



CHEROKEE NATION ELECTION COMMISSION

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

AGENDA REGULAR MEETING

Tuesday, August 13th, 2024

4:00 P.M.

- I. Call to order
- II. Roll call
- III. Approval of Minutes from the August 6th Special Meeting
- IV. Administrator's Report
- V. Election Director's Report
- VI. Attorney's Report
- VII. Old Business-None
- VIII. Current Items
 - a. Consideration and possible action on amending Election Commission Rules & Regulations
- IX. Executive Session
 - a. Confidential discussion with attorney on pending litigation, claims, investigations or protests
 - b. Personnel
 1. Consideration and possible action on the Performance Evaluation of the Election Director
 2. Consideration and possible action on the Performance Evaluation of The Administrator
 3. Consideration and possible action on accepting the Performance Evaluation of Staff; Clerk I Clerk II & Clerk III
 4. Consideration and possible action regarding Performance Incentive Awards
 - c. Exit Executive Session
- X. Action from Executive Session
- XI. Announcements
- XII. Adjourn

POSTED
8/2/24 3pm

August 2, 2024 by 4:00 PM
Cherokee Nation Election Office
17763 S. Muskogee Ave
Tahlequah, OK 74464

Chairperson: Rick Doherty

Posted by: _____

CHEROKEE NATION ELECTION COMMISSION

REGULAR MEETING SPECIAL MEETING

ELECTION COMMISSION PRESIDED BY: Rick Doherty

MEETING DATE: 8-13-24 at 4: AM/PM at the CNEC Office

Commission Member: Present/Absent

Rick Doherty Present / Absent

Pamela Sellers Present / Absent

Shawna Calico Present / Absent

Elizabeth Ballew Present / Absent

Cheryl Cooper 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:

_____	_____
_____	_____
_____	_____
_____	_____



CHEROKEE NATION ELECTION COMMISSION

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

CHEROKEE NATION ELECTION COMMISSION

Regular Meeting Minutes

Tuesday, August 13, 2024

I. **Call to order**

- The Regular Meeting of the Cherokee Nation Election Commission was called to order by Chairperson Rick Doherty at 4:00 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

Elizabeth Ballew – Commissioner

Cheryl Cooper - Commissioner

- Office staff present was: 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 August 6th, 2024 Special Meeting. Pam Sellers made a motion, which was seconded by Elizabeth Ballew to approve the minutes of the August 6th, 2024 Special Meeting. The motion was approved by all Commissioners.

IV. **Administrator's Report**

- Pam Sellers made a motion, which was seconded by Elizabeth Ballew to approve the Administrator's Report. The motion was approved by all Commissioners.

(Attachment 1)



V. **Election Director's Report**

- Pam Sellers made a motion, which was seconded by Elizabeth Ballew to approve the Election Director's Report. The motion was approved by all Commissioners.
(Attachment 2)

VI. **Attorney's Report**

- None

VII. **Old Business**

- None

VIII. **Current Items**

- Consideration and possible action on amending CNEC Rules and Regulations. Pam Sellers made a motion, which was seconded by Elizabeth Ballew to approve CNEC Rules and Regulations. The motion was approved by all Commissioners.

IX. **Executive Session**

- Pam Sellers made a motion, which was seconded by Elizabeth Ballew to enter Executive Session at 4:27 P.M. The motion was approved by all Commissioners.

X. **Action from Executive Session**

- Pam Sellers made a motion, which was seconded by Elizabeth Ballew to approve the Performance Evaluation of the Election Director. The motion was approved by all Commissioners.
- Pam Sellers made a motion, which was seconded by Elizabeth Ballew to approve the Performance Evaluation of the Administrator. The motion was approved by all Commissioners.
- Pam Sellers made a motion, which was seconded by Elizabeth Ballew to accept the Performance Evaluation of the Staff; Clerk I, Clerk II and Clerk III. The motion was approved by all Commissioners.
- Pam Sellers made a motion, which was seconded by Elizabeth Ballew to approve Performance Incentive Awards. The motion was approved by all Commissioners.
- Pam Sellers made a motion, which was seconded by Elizabeth Ballew to exit Executive Session at 5:46. The motion was approved by all Commissioners.



CHEROKEE NATION ELECTION COMMISSION

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

XI. Announcements

- None

XII. Adjourn

- Pam Sellers made a motion, which was seconded by Elizabeth Ballew to adjourn at 6:04 P.M. The motion was approved by all Commissioners.

