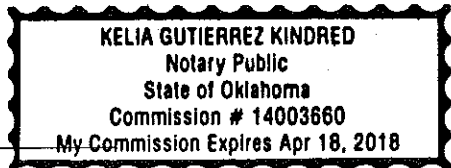


We, the undersigned, do swear and affirm
we have read the complaint hereby
presented to the Court of the Delaware
Tribe of Indians and do believe the
contents to be true and correct.

This instrument was acknowledged before me on 11/4/2014
Date

By Paula Lockman
Janet Richard
Co-Complainant

Kelia Gutierrez Kindred
Signature of Notary Public



Filed
Time: 3:00 pm Date: 11-4-14
Recorded
Book: _____ Page: _____
Case #: _____
Court Clerk: *[Signature]*

DELAWARE TRIBE OF INDIANS

TRIBAL COURT

Chief Paula Pechonick, co-complainant

&

Jenifer Pechonick, co-complainant

Case No.:

A complaint presented in accordance
with the Delaware Tribe of Indians
Election Regulations

I. Introduction.

In accordance with the Delaware Tribe of Indians ("the Tribe") election regulations, this complaint is hereby presented. Chief Paula Pechonick, Jenifer Pechonick, Tribal Council come forth as enrolled members and registered voters of the Tribe, whose rights were adversely affected by procedures used during the 2014 General Election of the Delaware Tribe of Indians present this complaint as outlined in the Delaware Tribe of Indians Election Regulations. This document is filed concurrently with the Election Board (presented in writing to PO Box) and the Tribal Court (presented to Court Clerk, Caney, KS) with a courtesy copy sent electronically to the Election Board Chair, Cy Hughes as well as the email address listed for the Election Board listed on the Tribe's website. The filing fee is with presented with the Election Board's copy as prescribed in the Election

17 Regulations.

18
19 II. Jurisdiction.

20
21 As this matter is pertinent to and consistent with the Constitution of the Delaware
22 Tribe of Indians, the Tribal Court of the Delaware Tribe of Indians may exercise
23 jurisdiction. The spirit of this document is to bring to light areas of improvement
24 and highlight how the co-complainants rights were adversely affected as a result.
25 In addition, the items cited cause serious concern for the validity and integrity of
26 the results of the election as well as the process. **The co-complainants must**
27 **be very clear, however, we stand firm to say, we are grateful to those who**
28 **serve the Tribe, we stand firm the Board acted with the purest intent**
29 **throughout the process.**

30
31 III. Allegations.

32
33
34 The following is a non-exhaustive list of disputes which result from conduct and
35 procedures contrary to or failure to act in accordance within the letter and/or spirit
36 of the Delaware Tribe of Indians Election Board Regulations and/or the inherent
37 harm which occurred as a result of the same.

38
39 1. Historically, voter turnout is significantly higher for the General Election held
40 every four (4) years, (in a Chief election) than the turnout appears to have been
41 for the November 1, 2014 election. (See Composite Exhibit A)

There are several areas to be considered:

A. Not all of the ballots sent in were counted.

While there are theories available as to where the ballots went, there is a lack of information to support many of them. However, safeguards are available which could be implemented to ensure a clear chain of custody of the ballots, some of those may already be in the regulations but were not enforced; others likely exist outside of the current regulations. In addition, as Chain of Custody is reviewed, ballot security and integrity should be carefully considered.

B. Current regulations as written do not provide an environment that is voter friendly. (Exhibit A.1)

The method of balloting changed to a hybrid of requesting absentee ballots and being sent one. Tribal members did not seem to relate to the concept. Tribal members who were not on the list of 2013 voters believed themselves to be "voters in the last election" on further questioning, some believed the "last election" was two years ago or even four years ago. Those voters misunderstood they would receive a ballot and thus did not file a ballot request. The radical change for balloting likely warranted more voter education than was provided. There are other items which could be taken into consideration in reconsidering the regulations such as polling times, balloting methods, etc.

65 **C. Deviations from the regulations caused voter confusion and**
66 **candidate confusion.**

67 Voter turnout may have been compromised by the "unpublished" date
68 of acceptance for *some* absentee ballot requests. The "official" cutoff
69 date for absentee ballot requests was printed as October 1, 2014. At
70 the September Tribal Council meeting, Election Board Chairperson,
71 Mrs. Cy Hughes said she would send out ballots as late as she could
72 and elaborated hypothetical special circumstances of voters that
73 should email her a ballot request. A complainant took this to mean
74 voters who did not have outstanding circumstances should not act
75 contrary to the published "official" date. Thus, after September 30th,
76 both complainants maintained compliance with the "official" deadline.
77 While the motivation to deviate from the regulations was to promote
78 voter participation, the mixed messages caused confusion to the voter
79 and the candidate alike. In addition, the Election Board lacked a clear
80 channel of communication of deviations to the candidates and voters,
81 creating confusion and affecting the uniformity of opportunity to both.

82 **D. The regulations as written do not establish, identify or address**
83 **acceptable campaign practices. Candidates are free to behave in**
84 **a manner unbecoming to that of an elected official.**

85 The atrocities which occurred and were unregulated were detrimental
86 to the current administration, the candidates, the voters and the
87 general welfare of the Tribe. One example: on or about October 13,

88 2014, a complainant was notified y a Tribal member (the email was
89 forwarded to a complainant on October 14) who reported Candidate
90 for Chief and Assistant Chief Chet Brooks, acting in an unknown
91 capacity, sent an email which at first glance, appeared to be official
92 election correspondence stating absentee ballot requests would be
93 accepted through the 15th and even after that date. (Exhibit B) In a
94 closer look, one could have easily dismissed this email as "spam" or
95 concluded something else. Mr. Brooks provided inaccurate
96 information, used this announcement to campaign for particular
97 candidates and against other candidates. In addition, he likely
98 contributed to a lower voter turnout by sharing Tribal member's private
99 information with a multitude of people and presenting a document
100 unbecoming of a Tribal official, in an awkward format, spelling errors
101 and sending the same email multiple times. The Tribal member
102 continued to get the email blasts for days and finally sent a complaint
103 to the Election Board Chair. To continue to cite atrocities which
104 occurred would only cause heartburn and controversy.

105
106 **2. The following items address some of the current written regulations or**
107 **actions which were outside of the current regulations:**

- 108
109 a. The Public Notice of Election in the October Newspaper (DIN)
110 did not designate the polling times or places.

