

**MINUTES
SPECIAL MEETING
MAY 10, 2019
CHEROKEE NATION ELECTION COMMISSION**

Call to order/Roll call of Commissioners:

The meeting was called to order by Chairperson, Shawna Calico at 4:16 p.m.

Rick Doherty made a motion which was seconded by Pamela Sellers to excuse Randy Campbell from the meeting as he was out of town. The motion was approved by all commissioners present.

Commissioner Carolyn Allen called roll and a quorum was established with the following commissioners present:

Shawna Calico- Chairwoman
Pamela Sellers- Vice-Chairman
Carolyn Allen- Secretary/Treasurer
Rick Doherty- Commissioner

Office staff present were Marcus Fears and Connie Parnell.

Attorney Harvey Chaffin was present.

Guests present- list will be attached in the minutes book

Chairperson, Shawna Calico asked for discussion and/or approval of the minutes of the May 9, 2019 Special Meeting. Carolyn Allen asked for consideration to table the minutes of the May 9, Special Meeting as they were not complete as that meeting just took place yesterday. A motion was made by Rick Doherty and seconded by Pamela Sellers to table this set of minutes. The motion was approved by all commissioners.

Carolyn Allen asked if she could make a comment. She asked the staff to come into the meeting. She acknowledged the staff for their hard work, for their diligence and for them being respectful to citizens and candidates. She commented that the staff have experienced verbal abuse, been cursed at and been on the receiving end of many citizens who have exhibited this type of behavior. She herself was on the receiving end of a call today along with another staff member to which she described the events of the call as being demanding and on the lines of harassment. She commented she was respectful today but as a citizen and a Commissioner she was not going to accept that type of disrespect and if she herself was not going to accept that type of behavior she did not expect staff to be subjected to that type of behavior. She stated for any future issues with this she herself would be asking the citizen or candidate to refrain from this type of behavior and if they did not she would be ending the conversation and hanging up the phone if it were a phone call. She admonished the staff to do the same, stating they did not have to take that abuse any longer. She thanked them again and apologized for the behaviors they had been subjected to from citizens and candidates with demands and disrespectful behaviors.

Chairperson, Shawna Calico read a statement regarding the meeting today and the procedures that would be adhered to. She stated this was a public meeting, but there would not be any toleration of disruptive behavior and if such behaviors were exhibited, that person would be escorted out of the meeting by the Marshalls who were attending the meeting.

Old Business:

None

Current Items

None

Executive Session:

a.) Confidential discussion with attorney on pending litigation, claims, investigations or protests:

- 1.) Consideration and possible action on setting hearing date and notice of hearing pursuant to Section 11.C.12.f. and Section 38 of the Election Code for Principal Chief Candidate David Walkingstick

A motion was made by Rick Doherty and seconded by Pamela Sellers to enter executive session at 4:21 p.m. on this item on the agenda. The motion was approved. The commission entered executive session at 4:21 p.m.

b.) Personnel- none

c. Exit executive session-

A motion was made by Rick Doherty and seconded by Shawna Calico to exit executive session at 5:23 p.m. The motion was approved by all commissioners present. The commission exited executive session at 5:23 p.m.

Action from Executive Session:

A motion was made by Rick Doherty and seconded by Pamela Sellers to set a hearing date of Friday, May 17, 2019 at 9:00 a.m. at the Cherokee Nation Election office for Principal Chief Candidate David Walkingstick and to send notice of hearing with attachments to David Walkingstick. The motion was approved by all commissioners present.
(Attachment #1)

Announcements:

Connie Parnell announced there would be training for precinct officials tomorrow at 9:00 and 1:30 at the election office.

Adjourn:

Rick Doherty made a motion to adjourn 6:25 p.m. Meeting was adjourned.

Minutes Submitted by Carolyn Allen, Secretary
May 14, 2019

BEFORE THE CHEROKEE NATION ELECTION COMMISSION
OF THE CHEROKEE NATION

Cherokee Nation)	
)	
)	Hearing No: 2019-3
v.)	
)	
David Walkingstick, Principal)	
Chief Candidate)	

NOTICE OF HEARING

Notice is hereby given pursuant to Section 38 of Title 26 (Elections), that accusations have been made that may subject you to penalties and/or disqualification from candidacy.

A HEARING will be held at the Cherokee Nation Election Commission, located at 17763 S. Muskogee Ave, Tahlequah, OK 74464 on the 17th day of May, 2019 at 9:00 am.

Pursuant to Section 11 of Title 26 an accusation concerning your candidacy was referred to the Office of the Attorney General. The Office of the Attorney General submitted an Investigative Memorandum and Attachments on May 9, 2019, which is attached as Exhibit 1.

Section 11. C. 12. f. of Title 26 (under Duties of the Commission) provides that: “. . . Any accusations concerning campaign activities shall be reported to the Cherokee Nation Attorney General for investigation. Should the Cherokee Nation Attorney General find merit, a report to the Cherokee Nation Election Commission will be made for possible assessment of penalties and/or disqualification under the procedures found at Title 26 Section 38 of the Cherokee Nation Code Annotated.”

You are alleged to have violated Section 44(G) of Title 26: “Nor shall any candidate, financial agent or citizen offer or provide something of value intended to influence the vote of a voter of the Cherokee Nation.” See specific factual allegations in Exhibit 1. Per Section 45(A): “Any candidate . . . who has violated any requirement or prohibition in Sections 43 and 44 . . . shall be subject to disqualification by the Election Commission as provided under Section 38 of this Title.”

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."

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 10th day of May, 2019.

Cherokee Nation Election Commission

By Shawna Calico
Shawna Calico, Chairperson

Cherokee Nation Election Commission
Special Meeting Sign-in Sheet
May 10, 2019 4:00 PM

Print Name	Signature
Chrissi Nimmo	
Corey Jones	
Brinley Hutson	
Paul Thompson	
Leed Fambree	
Chad Hunter	