SAM	399 62.54%	30 43.48%	209 39.81%	638 51.79%
	DAVID COMINGDEER	239 37.46%	39 56.52%	316 60.19%	594 48.21%
	<b>Cast Votes:</b>	638 100.00%	69 100.00%	525 100.00%	1,232 100.00%
	<b>Over Votes:</b>	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	<b>Under Votes:</b>	0 0.00%	0 0.00%	0 0.00%	0 0.00%
<b>DIST 10 TRIBAL COUNCILOR, Vote For 1</b>					
	SHAUNDA HANDLE-DAVIS	93 43.46%	3 42.86%	175 40.32%	271 41.37%
	MELVINA SHOTPOUCH	121 56.54%	4 57.14%	259 59.68%	384 58.63%
	<b>Cast Votes:</b>	214 100.00%	7 100.00%	434 100.00%	655 100.00%
	<b>Over Votes:</b>	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	<b>Under Votes:</b>	0 0.00%	0 0.00%	0 0.00%	0 0.00%
<b>ATLARGE TRIBAL COUNCILOR, Vote For 1</b>					
	JOHNNY JACK KIDWELL	1,496 60.18%	29 67.44%	0 0.00%	1,525 60.30%
	KYLE HASKINS	990 39.82%	14 32.56%	0 0.00%	1,004 39.70%
	<b>Cast Votes:</b>	2,486 99.92%	43 100.00%	0 0.00%	2,529 99.92%
	<b>Over Votes:</b>	0 0.00%	0 0.00%	0 0.00%	0 0.00%
	<b>Under Votes:</b>	2 0.08%	0 0.00%	0 0.00%	2 0.08%



OFFICIAL ELECTION CERTIFICATION  
CHEROKEE NATION ELECTION COMMISSION

General Election Run-off

July 24, 2021

Date: 7-26-2021

We the undersigned election officials of the Cherokee Nation do hereby certify the above to be a true and accurate canvass of the votes cast in the election held on July 24, 2021. All races are included with this document.

Chairperson: Shawna Calico

Member: Pamela L. Sellers

Member: Elizabeth Ballen

Member: Rui Dots

Member: \_\_\_\_\_

BEFORE THE CHEROKEE NATION ELECTION COMMISSION  
OF THE CHEROKEE NATION

Cherokee Nation

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Hearing No: 2021-5

v.

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Bobby Slover, District 2 Tribal  
Council Candidate

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**ALIAS NOTICE OF HEARING**

Notice is hereby given, pursuant to CNCA Title 26 Section 11. C. 18; CNCA Title 26 Section 38; CNCA Title 26 Section 45; CNCA Title 26 Section 47; and CNCA Title 26 Section 104 of the election code, that accusations have been made that may subject you to disqualification from candidacy and/or civil penalties.

A HEARING will be held at the Cherokee Nation Election Commission, located at 17763 S. Muskogee Ave, Tahlequah, OK 74464 on the 2<sup>nd</sup> day of August, 2021 at 1:30pm.

Pursuant to Section 11. C. 18. and Section 43. A. of Title 26 an accusation concerning your candidacy was referred to the Office of the Attorney General. The Office of the Attorney General submitted a Report "Memo To The Election Commission" and Attachments on July 21, 2021, which is attached as Exhibit 1.

Section 11. C. 18. of Title 26 (under Duties of the Commission) provides that: "Audit all financial reports and disclosures required by this Title, and to report any Criminal Violations of this Title to the Cherokee Nation Attorney General for prosecution as applicable. Further the Election Commission has the authority to assess any penalties or other sanctions authorized by this Title. Any accusations of Criminal Violations of this Title shall be reported to the Cherokee Nation Marshal for investigation and/or the Cherokee Nation Attorney General for prosecution as applicable. Should the Cherokee Nation Attorney General prosecute any Criminal Violation(s), a report to the Cherokee Nation Election Commission will be made for possible assessment of penalties and/or disqualification under procedures found at § 38 of this Title."

You are alleged to have violated Section 43.A. of Title 26: "Contributors Limited to Individual Natural Persons. Contributions may only be made by individual natural persons. No corporation, partnership, and/or any other legal entity shall contribute to any Cherokee Nation campaign or Candidate."



