

MINUTES
REGULAR MEETING
JULY 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 Chairperson Shawna Calico at 4:00 p.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

Office staff present were Marcus Fears and Connie Parnell.

Attorney Harvey Chaffin was present.

Guests present were Cherokee Nation Security, Paiten Qualls, Wes Nofire, and Sean Rowley.

Approval of Minutes:

Chairperson Shawna Calico asked for approval and/or discussion of the minutes of the June 20, 2019 Special Meeting. A motion was made by Rick Doherty and seconded by Randy Campbell to approve the minutes. The motion was approved by all commissioners.

Administrator's Report:

Administrator Marcus Fears reported all voter registration forms were processed to current date. An update was presented on the budget for the remainder of the 2019 FY as well as updates on the budget for the 2020 FY. The budget committee has met several times regarding the FY 2010 budget, including revisions as requested by budget submittals. Rick Doherty made a motion which was seconded by Randy Campbell to approve the Administrator's report. The motion was approved by all commissioners.
(Attachment #1)

Election Director's Report:

Election Director Connie Parnell presented a report on updates on preparation for the Run-Off Election to be held on July 27, 2019. Rick Doherty made a motion which was seconded by Randy Campbell to approve this Election Director's report. The motion was approved by all commissioners.
(Attachment #2)

Attorney's Report:

There was no attorney's report.

Old Business:

There were no items on old business.

Current Items:

a.) Consideration and possible action regarding Watchers:

Discussion was held regarding the Election Code pertaining to Watchers, Section 53 A, B, C. After discussion of this Election Code, Rick Doherty made a motion which was seconded by Randy Campbell to approve candidates could nominate names to be watchers for In-Person Absentee voting and Absentee Ballot verification process for the Run-Off election under Section 53 B. The motion was approved by all commissioners. **(Attachment #3)**

Executive Session:

Attorney Harvey Chaffin requested executive session to discuss pending litigation, claims, investigations or protests. A motion was made by Rick Doherty and seconded by Randy Campbell to enter executive session at 4:31 p.m. The motion was approved by all commissioners.

Exit Executive Session:

A motion was made by Rick Doherty and seconded by Randy Campbell to exit executive session at 6:53 p.m. The motion was approved by all commissioners.

Action from Executive Session:


There was no action taken from executive session.

Announcements:

Marcus Fears announced the office would be working the Cherokee National Holiday at the complex and at the Court House Square.

Adjourn:

Randy Campbell made a motion to adjourn at 6:53 p.m.



Minutes submitted by Carolyn Allen, Secretary



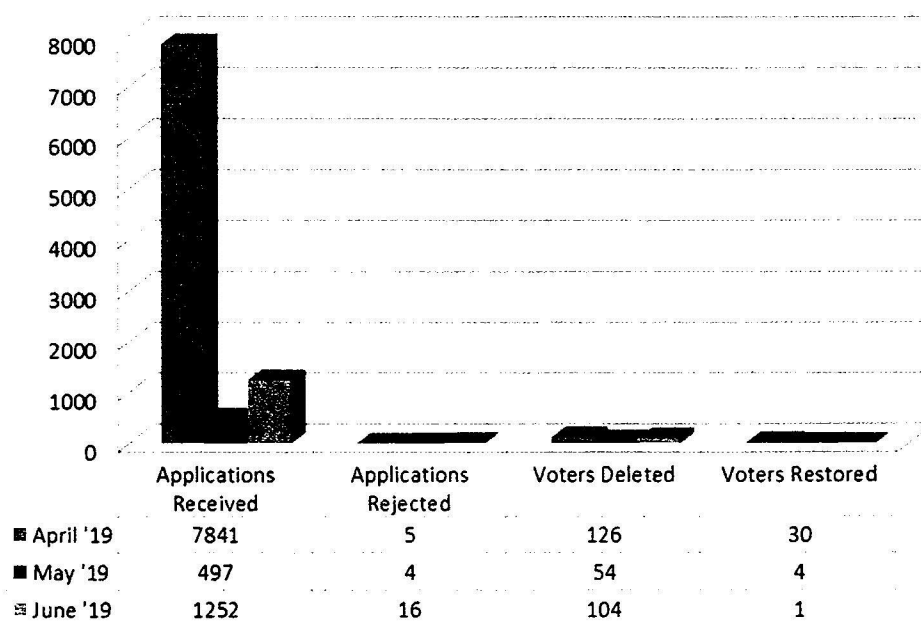
I. OFFICE:

