

**CHEROKEE NATION ELECTION COMMISSION**  
**REGULAR MEETING**  
**JULY 12, 2011**  
**9:00 A.M.**

**Agenda**

**I. Call Meeting to Order and Roll Call of Commissioners present or absent**

**II. Current Agenda**

- a. Approval of Meeting Minutes previous meetings
- b. Monthly Financial Report

**III. Old Business**

- 1. Report or correspondence from Mr. Cole

**IV. New Business**

- 1. Discussion and action regarding AES contract
- 2. Discussion and action regarding Security alarms invoice

**V. Adjournment**

**POSTED**  
7-7-11

WB

@ 1:30 AM/PM

Cherokee Nation Election Office  
22116 S. Bald Hill Road  
Tahlequah, OK 74464



CHEROKEE NATION  
ELECTION COMMISSION MEETING  
ELECTION SERVICES OFFICE MEETING ROOM  
Regular Meeting  
July 12, 2011 9:00 AM

Commission Presided by: Brenda Walker - Vice Chair

Commission Date/Time/Place: July 12, 2011/ 9:00 AM  
Election Services Office Meeting Room

Commission Members Present/Absent:

Martha Rose Calico Present/Absent

Patsy Morton Present/Absent

Roger L. Johnson Present/Absent

Curtis L. Rohr Present/Absent

Brenda Walker Present/Absent

Quorum Established: YES/NO

Staff Present: Wanda Beaver Joyce Gourd Genny Scott

Visitors:

*None*

CHEROKEE NATION ELECTION COMMISSION  
 P.O. BOX 1188  
 TAHEQUAH, OK 74465-1188  
 PHONE (918) 458-5899 FAX (918) 458-6101

MEETING ATTENDANCE RECORD

FOR THE MONTH OF July 2011

REGULAR OR SPECIAL	DATE: 07/12/2011	REGULAR OR SPECIAL	DATE: 07/22/2011
COMMISSIONER	<i>Nathaniel Calico</i>	COMMISSIONER	<i>Nathaniel Calico</i>
COMMISSIONER	<i>Quinton F. Parks</i>	COMMISSIONER	<i>Quinton F. Parks</i>
COMMISSIONER	<i>Brink J. Walker</i>	COMMISSIONER	<i>Brink J. Walker</i>
COMMISSIONER	<i>Patsy S. Eads-Morton</i>	COMMISSIONER	<i>Patsy S. Eads-Morton</i>
COMMISSIONER		COMMISSIONER	

REGULAR OR SPECIAL	DATE: 07/15/2011	REGULAR OR SPECIAL	DATE: 07/26/2011
COMMISSIONER	<i>Nathaniel Calico</i>	COMMISSIONER	<i>Patsy S. Eads-Morton</i>
COMMISSIONER	<i>Brink J. Walker</i>	COMMISSIONER	<i>Brink J. Walker</i>
COMMISSIONER	<i>Quinton F. Parks</i>	COMMISSIONER	<i>Quinton F. Parks</i>
COMMISSIONER	<i>Patsy S. Eads-Morton</i>	COMMISSIONER	
COMMISSIONER		COMMISSIONER	

**Cherokee Nation Election Commission  
Regular Meeting  
Election Services Meeting Room  
July 12, 2011**

**Minutes**

**CALL TO ORDER/ROLL CALL:**

The Regular Meeting of the Election Commission was called to order at 9:07 a.m. Roll Call was taken and a quorum was established. In attendance were:

**Commission -**

Brenda J. Walker - Vice-Chairperson  
Martha Calico – Secretary/Treasurer  
Patsy Eads-Morton - Commissioner  
Curtis L. Rohr - Commissioner

**Office Staff -** Wanda Beaver

**Guests -** Lloyd Cole

**APPROVAL OF MINUTES:**

A motion was made by Patsy Eads-Morton to table the minutes for the June 14, 2011 Regular meeting. The motion was seconded by Curtis L. Rohr. A vote was taken and the motion was approved unanimously.

**MINUTES:**

A motion was made by Curtis L. Rohr to approve the Budget report as presented. The motion was seconded by Martha Calico. A vote was taken and the motion was approved unanimously.

A motion was made by Patsy Eads-Morton to amend the Agenda and to move all New Business for discussion and action before Old Business. The motion was seconded by Martha Calico. A vote was taken and the motion was approved unanimously.

Discussion was held regarding the Automated Election Services contract for the Run-Off election. A motion was made by Martha Calico to approve the contract. The motion was seconded by Patsy Eads-Morton. A roll call vote was taken and the motion was approved unanimously.