Minutes submitted by Shawna Calico, Secretary/Treasurer

Shawna Calico



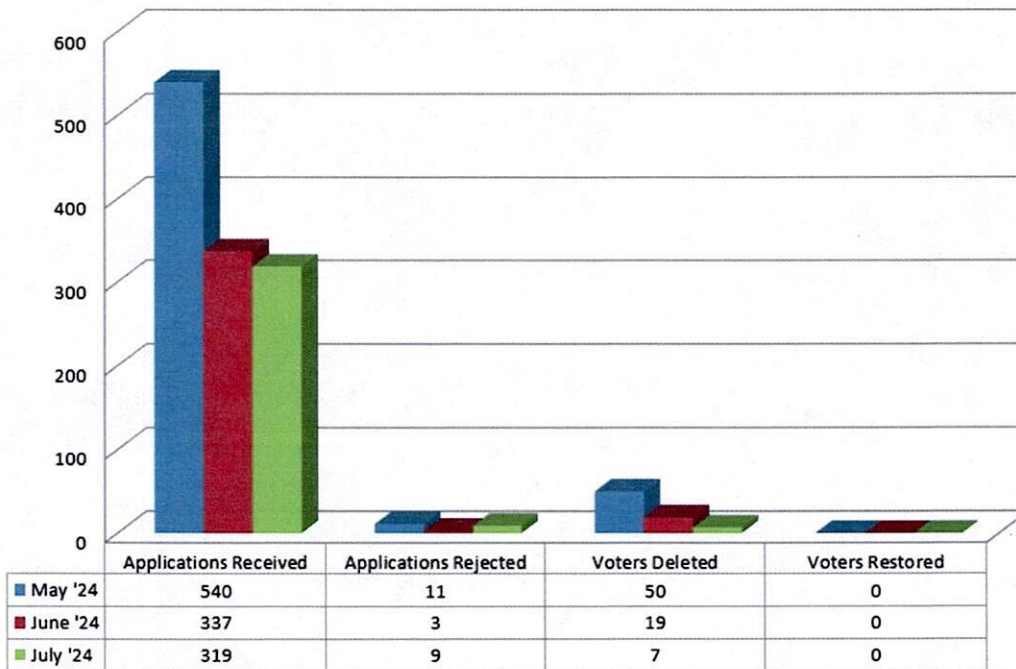
I. OFFICE:

The Policies Committee took the time to meet several times in July. We covered several policies revisions, forms updates and revisions that, in time, will be presented to the Commission. We met with John Young regarding Act revision recommendations which by way of Commission approval last meeting has been sent to the Council. We also met with Marshal Laney and received the report you have read regarding making our staff and work place more secure.

II. VOTER PROCESSING: As of 08/01/2024

78,447 Total Registered Voters; 43,544 In-District; 34,903 At-Large

Voter Registration Statistics



A. Statistical Report:

*Detailed Data by District and Precinct is attached

III. FINANCIAL HIGHLIGHTS:

- 4 Total Requisitions in July
- 2 – Contracts <\$5K
- 1 – Supplies
- 1 – Other Operational

District	Precinct	Voters
Dist No. 1 Hulbert	Hulbert	1,360
	Okay	350
	Tahlequah (1)	1,720
Total for District		3,430
Dist No. 2 Tahlequah	Briggs	283
	Lowrey	297
	Tahlequah (2)	2,457
Total for District		3,037
Dist No. 3 Tenkiller	Keys	1,012
	Tahlequah (3)	1,878
Total for District		2,890
Dist No. 4 Three Rivers	Ft. Gibson	994
	Muskogee	583
	Warner	697
Total for District		2,274
Dist No. 5 Redbird	Gore	422
	Sallisaw (5)	638
	Vian	1,086
Total for District		2,146
Dist No. 6 Sequoyah	Belfonte	124
	Marble City	151
	Muldrow	1,573
	Sallisaw (6)	1,663
Total for District		3,511
Dist No. 7 Flint	Cave Springs	280
	Chewey	107
	Stilwell (7)	2,446
	Westville (7)	652
Total for District		3,485
Dist No. 8 Goingsnake	Bell	316
	Stilwell (8)	1,147
	Westville (8)	532
Total for District		1,995
Dist No. 9 Saline	Jay (9)	663
	Kansas	1,372

