



## **CHEROKEE NATION ELECTION COMMISSION**

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

### **AGENDA SPECIAL MEETING**

*May 6, 2019*

*4:00 P.M.*

- I. Call to order
- II. Roll call
- III. Approval of Minutes from the April 29<sup>th</sup> Special Meeting
- IV. Old Business
  - a. Approval of Minutes from the April 26<sup>th</sup> Special Meeting
- V. Current Items
  - a. Consideration and possible action regarding Voter Registrations and Absentee Ballot Requests
  - b. Consideration and possible action regarding securing a generator for 2019 election cycle
  - c. Discussion regarding deadline of Financial Reports
- VI. Executive Session
  - a. Confidential discussion with attorney on pending litigation, claims, investigations or protests
    - 1. Consideration and possible action with regard to contributions by entities other than individuals
  - b. Personnel
  - c. Exit Executive Session
- VII. Action from Executive Session
- VIII. Announcements
- IX. Adjourn

**POSTED**  
5-3-19 4pm

May 3, 2019 at 4:00 PM  
Cherokee Nation Election Office  
17763 S. Muskogee Ave  
Tahlequah, OK 74464

Chairperson: Shawna Calico

Posted by: 

**MINUTES  
SPECIAL MEETING  
MAY 6, 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 Chairwoman Shawna Calico at 4:07 p.m.

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

Shawna Calico- Chairwoman  
Pamela Sellers- Vice-Chairman  
Carolyn Allen- Secretary/Treasurer  
Rick Doherty- Commissioner  
Randy Campbell- Commissioner

Office staff present were Marcus Fears and Connie Parnell.

Attorney Harvey Chaffin was present.

Guests present – a list of guests present is included in the minute book.

Chairwoman Shawna Calico asked for discussion and/or approval of the minutes of the April 29, 2019 Special Meeting. A motion was made by Randy Campbell and seconded by Rick Doherty to approve the minutes. The motion was approved by all commissioners.

**Old Business:**

Chairwoman Shawna Calico asked for any items in old business. Approval of the minutes from the April 26, 2019 Special Meeting were on the agenda. A motion was made by Randy Campbell and seconded by Rick Doherty to approve the minutes. The motion was approved by all commissioners.

**Current Items of Business were presented for discussion:**

a.) Consideration and possible action regarding Voter Registrations and Absentee Ballot Requests:

Administrator Marcus Fears updated the Commission regarding follow up correspondence between the Election Commission and the Cherokee Nation Marshall's office on an investigation where four (4) citizens had contacted the Marshall's office stating they were on a list to receive an absentee ballot and had not requested an absentee ballot. The Election Commission had approved in a previous meeting to place those four (4) absentee ballot requests on hold pending further information from the Marshall's office. A report had been received from the Marshall's office stating after investigation these absentee ballot requests appeared to have been forgeries. The Election Commission took this report and the research done by the Election Office into consideration. After discussion, a motion was made by Rick Doherty and seconded by Randy Campbell to reject these four (4) absentee ballot requests and send a rejection letter to each

of the citizens in question denying these absentee requests to these four citizens informing them they would need to go to the polls to vote in person. The motion was approved by all commissioners.

b.) Consideration and possible action regarding securing a generator for the 2019 election cycle:

Election Director Connie Parnell presented a quote from Cherokee Nation Warehouse on the rental of a generator to be used during the election cycle, stating this had been past practice to be prepared should there be any electrical outages during the election. The quote was broken down into rental by day, week, and month, including delivery and pick up charges. Discussion included the cost for two full months vs. two weeks at a time to cover the general and the possibility of a run-off election. After discussion, a motion was made by Pamela Sellers and seconded by Rick Doherty to rent the generator for a two week cycle prior to, during and after the 2019 General Election and then rent again for a two week cycle should there be a run-off election. The dates approved for rental for the general election cycle were May 24 through June 7, 2019. The motion was approved by all commissioners.

c.) Discussion regarding deadline of Financial Reports:

For discussion purposes, Carolyn Allen and Marcus Fears updated the Commission on this agenda item. Financial reports are due on the 15<sup>th</sup> of each month. There are many requests to fill on a monthly basis regarding acquisition of these financial reports. Many requests ask these reports be obtained on the 15<sup>th</sup> prior to 5:00 p.m. Attorney Harvey Chaffin commented the Election Law says the financial reports are due on the 15<sup>th</sup> of the month, stating this gives candidates until midnight on the 15<sup>th</sup> to submit their financial reports. This does not mean at the close of business day as some statutes of the Election Law are specific to 5:00 p.m., but the financial report is not one of them. Carolyn Allen and Marcus Fears commented the staff needs time to fulfill these requests. Upon discussion it was concluded the financials would be available by 5:00 p.m. two business days after the due date of the 15<sup>th</sup>. It was concluded the staff would have time to process these requests within two business days after the 15<sup>th</sup>, taking into consideration the daily schedule of the election commission staff. Carolyn Allen stated the minutes would reflect this discussion.