- 111 b. When the Election Board Chairperson presented the names for
112 the board members, she did not mention the real or appearance
113 of conflict of interest with at least two of her selections 1) her
114 son, 2) a tribal member who was scheduled to give birth in the
115 weeks prior to the election. When questioned about these
116 selections, at least one complainant presumed this, like many
117 committees, was utilizing the volunteers at hand. At least two
118 (2), capable, available (and one very experienced) Tribal
119 members were put on a "waiting list" and not utilized, even
120 though the regulations provide Board members may be replaced
121 by the Board Chair for any reason of non-performance.
- 122 c. It should be stated these particular co-complainants have a
123 somewhat unique perspective of a parent-child team serving
124 together on a board but Mr. Hughes, did not represent the
125 Election Board with conduct expected of a Board member. He
126 told the hired security guard, "this Tribe's had 'bad management'
127 for years".
- 128 d. Mr. Hughes, by direction of the Board, presumably, went to the
129 post office alone on the day **before** the Election and picked up
130 the ballots, brought them back to the Tribe and the election
131 committee manipulated the ballots until early in the morning.
- 132 e. On Election Day, at least three "In Person" voters confirmed the
133 protocol of voter identification/confirmation was not in practice.

134 None of them had to "announce their address" (although, they
135 were each asked in different ways if the printed address on the
136 voter's list was current) and none of them were asked to comply
137 with the regulation to show a photo ID. (footnote: the practice of
138 having to show a photo ID is regarded as a way to keep
139 minorities from voting, perhaps the Delaware Tribe of Indians'
140 proof of ID should be a Tribal Card!)

141 f. The absentee ballot request form states, "This form must be
142 received at the Delaware Election Board Post Office Box by
143 close of business on OCTOBER 1, 2014 to receive an Absentee
144 Ballot. Only (1) ballot per request form. This form maybe
145 duplicated. All request forms must be mailed to:" the Delaware
146 Election Board PO Box. However, there was an unpublished
147 drop box only some had knowledge of under the receptionist's
148 desk at the Wellness Center and Ms. Hughes sent ballots
149 requested in this manner (request dropped in the drop box). In
150 addition, the option to email the request was another deviation
151 which was not communicated throughout the candidates.

152 g. The regulations suggest in certifying that "all ballots received are
153 signed and dated by the registered voter. Voters should provide
154 the full name including maiden name and any previous names
155 that may have been used by the voter on the tribal registration
156 list, date of birth and Delaware registration number." The

157 regulations specify the information must be "consistent with the
158 Delaware Tribal Registration record." This requirement is not
159 printed on the voting instructions nor the envelope. Were ballots
160 which did not meet this regulation handled in accordance with
161 the regulations, that is, "All required information on the back of
162 the self-addressed, self-certification envelope must be completed
163 and accurate or the envelope will not be opened or counted"?

164 h. The Chain of Custody of the Absentee Ballot is a major concern.

165 One regulation of this matter states, "To keep ballots, including
166 the ones from the Post Office, locked at all times except when
167 the ballots are being counted."

168 i. On October 31, 2014, the night before the election, Mr. Hughes
169 reported the Election Board stayed at the Tribe until 5 am
170 "counting ballots".

171 j. There was no indication on the posted results how many ballots
172 were received by mail and in person nor were how many, if any,
173 spoiled or mutilated. One complainant stated her envelopes
174 came to her stuck together and after separating them, her ballot
175 appeared to have been tampered with, was this ballot considered
176 spoiled?

177 k. The regulations specify, "Ballots must be marked and sealed in
178 the inner envelope provided marked "ballot". The "ballot"
179 envelope must be placed in the self-addressed envelope

provided with the self-certification information on the back.”

However, the Election Board determined they could combine the two envelopes and simply sign the ballot envelope. This process completely negates the “secret ballot” vote the voter is promised and fosters a state of voter intimidation or a reason for someone to not vote at all, due to the firm belief the regulations mandate a secret ballot.

- l. The regulations are redundant to the same idea – ballots are to be counted after the polls close.
- m. The absentee ballot request as well as the voting packet state in concurrence with the regulations. “Ballots must be received by the US Post Service no later than the close of business the day before the election.” Ballots were removed from the post office on Friday (Were any removed prior to that? What was the Chain of Custody of those ballots?) On Saturday, in a manner contrary to the regulations, an Election Board member and the hired security guard went to the post office and picked up ballots at the post office, again, after the prescribed deadline. What was done with these (approximately) 12 ballots?
- n. On Election Day, all relevant parties a) shall arrive at the voting place at time designated by the Election Board Chairperson, b) remain on duty throughout the day until all votes have been counted and certified and c) Election Board members,

203 candidate(s) watchers and security guard will be locked in the
204 counting room or building once the count has begun. No other
205 person shall be allowed in the counting room or building during
206 the count. The complainants are unclear as to the status of the
207 "count" while the polls were open November 1. Ms. Hughes,
208 which question about the non-compliance of the ballot/self-certify
209 envelope stated the Election Board on Saturday during the voting
210 would open the "Ballot" envelope remove the ballot and turn the
211 ballot and the envelope over to the League of Women Voters for
212 counting. However, Mr. Hughes reported the ballots were
213 counted on Friday. If this isn't accurate, why was the Board at
214 the Tribal Center until 4 or 5 am?

- 215 o. At least one (1) Chief candidate and up to four (4) Council
216 Candidates campaigned to vote for the four candidates who were
217 not incumbents. This message seemed to say to vote for four (4)
218 candidates instead of three (3) repeatedly stated (in various
219 ways) at the least created an atmosphere of cognitive dissidence
220 for a voter, confusion and could have resulted in spoiled ballots.
- 221 p. The regulations discuss the security of the counting room or the
222 counting building. Controversy arose from the confusion of what
223 exactly was the area designated for the Election Board activities.
224 The votes may have been counted in the same area as the
225 voting was conducted; however, Ms. Hughes and Mr. Hughes

226 went freely from the office to the polling area. During the count,
227 several tribal members reported seeing an Election Board
228 member leave (the counting room? the building?) with a ballot
229 and come back without the ballot. An Election Board member
230 remarked, "I don't think he ever brought that ballot back."

231 q. The security guard wasn't feeling well and left at one when the
232 polls closed. He was not asked or informed of his obligation to
233 stay. The Election Board chair was quite clear that anyone who
234 was involved in any capacity in the count must stay until the
235 counting was done. She perhaps jokingly said if your watcher
236 "had a heart attack, we would let them leave." The security guard
237 had the sniffles and left, not realizing he was supposed to stay
238 through the process. A tribal employee that was in the counting
239 room/voting area (all day? part of the day?) left the counting
240 room and was not permitted back in but Mr. Hughes was re-
241 admitted after leaving. It is unclear if Mr. Hughes left multiple
242 times or if the Election Board member and the Tribal employee
243 were making the same reference.

