

**Cherokee Nation Election Commission
Special Meeting
EMS Conference Meeting Room
March 19, 2013**

Minutes

CALL TO ORDER/ROLL CALL:

The Special Meeting of the Election Commission was called to order at 9:00 a.m. Roll Call was taken and a quorum was established. In attendance were:

Commission - Bill W. Horton – Chairman
Lindsay Earls – Vice-Chair
Martha Calico – Secretary/Treasurer
Shawna Calico - Commissioner
Carolyn Allen - Commissioner

Office Staff - N/A – Hearings recorded

Guests -	Harvey Chaffin – EC Attorney	Todd Hembree
	Dink Scott	Steve Carpenter
	Donna Chupp	Janees M. Taylor
	Cara Cowan Watts	Clifford Magee
	Buel Anglen	B Taylor
	Kathy Robinson	Jack D. Baker
	Elizabeth Blackwell	Amanda Proctor
	Melvina Shotpouch	Meredith Frailey
	Justin Carlton	Gayle Ross
	Patricia E. Carpenter	Don Garvin
	Lonus Mitchell	David Thornton III
	Chuck Hoskin, Jr.	Dianne Barker Harrold
	Jami Custer	Ed Crittenden

APPROVAL OF MINUTES:

N/A

MINUTES:

A motion was made by Carolyn Allen to hear all arguments in open meeting. The motion was seconded by Shawna Calico. A vote was taken and the motion was approved unanimously.

Chad Smith appeared and presented arguments on behalf of Meredith Frailey, Don Garvin and Jack D. Baker. Mr. Smith made a request for disqualification of Commissioner Lindsay Earls. Mr. Smith was told that an opinion was previously issued by the Attorney General stating that there was no conflict in having Ms. Earls serve as an

Election Commissioner. A motion was made by Carolyn Allen to deny Mr. Smith's request. The motion was seconded by Shawna Calico. A vote was taken and the motion was approved with a vote of 3 yeas and 1 abstain.

Bill W. Horton

Lindsay Earls Abstain

Martha Calilco Yes

Shawna Calico Yes

Carolyn Allen Yes

Mr. Smith presented further information regarding term limits.

Charles Hoskin, Jr. appeared on his and Curtis Snell's behalf. Mr. Hoskins made arguments regarding the term limits and 6 year Tribal Council terms.

David W. Thornton appeared pro se. Mr. Thornton discussed information regarding the term limits and the previous cases which set precedent over this issue. Mr. Thornton stated that there was also an Opinion by the previous Attorney General in regards to term limits.

Amanda Proctor appeared on behalf of Justin Carlton in his challenge of candidacy against Don Garvin. Ms. Proctor argued against the previous Opinions which addressed term limits. Ms. Proctor stated that the challenges brought forth lie with this body (Election Commission) and not the courts. Ms. Proctor stated that her interpretation of the Constitution gave the Election Commission sole authority to make decisions on candidate eligibility and any procedural rules set by the Nation and/or Court encroached on the Election Commissions authority to rule on whether a candidate is eligible.

Chad Smith appearing for Don Garvin cites the term limit case and states that the Ruling is clear on the elected officials of 2007 who chose to run in the 2011 elections. Mr. Smith further requests that the Election Commission sanction Mr. Carlton for the blatant disregard of the Supreme Court's ruling and bringing forth the challenge.

Amanda Proctor appeared on behalf of Dink Scott in his challenge of candidacy against David W. Thornton. Ms. Proctor states that she brings forth the same oral arguments that she brought against Mr. Don Garvin. Ms. Proctor states that Mr. Thornton is subject to disqualification under the same arguments. She requests for the Election Commission to find Mr. Thornton ineligible.

David Thornton states that he has the same argument and comments as presented earlier.

Clifford Magee appears on behalf of Janees Taylor in her challenge of candidacy against Meredith Frailey. Mr. Magee states that the case cited for term limits (Election Commission v Smith) has inclusions. Mr. Magee states that there is nothing in the Court Order of Constitution that states whether the 1999 constitution is retroactive. Mr. Magee states that the 1999 constitution was effective when Ms. Frailey took the oath on August 2003. He asks that the Election Commission disqualify Ms. Frailey and have her appeal to the Supreme Court if she does not agree with the Opinion of the Election Commission.

Chad Smith appears on behalf of Meredith Frailey and requests that the Election Commission overrule Mrs. Taylors challenge and that she can take the appeal to the Supreme Court.