Most of what I want to report on will be below in the budget section; however I did want to mention all of the Voter Registration forms that have been turned in are caught up. This includes all the ones from the June 1st election as well. All processed applications are worked and are on hold until the election process is complete. Once we're out of the election cycle, they will show as registered and we can mail acknowledgement cards.

II. VOTER PROCESSING: As of 07/08/2019

1,252 Applications; 73,695 Total Registered Voters; 42,326 In District; 31,369 At-Large

Voter Registration Statistics



A. Statistical Report:

Detailed Data by District and Precinct is Attached

III. FINANCIAL HIGHLIGHTS:

FY19: I spend a good portion of yesterday going through our reports. (Explain the GL reports)

FY20: The Budget Committee met again this afternoon after an email came in requesting a revision. A copy of that revision is in your packets and the revision will need to be sent back to Budget Submittals by COB Thursday, July 11th.

Date Range: 06/01/2019 - 06/30/2019

Applications Received

Voter Registration Applications	898
Absentee Applications	354
Total	1,252

Registration Applications Rejected

Insufficient Address	1
No Roll Number	3
Not Signed	12
Under Age	0
Total	16

Deleted Registrations

Duplicate	0
Voter Deceased	104
Voter Relinquished	0
Total	104

Registration Status Changes

Deleted Restored	1
Total	1

District	Precinct	Voters
District No. 1	Hulbert	1,251
	Okay	308
	Tahlequah (1)	1,589
Total for District		3,148
District No. 2	Briggs	235
	Lowrey	241
	Tahlequah (2)	2,438
Total for District		2,914
District No. 3	Keys	950
	Tahlequah (3)	1,817
Total for District		2,767
District No. 4	Ft. Gibson	1,091
	Muskogee	535
	Warner	737
Total for District		2,363
District No. 5	Gore	319
	Sallisaw (5)	603
	Vian	1,148
Total for District		2,070
District No. 6	Belfonte	123
	Marble City	175
	Muldrow	1,653
	Sallisaw (6)	1,644
Total for District		3,595
District No. 7	Cave Springs	289
	Chewey	80
	Stilwell (7)	2,633
	Westville (7)	745
Total for District		3,747
District No. 8	Bell	270
	Stilwell (8)	1,078
	Westville (8)	473
Total for District		1,821
District No. 9	Jay (9)	696
	Kansas	1,317

District	Precinct	Voters
District No. 9	Kenwood	130
	Salina (9)	548
Total for District		2,691
District No. 10	Afton	608
	Grove	736
	Jay (10)	814
	Pryor (10)	549
	Salina (10)	200
	Spavinaw	161
Total for District		3,068
District No. 11	S. Coffeyville	461
	Vinita	1,777
	Welch	136
Total for District		2,374
District No. 12	Bartlesville	1,675
	Nowata	725
	Skiatook	114
Total for District		2,514
District No. 13	Catoosa	337
	Collinsville	988
	Tulsa	1,841
Total for District		3,166
District No. 14	Chelsea	551
	Claremore (14)	2,476
	Oologah	431
Total for District		3,458
District No. 15	Claremore (15)	830
	Locust Grove	878
	Pryor (15)	870
	Salina (15)	52
Total for District		2,630
At Large	At Large	31,369
Total for District		31,369
Grand Total		73,695

Cherokee Nation Election Commission

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

Email: election-commission@cherokee.org

Website: www.cherokee.org/elections.aspx



Phone: 918-458-5899

Toll Free: 1-800-353-2895

Fax: 918-458-6101

2019 June Directors Report:

Started off with the election on the 1st of June and continued to work on the reports, documents of the election from the precincts. All went well with the election. The election setup was completed and ballots were printed tested and the Runoff election was well underway. The absentee ballots were prepared for mail out and were mailed out on the first day for mail out. The only things left to do are the testing of the regular ballots and predefining the equipment, the last documents in the Precinct official notebooks. We are ready for the Election on July 27, 2019

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.

B. Obstructing or Impeding Voter Access to Polling Place: No person shall be allowed to impede or obstruct voters attempting to access polling places while an election is in progress, including, but not limited to, by obstructing or impeding any entrances or exits utilized by vehicles occupied by voters traveling to or traveling from the polling place.

C. Enforcement, Notice to Law Enforcement and Regulations: Persons engaged in the conduct proscribed in paragraphs A and B above, shall be subject to removal by local law enforcement and/or the Cherokee Nation Marshal Service at the request of the appropriate official, including but not limited to any precinct official. The Election Commission shall notify appropriate law enforcement departments of the provisions set forth in Section §52(A) and Section §52(B) of this TitleAet.

D. Employee Solicitation: Use of official website of the Cherokee Nation, the Cherokee Nation intranet, employee address list or, office phone extensions for political purposes is prohibited. Any candidate, other person, corporation or legal entity that violates this section shall be assessed a civil penalty per occurrence.

E. Criminal Sanctions. Any candidate or other person who is a citizen of the Cherokee Nation or a member of any other federally recognized Indian tribe who has violated any requirement or prohibition in Section 52 of this Title shall be guilty of a crime.

§ 53. Watchers.

A. Primary Election. Each Candidate in a primary election for the office of the Principal Chief, Deputy Principal Chief, and for the Council may submit one (1) ~~one~~ name and up to two (2) ~~two~~ alternates as their designated watchers at each precinct and in person absentee voting within a time to be prescribed by the Election Commission. Each Candidate may also submit one (1) ~~one~~ watcher name and two (2) ~~two~~ alternate names for the Absentee ballot affidavit examinations.

B. Runoff Election. In the event of a runoff election, candidates in the runoff election may submit one (1) ~~one~~ watcher name and up to two (2) alternate watcher names as their designated watchers at each precinct within five (5) business days from date of certification of results of the primary election.

C. Selection of Watchers. No candidate for any elective office in the Cherokee Nation, as defined in Section 3.1 (C) shall be a watcher and no one in an elective office for the Cherokee Nation, as defined in Section 3 A(13) of this Code shall be a watcher if they are currently serving in that elective office capacity during an election. In addition, no former tribal councilor, former Principal Chief or former Deputy Principal Chief shall serve as watchers in any Cherokee Nation Elections. The selection of the watchers and their designated precincts shall be by random drawing of names submitted by candidates for each respective district to be assigned within those districts. The Election Commission shall have the sole authority to determine the number of watchers in any given precinct. The selection of six (6) ~~six~~ absentee watchers and two (2) ~~two~~

alternate watchers shall be made for each day that absentee declarations are examined prior to and on the day of the election. No person shall serve as an absentee watcher for more than one day. The selection of absentee watchers and alternates shall be by random drawing of six (6) ~~six~~ names from the list of names submitted by the candidates pursuant to Sections 53 (A) and 53 (B) of this Act~~subsections A and B of this Section~~ until the names of six (6) ~~six~~ watchers and two (2) ~~two~~ alternate watchers have been drawn. All names for consideration must have come from the list submitted by the Candidate when the Candidate filed for office.

D. Duties of Watchers. Watchers shall be entitled to observe the ballot box, including a counting device and all printouts from the counting device, before the precincts are opened, during voting and after the precincts are closed. Watchers may be commissioned to observe counting device testing and to accompany personnel assigned to repair or maintain machines during the period of the election. In such case, the watchers shall be limited to observing the repair or maintenance work being performed and making a written record of such work. A watcher is an observer only. Watchers are permitted to talk with the Inspector or a member of the Cherokee Nation Election Commission only. The watcher may notify Inspector/Commissioner if they notice any kind of irregularity at which point Inspector/Commissioner corrects the issue. A watcher is not permitted to bring a cell phone or any other electronic devices, or make or receive phone calls. A watcher may not leave the building from 7AM until after 7 PM. If the watcher leaves, the watcher shall not return. The watcher shall remain at the precinct until all the work has been completed and the Inspector is ready to return the election materials to the Election Commission. A watcher may ask a precinct worker to call the Election Commission to voice any complaints, questions or allegations of improprieties to the commission.