244 r. The "certified return" posted on the door was only signed by two
245 (2) Election Board members and four (4) League of Women
246 Voters. A tally wasn't posted, although the sheet listed was titled
247 as such.

s. The security guard reported to Ms. Hughes a candidate was posted in front of the building by the flags. He informed Ms. Hughes that in the past candidates weren't allowed to do that due to the 100 ft. rule and in order to error on the side of caution, in the past the candidates posted their signs "down by the road". Ms. Hughes left the building and without witness alleges she spoke to the candidate and his brother. She came back in and told the security guard, it was ok, the candidates' brother reported they were 110 ft. from the voting place. The blatant disregard for this rule was a popular recollection and report throughout the day. The brother reported 102 ft to another person who asked and 115 ft to another. The candidate sat there for most of the day the polls were open, stopping would be voters and chatting with them. One concerned Tribal member called to tell a complainant of the violation, the Tribal member was advised to take a picture (the complainant recalled an election in recent times when the same candidate did the same thing and she pleaded with him to comply with the regulations and not jeopardize the process. After sometime, that candidate moved his campaign camp clearly out of the "danger zone" but for the General Election of 2014 he stayed right in front of the building, after everyone was gone for the day, the Tribal member, verifying the location with the picture he took measured the

271 candidate's position at 96 ft. (Exhibit C) A Tribal member was
272 reported to be in the foyer of the voting place greeting would be
273 voters as they arrived, letting them know she was there to
274 "support Bonnie Jo". (Exhibit D)

- 275 t. At the September Council meeting, Ms. Hughes reported
276 approximately 1200 absentee requests had been received, but
277 corrected this statement to say this number included the people
278 who voted last election who would automatically receive a ballot.
279 The list the candidates could purchase listed 994 voters of the
280 2013 election. The complainants were not provided the final
281 number of absentee ballot mailed, nor did the posted sheet
282 include how many were received. At the September 15th
283 meeting, Ms. Hughes reported about 1200 ballots to be sent.
284 The best estimate from the sheet (assuming everyone voted for
285 a candidate for Chief) was 624 ballots received. Where are the
286 other 600+ ballots?
- 287 u. Candidates were afforded the right to purchase a list of electronic
288 media. Said list, "shall clearly show all registered voters, less
289 "lost" Delaware." The list contained 7661 tribal members with
290 addresses, of these; a significant number of households had
291 more than one Tribal member listed. The complainants
292 conducted two mail outs of first-class mail which totaled
293 approximately 5300 voting households, from local to nationwide.

294 Nearly 700 of those were returned with a variety of reasons, such
295 as no such number, moved no forwarding address, forwarding
296 address expired etc. (Footnote: the number of Delaware who are
297 lost is currently about 2,000.)

298 v. The Election Board and Elder Committee created a "Candidate
299 Forum" for the Candidates to have a very structured opportunity
300 to "debate". Candidates were given less than a week's notice of
301 the event and some were otherwise obligated. A provision was
302 offered for candidates to film their introduction in lieu of
303 attendance and those would be shown at the Forum. On other
304 Tribal business, one of the complainants utilized the video
305 option. Her video was not shown at the Forum, as promised,
306 which resulted in exposure for her.

307 The Forum was recorded and candidates were told the submitted
308 videos would be sequenced with the recorded forum for the
309 website. They were not, and there's nothing written to
310 communicate, the complainant appears at the least to have
311 ignored the process and perhaps at the worst boycotted.

312 w. The posted official results sheet did not appear to have the
313 signatures of all of those present at the count. The number of
314 ballots is not apparent. The number of spoiled ballots is not
315 available. The tally was not posted. The words "General Election"

at the bottom are marked through. The Judges are listed as
"Tribal Council". (Exhibit E)

IV. Relief sought.

The Co-complainants seek 1) An emergency injunction* to maintain status quo and to 2) postpone General Council while a 3) a full audit of the Tribal enrollment database/Tribal census is conducted to determine the correct addresses for a majority of Tribal members and a 4) full review and reform of the Election Process and Voter Rights is executed to include Board and candidate training and an election is held with these measures in effect.

Wherefore, the co-complainants respectfully request this Court to now issue Emergency Injunctive Relief.

To grant a preliminary injunction, the court examines four factors: (1) whether there is a substantial likelihood that plaintiff will prevail on the merits; (2) whether the plaintiff will suffer irreparable injury if the injunction is not granted; (3) whether no third parties will be unjustifiably harmed if the injunction is granted further and those enjoined but not bringing forth this complaint will not be harmed or will be harmed much less significantly than those who would be affected if the swearing in Saturday of candidates resulting from the processes described above ; and (4) whether the public interest will be served by the injunction.

339 The merits of the complaint are outlined above and as more discussion and
340 investigation continue, the allegations will only grow. **Again, we do not find fault**
341 **with the intentions of the Election Board, but the integrity of the results of**
342 **an election conducted in this manner will forever be questioned if this**
343 **injunction does not occur and allow reform to be conducted.**

344 The Tribe simply cannot move forward without pausing to answer these questions
345 and review the information, then work together to build a process to ensure due
346 process not only to candidates, but to the voter as well.

347 We cannot stress enough that the Tribe as well as the complainants will suffer
348 irreparable harm as a result of changing the status quo at this time. No one
349 wants to do any of this, but it is absolutely imperative the Tribe have a solid
350 process with a foundation of integrity and conduct an election in which the
351 credibility and validity cannot be legitimately questioned.

352 Throughout this process it is imperative to the future of the Tribe to continue
353 status quo and allow the current processes in place to continue and allow those
354 associated with the Tribe can rest assured the Tribe's integrity and strength
355 through this process shall not falter. The complainants are happy to provide the
356 Court with any additional information as they deliberate on this matter.