A motion is made by Martha Calico at 10:10 a.m. to have a break and to reconvene in ten minutes. The motion is seconded by Lindsay Earls. A vote is taken and the motion is approved unanimously.

A motion is made by Lindsay Earls to reconvene the hearings at 10:25 a.m. The motion is seconded by Shawna Calico. A vote is taken and the motion is approved unanimously.

Chad Smith appears on behalf of Elizabeth A. Blackwell and Matthew Dawson in their challenge for candidacy against Melvina Shotpouch. Mr. Smith asks the Election Commission for approval to combine agenda items 6 and 7. A motion is made by Lindsay Earls at the request of Mr. Smith to combine agenda items number 6 and 7. The motion is seconded by Shawna Calico. A vote is taken and the motion is approved unanimously.

Mr. Smith states that the main issue with Ms. Shotpouch's challenge involves the boundary line of the district. After confirmation of Ms. Shotpouch's address from the Election Commission, Mr. Smith submitted exhibits in regards to his argument. A motion was made by Lindsay Earls to accept the exhibits. The motion was seconded by Carolyn Allen. A vote was taken and the motion was approved unanimously.

Mr. Smith presented the exhibits and made his argument that the boundary lines were changed illegally and that Ms. Shotpouch's residence was not in the boundary of the District for which she filed.

Melvina Shotpouch appeared pro se and stated that based on the information presented post hearing and to her knowledge, she lived inside the boundary. (Of the district for which she filed)

Mr. Chaffin told all parties that the Election Commission may address the issues presented today at this time or at any other time before Monday, March 25, 2013. The Election Commission will issue a written Order for each case and each party will have the right to appeal the decision to the Supreme Court within five (5) days of the Order.

A motion was made by Lindsay Earls to make the decisions in an open meeting. The motion was seconded by Carolyn Allen. A vote was taken and the motion was approved unanimously.

Discussion was held regarding Robin Mayes challenge for candidacy against Meredith Frailey, Don Garvin and David Thornton. Mr. Chaffin stated that the Election Commission was a party to that suit and the Commission is bound by the ruling of the Supreme Court. A motion was made by Lindsay Earls to deny the challenge brought forth by Robin Mayes against Meredith Frailey, Don Garvin, and David Thornton. The motion was seconded by Carolyn Allen. A vote was taken and the motion was approved unanimously.

A motion was made by Lindsay Earls to deny Robin Mayes's term limit challenge against Jack D. Baker, Curtis Snell, Charles Hoskin, Jr, Meredith Frailey, Don Garvin, and David W. Thornton. The motion was seconded by Shawna Calico. A vote was taken and the motion was approved unanimously.

A motion was made by Lindsay Earls to deny Justin Carlton's challenge of candidacy against Don Garvin. The motion was seconded by Carolyn Allen. A vote was taken and the motion was approved unanimously.

A motion was made by Carolyn Allen to deny Dink Scott's challenge of candidacy against David W. Thornton. The motion was seconded by Lindsay Earls. A vote was taken and the motion was approved unanimously.

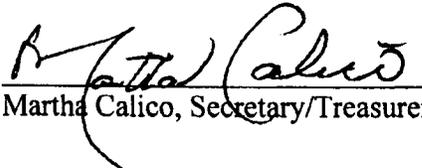
A motion was made by Lindsay Earls to deny Janees Taylor's challenge of candidacy against Meredith Frailey. The motion was seconded by Carolyn Allen. A vote was taken and the motion was approved unanimously.

A motion was made by Carolyn Allen to recess and reconvene the meeting in ten minutes. The motion was seconded by Lindsay Earls. A vote was taken and the motion was approved unanimously.

A motion was made by Martha Calico to reconvene the meeting. The motion was seconded by Lindsay Earls. A vote was taken and the motion was approved unanimously.

Discussion was held regarding the challenges for candidacy against Melvina Shotpouch. Mr. Chaffin stated that the Supreme Court recently ruled that the Redistricting Act passed by the Tribal Council was constitutional. After further discussion a motion was made by Carolyn Allen to deny Elizabeth A. Blackwell and Matthew Dawson's challenge of candidacy against Melvina Shotpouch. The motion was seconded by Shawna Calico. A vote was taken and the motion was approved unanimously.

A motion was made by Lindsay Earls to adjourn at 11:30 a.m.


Martha Calico, Secretary/Treasurer