

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

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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 cursive script, reading "Chrissi Ross Nimmo", written over a horizontal line.

Chrissi Ross Nimmo CNBA # 319

Cherokee Nation

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