357 ****

DELAWARE TRIBE OF INDIANS

GENERAL ELECTION

BARTLESVILLE, OKLAHOMA

NOVEMBER 7, 2009

OFFICIAL ELECTION RESULTS

TRUST BOARD MEMBER	IN PERSON	VOTE BY MAIL	HAND TALLY	TOTAL	%
CHESTER L. BROOKS, JR.	3	669	27	689	19.26%
IAN NATHANIEL BROOKS	1	304	14	319	8.92%
ROBERT EDWARD BROOKS	2	234	9	245	6.85%
KENNETH ANDERSON BROWN	13	367	12	392	10.96%
RUSTY CREED BROWN	14	449	18	481	13.45%
GREGORY ERIC CARPENTER, JR.	1	285	11	297	8.30%
WAYNE E. STULL	3	716	26	745	20.83%
JOHN W. SUMPTER	13	383	13	409	11.43%
TOTAL	50	3397	130	3577	
TRUST BOARD 2010 BUDGETABLE INCOME	IN PERSON	VOTE BY MAIL	HAND TALLY	TOTAL	%
YES	6	1052	42	1100	93.70%
NO	10	63	1	74	6.30%
TOTAL		1115	43	1174	

CERTIFICATION

We, the undersigned election officials of the Delaware Tribe of Indians, do hereby certify the above to be a true and accurate abstract of the votes cast in the General Election held on Saturday, November 7, 2009. We further certify that said election was held in accordance with the Election Ordinance and rules and regulations of the Delaware Tribe of Indians.

SIGNED

Mary J. Peterson 11-11-09
MEMBER

Edna L. Davis 11-11-09
MEMBER

Danell W. Glenn 11-11-09
MEMBER

Trust Board Election Results

P 3/5

The Trust Board election was held November 5, 2011. Expiring terms resulted in openings for the Trust Board chairman and three members. Official results are as follows:

	POLL PLACE	BY MAIL	HAND TALLY	TOTAL
TRUST CHAIRMAN				
TITUS FRENCHMAN	24	224	248	248
WAYNE STULL	9	377	386	386
TRUST BOARD MEMBER				
VERNA CRAWFORD	14	420	434	434
DEANN KETCHUM	18	460	478	478
CASS SMITH	25	273	298	298
JOHN SUMPTER	24	389	413	413
ADOPT THE BUDGET				
YES	21	560	581	581
NO	14	53	67	67
TRIBAL JUDGMENT FUNDS QUESTION				
YES	25	588	613	613
NO	9	27	36	36

BOLD = Elected/passed.

According to the election results, the new Trust Chairman is **Wayne Stull**. The new Trust Board members are **DeAnn Ketchum**, **Verna Crawford** and **John Sumpter**. The Trust Budget passed and the question of the Tribal Judgement funds passed with yes. Approximately 650 tribal members voted.

The Oath of Office for the Trust Board chairman and new members was administered at General Council November 12, 2011 and December 5, 2011 for the members not present at the general council.

A very special thank you to our Election Board: Laura Maynor, Missy Buck Gillman, LuAnn Hainline and Jim Hammon as well as the League of Women Voters Debbie Haskell, Cheri Spears and Becky Wallace. ■

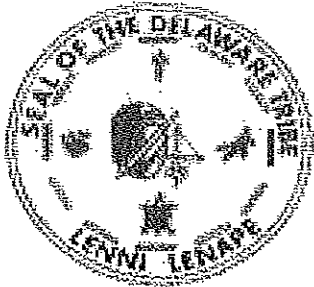
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**FINAL RESULTS OF THE 2012 GENERAL ELECTION
FOR TRIBAL COUNCIL AND TRIBAL COURT**

	Polling Place		By	
	KS	OK	Mail	Total
TRIBAL COUNCIL CANDIDATES				
Chester L. Brooks	4	56	186	246
Marilyn S. (Pickett) Cole	1	27	76	104
Annette A. (Martin) Ketchum	7	53	181	241
John W. Sumpter	3	52	95	150
Nathan H. Young	5	60	138	203
CHIEF JUSTICE CANDIDATE				
Donald E. Mason	7	67	305	379
ASSOCIATE TRIBAL JUDGE CANDIDATE				
Charles E. Randall	7	76	304	387
PROPOSED 2013 TRUST BOARD BUDGET				
Yes	6	77	313	396
No	1	10	9	20

Trust Board Election Results 2013

	In- Person	By Mail	Hand Tally	Total	Pct.
TRUST BOARD CANDIDATES					
Larry Joe Brooks	15	493	25	533	20.2%
Janifer K. Brown	7	280	16	303	11.5%
Patricia K. Donnell	21	268	14	303	11.5%
Bonnie J. Griffith	20	342	20	382	14.4%
Shelli S. Harris	2	142	7	151	5.7%
Homer E. Scott, Jr.	16	373	16	405	15.3%
Karla M. Vernon	5	128	5	138	5.2%
Mary L. Watters	28	383	19	430	16.3%
2014 TRUST BOARD BUDGET					
Yes	33	784	40	857	92.2%
No	7	62	3	72	7.8%



DELAWARE TRIBE OF INDIANS

GENERAL ELECTION

November 6, 2010

Pg 5/5

OFFICIAL RESULTS

CHIEF	POLL PLACE	BY MAIL	HAND TALLY	TOTAL	%
JERRY DOUGLAS	1	565	20	586	38.40%
TITUS FRENCHMAN	9	178	6	193	12.65%
PAULA PECHONICK	22	629	26	677	44.36%
ARTHUR STULL JR	1	63	6	70	4.59%
					100.00%

TRIBAL COUNCIL	POLL PLACE	BY MAIL	HAND TALLY	TOTAL	%
BERTHA JENAN ALDERMAN	1	517	15	533	12.22%
SIDNEY BARNES	7	202	9	218	5.00%
LARRY JOE BROOKS	14	454	20	488	11.19%
JANIFER BROWN	14	648	21	683	15.66%
RAYMOND CLINE	3	616	22	641	14.70%
VERNA CRAWFORD	3	635	25	663	15.20%
NICKY MICHAEL	14	327	13	354	8.12%
DANIEL CASS SMITH	10	384	19	413	9.47%
JOHN SUMPTER	21	331	16	368	8.44%
					100.00%

TRIBAL JUDGE	POLL PLACE	BY MAIL	HAND TALLY	TOTAL	%
RICK BARNES	27	1201	47	1275	52.30%
WILLIAM CRAWFORD	20	1099	44	1163	47.70%
					100.00%

2011 BUDGET	POLL PLACE	BY MAIL	HAND TALLY	TOTAL	%
YES	20	1201	49	1270	88.50%
NO	13	145	7	165	11.50%
					100.00%

TOTAL BALLOTS CAST	33	1441	58	1532
--------------------	----	------	----	------

CERTIFICATION

We, the undersigned, hereby certify the above to be a true and accurate abstract of the votes cast for the General Election shown herein for the Delaware Tribe of Indians on November 6, 2010. We also certify that said election was held in accordance with the rules and regulations of the Delaware Tribe of Indians.