Discussion was held regarding the invoice by Security Alarms and the responsibility of the charges. A motion was made by Patsy Eads-Morton to pay the invoice and to have Mr. Cole ask for re-imbursement by the court. The motion was seconded by Martha Calico. A vote was taken and the motion was approved unanimously.

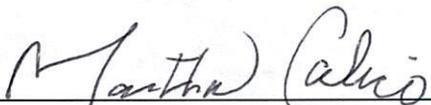
A motion was made by Curtis L. Rohr to cancel the services with Security Alarms after the Run-Off election and to research and inquire other new Security Companies. The motion was seconded by Martha Calico. A vote was taken and the motion was approved unanimously.

Mr. Cole informed the Commission that Mr. Johnsons resignation as Chairman and member of the Election Commission is effective July 5, 2011. The date that he submitted his resignation letter.

A motion was made by Martha Calico to send a Letter of Recognition to Mr. Johnson and to cc the Tribal Council and Principal Chief. The motion was seconded by Patsy Eads-Morton. A vote was taken and the motion was approved unanimously.

Discussion was held regarding the two precinct workers that were subpoenaed to testify regarding the litigations. A motion was made by Patsy Eads-Morton to pay the two precinct workers for being witnesses in the amount of \$100 a day. The motion was seconded by Curtis L. Rohr. A vote was taken and the motion was approved unanimously.

A motion was made by Martha Calico to adjourn at 10:05 a.m. The motion was seconded by Patsy Eads-Morton. A vote was taken and the motion was approved unanimously.

  
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Martha Calico, Secretary/Treasurer

Security Alarms Company  
 PO Box 2909  
 Muskogee, OK 74402  
 Tel: 918-683-5600 Fax: 918-683-3400  
 Lic. OK # 021 Ark # E0175

Invoice Number **113692**  
 Sale Date 7/5/2011  
 Due Date 8/4/2011

CN - Election  
 Margaret Riney  
 Old Cherokee Gardens  
 PO Box 1188  
 Tahlequah, OK  
 74465

Description	Qty	Price	Net	Tax	Total
Labor	11	\$65.00	\$715.00	\$0.00	\$715.00
Materials, Supplies, and Labor	1	\$75.00	\$75.00	\$0.00	\$75.00
<b>TOTALS</b>			<b>\$790.00</b>	<b>\$0.00</b>	<b>\$790.00</b>

-----Return Stub Below-----

Please return this portion of your invoice with your payment. Thank you!

Customer : CN - Election



Invoice Number 113692  
 Bill Payer ID: 1352  
 (Primary) CSID: 2201  
 Date Remitted

Acct. Bal. \$790.00 Amount Remitted

Payment Method Check  Check Number

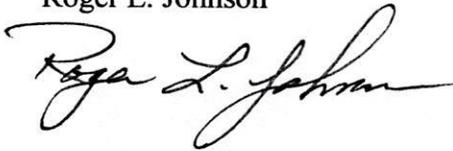
July 5<sup>th</sup>, 2011

LETTER OF RESIGNATION

Effective, this date 7-5-11, I regretfully resign my position on the Cherokee Nation Election Commission. The perceptions of favoritism, fraud and incompetence resulting from irresponsible and inaccurate media reports subsequent to the unofficial election results announced early Sunday morning and throughout the process have unreasonably damaged my honor, character and integrity. For me to continue as an effective Commissioner under these circumstances is impossible.

Respectfully,

Roger L. Johnson

A handwritten signature in cursive script, appearing to read "Roger L. Johnson". The signature is written in black ink and is positioned below the typed name.

7-05-11

## RESIGNATION STATEMENT

Effective, this date 7-5-11, I regretfully resigned my position on the Cherokee Nation Election Commission. Events subsequent to the unofficial election results announced early Sunday morning and throughout the process, the inaccurate and misleading media reports through July 1<sup>st</sup>. are the reasons for this decision. My honor, character and integrity have been unreasonably damaged by untruths and misleading reports and conclusions. For me to continue as an effective Commissioner under these circumstances is impossible.

