



CHEROKEE NATION ELECTION COMMISSION

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

AGENDA

SPECIAL MEETING

Friday, April 21st, 2023

5:00 PM

- I. Call to order
- II. Roll call
- III. Approval of Minutes from the April 11th Regular Meeting
- IV. Old Business
 - a. Approval of Minutes from the April 4th Special Meeting
- V. Current Items
- VI. Executive Session
 - a. Confidential discussion with attorney on pending litigation, claims, investigations or protests
 - 1. Consideration and possible action regarding Hoskin Warner letter
 - 2. Consideration and possible action regard Cornsilk complaint
 - b. Personnel
 - c. Exit Executive Session
- VII. Action from Executive Session
- VIII. Announcements
- IX. Adjourn

POSTED
4/20/23 4pm

April 20, 2023 by 5:00 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

Friday, April 21st, 2023

I. Call to order

- The Special Meeting of the Cherokee Nation Election Commission was called to order by Chairperson Rick Doherty at 5:00 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
Randy Campbell – Absent
Elizabeth Ballew – Commissioner

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

III. Approval of Minutes

- Chairperson Rick Doherty asked for approval and/or discussion regarding the minutes of the April 11th Regular Meeting. Pam Sellers made a motion, which was second by Elizabeth Ballew to table the April 11th Regular Meeting minutes. The motion was approved by all Commissioners.

IV. Old Business

- Chairperson Rick Doherty asked for approval and/or discussion regarding the minutes of the April 4th Special Meeting. Pam Sellers made a motion, which was second by Elizabeth Ballew to table the April 4th Special Meeting minutes. The motion was approved by all Commissioners

V. Current Items

- None

VI. Executive Session

- Pam Sellers made a motion, which was second by Elizabeth Ballew to enter Executive Session at 5:02 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 4:35 P.M. The motion was approved by all Commissioners.

VII. Action from Executive Session

- Pam Sellers made a motion, which was second by Elizabeth Ballew to send a response letter to Chief Hoskin and Deputy Chief Warner regarding their request. The motion was approved by all Commissioners.
- Pam Sellers made a motion, which was second by Randy Campbell to send a response letter and a copy of AG opinion 2015-CNAG-01 to Mr. Cornsilk regarding his complaint. The motion was approved by all Commissioners.

VIII. Announcements

- None

IX. Adjourn

- Pam Sellers made a motion, which was second by Elizabeth Ballew to adjourn at 5:37 P.M. The motion was approved by all Commissioners. The meeting was adjourned.

Minutes submitted by Shawna Calico, Secretary/Treasurer

Shawna Calico

Marcus Fears

From: Abby Hickman <abby@hoskinwarner.com>
Sent: Wednesday, April 19, 2023 10:10 AM
To: Marcus Fears
Subject: <EXTERNAL> Letter Requesting Cure Period
Attachments: For CNEC_Absentee Cure Period_Support Letter.docx.pdf

NOTICE: THIS EMAIL CONTAINS AN ATTACHMENT SENT FROM AN EXTERNAL SENDER.
IF YOU DO NOT KNOW THE SENDER OR WERE NOT EXPECTING THIS EMAIL,
DO NOT OPEN ANY EMAIL ATTACHMENTS AND DELETE THIS MESSAGE.
Thank you: The Cherokee Nation - Information Technology Department

Hello Marcus,

Attached is a letter from Chief Hoskin and Deputy Chief Warner requesting a cure period for absentee ballot requests and new voter registrations for those Cherokee citizens who were misled on the proper submission process for those forms, resulting in them being unable to vote or participate in this election.

Please forward this letter to other members of the Cherokee Election Commission.

Also, thank you for your tireless work to process the remainder of the absentee ballot requests and voter registrations as we move deeper into this election cycle.

Wado,

Abby Hickman.

--

For general inquiries, message info@hoskinwarner.com
[Donate to Principal Chief Chuck Hoskin, Jr.](#)
[Donate to Deputy Principal Chief Bryan Warner.](#)
[Visit our website.](#)
GV for your support!