SIGNED

Doreen A. Glenn

Sherril Potts

Edna L. Havers

Judith R. Sraupe



DELAWARE TRIBE OF INDIANS ELECTION TALLY SHEET

Official Results for November 1, 2014

Chief Candidates	Kansas Poll Place	Oklahoma Poll Place	By Mail	Hand Tally	Total	%
Chester "Chet" L. Brooks	1	24	292		317	✓
Bruce Martin	0	38	87		125	✓
Paula K. Pechonick	4	26	220		250	✓
Karla "Michelle" Vernon	0	5	29		34	

Tribal Council	Kansas Poll Place	Oklahoma Poll Place	By Mail	Hand Tally	Total	%
Janifer Kay Brown	1	23	231		255	✓
Verna Faith Crawford	1	29	248		278	✓
Bonnie Jo Griffith	1	60	366		427	✓
Lisa "Michelle" Holley	4	29	135		168	✓
Nicky Kay Michael	2	55	307		364	✓
Jenifer Jo Pechonick	4	28	183		215	✓
Benita J. Shea	3	45	323		371	✓

Tribal Council	Kansas Poll Place	Oklahoma Poll Place	By Mail	Hand Tally	Total	%
Rick L. Barnes	5	82	526		613	✓
Cameron Ann Fraser	3	72	527		602	✓

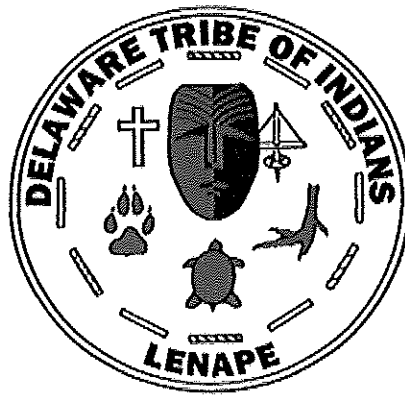
CERTIFICATION

We, the undersigned, hereby certify the above to be a true and accurate abstract of the votes cast for the General Election shown herein for the Delaware Tribe of Indians on November 1, 2014. We also certify that said election was held in accordance with the rules and regulations of the Delaware Tribe of Indians.

SIGNED

Michael E. Mason
Donna Kay Fenstermaker
Cy Hughes

Donna Kay Fenstermaker
Dolores E. Langley
Donald Kemmer



Delaware Tribe of Indians Election Regulations

Approved by:
Tribal Council & Trust Board

DATE: _____

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Delaware Tribe of Indians

Election Regulations

Purpose

The purpose of these regulations is to conduct any called Delaware Tribe of Indians election pursuant to and in accordance with the Delaware Tribe of Indians Constitution.

Authority

The Delaware Tribal Council has the power to establish rules to regulate its own proceedings, to appoint subordinate committees, commissions, and boards in accordance with the Delaware Tribe of Indians Constitution¹.

Election Date

Elections shall be held every second year on the first Saturday of November pursuant to the Delaware Tribe of Indians Constitution².

Eligibility

Voter Eligibility

The right to vote is limited to persons who are:

Delaware Tribe members, eighteen (18) years or older, who are registered to vote, can vote in all elections³

Tribal members voting in the November 2013 election shall be considered to be absentee voters and will receive an absentee ballot in all subsequent elections unless they fail to vote in three (3) consecutive elections.

All eligible voters not voting in the November 2013 election will be required to request an Absentee ballot. Once requesting an absentee ballot, unless they fail to vote in three (3) consecutive elections, they will continue to receive an absentee ballot.

¹ Delaware Tribe of Indians Constitution (2008) Article V. Section M

² Delaware Tribe of Indians Constitution (2008) Article VI. Section 1

³ Delaware Tribe of Indians Constitution (2008) Article VI. Section 6

Candidate Eligibility

The right to be a candidate is limited to persons who are:

A member of the Delaware Tribe of Indians⁴ who have reached their eighteenth birthday on or before the date of filing; and is an eligible voter.

An otherwise eligible candidate has been removed from office for cause while serving in an elected position, he/she is ineligible to run for office for a period of five years from time of removal.

Candidate Filing Requirements

Each candidate shall file a Declaration of Candidacy. The Declaration of Candidacy shall include: Candidate's Full Name, Address, Phone Number, and e-mail address (if available) for publication and Delaware registration number for enrollment verification.

The filing period shall be August 1st thru September 1st for regular elections⁵. For special elections, the deadline shall be 60 days prior to the election.

Notice of Election

Public notice shall be given at least thirty (30) days and not more than forty-five (45) days prior to the date of election to designate the polling place(s) and times in accordance with the Delaware Tribe of Indians Constitution⁶.

Notice shall be given through the United States Postal Service to all members of the Delaware Tribe of Indians eligible to vote and public notice posted.

Election Board

The Chairperson of the Election Board shall be selected and approved by the Tribal Council and Trust Board.

The Election Board Chairperson shall select election board members and present their name(s) to the Tribal Council and Trust Board for approval.

The Election Board shall elect from its membership by majority vote, a vice-chair and a secretary.

⁴ Delaware Tribe of Indians Constitution (2008) Article II

⁵ Delaware Tribe of Indians Constitution (2008) Article VI, Section 1

⁶ Delaware Tribe of Indians Constitution (2008) Article VI, Section 6

If any Election Board member, for any reason, cannot perform their duties for the Election, the Election Board Chairperson may replace the member.

The Election Board shall perform the following certifications:

To determine that each person offering to vote is on the official voting list.

To ensure that only one ballot is cast by each qualified voter and the qualified voter signs his/her name and current address on the official voting list.

To certify that all ballots received are signed and dated by the registered voter. Voters should provide full name including maiden name and any previous names that may have been used by the voter on the tribal registration list, date of birth and Delaware registration number. This information must be consistent with the Delaware Tribal Registration record.

To certify that all self-certification statements are signed by the registered voter.

To certify that no write-in candidates are allowed on the ballots.

To keep ballots, including the ones from the Post Office, locked at all times except when the ballots are being counted.

To count the ballots cast and make a tally there of after the polls have closed.

To make a certified election return and send it to the Bureau of Indian Affairs Muskogee Area Office and post a copy for the certified election return at the Delaware Tribal Center(s).

To preserve spoiled and/or mutilated ballots.

To secure all ballots and related material and to label it with the name of voting place and the date of the election for a period of not less than two (2) years immediately following the election.

Election Board members shall arrive at the polling place at a time designated by the Election Board Chairperson on Election Day. They shall remain on the premises of the polling place until all ballots are counted and the election results have been certified, unless the Chairperson moves the Board to an alternate location.