On Monday morning the Tulsa World's report on the election results contained untruths and misleading statements including;

1. The caption under Candidate Baker's photo, stating that a "recount changed the result". **Fact**, the only recount that ever occurred was the one ordered by the court on Thursday. How can a recount that never took place "change the results?"
2. The caption under Chief Smith's photo states the he "was initially declared the winner on Saturday night by a margin of fewer than 10 votes. **Fact**, the Commission never declared Chief Smith the winner Saturday night or anytime Sunday morning. However, at approximately 7am Sunday morning we announced **unofficially** that Mr. Baker was ahead by 11 votes. Obviously the Tulsa World and others don't understand the meaning of the word **unofficial**.
3. Within the context of the article the World reports, "After an all-night session of vote counting and recounting, Mr. Baker had won the election". **Fact**, there was only one vote count and never a recount of any ballots that night and early morning.
4. The untrue claim (#2) from above stating the 10 votes in favor of Chief Smith, "prompting the Election Commission to examine more than 250 challenged ballots that were originally disallowed from the vote total" Not true, **Fact**, as a part of the process, these challenged ballots are accepted and a review of every single one takes place. Those that the EC jointly agree should be counted, are counted and included in the final count as required by statute.

*These inaccurate statements by the Tulsa World set in motion the perception of wrongdoing by the Election Commission.*

The canvassing of the unofficial results that took place on Monday morning is a standard acceptable Election Commission function. Not one vote was ever recounted and recounted as reported by various news media. A review and recalculation (canvassing) of all of the tabulations and data entry was performed to assure the final count is correct and then certified. As a result, an error was found with the entry of an absentee tabulation sheet, resulting in a 20-vote gain in favor of Chief Smith. Two additional minor 1-vote errors were also discovered in other races that didn't affect the outcome. As a result of this review and corrections, we posted the certified official results that favored Chief Smith by 7 votes. As expected, this revelation resulted in the subsequent disputes, rumors and fabrications. Naturally the Baker campaign filed for a recount and the Court ordered the Commission to provide documents revealing the 20-vote error. I wanted the Commission to be as transparent as possible and provide them with a detailed explanation with documents as required by the order, however our Council, Mr. Cole and our

Election Service Consultant Mr. Rainey were of the opinion that the tabulation spread sheets were the only document required. Against my better judgment I reluctantly agreed with their legal and expert opinions. This resulted in the Baker campaign requesting that the Court hold me in contempt. Then on Thursday during the Supreme Court hearing the Justices again ordered a detailed explanation with documents. Our Consultants testimony and subsequent documents finally provided this acceptable information. In addition, at the hearing the Commission was required to prove that the election documents had been secured by chain of custody and not tampered with. The Commission accomplished this to the satisfaction of the Justices. The Court agreed that the two entries into the vault after lockdown to obtain tabulation information **did not** compromise the security of the election documents. However, during my testimony concerning the vault breaches, it was reported by the Cherokee Phoenix, that I had lied under oath and testified that the vault **had not** been opened after the initial lockdown. This statement as reported by the Phoenix is absolutely false. Had this been my testament, why didn't any of the large number of other media representatives present, especially the Tulsa World, report the same and why didn't the Justices during my subsequent testimony question me about this alleged perjured testimony. But more important, why would I lie, knowing that testimony forthcoming by Commission staff members and Mr. Rainey would indicate that there in fact were two breaches? My response to this, **Unbelievable!**

Concerning the recount on Thursday as ordered by the Court, hand recounts leave room for human errors, both in sorting and counting. Approximately 15,000 ballots were sorted and recounted by hand. After the tabulations were recorded for each groupings the ballots were placed back in the boxes and resealed or locked, assuring that they will not be recounted and secured for possible future action. After the recount the tabulations were added, and the Baker campaign prevailed by a difference of 266 votes. The Commission certified these results. However, this difference suggests that not all of the ballots were counted because of a comparison with the original machine vote. This difference in totals is expected to be challenged as provided by the statue by the Smith Campaign on Tuesday.

Speaking for the entire Commission, we are satisfied that we have performed our duties in complete compliance with the statues and to this point as ordered by the Court. However, because of misinformation, speculation and conclusions, the general perception of the candidates, the media and the Cherokee Nation Citizens is that this Election Commission is incompetent and ineffective. The Cherokee Phoenix also quoted Chief Smith saying, "I have lost faith in this Election Commission".

Moving forward, with the run-off only three weeks from now, I cannot effectively continue to serve as Chairperson under this cloud of doubt. The paramount reason for my decision to resign is the untrue, irresponsible and inaccurate articles reported by some of the media, especially the Tulsa World. But, most disturbing is the Cherokee Phoenix article suggesting that I committed perjury under oath. It is obvious to me that they made a politically motivated decision to discredit me. And for that, I am crushed.

I trust that the remaining members of the Commission and my successor continue with the Election process until complete. I regret that I will not be able to continue.

Respectfully,

Roger L. Johnson

