

**MINUTES  
SPECIAL MEETING  
MAY 9, 2019  
CHEROKEE NATION ELECTION COMMISSION**

**Call to order/Roll call of Commissioners:**

The meeting of the Cherokee Nation Election Commission was called to order by Vice-Chair, Pamela Sellers at 4:12 p.m.

Rick Doherty made a motion which was seconded by Carolyn Allen to approve Shawna Calico to attend by phone. It was also noted that Randy Campbell was out of town.

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

Shawna Calico- Chairwoman (attending by phone)  
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 – were Chad Hunter and Grant Crawford

Vice-chair, Pamela Sellers asked for discussion and/or approval of the minutes of the May 6, 2019 Special Meeting. A motion was made by Rick Doherty and seconded by Shawna Calico to approve the minutes. The motion was approved by all commissioners.

**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 District 8 Candidate Jodie Fishinghawk

A motion was made by Rick Doherty and seconded by Shawna Calico to enter executive session at 4:14 p.m. on this item on the agenda. The motion was approved. The commission entered executive session at 4:14 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:**

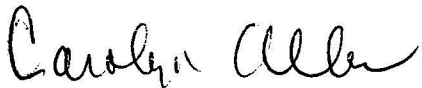
Rick Doherty made a motion which was seconded by Shawna Calico to set a hearing date of Thursday, May 16, 2019 at 9:00 a.m. at the Cherokee Nation Election office for District 8 Candidate Jodie Fishinghawk and to send notice of hearing to the respective parties. The motion was approved by all commissioners present.  
(Attachment #1)

**Announcements:**

There were no announcements.

**Adjourn:**

Rick Doherty made a motion to adjourn at 5:24 p.m. Meeting was adjourned.



Minutes submitted by Carolyn Allen, Secretary  
Cherokee Nation Election Commission

May 14, 2019

BEFORE THE CHEROKEE NATION ELECTION COMMISSION  
OF THE CHEROKEE NATION

Cherokee Nation	)	
	)	
	)	Hearing No: 2019-2
v.	)	
	)	
Jodie Fishinghawk, District 8 Tribal	)	
Council 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 16th 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 April 8, 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 9th day of May, 2019.

Cherokee Nation Election Commission

By: Pamela Sellers  
Pamela Sellers, Vice-Chairperson

May 9, 2019 4:00 PM

[illegible]