No member of the Election Board shall leave the polling place during the voting hours and/or counting hours without the permission of the Election Board Chairperson.

Candidate Rights

All candidates in any Delaware Tribe of Indians election shall be afforded the right to purchase a list of electronic media. Said list, shall clearly show all registered voters, less "lost" Delaware. The list will include a designation indicating those members actually voting in the most recent election(s) (See Election Regulations – Voter Eligibility).

Each candidate may name one person to act as a watcher at the voting place and counting place. The watcher is to be commissioned in writing by the candidate prior to the election date. The same watcher shall be allowed to watch the calling and recording of the result of the vote. The watcher shall receive no compensation for their services and shall have no further authority than to note or record any objections to the voting and counting procedures.

The watcher must register with the Election Board upon arrival at the voting place. The watcher must register with Election Board prior to the closing of the polls.

The watcher must remain on the premises of the voting place and counting place until the count is completed. The area where the counting takes place shall be locked before the count begins and no Election Board member or watcher shall leave or enter the premises until the count is complete.

Voting Place(s)

Voting place(s) shall be provided by public notice for tribal members choosing to vote in person or for those who opt to bring their ballots in rather than mail them.

Prior to the election, tribal voters are responsible to ensure the Delaware Tribe of Indians Enrollment Department has their current address.

Ballots

The Election Board shall issue the official ballots. A record shall be maintained of all ballots issued, including the name and address of the voter and date the ballot was issued.

Manner of Voting

Voting shall be by secret ballot. All member of the Delaware Tribe of Indians registered to vote may choose to vote in person at a designated polling place or by absentee ballot via the U.S. Mail.

In Person Voting

Any registered voter opting to vote in person, must appear at a prescribed voting place, announce to the Election Board his/her name and current address, provide a photo I.D. as proof of identification, sign the voter registration list, and place their marked ballot in the ballot box. Any person offering to vote who cannot read or write or who is physically impaired may be assisted, upon request, by a family member and two (2) members of the Election Board.

Absentee Voting

Absentee ballots must be returned through the U.S. Postal Service to the Delaware Election Board's P.O. Box no later than the close of business the day before the election.

Ballots must be marked and sealed in the inner envelope provided marked "ballot". The "ballot" envelope must be placed in the self-addressed envelope provided with the self-certification information on the back.

All required information on the back of the self-addressed, self-certification envelope must be completed and accurate or the envelope will not be opened or counted.

Ballots containing votes for more candidates than there are seat vacancies, or illegible or mutilated shall be void and not counted.

Election Day

Election Board members shall arrive at the voting place at time designated by the Election Board Chairperson. They shall remain on duty throughout the day until all votes have been counted and certified.

Candidate watchers, once registered with the Election Board, will remain on duty throughout the day until all votes have been counted and certified.

Election Board members, candidate(s) watchers and security guard, if one is hired, will be locked in the counting room or building once the count has begun. No other person shall be allowed in the counting room or building during the count.

All ballots from remote polling place(s) and/or U.S. Post Office shall be transported by the Election Board Chairperson, an Election Board member and the security guard (if one is hired) or by the Chairperson's designee(s).

All ballots cast shall be counted by either electronic tabulation, tallied by the Election Board or it's designee. A certified return prepared by the Election Board and signed by the Election Board Chairperson, Election Board members and witnesses, (watchers, security guard) if any present. The tally shall be posted after the tally is complete at the Delaware Tribal Center, 170 NE Barbara, Bartlesville, Oklahoma.

Counting Ballots

Unless electronically tabulated, mailed ballots will be opened, certified and counted first. The name of the voter on the self-certification envelope will be checked against the list of ballots mailed and ballots received. Ballot envelopes will be separated from the self-certification envelopes. Ballots will then be separated from the envelopes in preparation for counting. The self-certification envelopes shall be saved as a permanent record.

The Election Board Chairperson or designee shall call out the votes marked on each ballot, the other Election Board members or designee shall tally the votes separately and count must balance. After the mail-in votes have been counted, the walk-in votes shall be counted using the same procedure.

Campaigning

No person shall campaign within one hundred (100) feet of any voting place.

Winner - Chief

The candidate for chief receiving the highest number of votes shall be declared the winner. In the event of a tie, a run-off election shall be conducted within forty-five (45) days, between the two chief candidates receiving the most votes in the primary election. The winner of the run-off election shall be declared the Chief of the Delaware Tribe of Indians.

Winner - Tribal Council Members

Candidates for the Tribal Council receiving the highest number of votes shall be selected to serve on the Tribal Council. In the event of a tie vote, the candidates who tied or their designee shall draw lots for the position within seventy-two (72) hours of the posting of the election results.

Winner - Chief Justice/Associate Tribal Judges

Chief Justice/Associate Judge candidates receiving the highest number of votes shall be selected to serve on the Tribal Court. In the event of a tie vote, the candidates who tied or their designee shall draw lots for the position within seventy-two (72) hours of the posting of the election results.

Run-off Election

In case of a tie for Chief, a run-off election shall be held within forty-five (45) days of the primary election between the two candidates that received the most votes. Election procedures shall be the same, except only those persons who voted by mail in the primary election shall be allowed to vote by mail in the run-off election. In the event of a run-off election, those persons who voted in the primary election shall automatically receive a ballot by mail for the run-off election.

Recount

Any candidate for any office may ask for a recount. A fee of \$400.00 shall be charged to the candidate requesting the recount. The time limit for requesting a recount shall be within seventy-two (72) hours of the closing of the polls. If more than one candidate for an office requests a recount, then they shall have the option to split the cost of the recount evenly or to pay \$400.00 for separate recounts.

Complaint Procedure

Right to a Hearing

A complainant shall be entitled to a hearing before the Delaware Tribal Court, if written request is filed within seventy-two (72) hours of the closing of the polls with the Delaware Election Board Chairperson.

Definitions

Complainant is defined as any enrolled member and registered voter in the Delaware Tribe of Indians whose rights may have been adversely affected by procedures used during any Delaware Tribe of Indians called election.

A complaint is defined as any dispute with the conduct and procedures of any Delaware Tribe of Indians called election or failure to act in accordance with the requirements of the Delaware Tribal Constitution or Tribal Election Regulations.

Prior to the Hearing

The complaint must be presented in writing to the:

Delaware Election Board Chairperson
P.O. Box 1198
Bartlesville, Oklahoma, 74005

During normal working hours within seventy-two (72) hours of the close of the polls. The complaint must include specific reasons for the complaint and the action or relief sought and must include a certified check made out to the Delaware Tribe of Indians Court Clerk in the amount of \$25.00 for filing fee.