District	Precinct	Voters
Dist No. 9 Saline	Kenwood	186
	Salina (9)	501
Total for District		2,722
Dist No. 10 Delaware	Afton	589
	Grove	713
	Jay (10)	910
	Pryor (10)	535
	Salina (10)	206
	Spavinaw	198
Total for District		3,151
Dist No. 11 Cooweescoowee - North	S. Coffeyville	486
	Vinita	1,980
	Welch	150
Total for District		2,616
Dist No. 12 Cooweescoowee - West	Bartlesville	1,870
	Nowata	684
Total for District		2,554
Dist No. 13 Gadusi	Catoosa	351
	Collinsville	624
	Owasso	403
	Tulsa	1,915
Total for District		3,293
Dist No. 14 Cooweescoowee - Central	Chelsea	587
	Claremore (14)	2,591
	Oologah	461
Total for District		3,639
Dist No. 15 Cooweescoowee - South	Claremore (15)	922
	Locust Grove	878
	Pryor (15)	948
	Salina (15)	53
Total for District		2,801
At Large	At Large	34,903
Total for District		34,903
Grand Total		78,447



Cherokee Nation Election Commission

P.O. Box 1188, Tahlequah, OK 74465-1188

Phone: 918-458-5899 Fax: 918-458-6101

July- 2024 Directors Report

July has been a very busy month with the redistricting process of re-assigning the streets to the new districts.

When we identified the list of voters that are in the system with bad addresses, we worked with admin to get the potential address corrections from the portal. Still no update on the progress.

Streets have been assigned with the new council districts, but not activated to the changes. Currently we have 5,061 waiting to process. Of those to be deleted there are 570, new added 617 and the roads that will be changed total 3874. We currently have 31, 918 streets in the street guide. September is the drop-dead time that they will be moved over.

Working with John and Aaron on the upgrades of Chronical. Also they are updating the system identifying the 07 and U-25 voters. The update includes the identification of the voters that fit into these groups. The upgrade will also place the documentation on the screen to inform the data entry person that this person is in one of the two categories. This will prevent the movement of the voters into the wrong district. The identification of these voters will allow us to inform them with the notification of a change in the district of choice when they registered. This is a process that is mandated through the Election Act.

Redistricting is what is going at full speed now.

Cherokee Nation Election Commission



RULES AND REGULATIONS

Adopted
August 13th, 2024

RULES AND REGULATIONS OF THE CHEROKEE NATION ELECTION COMMISSION

§1.07. Service of Documents.

- A. Service of any notices, orders, decisions or other documents pursuant to these Regulations may be effected by personal delivery, Certified Mail, or Email of record with the Commission. A document served by certified mail shall be complete when the addressee signs the receipt, refuses to accept service of the document or the document, in a properly addressed envelope, is returned unclaimed. In the case of the notice to a candidate of disqualification proceedings brought pursuant to §§36, 37, 38, 45, and 46 of the Election Law, if the manner of service used is certified mail or email, it shall be deemed “properly addressed” if mailed to the address or emailed to the email address stated in the candidate’s Declaration of Candidacy form, unless the candidate has subsequently notified the Commission in writing of a new address or email address to which the notice may be mailed or transmitted.
- B. Service by personal delivery shall be complete upon such delivery to the person, their attorney of record, delivery to the residence of such person and leaving with a member of the household over the age of 14 years, or when the person refuses to accept service of the document in question.
- C. Service by Email shall be complete upon emailing of the document(s) to the last known email address of record with the Commission.

CHAPTER 2: Substantive Provision

§2.01 Registration to Vote.

- A. Each voter registration will be effective upon verification of the information furnished on a properly completed Application for Voter Registration form. The last date to register will be the last business day in March, at midnight CST, of the year of the election or referenda. The Application for Voter Registration form must be in the office on or before said date in March in order to be eligible to vote in the current election year.
- B. Persons who reside outside the jurisdictional boundaries of Cherokee Nation who are under the age of twenty-five (25) and have not previously registered to vote may make a choice to register in the district of your choice at the time of your first registration. Persons who reside outside of the jurisdictional boundaries of Cherokee Nation who are over the age of twenty-five (25) and have not previously registered to vote may only register to vote at-large. The Application for Voter Registration must be in the office on or before the last business day in March, at midnight CST, in order to effect a change in the voting district for the current election year.
- C. Anyone may copy and distribute the most current Application for Voter Registration provided by the Election Commission Office. Provided, however, the Commission encourages all members who are registering to vote to return their own registration forms personally, by mail, email or fax. Citizens and/or Candidates delivering Voter Registration Applications, Absentee Ballot Request Forms or dropping off Absentee Ballots for the Drop Box at the Election Commission Office, will be required to provide a list containing the names of whose forms or ballots they are dropping off and a List Coversheet Form, provided by the Election Commission, signed by the Citizen and/or Candidate delivering the Voter Registration Applications, Absentee Ballot Request Forms or Absentee Ballots for the Drop Box. A list and the List Coversheet Form will be necessary for any drops made

RULES AND REGULATIONS OF THE CHEROKEE NATION ELECTION COMMISSION

§2.05 Electioneering.

All candidates running for office shall be free to campaign for office by any lawful means, subject only to the following:

- A. "No person shall be allowed to electioneer inside any precinct or within three hundred (300) feet outside of the entrance to any precinct while an election is in authorized progress, nor shall any person or persons, except Precinct Officials Election Commissioners and staff, Election Machine Technicians accompanied by Precinct Officials, and other persons authorized by law, be allowed to approach the ballot box while an election is in progress. Prohibited activities within the prescribed area by a candidate or other persons on election day which might reasonably be construed as electioneering shall include the following: wearing any article of clothing with any candidate's name or office on it or holding any article with any candidate's name or office on it: or distribution or display of any written materials, campaign literature or campaign items of any kind or nature within the prescribed area, other than that provided by the Election Commission. Persons engaging in electioneering shall be subject to removal by the Cherokee Nation Marshall Service at the request of the Election Commission Director or a Commissioner. The Election Commission shall promulgate regulations governing electioneering."
- B. No person shall be allowed to electioneer within three hundred (300) feet of the Election Services office at any time.

§2.06 Official forms

The official forms adopted by the Commission to implement the election process are as follows:

Office Forms:

1. Voter Registration Form
2. Precinct Certificate of Vote/Consolidated Returns Procedure
3. Request for any part of the Absentee Ballot Packet, Spoiled or Lost
4. Absentee Ballot Request Form
5. Voter ID Card
6. Deceased Voter Form
7. Request for the Emergency Incapacitated Absentee Ballot
8. Precinct Facility Questionnaire

Early Walk-in Voting:

1. Early Walk-in Ballot Application
2. Early Walk-in Voters Signature Page by District and Precinct
3. Early Walk-in Voting Seal Log
4. Early Walk-in Voting Ballot Accounting Form

Election Day forms Precinct Specific:

1. Ballot Transfer Case Seal; to take the ballots to the precinct on Election Day (White Seal with Black Words)

RULES AND REGULATIONS OF THE CHEROKEE NATION ELECTION COMMISSION

Candidate Filing Forms:

1. Candidate Filing Instructions
2. Candidate Packet Return Checklist
3. Letter to Candidate
4. Declaration of Candidacy
5. Candidate Authorization of Release of Information
6. Designation of Financial Agent
7. Revised Designation of Financial Agent
8. Precinct Watcher Nomination Form
9. Early Walk-In Watcher Nomination Form
10. Absentee Verification Watcher Nomination Form
11. Tabulation Watcher Nomination Form
12. General Election Watcher Disclaimer Form
13. General Election Timeline
14. Financial Disclosure Report
15. Campaign Financial FAQ

Candidate Informational Forms:

1. Voter Registration Form
2. Absentee Ballot Request Form
3. List Cover Sheet Form
4. Information Request Form
5. Candidate Financial Disclosure Request Form
6. Recount Request Form
7. Candidate Withdrawal Form
8. Deceased Voter Form
9. Contest of Denial of Eligibility
10. General Election Timeline Calendar
11. Candidate Watcher Letter
12. Watcher Information Sheet
13. Candidate Eligibility Approval Letter
14. Candidate Eligibility Denial Letter
15. Financial Report Deficiency Letter
16. Financial Report Fine Letter
17. Notice of Hearing

The foregoing forms are available for viewing at the Election Commission Office and are to be used exclusively for their stated purposes. The forms may be amended and/or supplemented from time to time at the discretion of the Election Commission.

For purpose of all documentation, nepotism is a person related within the third degree by either consanguinity or affinity to a candidate for office. "Consanguinity" means "blood" relative. "Affinity" means relative "by marriage." "Third degree" includes spouse, parents, children,

RULES AND REGULATIONS OF THE CHEROKEE NATION ELECTION COMMISSION

residency by the Commission based on the evidence furnished by the candidate shall not itself bar subsequent disqualification proceeding pursuant to §2.08 of these Regulations based on evidence that the candidate does not meet residency requirements.

- D. All persons who desire to run for an elective office of Cherokee Nation must have paid in full, any charges due to the Election Commission and any outstanding civil penalties, court ordered fines, costs and attorney's fees resulting from a previous election prior to filing.

§2.09 Disqualification Proceedings: Lack of Eligibility.

- A. Unless a Candidate is unopposed, only an opposing Candidate may challenge the eligibility of any candidate by delivering a written protest no later than five working days after the last day for filing under the Election Law; provided, if a Candidate is unopposed, any tribal member registered to vote may challenge a Candidate for whom such member is eligible to vote. The protest shall set forth the grounds of the contest in reasonable detail. In all cases, the protest shall be conclusively barred if it is not filed within the 5 working day period.
- B. The Commission shall investigate the protest to determine whether it has any merit. If the Commission determines in its discretion that the evidence supporting the charge merits institution of disqualification proceedings, the Commission shall give the candidate written notice of a hearing to be held not less than five (5) days from the date of service of same on the candidate by service as provided in §1.07 of these Rules and Regulations. The notice shall specify the charges in reasonable detail. Service of the notice shall be complete as provided in §1.07 of these Rules and Regulations.
- C. At the hearing, the charges shall be brought in the name of Cherokee Nation by and through the Cherokee Nation Election Commission. The burden of proof shall be on the Nation to prove the charge by a preponderance of the evidence.
- D. The candidate need not but may respond to the charges in writing. The candidate may appear pro se or through counsel. The formal rules of evidence shall not apply unless the Commission in its discretion rules otherwise. If the candidate is duly served with notice in accordance with these Regulations but fails to appear at the hearing, the Commission shall hear the evidence and render its decision accordingly.
- E. At the close of the hearing, the Commission may render its decision or consider the evidence in one or more executive sessions, in which event it will render its decision as soon as practicable. The Commission's decision shall be in writing and shall be sent to the candidate and/or all attorneys appearing in the case via personal delivery, email of record or certified mail. The decision shall clearly and succinctly state the findings and conclusions of the Commission. The decision may be appealed in accordance with §37 B of the Election Law.

§2.10 Disqualification Proceedings: Interference with Commission.

- A. Any candidate who directly or indirectly interferes or attempts to interfere with the Election Commission offices and staff in the performance of their duties, or otherwise violated §38 of the Election Law, shall be subject to disqualification proceedings before the Commission.
- B. The Commission shall investigate charges of a violation of §38 to determine whether the charges have merit. If the Commission determines in its discretion that the evidence

RULES AND REGULATIONS OF THE CHEROKEE NATION ELECTION COMMISSION

conclusions of the Commission. The decision may be appealed in accordance with §46 B of the Election Law.

§2.12 Proceedings on petitions alleging fraud.

Any petition that alleges fraud pursuant to §101 of the Election Law shall be filed with the Cherokee Nation Supreme Court for determination no later than the second Monday following the election date which is the subject of the appeal.

Chapter 3: Election Day Guidelines

§2.13 General Guidelines for Election Day

Precinct officials should remember that their primary function is to serve the Voter. They are present to assist eligible Voters to vote and to ensure that all properly marked ballots are processed. Precinct officials should wear identification badges in plain view at all times.

The Inspector should periodically inspect voting booths during the day to make sure no ballots or campaign literature have been left inside. Should it appear that there is a shortage of any supplies to accommodate all Voters of the precinct, the Inspector should notify the Election Commission immediately.

Once they have arrived at the precinct, no Precinct Official or Watcher may leave and be permitted to return unless authorized by an Election Commissioner. An exception to this is for the Inspector, who may leave to call the Election Commission, if there is no phone available in the polling place.

§ 2.14 Watchers

Watchers for each location will be drawn at the special meeting following the submission of the Watcher list to the Election Commission after the close of the filing period. Alternates may be substituted until 5pm on the Wednesday prior to Election Day, taken from the list of Alternates submitted during filing period. For good cause shown, the Commission may allow alternate watchers and or watcher precinct changes prior to Election Day.

On Election Day, the Inspector will be given the names of designated Watchers for their precinct. When Watchers report to the polls, they must identify themselves by photo ID and the candidate they represent. The Inspector will mark the Watcher's name off the list. The Watcher will be given an identification badge, which must be worn in plain view.

The Inspector shall have the Watcher subscribe to the following oath:

“Do you solemnly swear or affirm that you will abide by all laws and rules prescribed for Watchers, that you will limit yourself to observing the official count, that you will make any objection, in writing, to the way a ballot is counted and that you will be confined to the area in which voting is taking place?”

A Watcher is an observer only and must not participate in any manner with the election process. Watchers may observe the ballot box or counting device and all printouts from the

RULES AND REGULATIONS OF THE CHEROKEE NATION ELECTION COMMISSION

only if they sign the Challenge Ballot Roster and complete all required information on the Challenged Ballot Envelope and have not already cast a regular or absentee ballot.

Once the Voter has completed the statement on the front of the Challenge Ballot Affidavit Envelope, they are issued a ballot and a "Challenged Ballot Secrecy Envelope" and directed to a voting booth to cast their ballot. The Challenged Ballot Precinct Official must insure that the Voter casting the ballot places the completed ballot in the Secrecy Envelope and not into the tabulator. After the ballot has been sealed in the Secrecy Envelope by the Voter, the Challenged Ballot Precinct Official will place this item in the Challenged Ballot Bag.

Challenged Ballots shall not be counted at the time they are cast, but shall be maintained in the Challenged Ballot Bag. The Challenged Ballot Bag shall be returned to the Election Commission in the Election Supply Tub.

At the end of the day, the Clerk shall count the number of signatures on the Challenge Ballot Roster. The Clerk shall fill in this information on the appropriate line on the Certificate of Vote

- F. If a Voter is unable to mark their ballot, the Inspector shall have the Voter affirm the following:

"Do you solemnly swear or affirm that you are unable to mark your ballot for voting because of a disability?"

The Judge will print the Voter's name on the appropriate line in the Precinct Voters Signature Book if they are unable to sign. The Clerk and Inspector will initial next to the Voter's name in the Precinct Voters Signature Book.

Once the Voter has been sworn, they are permitted to receive assistance from any person of their choice to mark their ballot, provided that person is at least eighteen years of age. The Inspector or Clerk shall recite the following oath to the person who provides assistance:

"Do you solemnly swear or affirm that you will mark the Voter's ballot in accordance with his/her wishes?"

Assistance may be given in the voting booth and at the ballot tabulator. Assistance shall be witnessed by the Inspector, but in a manner that the Inspector cannot see or hear how the ballot is being marked.

The Voter may also choose a Precinct Official to provide assistance. If the Voter chooses a Precinct Official to provide assistance, the Oath above is not required. All persons except the Voter and their assistant should be kept at a distance until the ballot has been placed in the tabulator.

The Inspector should record assistance on the Voter Assistance Form.

- G. If a Voter is unable to enter the building, the Sergeant at Arms should move to the head of the line of waiting Voters and all voting in the precinct shall cease. Any Voter who has signed the Precinct Voters Signature Book will be allowed to complete the voting process and exit the precinct before voting is halted. At that time, the Inspector and one other Precinct Official shall take the following items out to the Voter:

1. Precinct Voters Signature Book
2. Ink pen for Signature Book and Ballot Marking Pen
3. Book of Ballots
4. Voter Assistance Form

CHEROKEE NATION ELECTION COMMISSION

RESOLUTION ADOPTING AMENDED AND RESTATED RULES AND REGULATIONS

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self- government on behalf of the Cherokee people;

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

WHEREAS, the Cherokee Nation Election Commission is a constitutional, autonomous and permanent entity charged with the administration of all Cherokee Nation elections as set forth in the Cherokee Nation Constitution.

WHEREAS, Section 11 of Title 26 (Elections) of the Cherokee Nation Code Annotated, as amended provides that the Election Commission shall develop rules and regulations concerning the Cherokee Nation Election Commission.

WHEREAS, pursuant to the above authority the Cherokee Nation Election Commission hereby adopts the attached amended and restated Rules and Regulations.


CERTIFICATION

The forgoing resolution was adopted by the Cherokee Nation Election Commission at a duly called meeting on the 13 day of August, 2024, having 5 members present, constituting a quorum, by vote of 5 yea, 0 nay; 0 abstaining.



Rick Doherty, Chairperson of the Cherokee
Nation Election Commission

ATTEST:



Shawna Calico, Secretary of the Cherokee
Nation Election Commission

YEAS and NAYS Recorded:

Rick Doherty 4 Pamela Sellers 4 Shawna Calico 4
Randy Campbell 4 Elizabeth Ballew 4