Dear Election Commissioners:

We believe the more Cherokees vote in elections, the stronger our Nation becomes. We applaud the work this commission has done to make voting easier and more transparent over the past decades.

We are aware that Cara Cowan Watts and David Walkingstick, candidates for Principal Chief and Deputy Principal Chief, encouraged voters to register to vote and request absentee ballots using electronic signatures. We know that using electronic signatures to register to vote or request an absentee ballot is in clear violation of Cherokee election law. We believe that any person running for public office in the Cherokee Nation – especially to be Principal Chief or Deputy Principal Chief – should abide by our laws. To mislead voters and encourage them to register to vote and request an absentee ballot in direct violation of the law is not only wildly irresponsible, but it also disenfranchises Cherokees who want to participate in our elections and robs them of their opportunity to vote.

Quite simply, it is inherently unfair to the Cherokees who were led to believe their votes would be counted to have their voter registration or absentee ballot requests denied through no fault of their own, but because of the negligence of other candidates.

The Cherokee Constitution is very clear that as Principal Chief and Deputy Principal Chief, we do not have the authority to compel the Election Commission to take any action. Thus, we are writing to you as Cherokee citizens requesting the Commission grant a cure period to allow any Cherokee voter who fell victim to our opponents' negligent actions be allowed to vote. Cherokees who submitted voter registration forms or requests for absentee ballots prior to the respective deadlines and whose requests were denied should be allowed to resubmit those forms with handwritten signatures in compliance with the Nation's laws. We understand that there is a very short window of time for the Commission to process their requests in a timely manner and still meet the demands of the election calendar.

We recognize that the overwhelming majority of these spoiled forms were done at the behest of an opposing campaign. We further recognize that the clear majority of these voters will most likely not vote in favor of our reelection.

We believe, however, that voting is too important to have decisions on such matters made through a political lens based on which campaign it benefits. Voter participation strengthens the Cherokee Nation. That is the only lens that matters.

We recognize the election commission is an independent body, we greatly value the work commissioners and staff undertake to conduct Cherokee elections, and we ultimately respect whatever actions, if any, the Commission takes in this matter.

Wado

Chuck Hoskin Jr.
Bryan Warner

April 19, 2023

Chuck Hoskin, Jr.
Bryan Warner
C/O Abby Hickman

VIA E-Mail: abby@hoskinwarner.com

Dear Citizen Hoskin and Citizen Warner:

The Cherokee Nation Election Commission (hereinafter the "Commission") is in receipt of an undated and unsigned letter, purportedly from you as Citizens, with your names typed at the bottom (Copy Attached), received from Abby Hickman VIA E-Mail this morning.

The letter apparently requests the Commission to extend times set by Cherokee Nation Council Enactment to allow Cherokee Citizens to properly register to vote and/or to request Absentee Ballots.

As you may be aware, the Cherokee Nation Attorney General issued Opinion Number: 2023-CNAG-01 on March 23, 2023 (Copy Attached), which holds that electronic signatures are not allowed under Cherokee Nation Election Law.

Within two business days of receiving the Opinion, Commission Staff notified by E-Mail all parties who had submitted Registrations with Electronic Signatures of the Attorney General's Opinion, attaching a copy thereof, advising that under the Opinion their Registration could not be accepted, attaching a Commission Registration Form and advising that the Registration Form completed in compliance with the Attorney General's Opinion must be submitted to the Election Commission on or before the Registration deadline of March 31, 2023, at midnight.

With two additional business days, Commission Staff notified by E-Mail all parties who had submitted Absentee Ballot Requests with Electronic Signatures of the Attorney General's

Opinion, attaching a copy thereof, advising that under the Opinion their Absentee Ballot Request could not be accepted, attaching a Commission Absentee Ballot Request Form and advising that the Absentee Ballot Request Form completed in compliance with the Attorney General's Opinion must be submitted to the Election Commission on or before the Absentee Ballot Request deadline of April 10, 2023, at midnight.

The Commission has followed law as it existed after the issuance of the subject Attorney General's Opinion and has demonstrated herculean efforts to notify all effected parties of the Opinion and need to properly timely complete and return new Registration and Absentee Ballot Request Forms.

