



CHEROKEE NATION ELECTION COMMISSION

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

CHEROKEE NATION ELECTION COMMISSION

Special Meeting Minutes – Hearing on District 2 Candidate Bobby Slover

August 2nd, 2021

I. Call to order

- The Special Meeting of the Cherokee Nation Election Commission for August 2nd, 2021 was called to order by Chairperson Shawna Calico at 1:30pm.

II. Roll call

- Election Commission Secretary Rick Doherty called roll and a quorum was established with the following Commissioners present:

Shawna Calico – Chairperson
Pamela Sellers – Vice Chairperson
Rick Doherty – Secretary/Treasurer
Randy Campbell – Commissioner
Elizabeth Ballew – Commissioner

- Office staff present was: Marcus Fears
- Election Commission Attorney Harvey Chaffin was present

III. Current Items

- Hearing pursuant to CNCA Title 26 Section 11. C. 18; CNCA Title 26 Section 38; CNCA Title 26 Section 45; CNCA Title 26 Section 47; and CNCA Title 26 Section 104 of the election code for District 2 Candidate Bobby Slover.
 - i. During opening statements, Attorney for Mr. Slover, AJ Ferate presented to the Commission, Deputy Attorney General Chrissi Nimmo and the Court Reporter a signed Affidavit by Darrell Trammel alleging bias for a particular Candidate. **(Attachment 1)**
 - ii. Rick Doherty made a motion seconded by Elizabeth Ballew to enter **Executive Session** at 1:37pm. The motion was approved by all Commissioners.
 - iii. Randy Campbell made a motion seconded by Rick Doherty to **Exit Executive Session** at 1:44pm.
 - iv. **Action from Executive Session** - Pam Sellers stated for the record that she did not have bias for a particular Candidate, but would excuse herself from the Hearing.
 - v. Chairperson Shawna Calico read a statement that notice of the hearing was given provided by law to the Candidate, that this was a public hearing and everyone was made aware of what would be expected of the attendees in this public meeting.



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- vi. The Commission made a part of the Record the Notice of Hearing, the Memo to the Election Commission, CNEC Rules and Regulations, the Hearing Procedure and any Responses by the Challenger and Candidate.
- vii. Both the Deputy Attorney General Chrissi Nimmo and the Candidate through his Attorney AJ Ferate were given the opportunity to present evidence in support of their case, cross examine any witness called; and, both the Deputy Attorney General Chrissi Nimmo and Candidate through his Attorney AJ Ferate were given the opportunity to respond and give closing arguments.

IV. Executive Session

- Rick Doherty made a motion seconded by Randy Campbell to enter Executive Session at 3:43pm. The motion was approved by all Commissioners.
- Randy Campbell made a motion seconded by Elizabeth Ballew to Exit Executive Session at 5:25pm. The motion was approved by all Commissioners.

V. Action from Executive Session

- In the Hearing No.: 2021-5, Cherokee Nation v. Bobby Slover, District 2 Tribal Council Candidate, IT IS THEREFORE THE DECISION OF THE CHEROKEE NATION ELECTION COMMISSION that Bobby Slover, is disqualified as a candidate for District 2 Tribal Council for the 2021 General Election and assessed a civil penalty of \$3,000.00, all pursuant to Section 104 of the Cherokee Nation Election Code. Randy Campbell made a motion seconded by Elizabeth Ballew to accept the decision as read. The motion was approved by all Commissioners. **(Attachment 2)**

VI. Announcements

- During the hearing, it was brought to the attention of the Election Commission of a financial deficiency made by a Candidate in the 2019 election. Pursuant to Section 11. C. 18. the Election Commission forwarded the financials to the Attorney General's Office and to the Marshal Service for investigation.

VII. Adjourn

- Randy Campbell made a motion to adjourn at 5:28pm. The meeting was adjourned.

Minutes submitted by Rick Doherty, Secretary/Treasurer

the Commission in its discretion rules otherwise.

5. The Commission Members and Commission Attorney may ask questions at any time. Commission Members or Commission Attorney may not be called as a witness.

6. The proceeding shall be recorded by a Certified Court Reporter, who shall also swear any witness.

7. First, the Commission shall make a part of the Record the Report "Memo To The Election Commission" and Attachments submitted by the Attorney General of the Cherokee Nation.

8. Second, the Attorney General of the Cherokee Nation shall present evidence in support of the Report "Memo To The Election Commission" and Attachments submitted to the Cherokee Nation Election Commission on July 21, 2021; and, the Candidate shall be allowed to cross exam any witness called and redirect and recross will be allowed. All Exhibits shall be marked and made a part of the record.


9. Third, the Candidate shall be given the opportunity to present any evidence in opposition to the Charges; and, the Attorney General shall be allowed to cross exam any witness called and redirect and re-cross will be allowed. All Exhibits shall be marked and made a part of the record.

10. At the end of the evidence, the Candidate and Attorney General will be allowed closing arguments to the Commission within a time frame set by the Commission; and, after such closing argument, the Commission will consider the evidence in executive session.

11. The Commission will reconvene the hearing to render its decision.

Cherokee Nation Election Commission

BY:



Shawna Calico, Chairperson

BEFORE THE CHEROKEE NATION ELECTION COMMISSION
OF THE CHEROKEE NATION

Cherokee Nation)	
)	
v.)	Hearing No: 2021-5
)	
Bobby Slover, District 2 Tribal)	
Council Candidate)	

OFFICE OF THE ATTORNEY GENERAL
PROPOSED FINDINGS OF FACTS AND CONCLUSION OF LAW

Comes now, the Office of the Attorney General, by and through Deputy Attorney General Chrissi Nimmo, and submits the following proposed findings of facts and conclusions of law:

I. Proposed Findings of Facts:

- 1) Bobby Slover is a Candidate for Tribal Council District 2. (OAG Exhibit 4).
- 2) Action Floors, LLC is an Oklahoma Domestic Limited Liability Company comprised of two owners. (OAG Exhibit 2).
- 3) In June 2021, Action Floors, LLC wrote a check to the Bobby Slover Campaign in the amount of \$1000.00. (OAG Exhibit 1 and 3).
- 4) In June 2021, Bobby Slover deposited that check. (OAG Exhibit 2 and 12).
- 5) On July 14 2021, Bobby Slover's financial agent, Shannon Dallis submitted Slover's campaign financial disclosure report indicating a contribution from Action Floors, LLC to Bobby Slover on June 18, 2021. (OAG Exhibit 7).
- 6) On July 20, 2021 Bobby Slover's financial agent, Shannon Dallis, at Slover's direction, submitted Slover's revised campaign financial disclosure report changing the June 18, 2021 contribution from Action Floors, LLC to a June 18, 2021 contribution from Darla and Jeff McCarty. (OAG Exhibit 8 and 14).
- 7) On July 21, 2021 Cherokee Nation filed criminal charges against Bobby Slover alleging one count of Acceptance of Illegal Campaign Contributions. (OAG Exhibit 1).
- 8) On July 21, 2021 Candidate Bobby Slover wrote a check to Action Floors in the amount of \$1,000.00 and that check was deposited by Action Floors on the same day. (OAG Exhibit 10 and 11).
- 9) On July 29, 2021 Bobby Slover's financial agent, Shannon Dallis submitted Slover's second revised campaign financial disclosure report marking through the June 18, 2021 contribution from Darla and Jeff McCarty. (OAG Exhibit 9).

II. Applicable Laws and Conclusions:

The following section of the Cherokee Nation Election Code subject a Candidate to disqualification of the Candidate accepts a campaign contribution from a legal entity:

26 C.N.C.A. § 3(3) "Candidate" means a person who has raised funds and/or accepted in-kind contributions in excess of One Thousand Dollars (\$1,000.00) or has filed and is qualified to run in an election to hold elective office in the Cherokee Nation, in accordance with Chapter 4 §§31-34 of this Title and in accordance with the Cherokee Nation Constitution.

26 C.N.C.A. § 41(A) "Campaign contribution" means a contribution in money or goods or services to a candidate or political committee that is offered or given with the intent that it be used in connection with a campaign for elective office or on behalf of a ballot measure. Whether a contribution is made before, during, or after an election does not affect its status as a campaign contribution. A candidate that withdraws from an election or fails to file, must report their contributions, any excess contributions beyond expenses must be forwarded to the Election Commission or returned to contributors by the end of the applicable election period.

26 C.N.C.A. § 41(E) "Legal Entity" means any associations or groups comprised of any combination of individuals or corporations that expresses interest by political activities, financial contributions or other methods of either support for or opposition to any Candidate for any office in any Cherokee Nation Election.

26 C.N.C.A. § 43(A) Contributors Limited to Individual Natural Persons. 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.

26 C.N.C.A. § 44(G) No Candidate or financial agent, corporation, legal entity or other person shall knowingly accept a campaign contribution or knowingly make or authorize political expenditures that the Candidate or his or her financial agent knows to have been made in violation of this section or § 43 of this Title; 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; and no Candidate, financial agent or citizen shall solicit or accept campaign funds or contributions that violates Sections 43 and 44 of this Title.

26 C.N.C.A. § 45(A) 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 §§ 43 and 44 of this Title shall be guilty of a crime and subject to: (i) prosecution under the Penal Code of the

Cherokee Nation and subject to the penalties therein; and (ii) disqualification by the Election Commission as provided under § 38 of this Title.

Bobby Slover is a Candidate per 26 C.N.C.A. § 3(3). A check in the amount of \$1000.00 is a campaign contribution per § 41(A). Action Floors, LLC is a Legal Entity per § 41(E). Action Floors, LLC, a legal entity contributed \$1000.00 to Bobby Slover which violates § 43(A). Bobby Slover knowingly accepted a \$1000.00 campaign contribution from Action Floors, LLC, which is in violation of § 43(A) and § 44(G). Bobby Slover violated §§ 43 and 44 of the Election Code and is subject to disqualification by the Election Commission per 26 C.N.C.A. § 45(A).

III. Return of Illegal Contribution Not a Defense

The Cherokee Nation Election Code allows candidates or their financial agents to “correct any deficiency or error” on their financial reports.

26 C.N.C.A. § 46(D). The Election Commission shall give the Candidate an opportunity to correct any deficiency or error in his or her reports. Any contributions received during the six months period following said election date shall be recorded on a revised final report to be filed no later than the first of the month following the expiration date of said six-month period. The reports shall be maintained by the Election Commission Office, which shall preserve the reports in a secure location for at least five years, during which time they shall be a public record available for inspection and copying for a reasonable fee for search and/or making copies of such reports.

Mr. Slover argues that this provision of the code allows him to return the contribution, amend his report, and escape any consequences of his actions. Mr. Slover did not “correct a deficiency or error on his report.” He received an illegal campaign contribution, he amended his financial report to indicate the contribution was made by natural persons (when it was not). He then returned the contribution to a legal entity (not natural persons who he changed his financial report to reflect) and submitted a second amended financial report striking a contribution altogether.

Mr. Slover did not make an error in addition or subtraction, or forget to include one of his expenses or contributions. Instead, he accepted an illegal campaign contribution and when he was questioned about it by the Cherokee Nation Marshal Service, he directed his financial agent to revise his financial report (when there was no change in the actual facts of the contribution). After Mr. Slover learned that he had been charged with a crime, he returned the contribution. Section 46(D) is intended to allow Candidates to correct errors in a report, not give them a reset button on crimes that subject them to disqualification.

IV. Conclusion

Tribal Council Candidate Bobby Slover accepted a campaign contribution from a legal entity. This is a criminal violation of the Cherokee Nation Election Code and subjects Mr. Slover to disqualification by the Election Commission. If the Commission finds that Candidate Slover accepted a campaign contribution from a legal entity, the Commission should disqualify Bobby Slover from the Election.

Submitted:

A handwritten signature in black ink, appearing to read "Chrissi Ross Nimmo", written over a horizontal line.

Chrissi Ross Nimmo CNBA # 319
Cherokee Nation
Office of the Attorney General
PO Box 1533
Tahlequah, OK 74464
(918) 458-6998
Chrissi-nimmo@cherokee.org

AFFIDAVIT

STATE OF OKLAHOMA

COUNTY OF Cherokee

} ss.

COMES NOW Darrell Trammel, of lawful age and sound mind, and do

hereby affirm the following facts:

ON OR AROUND June 1st AROUND six PM. JOHN + PAM
SELLERS Pull UP UNSOLICITED AND JOHN SAID I CAME BY
TO CAMPAIGN YOU BUT I SEE YOU HAVE A SLOVER SIGN IN YOUR
YARD. I TOLD HIM I TOLD BOBBY BEFORE I KNEW ANYONE ELSE
WAS RUNNING I WOULD HELP HIM. JOHN TOLD ME HE DIDN'T KNOW CANDIDA
TEHEE WAS KIND TO HIM UNTIL SHE FILED. PAM AND I SPOKE
ABOUT THE PRESENCT CHAGE FROM LOWREY TO PEGGS. THEN THEY
DROVE OFF

Further Affiant Sayeth Naught.

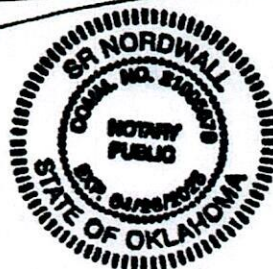
Darrell Trammel

SUBSCRIBED AND SWORN to before me this 1 day of August, 2021.

Notary Public

My Commission Expires:

4/26/25



BEFORE THE CHEROKEE NATION ELECTION COMMISSION
OF THE CHEROKEE NATION

Cherokee Nation)
)
v.)
)
Bobby Slover, District 2)
Tribal Council Candidate)

Hearing No. 2021 - 5

DECISION

Now on this 2nd day of August, 2021, this matter came on for hearing before the Cherokee Nation Election Commission and the Cherokee Nation appears by and through the Office of Attorney General of the Cherokee Nation, by Cherokee Nation Assistant Attorney General Chrissi Nimmo; and the Candidate Bobby Slover, appears in person and through his attorney AJ Ferate.

The Commission, after hearing the evidence of witnesses, sworn and examined, examining exhibits introduced, the written charges, hearing arguments of counsel and the Candidate and after full deliberation, finds that Notice of this Hearing was given and served as provided by law; finds that the Findings of Fact and Conclusions of Law attached hereto are incorporated herein by this reference; and, that the Candidate, Bobby Slover, should be disqualified as a candidate for District 2 Tribal Council for the 2021 General Election and assessed a civil penalty of \$3,000.00, all pursuant to Section 104 of the Cherokee Nation Election Code.

IT IS THEREFORE THE DECISION OF THE CHEROKEE NATION ELECTION COMMISSION that Bobby Slover, is disqualified as a candidate for District 2 Tribal Council for the 2021 General Election and assessed a civil penalty of \$3,000.00, all pursuant to Section 104 of the Cherokee Nation Election Code.

Dated this 2nd day of August, 2021.

Cherokee Nation Election Commission

BY: Shawna Calico
Shawna Calico, Chairperson and Member

BY: Recused
Pamela Sellers, Vice Chairperson and Member

BY: Rick Doherty
Rick Doherty, Secretary/Treasurer and Member

BY: Elizabeth Ballew
Elizabeth Ballew, Member

BY: Randy Campbell
Randy Campbell, Member



Cherokee Nation Election Commission – Special Meeting
 Hearing Sign-In Sheet
 Monday, August 2, 2021, 1:30PM

Print Name	Signature
Joseph Tomlinson	<i>Joseph Tomlinson</i>
Anthony J. Ferare	<i>Anthony J. Ferare</i>
C. Fulton	<i>C. Fulton</i>
Vivian Smith	<i>Vivian Smith</i>
Chrissi Nimmo	<i>Chrissi Nimmo</i>
<i>Chrissi Nimmo</i>	<i>Chrissi Nimmo</i>
Dana A. McCarty	<i>Dana A. McCarty</i>
Jesse S. McCarty	<i>Jesse S. McCarty</i>
Melanie Grayson	<i>Melanie Grayson</i>
Sherman Dallas	<i>Sherman Dallas</i>

CHEROKEE NATION ELECTION COMMISSION

 REGULAR MEETING

SPECIAL MEETING

COMMISSION PRESIDED BY: Shawna Calico

MEETING DATE: 8-2-21 at 1:30 PM at the CNEC Office

Commission Member: Present/Absent

Shawna Calico Present/Absent

Pamela Sellers Present/Absent

Randy Campbell Present/Absent

Rick Doherty Present/Absent

Elizabeth Ballew Present/Absent

Quorum Established: YES / NO

CNEC Attorney: Harvey Chaffin

Staff Present: Marcus Fears Connie Parnell Kendal Bishop Charlene Keys

Visitors:

See list _____