Within three (3) working days, the Election Board shall forward the complaint, along with the check, to the Delaware Tribal Court.

The Hearing

The hearing shall be held before the Delaware Tribal Court within twenty (20) days of the filing of the complaint.

The complaint shall be afforded a fair hearing providing the basic safeguards of due process, which shall include:

The opportunity to examine, before the hearing, all documents, records and regulations of the Election Board, which are relevant to the hearing. The complainant shall bear all costs of the copying of these documents. Any documents not made available upon the complainant's request shall not be used by the Election Board to support their actions.

The Delaware Tribal Court may render a decision without proceeding with the hearing if the judges determine that the issue has been previously decided in an earlier proceeding.

If the complainant or the Election Board representative fails to appear at the scheduled hearing, the Delaware Tribal Court may make the determination to post-pone the hearing for a period not to exceed five (5) business days or the Court may make the determination that the party has waived his/her right to a hearing. Both the complainant and the Election Board shall be notified of such determination within ten (10) business days of the Court's decisions.

At the hearing, the complainant must make a showing of entitlement to the relief sought. Once the complainant meets his/her burden by clear and convincing evidence, the Election Board bears the burden of justifying its actions or its failure to act against which the complaint is directed.

The hearing shall be conducted as directed by the Delaware Tribal Court. The Court may receive oral or documentary evidence pertinent to the facts and issues raised by the complainant.

Decision of the Delaware Tribal Court

The decision of the Delaware Tribal Court shall be based solely and exclusively on the facts presented at the hearing.

The Delaware Tribal Court shall prepare a full written decision within ten (10) business days after the hearing. A copy of the decision shall be sent to the complainant, the Election Board and the Tribal Council. Copies shall be maintained in the Election Board files.

Attachments

1. Declaration of Candidacy Form
2. Attention - Notice to Candidates
3. Candidate "Voter/Membership List" Order Form
4. 2014 Bulletin (July DIN)
5. Absentee Ballot Request Form
6. Election Board Members - 2014
7. Election Certification Form

Exhibit B

Subj: Fwd: Fw: ATTENTI DELAWAR TRIBAL VOTERS - LAST CHANCH TO REQUEST ABSEN
BALLOT
Date: 10/14/2014 11:06:09 P.M. Central Standard Time
From: candiceguy@gmail.com
To: Jeniferp917@aol.com

Hi Jenifer,

This is a copy of the email I received. I got one on Sunday, and another today. Honestly, I'm a bit annoyed email was being used in this way--also, he didn't even blind copy the recipients!

Hope all is well! Gotta love election season :)

Candice

----- Forwarded message -----

From: **chet brooks** <achilenape@yahoo.com>
Date: Sun, Oct 12, 2014 at 7:31 PM
Subject: Fw: ATTENTI DELAWAR TRIBAL VOTERS - LAST CHANCH TO REQUEST ABSENTEE BALLOT
To: Bonnie Griffith <bjogriffith@aol.com>, Angelia Haeny <Angie.Haeny@gmail.com>, Michael Dondeville <atlmikil@mindspring.com>, Bekki Davis <bekkidavis@hotmail.com>, Bretta Durham <brettakayjd@att.net>, Bryan Gross <bryangross72@gmail.com>, William Corlett <btcorlett@sbcglobal.net>, Candice Guy <candiceguy@gmail.com>, Carrie Douglas <carriemarie007@yahoo.com>, Cynthia Hafner <cdhafner@msn.com>, Cameron Fraser <cfraser@mls.org>, Betty Fountain <cheron54@comcast.net>, Cindy Gross <cindygross@email.com>, Richard Crawford <crawfordskc@ymail.com>, Cynthia Guinn <csquinn612@sbcglobal.net>, Lisa Griffith <cvgrad87@yahoo.com>, Dee Cummings <dcummings@delawaretribe.org>, Kenneth Florence <fcortf@aol.com>, Frank Garen <frgaren@wyo2u.com>, Lori Fox <grayfox310@gmail.com>, Jennifer Eden <jennybever@yahoo.com>, Jacklyn Ernst <jernst1954@gmail.com>, Jordan Edmiston <jredmiston@aol.com>, Justin Douglas <justinmdouglas@icould.com>, Kasie Garman <kasiegarman@yahoo.com>, Kenneth Dantzler <kdantzler@kc.rr.com>, Karen Goff <kgbeck54@gmail.com>, Sharon Coleman <knittin.nana@att.net>, Patricia Elvington <kwpeame@yahoo.com>, Linda Dershem <lbershem@yahoo.com>, Jo Creed <lenapejo@yahoo.com>, Lisa Greene <lgreene@charter.net>, Michael Dershem <m.dershem@att.net>, Mary Gladden <masha_gladn1@yahoo.com>, Mary Finton <mefinton@gmail.com>, Melissa Colbert <melissa_colbert@yahoo.com>, Michael Galiga <mike@asonegroup.com>, Monica Cook <monica6088@comcast.net>, Mark Dennis <mrkdnnns@gmail.com>, Sarah Gong <msinocnt_cuty88@yahoo.com>, Michael Gabbard <mwgabbar@hotmail.com>, Nacole Gramm <nacole.stewart@gmail.com>, Peggy Dearaujo <pegnlon@yahoo.com>, Richard Falleaf <rffalleaf@me.com>, Robin Coffey <robin@totalsolutionsdevelopment.com>, Rhonda Guy <rrguy@delawareanalysis.com>, Steve Daugherty <sands1954@sbcglobal.net>, Stormi Englert <snordstrom@sbcglobal.net>, Angelia Franke <steve_angelia@sbcglobal.net>, Rose Cobb <sweeties.tweetie@yahoo.com>, Tonya Finney <tsf23@yahoo.com>, Wanda Frenchman <wandakay247@yahoo.com>, William Forsythe <wpforsythe@me.com>, Yolanda Frenchman <yfrenchman@gmail.com>

On Sunday, October 12, 2014 9:21 PM, chet brooks <achilenape@yahoo.com> wrote:

On Sunday, October 12, 2014 9:10 PM, chet brooks <achilenape@yahoo.com> wrote:

On Sunday, October 12, 2014 8:30 PM, chet brooks <achilenape@yahoo.com> wrote:

On Sunday, October 12, 2014 7:22 PM, chet brooks <achilenape@yahoo.com> wrote:

On Sunday, October 12, 2014 7:12 PM, chet brooks <achilenape@yahoo.com> wrote:

On Sunday, October 12, 2014 6:53 PM, chet brooks <achilenape@yahoo.com> wrote:

Dear Tribal Voter:

While the Delaware Indian News indicated Oct. 1 was deadline for requesting absentee ballot I have just learned that requests will be accepted if postmarked by Oct. 15th. The Election Board has even stated that they will accept absentee ballot request for a few days past Oct. 15th if emailed to <electionboard@delawaretribe.org>.

