



## **CHEROKEE NATION ELECTION COMMISSION**

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

### **AGENDA**

### **SPECIAL MEETING**

*Tuesday, May 9<sup>th</sup>, 2023*

*5:00 PM*

- I. Call to order
- II. Roll call
- III. Approval of Minutes from the May 9th Regular Meeting
- IV. Old Business
- V. Current Items
- VI. Executive Session
  - a. Confidential discussion with attorney on pending litigation, claims, investigations or protests
    - 1. Consideration and possible action regarding Trae Ratliff complaint
    - 2. Consideration and possible action regard Noah Cooke complaint
  - b. Personnel
  - c. Exit Executive Session
- VII. Action from Executive Session
- VIII. Announcements
- IX. Adjourn

**POSTED**  
2:39pm 5/8/23

May 8, 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**

Tuesday, May 9, 2023

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

- The Special Meeting of the Cherokee Nation Election Commission was called to order by Chairperson Rick Doherty at 5:01 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 May 9<sup>th</sup>, 2023 Regular Meeting. Pam Sellers made a motion, which was second by Pam Sellers to table the May 9<sup>th</sup>, 2023 Regular Meeting minutes. The motion was approved by all Commissioners.

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

- None

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

- None

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

- Pam Sellers made a motion which was seconded by Elizabeth Ballew to enter Executive Session at 5:03. The motion was approved by all Commissioners.
- Pam Sellers made a motion which was seconded by Elizabeth Ballew to exit Executive Session at 6:04. The motion was approved by all Commissioners.



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

- Pam Sellers made a motion which was seconded by Elizabeth Ballew to send a letter to Trae Ratliff regarding his complaint. (See Attached)
- Pam Sellers made a motion which was seconded by Elizabeth Ballew to send a letter to Noah Cooke regarding his complaint. (See Attached)

### **VIII. Announcements**

- None

### **IX. Adjourn**

- Pam Sellers made a motion, which was second by Elizabeth Ballew to adjourn at 6:09 P.M. The motion was approved by all Commissioners. The meeting was adjourned.

Minutes submitted by Shawna Calico, Secretary/Treasurer

Shawna Calico

## Marcus Fears

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**From:** Trae Ratliff <traeratliff@gmail.com>  
**Sent:** Wednesday, May 3, 2023 3:44 PM  
**To:** Marcus Fears  
**Cc:** Allison George; Charlene Keys; Connie Parnell; Kendal Bishop  
**Subject:** <EXTERNAL> Formal Complaint  
**Attachments:** Flashlight.jpg; Penlight.jpg; Scan20230503134219.pdf

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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

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To whom it may concern,

Please find the attached complaint and evidence.

Sincerely,  
Trae



**BEFORE THE  
CHEROKEE NATION ELECTION COMMISSION**

Trae Ratliff  
Candidate  
Cherokee Nation District 1

Complainant,

**V.**

Cherokee Nation Election Commission

Respondent,

**COMPLAINT**

This complaint is filed pursuant to Cherokee Nation Legislative Act 14-22 ("Act") against the Cherokee Nation Election Commission ("Respondent") for violating said Act and the Cherokee Nation Constitution ("Constitution") by failing to ensure the secrecy of voted absentee ballots.

**FACTUAL BACKGROUND**

Respondent CNEC provides a process for Cherokee voters to vote via absentee ballot. The absentee ballots were mailed to voters on April 25 & 26; voting by absentee ballot is currently in process.

**LEGAL STANDARDS**

**A. Jurisdiction**

Respondent CNEC has jurisdiction over civil enforcement of the Cherokee Nation campaign laws and determination of violations of the Act referenced above.

### **B. Constitution**

The Cherokee Nation Constitution dictates that: *"All elections shall be determined by secret balloting."* Article IX, Section 3, Election.