§ 54 through 60. Reserved.

ARTICLE 2. VOTING GENERALLY

§ 61. Precinct and Hours; Notice.

The Election Commission shall establish the location of each precinct in accordance with Section 11 (C) (8) of this Title and the autonomous nature of the Election Commission~~subject to approval by Council Resolution~~. The Election Commission shall promulgate regulations listing the approved locations for precincts, provided that said regulatory provisions listing approved locations may be amended, if needed. Each precinct shall be open during the hours from 7 a.m. to 7 p.m. on the day of the election. The Election Commission shall publicize the location of each precinct. In considering the location of precincts the Election Commission shall, whenever practicable, locate precincts on Indian Country as defined under Federal Law, thereby allowing Cherokee Nation legal jurisdiction over said areas.

§ 62. Manner of Voting Generally.

A. Secret Ballot. Voting shall be by secret ballot.

B. Procedure for Voting in Person. Except as provided in Section 78 of this Title or as otherwise provided, any registered voter may vote by appearing at his or her designated precinct, announcing to precinct officials his or her name and address, signing the registry, marking a ballot and placing in the ballot box or counting device.

C. Absentee Ballot. Any registered voter may at his or her request vote by absentee ballot as prescribed in Article 3 of this Chapter.

D. In person absentee voting:

1. Any voter may vote by utilizing an in-person absentee ballot at the Election Commission Office located at Tahlequah, Oklahoma during hours to be set by the Commission, which shall be at least from 9:00 a.m. to 5:00 p.m. on a minimum number of days immediately preceding any election provided for by this ~~Title~~^{Act} and at any other locations or times that the Election Commission deems necessary and appropriate. As part of the application for an in-person absentee ballot, such voter shall swear or affirm that he or she has not voted a regular mail absentee ballot and that he or she will not vote at the regular polling place in the election for which the in-person absentee ballot is requested. Any voter who violates the provisions of this section shall be guilty of a crime.

2. The Election Commission shall develop rules and procedures to carry out the requirements of this section.

§ 63. Voting by Persons with Physical Disabilities or Language Barriers.

A. Inability to Mark Ballot. If a voter appears at his or her precinct and states that he or she, because of a physical disability or infirmity or language barrier, is unable to mark a ballot, the inspector shall recite the following oath: "Do you solemnly swear or affirm that you are unable to mark your ballot for voting because of a (name of appropriate disability)." After taking the oath, the voter shall be permitted to be assisted by any person of his or her choice, at least eighteen (18) years of age, in voting his or her ballot.

B. Inability to Enter Building. If a voter is unable to enter the building due to physical disability or infirmity, he or she must send someone inside the precinct to inform a precinct official. Upon notification, the inspector shall go to the voter in the parking area of the precinct, and recite the following oath: "Do you solemnly swear or affirm that you are unable to enter the precinct because of a (name of appropriate disability)." A precinct official shall accompany the inspector with appropriate materials and a ballot, shall present the ballot to the voter after the voter has taken the oath. The voter may then mark his or her ballot, and return it to the precinct official, who shall deposit it in the ballot box or counting device inside without viewing the ballot.

C. Witness. All special assistance described herein shall be witnessed by the precinct inspector.

§ 64. Challenged Ballots.

A. Voting Procedure. If the precinct Voter List does not contain a voter's name, or if a precinct official should challenge the voter's right to vote for other reasons, said voter shall be allowed to vote only if the voter is registered to vote and completes a voter registration application for a residence address within the district and signs a statement swearing or affirming that the voter is currently eligible to vote in said precinct and has not already cast a regular or absentee ballot for said election. Voter will sign a Challenged Ballot Roster and the Ballot issued to the voter will be listed in the Ballot Issued Column. **WARNING:** the Challenged voter will NOT sign the Voters Precinct Signature Book.

July 9, 2019 4:00 PM

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