If you did not vote in last years 2014 Trust Election or have recently changed your address, Please help your Tribe by postmarking a request for ballot by Oct 15 and sending to Election Board, P.O. Box 1198, Bartlesville, OK, 74005. If you can not make deadline, please return by email. Page 4 attachment to this email is the "Request For Absentee Ballot address change form."

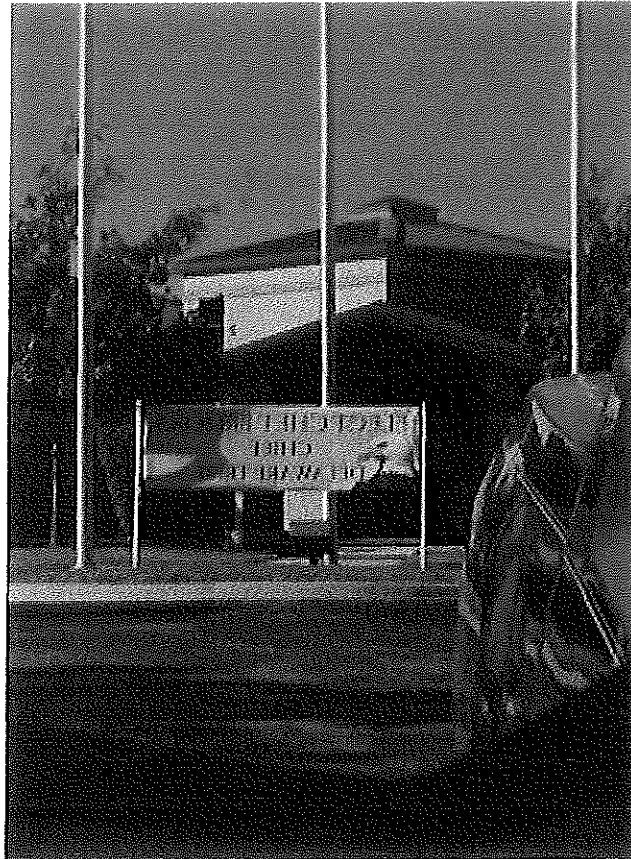
CHESTER "CHET" BROOKS RESPECTFULLY ASK FOR YOUR VOTE FOR CHIEF AND ASK YOUR VOTE FOR ANY 3 OF COUNCIL CANDIDATES, BONNIE JO GRIFFITH HOLLY, NICKY MICHAEL & BENITA SHEA. NONE ARE INCUMBENTS.

WANISHI,
Chet Brooks

--

Candice Guy
PhD Student, Science and Agricultural Education
University of California–Davis
(765) 532-4098

On November / 1 / 2014 at approximately 11:00 Am I Nathan ScullawI went to the Delaware Tribe to Vote. Upon my arrival I witnessed Joe and Chet Brooks had a sign set up campaigning, the sign said Elect Chet Brooks Chlef Delaware Tribe. The sign was by the flagpoles. I measured the distance from the doors to where the sign was. It was 96ft from the front doors. I also witnessed Chet Brooks stopping Tribe members as they were getting out of their cars and shaking their hands and taking pictures with the Tribe Member by the sign. On my way out of the parking lot I took a picture of the sign, which I attached a copy to this letter.



Signature: Nath ScullawI

Nathan ScullawI

Date: 11/03/2014

Exhibit D

FW: Voting concern

From: Paula Pechonick <ppechonick@delawaretribe.org>
To: Jenifer Pechonick <jpechonick@delawaretribe.org>
Date: 11/3/2014 12:43 PM

From: Nathan Scullawl [mailto:nscullawl@delawaretribe.org]
Sent: Monday, November 03, 2014 12:21 PM
To: Paula Pechonick
Subject: Fwd: Voting concern

Nathan Scullawl

Maintenance MGR

(918)214-4563

Begin forwarded message:

From: "Taggart, Shelley R" <Shelley.R.Taggart@conocophillips.com>
Date: November 3, 2014 at 12:19:08 PM CST
To: "nscullawl@delawaretribe.org" <nscullawl@delawaretribe.org>
Subject: Voting concern

Nathan I was hoping you could forward this email on to someone who might be interested in hearing what was going on Saturday during the election.

To whom it may concern,

I found it odd and unfair that when my sister and I went to vote at the Delaware tribe on Saturday that Chet Brooks was outside by the flag pole holding a sign and we overheard him talking to a couple of elderly ladies and as we walked by heard him say "Be sure and vote Brooks for chief".

Thanks

Shelley Scullaw-Taggart



DELAWARE TRIBE OF INDIANS ELECTION TALLY SHEET

Official Results for November 1, 2014

Chief Candidates	Kansas Poll Place	Oklahoma Poll Place	By Mail	Hand Tally	Total	%
Chester "Chet" L. Brooks	1	24	292		317	✓
Bruce Martin	0	38	87		125	✓
Paula K. Pechonick	4	26	220		250	✓
Karla "Michelle" Vernon	0	5	29		34	✓

Tribal Council	Kansas Poll Place	Oklahoma Poll Place	By Mail	Hand Tally	Total	%
Janifer Kay Brown	1	23	231		255	✓
Verna Faith Crawford	1	29	248		278	✓
Bonnie Jo Griffith	1	60	366		427	✓
Lisa "Michelle" Holley	4	29	135		168	✓
Nicky Kay Michael	2	55	307		364	✓
Jenifer Jo Pechonick	4	28	183		215	✓
Benita J. Shea	3	45	323		371	✓

Tribal Council	Kansas Poll Place	Oklahoma Poll Place	By Mail	Hand Tally	Total	%
Rick L. Barnes	5	82	526		613	✓
Cameron Ann Fraser	3	72	527		612	✓

CERTIFICATION

We, the undersigned, hereby certify the above to be a true and accurate abstract of the votes cast for the General Election shown herein for the Delaware Tribe of Indians on November 1, 2014. We also certify that said election was held in accordance with the rules and regulations of the Delaware Tribe of Indians.

SIGNED

Marion C. Mingo
Dorothy Mingo
Cy Mingo

Donna Kay Festermaker
Dorothy E. Langley
Donald Kemmer