Section 105. B. of Title 26 of CNCA, provides:

" . . . the Cherokee Nation Attorney General shall upon submission of a question of law by the Election Commission . . . give an official opinion that shall have the force of law in Cherokee Nation until a differing opinion or order is entered by a Cherokee Nation Court, or upon legislative action by the Council."

To the knowledge of the Commission, a differing opinion has not been issued, no order has entered by a Cherokee Nation Court, nor has there been legislative action by the Council; therefore, Cherokee Nation Attorney General Opinion 2023-CNAG-01 is still the law. The Commission has no legal authority to change the law.

We understand and appreciate the sentiments expressed in your letter; however, the Commission has always followed the law and must continue such practice in order that the confidence the Commission has established in Cherokee Elections over the past decade, by following the law, continue.

The Election law enacted by the Council has established timelines for various steps in the election process. Changing such timelines effect subsequent timelines. If the law were amended by the Council to extend the time to properly submit registrations and Absentee ballot request, it could also require an extension of the election dates; and, could place in jeopardy the BIA approval of the Election Law for the Chief's election.

Cherokee Nation Election Commission

By: 
Rick Doherty, Chairman

IN AND FOR THE CHEROKEE NATION ELECTION COMMISSION

DAVID CORNSILK)

Complainant)

)

v.)

Complaint No. _____

)

CHUCK HOSKIN JR.)

Respondent)

APR 20 '23 AM 9:34

PURPOSE

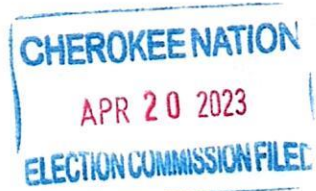
COMES NOW, David Cornsilk, a certified candidate for the office of Principal Chief (hereinafter Complainant) and hereby files this Complaint to the Honorable Election Commission (hereinafter Commission), for the purpose of determining violations of Cherokee Nation Legislative Act 14-22, Chapter 5, Section 43, Part A and C (hereinafter the Act) by a candidate for the office of Principal Chief which states in Part A. 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; and in relevant portion of Part C. Contribute to any Cherokee Nation campaign or candidate; and in relevant portion of Part. C. Contributions on behalf of another; contributions in name of Minor; reimbursements. No person shall knowingly make or authorize campaign contribution or political expenditure in the name of or on behalf of another person. No contribution shall be made in the name of a minor. No person shall directly or indirectly reimburse another for a contribution to a candidate...

PARTIES

1. Complainant is a citizen by blood of the Cherokee Nation and candidate for the office of Principal Chief, as certified by the Cherokee Nation Election Commission, with an office located in Tahlequah, Oklahoma, within the Cherokee Nation Reservation.
2. Respondent Chuck Hoskin Jr. (hereinafter Respondent) is a citizen by blood of the Cherokee Nation and candidate for the office of Principal Chief, as certified by the Cherokee Nation Election Commission, with an office located in Tahlequah, Oklahoma, within the Cherokee Nation Reservation.

JURISDICTION AND STANDING

The Commission has jurisdiction over civil enforcement of the Cherokee Nation Campaign Finance Laws and determination of violations of the Act referenced above.



Complainant has standing to file this complaint per Section 45, Part E of the Act which states in pertinent part: "No third part complaints, unless a candidate is unopposed, only opposing candidates shall have the right to file a complaint related to the Financial Disclosure Report. Complainant is an opposing candidate of Respondent.

COMPLAINT

Respondent, by and through his duly appointed Financial Officer, did accept campaign contributions in violation of the above and reference laws of the Cherokee Nation by accepting cash from individuals who received the donation from another individual. Those parties listed on Respondent's February Financial Report filed March 15 2023 (attached and hereinafter the Report). Respondent provided an itemized list of donors in numerical order to the left of their names and includes occupation, address, date of contribution and amount. The total contributions from the questionable individuals listed a total of \$62,500 and includes the following listed individuals as "homemakers" indicating they have no job or source of income other than their spouse:

#29 AMY KOUTELAS 6408 High Drive, Mission Hills KS 66208 Spouse: #28 Curt Koutelas
#74 WENDY DRUMMON 1500 S. Utica, Apt. 400, Tulsa, OK 74104 Spouse: #228 Getner Drummond
#94 ANNIE E. BILBY 506 W. 80th Pl., Tulsa, OK 74133 Spouse unknown
#99 TRACY FULTON 9519 S. 88th E. Ave., Tulsa, OK 74133 Spouse: #98 Mark A. Fulton
#193 MARY MARGARET STARR Route 6, Box 1785, Stilwell, OK 74960 Spouse: #316 Alan Starr
#200 SAMANTHA D. WALKER 4512 Mockingbird Lane, Dallas, TX 75205 Spouse: #201 Robert William Shearer
#222 DEBORAH K. BARGER 10903 S. Ivy St., Jenks, OK 74037-5015 Spouse: unknown
#276 BECKY CARTER P.O. Box 420, Gore, OK 74435-5015 Spouse: #277 Dan Carter
#280 TRACY HALPAIN 901 N. 547 Red., Hulbert, OK 74441-3696 Spouse: #281 Jerry Don Halpain
#282 RONDA SLATON 4321 W. Roadrunner Dr., Hulbert, OK 74441 Spouse #149 Shawn B. Slaton
#293 SANDRA BERRY 3501 S. Parkhill Red., Tahlequah, OK 74464 Spouse: #311 Bill Berry
#297 DIANA BAKER 303 W. Keetoowah St., Tahlequah, OK 74464 Spouse #298 Tim Keith Baker
#308 AMBER GEORGE 802 N. Legion Dr., Tahlequah, OK 74464 Spouse #309 Buck Charles George

Complainant recognizes and acknowledges being a homemaker is an honorable undertaking and likely among the most difficult jobs in the world, however, the letter and meaning of Cherokee Nation law is clear, a campaign contribution must come from one's own income and cannot be given to the individual by another person, not even a spouse. Marriage is not cover for the sharing of funds to make campaign contributions because the law states any partnership or legal entity is prohibited and makes no exception for marriage. Complainant calls for the Election Commission to demand each of these

individuals prove with financial records from both themselves and their spouse, the source of their contributions.

PRAYER AND RELIEF

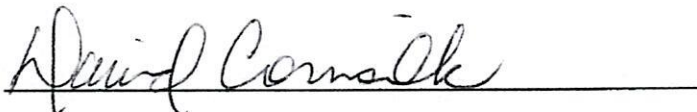
WHEREFORE, all premises considered, complainant prays for the following relief:

1. Complainant asks the Commission to call for a disqualification hearing on these allegations against Respondent, according to Chapter 3, Section 43, 44, 46, 48 and/or 104 of the above and mentioned Title, which states in pertinent part: "The Election Commission shall initiate a disqualification hearing" or any other authority known or unknown granting authority to the Commission to initiate disqualification hearings against candidates.
2. Complainant further requests the Commission refer these allegation to the Cherokee Nation Attorney General and Cherokee Nation Marshal for consideration regarding criminal prosecution against Respondent and his accomplices, disqualification of Respondent and appropriate sanction against others as they may be discovered.
3. Complainant requests such further and other legal and equitable relief as the Commission may deem just and necessary under the circumstances.

RESERVATION OF RIGHTS

Complainant reserves all rights that he may possess as a candidate, citizen and complainant to call witnesses, provide evidence, take testimony, examine and cross-examine witnesses and give his own testimony at any hearing called by the Commission on this matter and requests all communication between said Commission, Respondent and Complainant to be in writing. Complainant reserves all rights granted to him under Section 45, Part B of the Act – Civil Damages.

DATES this 19th day of April, 2023



David Cornsilk, Complainant and Candidate for Principal Chief

Cherokee Nation Election 2023

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served by means of the following:

____ First Class Mail, or X Email, or ____ Fax upon:

Chuck Hoskin Jr.

Chuck-hoskin@cherokee.org

CHEROKEE NATION ELECTION COMMISSION

 REGULAR MEETING

 ✓ SPECIAL MEETING

ELECTION COMMISSION PRESIDED BY: Rick Doherty

MEETING DATE: 4/21/23 at 5:00 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:
