

**MINUTES
SPECIAL MEETING
APRIL 18, 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 9:00 a.m. on April 18, 2019.

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

Shawna Calico, Chairwoman
Pamela Sellers- Vice-Chair
Carolyn Allen-Secretary
Randy Campbell- Commissioner
Rick Doherty- Commissioner

Office staff present:
Marcus Fears

Attorney Harvey Chaffin was present.

A list of guests is included in the minutes of citizens who were in attendance at this hearing in a duly meeting of the Election Commission. Chairperson Shawna Calico asked for discussion and/or approval of the minutes of the April 11, 2019 Special Meeting. Pamela Sellers made a motion which was seconded by Randy Campbell to approve the minutes. The motion was approved by all commissioners.

Old Business:

- a. Approval of Minutes from the April 9, 2019 Regular Meeting:

Chairperson Shawna Calico asked for discussion and/or approval of the minutes of the April 9, 2019 Regular Meeting. Rick Doherty made a motion which was seconded by Randy Campbell to approve the minutes of the April 9, 2019 meeting. The motion was approved by all commissioners.

Current Items:

- a. Hearing pursuant to Section 11.C.12.f. and Section 38 of the Election Code for At-Large Candidate Wanda Hatfield:

The hearing procedure was read by Chairperson Shawna Calico and given to the court reporter to be entered as Exhibit 1 for the record for this hearing. (Attachment #1)

Election Commission Attorney Harvey Chaffin stated that proof of notice, proof of service, notice forwarded to candidate Wanda Hatfield and documents of complaints from citizens which had been forwarded to the Attorney General's office were being introduced as exhibits to be entered into the court record today.

Attorney Harvey Chaffin stated to Candidate Wanda Hatfield and Attorney General Todd Hembree that either would be allowed to make opening statements. Attorney General Todd Hembree stated he had no opening statement because the facts were not being disputed and that it was an element of Election Code 44 G which he read. Wanda Hatfield represented by herself and stated she had no materials to present for opening statement. The hearing continued with presentation from both sides, the Candidate and the Attorney General. Both were allowed to have closing statements. At the conclusion of the hearing, Attorney Harvey Chaffin stated the Election Commission would present both findings and conclusions. The hearing in its entirety was recorded by a court reporter provided by the Election Commission.

Executive Session:

A motion was made by Pamela Sellers and seconded by Randy Campbell to enter into executive session at 10:36 a.m. The motion was approved by all commissioners.

A motion was made by Rick Doherty and seconded by Randy Campbell to exit executive session at 12:11 p.m. The motion was approved by all commissioners.

Action from Executive Session:

Chairperson Shawna Calico read the decision in the Hearing No. 2019-1 Cherokee Nation vs. Wanda Hatfield, At-Large Tribal Council Candidate. The statement read: IT IS THEREFORE THE DECISION OF THE CHEROKEE NATION ELECTION COMMISSION that Wanda Hatfield, is disqualified as a candidate for At-Large Council for the Cherokee Nation 2019 General Election. A motion was made by Randy Campbell and seconded by Carolyn Allen to disqualify Wanda Hatfield as a candidate for the 2019 General Election. The motion was approved by all commissioners. (Attachment #2)


Announcements:

There were no announcements.

Adjourn:

A motion was made by Rick Doherty to adjourn at 12:14 p.m. The meeting was adjourned.

Minutes submitted by:


Carolyn Allen, Secretary
Cherokee Nation Election Commission
April 25, 2019

BEFORE THE CHEROKEE NATION ELECTION COMMISSION
OF THE CHEROKEE NATION

Cherokee Nation)	
)	
)	Hearing No: 2019-1
v.)	
)	
Wanda Hatfield, At Large)	
Tribal Council Candidate)	

Hearing Procedure

This hearing is being conducted pursuant to Section 38 of Title 26 of the Cherokee Code Annotated and the Rules and Regulations of the Commission. Notice of this Hearing has been given as provided by law to the Candidate, with a copy of the Investigative Memorandum and Attachments submitted by the Attorney General of the Cherokee Nation, attached. Proof of service on the Candidate shall be made a part of the record.

The Procedure for this hearing will be as follows:

1. The Chairman will preside over the hearing and make any necessary rulings, and may consult with Commission legal counsel. Any Commission Member who disagrees with the Chairman's Ruling may request a voice vote by full Commission and the Majority vote shall control.
2. 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;
3. The parties, counsel for the parties and the

audience should conduct their selves in a respectful and courteous manner and anyone creating a disturbance will be asked to leave.

4. The formal rules of evidence shall not apply unless 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 Investigative Memorandum 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 Investigative Memorandum and Attachments submitted to the Cherokee Nation Election Commission on April 8, 2019; and, the Candidate 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.
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: _____

BEFORE THE CHEROKEE NATION ELECTION COMMISSION
OF THE CHEROKEE NATION

Cherokee Nation)
)
v.)
)
Wanda Hatfield, At-Large)
Tribal Council Candidate)

Hearing No. 2019 - 1

DECISION

Now on this 18th day of April, 2019, this matter came on for hearing before the Cherokee Nation Election Commission and the Cherokee Nation appears by and through the Attorney General of the Cherokee Nation, Todd Hembree: and the Candidate Wanda Hatfield, appears in person, pro se.

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, Wanda Hatfield, is disqualified as a candidate for At-Large Council for the Cherokee Nation 2019 General Election.

IT IS THEREFORE THE DECISION OF THE CHEROKEE NATION ELECTION COMMISSION that Wanda Hatfield, is disqualified as a candidate for At-Large Council for the Cherokee Nation 2019 General Election.

Dated this 18th day of April, 2019.

Cherokee Nation Election Commission

BY: Shawna Calico
Shawna Calico, Chairperson and Member

BY: Pamela Sellers
Pamela Sellers, Vice Chairperson and Member

BY: Carolyn Allen
Carolyn Allen, Secretary/Treasurer and Member

BY: Rick Doherty
Rick Doherty, Member

BY: Randy Campbell
Randy Campbell, Member