### **C. Secrecy Envelope**

The Act requires that the secrecy envelope ensures the secrecy of the voted ballot, and that is devoid of any identifying information (Chap. 6 §77, B.) as any *'Each Absentee Ballot or set of ballots shall be accompanied by envelopes designed to ensure the secrecy of the ballot, including an inner Secrecy Envelope for the ballot, designed to be devoid of any identifying information at the time of opening...'*

### **LEGAL ANALYSIS**

Respondent CNEC has provided Absentee Voters with ballots that contain a critical flaw: one is able to shine a light through the voted and sealed absentee ballot in order to clearly view the vote that was cast by the voter. In a clear violation of the Act and Constitution; the Absentee Ballots are not devoid of identifying information, nor do they provide for elections to be determined by secret balloting. Providing standard 'security' envelopes that are used in everyday business practice would resolve this issue. Security Envelopes provide a pattern that protects personal information from being read through the envelope when held up to the light.

There is no law in the Cherokee Nation against ballot harvesting by individuals and campaigns. Ballot harvesting has become a standard practice in Cherokee Nation elections.

Respondent has provided Absentee Ballots that expose citizens votes to the groups who ballot harvest and to potential malfeasance.

### **REQUESTED ACTION**

In light of the foregoing, the Election Commission should immediately take the necessary action to replace all 'Secrecy' envelopes with 'Security' envelopes that ensure the secrecy of the Cherokee People's vote in our elections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Trae Ratliff', with a long horizontal line extending to the right.

Trae Ratliff

## **Cherokee Nation Election Commission**

# **Memo**

FROM: Cherokee Nation Election Commission

SUBJECT: Trae Ratliff - Complaint

DATE: 05/09/2023

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The envelopes used in the 2023 Election are the same that have been used by the Commission in prior elections and the Commission has never been notified of a problem with the envelopes.

We understand the same envelopes are used by the State of Oklahoma and local governments in their elections.

The absentee ballots have been mailed on April 25<sup>th</sup>, the date provided by the Cherokee Nation Election Code and nothing can be done to change the envelopes at this time.

The Commission has previously established procedures to ensure once the ballot is received in the Commission Office that its secrecy is maintained.

The Commission encourages the voter to personally mail the envelope or to drop it in the drop box at the office of the Commission on May 27, 30 or 31 and June 1 or June 3, 2023, between the hours of 7am and 7pm.

However, to eliminate any question, the Commission has investigated its ability to obtain heavier envelopes for the Run-Off and future elections and has been advised that its supplier can provide such envelopes.

Thank You,  
Rick Doherty  
Chairperson  
Cherokee Nation Election Commission



## Marcus Fears

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**From:** noah cooke <noahcooke1959@gmail.com>  
**Sent:** Saturday, May 6, 2023 3:04 PM  
**To:** Election Commission  
**Subject:** <EXTERNAL> Chuck Hoskin using cheokee tribal money to campaign

- To
- Rick Doherty - Chairman
- Pamela Sellers - Vice Chairman
- Shawna Calico - Secretary/Treasurer
- Randy Campbell - Commissioner
- Elizabeth Ballew - Commissioner

The purpose of this letter is to protest the fact that our present Chief Chuck Hoskin is traveling the places like California ,Texas ,and Kansas using Cherokee tribal money and resources to visit at large Cherokees for the purpose of campaigning for reelection. Anyone can see that this a clear abuse of power and miss use of tribal money to benefit his reelection campaign. Allowing him to continue this practice will make you complicit in this blatant misappropriation of our tribal resources. This needs to stop at once.Consider this a complaint.

Noah Cooke  
Cherokee citizen

**Cherokee Nation Election Commission**

# Memo

FROM: Cherokee Nation Election Commission

SUBJECT: Noah Cooke - Complaint

DATE: 05/09/2023

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The Cherokee Nation Election Commission met in a duly called meeting Tuesday, May 9, 2023 to consider the complaint you emailed on May 6, 2023 and found that there is no evidence of violation of the Election Law and therefore no action will be taken on the complaint.

Thank You,  
Rick Doherty  
Chairperson  
Cherokee Nation Election Commission

# CHEROKEE NATION ELECTION COMMISSION

   REGULAR MEETING

☒ SPECIAL MEETING

ELECTION COMMISSION PRESIDED BY: Rick Doherty

MEETING DATE: 5-9-23 at 5:01 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:

Chad Hunter \_\_\_\_\_

Felix Rodriguez \_\_\_\_\_

Grace ~~Estroff~~ Rolliff \_\_\_\_\_

\_\_\_\_\_

Special Meeting Sign-in Sheet  
Tuesday, May 9, 2023 5:00PM

[illegible]