



CHEROKEE NATION ELECTION COMMISSION

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

AGENDA SPECIAL MEETING

Monday, February 27th, 2023

2:00 PM

- I. Call to order
- II. Roll call
- III. Approval of Minutes from the February 20th Special Meeting
- IV. Old Business
- V. Current Items
 - a. Hearing on the Challenge of Eligibility for the 2023 General Election
 - i. Brandon L. Girty Contest of Eligibility on Joseph Tali Byrd
- VI. Executive Session
 - a. Consideration of evidence of the Challenge of Eligibility for the 2023 General Election
 - b. Confidential discussion with attorney on pending litigation, claims, investigations or protests
 - c. Personnel
 - d. Exit Executive Session
- VII. Action from Executive Session
- VIII. Announcements
- IX. Adjourn

POSTED
2/24/23 8:15 AM

February 24, 2023 by 2:00 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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CHEROKEE NATION ELECTION COMMISSION

Special Meeting Minutes

February 27, 2023

I. Call to order

- The Special Meeting of the Cherokee Nation Election Commission was called to order by Chairperson Rick Doherty at 2:00 P.M.

II. Roll call

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

Rick Doherty – Chairperson
Pamela Sellers – Vice Chairperson
Shawna Calico – Secretary/Treasurer
Randy Campbell – Commissioner
Elizabeth Ballew – Commissioner

- Office staff present was: Marcus Fears
- Election Commission Attorney Harvey Chaffin was present.
- Election Commission Investigator Nick Goodwin was Present.

III. Approval of Minutes

- Chairperson Rick Doherty asked for approval and/or discussion regarding the minutes of the February 20th Special Meeting. Pam Sellers made a motion which was second by Elizabeth Ballew to table the February 20th Special Meeting minutes. The motion was approved by all Commissioners.

IV. Old Business

- None

V. Current Items

- Hearing on the Challenge of Eligibility for the 2023 General Election.
 - i. Brandon L. Girty Contest of Eligibility on Joseph Tali Byrd.
 1. Hearing was conducted.

VI. Executive Session

- Pam Sellers made a motion which was second by Elizabeth Ballew to enter Executive Session at 2:35 P.M. The motion was approved by all Commissioners.



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- Pam Sellers made a motion which was second by Elizabeth Ballew to exit Executive Session at 3:19 P.M. The motion was approved by all Commissioners.

VII. Action from Executive Session

- Chairman Rick Doherty read the decision of the Commission to approve the eligibility for Joseph Tali Byrd. Pam Sellers made a motion which was second by Elizabeth Ballew to approve the decision. The motion was approved by all Commissioners. (A copy of the decision was given to both parties.)

VIII. Announcements

- None

IX. Adjourn

- Elizabeth Ballew made a motion which was second by Pam Sellers to adjourn at 3:25 P.M. The motion was approved by all Commissioners. 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

February 20, 2023

To: Joseph Tali Byrd

~~jtbyrd@cherokee.gov~~

To: Brandon L. Girty

~~brandon.girty@cherokee.gov~~

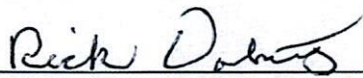
Notice is hereby given pursuant to Section 37 of Title 26 (Elections) of the Cherokee Nation Code Annotated that a contest of your eligibility as a Candidate for Tribal Council District 3 has been filed. A copy of said contest is attached.

Pursuant to the above Section 37 and pursuant to Section 2.09 of the Rules and Regulations of the Cherokee Nation Election Commission, (the "Commission"), notice is also given to the Candidate and Contestant that a hearing will be held by the Cherokee Nation Election Commission on February 27, 2023 at 2:00 PM, at the Election Commission office, 17763 S. Muskogee Ave, Tahlequah, OK 74464, at which the Commission will hear evidence and render it's decision. The Candidate and Contestant, and/or their respective legal counsel, may appear and present evidence and argument in support of their respective positions.

Dated this 20th day of February, 2023

Cherokee Nation Election Commission

BY:


Rick Doherty, Chairman

BEFORE THE CHEROKEE NATION ELECTION COMMISSION
OF THE CHEROKEE NATION

In Re: Challenge to the)
Eligibility of Joseph Tali)
Byrd, Candidate for) Eligibility Hearing No. 2023-1
Council, District 3 for)
the 2023 General Election)

Hearing Procedure

This hearing is being conducted pursuant to Section 37 of Title 26 of the Cherokee Code Annotated and the Rules and Regulations of the Commission. Notice of this Hearing has been given as provided by law to the Candidate, with a copy of the Protest. Proof of service on the Candidate and Contestant shall be made a part of the record.