**Executive Session:**

a.) Confidential discussion with attorney on pending litigation, claims, investigations or protests:

1.) Consideration and possible action with regard to contributions by entities other than individuals:

A motion was made by Pamela Sellers and seconded by Rick Doherty to enter executive session at 4:39 p.m. on this item on the agenda. The motion was approved. The commission entered executive session at 4:39 p.m.

b.) Personnel- none

c.) Exit executive session-

A motion was made by Rick Doherty and seconded by Randy Campbell to exit executive session at 5:41 p.m. The motion was approved by all commissioners present. The commission exited executive session at 5:41 p.m.

**Action from Executive Session:**

Upon returning from executive session, Chairwoman Shawna Calico read a letter of cease and desist that would be sent to the following:

Cherokees for Change, LLC  
2112 NW 18<sup>th</sup> Street  
Oklahoma City, OK 73107

Gregory Russell "Rusty" Appleton  
2112 NE 18<sup>th</sup> Street  
Oklahoma City, OK 73107

Cherokees for Change, LLC  
P.O. Box 309  
Park Hill, OK 74451

Gregory Russell "Rusty" Appleton  
P.O. Box 309  
Park Hill, OK 74451

The letter would have a cc to the following:

David Walkingstick  
Meredith Frailey  
Dick Lay  
Chuck Hoskin, Jr.  
Bryan Warner


The purpose of the letter is to demand the immediate cease and desist from all activities undertaken to influence the outcome of the 2019 General Election in the Cherokee Nation in violation of the laws of the Cherokee Nation.

A motion was made by Rick Doherty and seconded by Randy Campbell to approve the letter and to approve sending the letter to the above mentioned. The motion was approved by all commissioners. A copy of the letter in its entirety is attached to the minutes. (Attachment #1)

**Announcements:**

There were no announcements.

  
Rick Doherty made a motion to adjourn at 5:48 p.m. Meeting was adjourned.



Minutes submitted by Carolyn Allen, Secretary  
Cherokee Nation Election Commission

May 9, 2019

# **Cherokee Nation Election Commission**

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

Email: [election-commission@cherokee.org](mailto:election-commission@cherokee.org)

Website: [www.cherokee.org/elections.aspx](http://www.cherokee.org/elections.aspx)



Phone: 918-458-5899

Toll Free: 1-800-353-2895

Fax: 918-458-6101

May 6, 2019

Cherokees for Change, LLC  
2112 NW 18<sup>th</sup> Street  
Oklahoma City, Ok 73107

Cherokees for Change, LLC  
P.O. Box 309  
Park Hill, Ok 74451

Gregory Russell "Rusty" Appleton  
2112 NE 18<sup>th</sup> Street  
Oklahoma City, Ok 73107

Gregory Russell "Rusty" Appleton  
P.O. Box 309  
Park Hill, Ok 74451

ATTENTION: Cherokees for Change LLC and Gregory Russell "Rusty" Appleton

To Whom It May Concern  
and  
Dear Mr. Appleton:

The purpose of this letter is to demand that you immediately cease and desist from all activities undertaken to influence the outcome of the 2019 General Election in the Cherokee Nation in violation of the laws of the Cherokee Nation.

Attached is a copy of a Preliminary Investigation Memorandum provided to the Election Commission pursuant to the Investigative process provided in the Election Code.

Attached to said Memo is a copy of the direct mail piece sent to Cherokee citizens by Cherokees for Change, LLC in support of David Walkingstick and Meredith Frailey. Also attached are screen shots from [www.cherokeesforchange.com](http://www.cherokeesforchange.com) and the Cherokees for Change, LLC Facebook page, together with other documentation.

Cherokees for Change, LLC is engaged in violations of 26 CNCA §43(A) which states that "contributions may only be made by individual natural persons. No corporation, partnership, and/or any other legal entity shall contribute to any Cherokee Nation campaign or candidate." The digital advertising and direct mail paid for by Cherokees for Change, LLC constitutes an in-kind contribution, as that term is defined in 26 CNCA §41(G), to David Walkingstick and Meredith Frailey.

There are both civil and criminal sanctions for violation of 26 CNCA §43 and penalties may include imprisonment, fines, disqualification of candidates by the Cherokee Nation Election Commission, liability to the other candidates appearing on the ballot in the amount of double the value of the unlawful contribution, and attorney's fees, all as described in the attached Memo.

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

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The referenced documents reflect just some of the Cherokee for Change, LLC legal violations that the investigation conducted pursuant to Cherokee Nation Election Law has uncovered. This letter shall serve as notice to you that further contributions to candidates, either monetary or in-kind, and other illegal campaign activity must completely cease, effective immediately. If you fail to cease engaging in this illegal activity, the Cherokee Nation Election Commission may take available civil legal recourse against you, individuals and legal entities who donated illegally to Cherokees for Change LLC, and any candidate or other person working in coordination with Cherokees for Change, LLC.

Sincerely,

Shawna Calico

Chair of the Cherokee Nation Election Commission

cc:

David Walkingstick

Meredith Frailey

Dick Lay

Chuck Hoskin, Jr.

Bryan Warner

# Special Meeting Sign-in Sheet

Print Name

Signature \_\_\_\_\_

See #

Good Hints




Coley Jones

Old Hamble  
Donnie Parrill

Donnie Parrell

Murray Eden

8

*[Signature]*