

IN THE MUSCOGEE (CREEK) NATION SUPREME COURT

SUPREME COURT  
FILED

SEP 30 2021

IN RE: ELECTION )  
RECOUNT PETITION OF )  
LANISSA JACK MELTON. )

Case No.: SC-2021-05

  
COURT CLERK  
MUSCOGEE (CREEK) NATION

**JUDGMENT CONCERNING ELECTION RECOUNT**

Pursuant to M(C)NCA Title 19 § 8-203 [as amended by NCA 19-141], “[i]t shall be the duty of a quorum of the Supreme Court Justices of the Muscogee (Creek) Nation to attend and, in conjunction with the Election Board, conduct a recount. It shall be the exclusive and sole duty of said Justices to hear evidence as to whether the ballots that are the subject of the recount petition have been preserved in the manner prescribed by this Title, whether the ballots are the identical ballots cast by the voters, and whether the ballots have been exposed to the reach of unauthorized persons thus affording a reasonable opportunity for an unauthorized person to tamper with or change the ballots.”

On Friday, September 24, 2021, a “Petition for Recount. Due to the irregularities and discrepancies of the Election Process. For Absentee and Okmulgee District” ballots was submitted to the Clerk of the Muscogee (Creek) Nation Supreme Court on behalf of Lanissa Jack Melton, a candidate for Representative of the National Council, Seat B, Okmulgee District in the September 18, 2021, Primary Elections.

**I. RECOUNT PETITION**

Pursuant to M(C)NCA Title 19 § 8-202 [as amended by NCA 19-141], “it shall be the duty of the Manager of the Election Board to order said recount to begin not less than three (3) nor more than ten (10) calendar days from the date of filing of said petition.”

On Thursday, September 30, 2021, a quorum of the Supreme Court Justices of the Muscogee (Creek) Nation, including Chief Justice Richard Lerblance, Vice-Chief Justice Amos

McNac, Justice Kathleen Supernaw, and Justice George Thompson, Jr., appeared at the time and location prescribed by the Manager of the Election Board, and in accordance with its duties under Title 19, initiated recount procedures.

The Court inspected the ballot storage facility maintained by the Muscogee (Creek) Nation Lighthorse Police, inspected ballot boxes, and heard evidence from the Election Board and Lighthorse Police concerning (1) all legal requirements for the preservation of cast ballots, (2) all steps taken by the Election Board, Lighthorse Police, and polling staff to preserve the cast ballots, and (3) all methods employed by the Election Board, Lighthorse Police, and polling staff to ensure no unauthorized access to the preserved ballots. This Court is thus satisfied that all necessary steps have been taken to preserve cast ballots. The Court finds that the preserved ballots are the identical ballots cast for the September 18, 2021, Primary Election for absentee voters and Okmulgee District voters. Further the Court is satisfied that no reasonable opportunity was created for an unauthorized person to tamper with or change cast ballots.

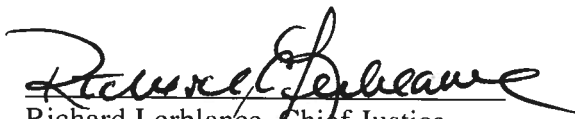
Based on the above-states determination, and in accordance with its duties under Title 19, the Court instructs the Election Board to immediately begin the recount of preserved ballots under the exclusive supervision of the Election Board, as required by M(C)NCA Title 19 § 8-203 [as amended by NCA 19-141].

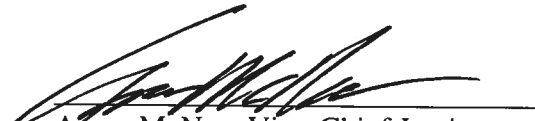
## **II. PETITION FOR FRAUD OR IRREGULARITIES**

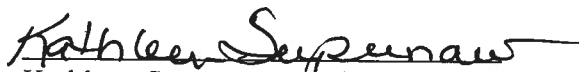
The Candidate's *Petition for Recount* filed with the Supreme Court on September 24, 2021, and her testimony during hearing on September 30, 2021, make it clear that her intentions were to file both a *Petition for Recount* and a *Petition for Fraud or Irregularities*. However, only one action (for Recount) was submitted by the Election Board to this Court for review. The Court finds this to be in error, and that an action should have been submitted (1) for Recount with the Supreme

Court and, (2) for Fraud or Irregularities with the District Court. As such, the Court tolls the Candidate's filing period until close of business on **Friday, October 1, 2021**, to file her *Petition for Fraud or Irregularities* with the Muscogee (Creek) Nation District Court.

**IT IS SO ORDERED.**

  
Richard Lerblance, Chief Justice


  
Amos McNac, Vice-Chief Justice

  
Kathleen Supernaw, Justice

  
George Thompson, Jr., Justice

**CERTIFICATE OF MAILING**

I hereby certify that on September 30, 2021, I mailed a true and correct copy of the foregoing Judgment Concerning Election Recount with proper postage prepaid to each of the following: Nelson Harjo, MCN Election Manager, P.O. Box 580, Okmulgee, Oklahoma 74447. A true and correct copy was also hand-delivered to: Donna Beaver, Clerk of the Muscogee (Creek) Nation District Court.

  
Connie Dearman, Court Clerk