

MINUTES
SPECIAL MEETING
December 7, 2018
CHEROKEE NATION ELECTION COMMISSION

Call to order/Roll call of Commissioners:

The meeting of the Cherokee Nation Election Commission was called to order by Chairwoman Shawna Calico at 9:03 a.m.

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

Shawna Calico- Chairperson
Pamela Sellers- Vice-Chairman
Carolyn Allen- Secretary/Treasurer
Rick Doherty- Commissioner

Randy Campbell- Commissioner was absent from the meeting.

Office staff present were Marcus Fears and Connie Parnell.

Attorney Harvey Chaffin was present.

Several guests were present for the hearings filed by contestants on eligibility of candidate. The sign in sheet is included as part of the minutes. Guests included a court reporter acquired by the Election Commission to record the minutes and exhibits of the hearings.

Chairwoman Shawna Calico asked for discussion and/or approval of the minutes of the Special Meeting on December 4, 2018. There being no discussion, Pamela Sellers made a motion which was seconded by Rick Doherty to approve the minutes. The minutes were approved by all commissioners present.

Shawna Calico----- Yes
Pamela Sellers-----Yes
Carolyn Allen-----Yes
Rick Doherty----- Yes

Chairwoman Shawna Calico asked for any items on **old business** to which there were none.

Current Items of Business were presented for discussion.

- a.) Hearings on the Challenges of the Eligibility for the 2018-2019 District 7 Special Council Election:
Attorney Harvey Chaffin commented the Commission would hear the challenges in the order they were filed with the Election Commission. Chairwoman Shawna Calico read the established **procedures for the hearings**. Attorney Harvey Chaffin commented the same procedure would apply to both cases and the procedures would be read only once.

(Attachment #1 Procedures for Hearing Case # 2018-1)

(Attachment #2 Procedures for Hearing Case # 2018-2)

Agenda item: The first hearing was Robin Carter Mayes Contest of Eligibility of Candidate Canaan Josiah Duncan.

Election Commission Attorney Harvey Chaffin stated for the record that Mr. Mayes was not present nor did he have representation at the hearing.

Attorney Harvey Chaffin stated Mr. Mayes had sent a written statement (the protest filed by Mr. Mayes) to be read. The statement with attached documents were presented to be introduced as evidence along with correspondence between the Election Commission and Mr. Mayes.

Election Commission Attorney Harvey Chaffin presented the candidate packet of Mr. Canaan Josiah Duncan, stating the contents of the packet. This candidate packet was presented as evidence.

Chairwoman Shawna Calico read the statement presented by Mr. Robin Mayes. Attorney Harvey Chaffin stated the Election Commission has an agenda item to go into Executive Session to make a decision on the hearings but the Commission will hear evidence of both arguments before entering into Executive Session.

Agenda item: The second hearing was Tim Houseberg Contest of Eligibility of Candidate Canaan Josiah Duncan.

Election Commission Attorney Harvey Chaffin stated it was now appropriate for the candidate to present information to the Election Commission. Attorney Curtis Bruehl, representing Mr. Canaan Duncan presented on behalf of Mr. Canaan Duncan.

Attorney Deborah A. Reed presented on behalf of Mr. Tim Houseberg.

Election Commission Attorney Harvey Chaffin presented into evidence the hearing procedures for the challenge of Mr. Canaan Duncan. He also introduced into evidence the protest of Mr. Tim Houseberg along with documents from the candidate packet of Mr. Canaan Duncan. Mr. Chaffin read what each document was that was introduced as evidence.

Evidence was presented by Attorney Deborah A. Reed on behalf of Mr. Tim Houseberg. The Commission allowed documents presented by Deborah A. Reed to be entered into evidence. Attorney Curtis Bruehl was given opportunity to enter evidence on behalf of Mr. Canaan Duncan. Mr. Bruehl presented his case on behalf of Mr. Canaan Duncan.

Closing arguments were presented by both attorneys Mr. Curtis Bruehl and Deborah A. Reed on behalf of their clients. Attorney Deborah A. Reed presented a rebuttal and Mr. Curtis Bruehl presented a response to the rebuttal. Election Commission Attorney Harvey Chaffin announced this was the conclusion of the hearings at 9:50 a.m.

Executive Session:

A motion was made by Rick Doherty and seconded by Pamela Sellers to enter executive session at 9:50 a.m. The motion was approved by all commissioners present.

Shawna Calico-----Yes
Pamela Sellers-----Yes
Carolyn Allen-----Yes
Rick Doherty-----Yes

Exit Executive Session:

A motion was made by Rick Doherty and seconded by Pamela Sellers to return to regular session at 10:52 a.m. The motion was approved by all commissioners present.

Shawna Calico-----Yes
Pamela Sellers-----Yes
Carolyn Allen-----Yes
Rick Doherty-----Yes

Action taken from executive session:

Chairwoman Shawna Calico announced the Election Commission had reached a decision and had issued a written decision and would entertain a motion to approve the [decision in Case # 2018-1](#). The decision was read by Chairwoman Shawna Calico. A motion was made by Rick Doherty and seconded by Pamela Sellers to approve the decision. The motion was approved by all commissioners present.
(Attachment #3)

Shawna Calico-----Yes
Pamela Sellers-----Yes
Carolyn Allen-----Yes
Rick Doherty-----Yes

Chairwoman Shawna Calico announced the Election Commission had reached a decision and had issued a written decision and would entertain a motion to approve the [decision in Case # 2018-2](#). The decision was read by Chairwoman Shawna Calico. A motion was made by Rick Doherty and seconded by Pamela Sellers to approve the decision. The motion was approved by all commissioners present.
(Attachment #4)

Shawna Calico-----Yes
Pamela Sellers-----Yes
Carolyn Allen-----Yes
Rick Doherty-----Yes

Election Commission Attorney Harvey Chaffin stated this concluded the hearings and had one other item to present. He stated that two drafts of the decisions for each case were prepared prior to the meeting, (1) for approval of eligibility of candidate and (2) one for denial of eligibility of candidate. This was to offer there was no preconceived notions on the decisions made. He offered the unsigned drafts for the court record which were given to the court reporter for the record.

These are included as attachments in the minutes.

Draft of Decision not rendered in Hearing Case # 2018-1 (Attachment # 5)

Draft of Decision not rendered in Hearing Case # 2019-2 (Attachment #6)

Shawna Calico-----Yes

Pamela Sellers----- -Yes

Carolyn Allen-----Yes

Rick Doherty----- Yes

Announcements:

There were no announcements.

Adjourn:

Rick Doherty made a motion to adjourn at 11:07 a.m. Meeting adjourned.

Minutes submitted by Carolyn Allen, Secretary
Cherokee Nation Election Commission