Section 38(A) of Title 26 states: "After a hearing held in conformance with the regulations adopted by the Election Commission, any candidate . . . shall be disqualified by the Election Commission from running for elected office of the Cherokee Nation for the duration of the upcoming election period. Subsection B further states that "said regulations shall provide the candidate . . . with reasonable notice of the charges and the opportunity to respond at a hearing before the Election Commission, and shall specify the manner in which the charges shall be presented and by whom. Any candidate disqualified from holding office . . . pursuant to this Section may appeal the Election Commission's disqualification decision . . . by filing a written appeal with the Cherokee Nation Supreme Court in conformance with the requirements of Section 37(B) of this Title."

Article 6, Section 104 of Title 26 states:

- A. Election Fraud. Any Candidate or other person who commits Election Fraud shall be deemed to have committed a crime, subject to the criminal and/or civil sanctions provided herein, and shall be referred to the Attorney General of the Cherokee Nation for prosecution as applicable.
- B. Criminal Sanctions. Any Candidate or other person who is a Citizen of the Cherokee Nation or a member of any other federally recognized Indian tribe who has violated any provision of this Title deemed to be a crime shall be subject to: (i) prosecution under the Penal Code of the Cherokee Nation and the penalties therein; and/or (ii) disqualification by the Election Commission as provided under § 38 of this Title.
- C. Civil Damages. Any Candidate, other person, corporation or other legal entity who or which has violated any provision of this Title deemed a crime shall be subject to a civil penalty of: (i) not less than one hundred dollars (\$100.00) or more than two hundred fifty thousand dollars (\$250,000.00); and/or (ii) an amount of double the value of the unlawful contribution, expenditure, damage as determined by the Cherokee Nation District Court an amount of double the value of the unlawful contribution, expenditure, damage as determined by the Cherokee Nation District Court. Such civil penalty for a violation shall be determined solely by the Election Commission and subject to the appeal process of §102 of this Title. Said civil penalty shall be payable to the Election Commission within six (6) months of the Election Commission's finding of a violation(s). The Election Commission shall be entitled to recover all reasonable attorney's fees and legal costs incurred in any related lawsuit and/or collection of the civil penalty. Any person, corporation or other legal entity who or which has violated any provision of this Title is deemed to have consented to the jurisdiction of the Cherokee Nation and the Cherokee Nation District Court.

The aforementioned regulations, Cherokee Nation Election Commission Rules and Regulations are attached as Exhibit 2. The applicable Section is 2.10.

A Copy of the Hearing Procedures adopted by the Cherokee Nation Election Commission is attached as Exhibit 3.

Cherokee Nation Election Commission Regulation Section 2.10 E. provides: "The decision shall clearly and succinctly state the findings and conclusions of the Commission." You may prepare proposed findings and conclusions supported by the evidence and law presented to the Commission in support of defense of the Charges.

The charges and evidence in support thereof shall be presented to the Election Commission by the Office of the Attorney General of the Cherokee Nation; you have the right to be represented by an attorney of your choice or may appear pro se; you will have the opportunity to present evidence and legal authority in defense of the Charges; and, the Election Commission will hear the evidence and legal arguments and render a decision as provided by the Election Code of the Cherokee Nation.

Dated this 26th day of July, 2021.

Cherokee Nation Election Commission

By: Shawna Calico  
Shawna Calico, Chairperson

Return of Service

Received the within writ on this 26 day of July, 2021, at 20:00 a.m./p.m. and executed the same by serving Bobby Slover on the 26 day of July, 2021, at 20:00 a.m./p.m.

Aguilar 41 [Signature]  
Cherokee Nation Marshal



# CHEROKEE NATION ELECTION COMMISSION

       REGULAR MEETING

  X   SPECIAL MEETING

COMMISSION PRESIDED BY: Shawna Calico

MEETING DATE: 7-26-21 at 2: PM at the CNEC Office

Commission Member: Present/Absent

Shawna Calico

Present/Absent

Pamela Sellers

Present/Absent

Randy Campbell

Present/Absent

By Phone

Rick Doherty

Present/Absent

Elizabeth Ballew

Present/Absent

Quorum Established:

YES / NO

CNEC Attorney: Harvey Chaffin ☒

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

Visitors:

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# Special Meeting Sign-in Sheet

Monday, July 26, 2021 2:00PM

[illegible]