The Procedure for this hearing will be as follows:

1. The Chairman will preside over the hearing and make any necessary rulings, and may consult with Commission legal counsel. Any Commission Member who disagrees with the Chairman's Ruling may request a voice vote by full Commission and the Majority vote shall control.
2. The parties, counsel for the parties and the audience should conduct their selves in a respectful and courteous manner and anyone creating a disturbance will be asked to leave.
3. The formal rules of evidence shall not apply unless the Commission in its discretion rules otherwise.
4. The Commission Members and Commission Attorney may ask questions at any time. Commission Members, Commission Staff or Commission Attorney may not be called as a witness.

5. The proceeding shall be recorded by a Certified Court Reporter, who shall also swear any witness.

6. First, the Commission shall make a part of the Record the Protest and Challenge, all Documents related to Eligibility submitted by the Candidate at the time of filing for Tribal Council and all Information obtained by the Commission pursuant to Authorization by the Candidate.

7. Second, the Protestant and Challenger shall be given the opportunity to present any evidence in support of their Protest and Challenge; and, the Candidate shall be allowed to cross exam any witness called and redirect and recross will be allowed. All Exhibits shall be marked and made a part of the record.

8. Third, the Candidate shall be given the opportunity to present any evidence in opposition to the Protest and Challenge; and, the Protestant and Challenger shall be allowed to cross exam any witness called and redirect and recross will be allowed. All Exhibits shall be marked and made a part of the record.

9. At the end of the evidence, the parties will be allowed closing arguments to the Commission within a time frame set by the Commission; and, after such closing argument, the Commission will consider the evidence in executive session.

10. The Commission will reconvene the hearing to render its decision.

Approved by the Cherokee Nation Election Commission on
February 20, 2023.

Cherokee Nation Election
Commission, Defendant

BY: Rick Doherty
Rick Doherty, Chairman

BEFORE THE CHEROKEE NATION ELECTION COMMISSION
OF THE CHEROKEE NATION

In Re: Challenge to the Eligibility of)
Joseph Tali Byrd, Candidate)
for Council, District 3 for)
the 2023 General Election)

Eligibility Hearing No. 2023 - 1

DECISION

Now on this 27th day of February, 2023, this matter came on for hearing before the Cherokee Nation Election Commission and the Contestant, Brandon Girty, appears in person and by and through his advisor John Parris and the Candidate Joseph Tali Byrd, appears in person and by and through his advisor, Raquel Anakalea.

The Commission, after hearing the evidence of witnesses, sworn and examined, examining exhibits introduced, the written challenge, written statements submitted and legal briefs and memos submitted, hearing arguments of counsel and after full deliberation, finds that the Challenge was timely filed by a Cherokee Citizen and Candidate for District 3; finds that Notice of this Hearing was given and served as provided by law; finds that the Contestant is an opposing Candidate for District 3 and authorized by law to challenge the eligibility of the Candidate; and, finds based on the evidence presented, the Candidate, Joseph Tali Byrd, is eligible to be a candidate for Council District 3.

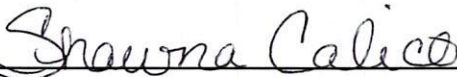
IT IS THEREFORE THE DECISION OF THE CHEROKEE NATION ELECTION COMMISSION that Joseph Tali Byrd, is eligible to be a candidate for Council District 3 for the Cherokee Nation 2023 General Election.

Dated this 27th day of February, 2023.

Cherokee Nation Election Commission

BY: 
Rick Doherty, Chairperson and Member

BY: 
Pamela Sellers, Vice-Chairperson and Member

BY: 
Shawna Calico, Secretary/Treasurer and Member

BY: 
Randy Campbell, Member

BY: 
Elizabeth Ballew, Member

CHEROKEE NATION ELECTION COMMISSION

 REGULAR MEETING

 ✓ SPECIAL MEETING

ELECTION COMMISSION PRESIDED BY: Rick Doherty

MEETING DATE: 2-27-23 at 2:01 AM 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:
See Attached

_____	_____
_____	_____
_____	_____
_____	_____

