

ANTHONY J. FERATE, OF COUNSEL
(405) 753-5939
ajferate@spencerfane.com



June 2, 2021

VIA EMAIL AND U.S. MAIL

Mr. Gary Bourbonnais
Chairman, Election Committee
Citizen Potawatomi Nation
1601 South Gordon Cooper Drive
Shawnee, Oklahoma 74801

Dear Chairman Bourbonnais:

I write this letter on behalf of my client, Ms. Lisa Kraft. As you know, Ms. Kraft is a candidate for Chairman of the Citizen Potawatomi.

Ms. Kraft's campaign has worked hard over the past several months to deliver a message that has resonated with the electorate. As we prepare for Election Day, I ask that you provide answers to a few items that are necessary for a proper understanding of the pending results:

- a) Please provide the number of ballots that have been printed for this election.
- b) Please provide a registered voting list that contains any changes to the number of voters, including additions or deletions, to the list of eligible voters since the list was first published on the second Monday in December (§ 4-1-136). There is not a restriction on this request in the CPN Code.
- c) Please provide how many lists of eligible voters have been printed for this election.
- d) Will the lists include signatures of those that have handled them since printing for chain of custody purposes?

Answers to these questions will be helpful to Ms. Kraft's campaign as we seek to verify election integrity and ballot access are effectively balanced.

Thank you in advance for your prompt reply to these requests.

Respectfully,

A handwritten signature in blue ink, appearing to read "Anthony J. Ferate", written over a blue ink stamp.

Anthony J. Ferate



June 10, 2021

Dear Gary Bourbonnais, CPN Election Committee Chairman:

Please reference the Citizen Potawatomi Nation Constitution, as amended, and ratified on August 16, 2007, and our Election Ordinance cited as Title 4 of our CPN code.

The Election Committee is aware that the CPN Legislature changed the Election Ordinance during the February 26, 2021, online session. This was done outside of their constitutional powers.

This should have been reported by you to the CPN District Court as a constitutional overreach by lawmakers or blatant disregard of the General Council.

- Article 12 – Elections, Section 7, provides that the Election Ordinance be approved by General Council---not the Legislature.
- Article 18, – Tribal Enactments, Section 4 restricts legislative ordinances to only “orderly administration of tribal affairs.” Whereas, General Council ordinances pertain to the “orderly administration of delegated or (constitutional) authority.” Tribal elections are not under the control of tribal administration or the Chairman.
- Article 18 – Tribal Enactments, Section 3, says all General Council Ordinances shall begin with the words, “Be it enacted by the Council of the Citizen Potawatomi Nation” and approved by a referendum election within 90 days.

If General Council is the only body that can amend Election Law, then why did you not alert the District Court Judge that the Tribal Chairman introduced the measure to change election law reserved to the General Council? The fact is the Chairman, who is currently running for reelection, introduced and championed this election law change, without authority, and during an election cycle. The entire CPN legislature then unanimously passed an ordinance they don't have power to enact. That is unlawful.

Election law (Title 4-1-105) states the Election Committee shall conduct all elections and referendum votes in accordance with the Constitution and with the Election Ordinance. Can you confirm the last time General Council adopted our Election Ordinance and a referendum vote to adopt it was held and recorded by the election committee? If you have not held a General Council referendum election in the last 35 years, does this mean the only approved Election Law predates the Chairman?

I am asking for your written reply to this letter at your earliest convenience, so I can assure the citizens of our Nation that you and the Election Committee operate independent of the executive branch.

Lisa Kraft, Candidate for CPN Chairman 2021

Sent via email lisa@copperbear.org