

**SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS
ELECTION COMMISSION**

Complaint: Aaron Payment

April 29, 2026

BACKGROUND

On April 1, 2026, the Election Commission received a complaint filed by Unit II Candidate Jacqueline Minton, with an addendum to the complaint received on April 9, 2026. In that complaint, Ms. Minton alleges that Unit I Board of Director Aaron Payment has violated 10.104(1), 10.113(2), 10.113(4), and 10.114(3) due to numerous social media posts made by Mr. Payment that are attached to the complaint and comments made during the March 24, 2026, Board of Directors workshop/meeting.

The Election Commission met on April 9, 2026, to review and discuss the complaint. At the meeting on April 9th, the Election Commission had a unanimous vote to set this complaint for a hearing in accordance with Tribal Code 10.121(3)(b)(ii) for April 30, 2026, at 10 a.m. The Election Commission sent a notice of hearing to both Ms. Minton and Mr. Payment, notifying them that an Election Hearing will be held on April 29, 2026, at 10 am, with the location to be announced, on April 9, 2026, via email. The Election Commission sent an updated notice to both Ms. Minton and Mr. Payment via email, informing them that the hearing will be held in the Whitefish Point Room at the Kewadin Casino on April 20, 2026. Ms. Minton was present at the hearing, and Mr. Payment did not attend but was represented by his attorney, James Bias.

Prior to the hearing, Mr. Payment raised via email, a concern about a conflict of interest arising from the Vice-Chairperson sitting on the hearing, due to liking a Facebook post from 2024. After discussing the conflict of interest, Mr. Payment's attorney, Mr. Bias, stated that he does not view liking the post as a conflict of interest and does not believe the Election Commission needs to take a vote on it. The Election Commission treated this as a withdrawal of the conflict of interest raised. Prior to the hearing, Mr. Bias requested an adjournment because Mr. Payment was out of town in Washington, D.C. The Election Commission has no record of any communication from Mr. Payment or Mr. Bias requesting an adjournment of the hearing.

Based on the Court of Appeals' rulings that due process was not provided to those who had an election complaint filed against them. The Election Commission worked on presenting amendments to Chapter 10 to require that any campaign-related complaints found to have merit be set for a hearing before the Election Commission decides whether a violation occurred. The hearing held on this complaint provided Mr. Payment due process to be able to defend himself against the accusations against him.

The complaint requested the following relief:

1. That the Election Commission accept and docket her complaint, review the attached materials, and proceed with an investigation and, if appropriate, a hearing.
2. A determination on whether Mr. Payment violated the Election Ordinance by campaigning against her without filing as a Non-Candidate Registrant, by using his position as a Board member and Tribal resources or information to influence the election, by campaigning on tribal land, and by engaging in conduct that compromises the integrity of the election process.
3. That the prior finding from the Election Commission in the contest/complaint filed by Mr. Payment against Ms. Minton be referred to the appropriate law enforcement agency for further investigation.

ANALYSIS

The Election Commission requested the Election Commission Attorney pursuant to 10.121(2) on whether the allegations in the contest constitute a violation of this Code. The Election Commission Attorney presented his findings to the Election Commission during the April 9, 2026, meeting.

The relevant code sections to this contest are 10.103, 10.104, 10.113, 10.114, 10.120, and 10.121.

10.103(4) Campaigning shall mean all efforts designed to influence members to support or reject a particular Candidate, including, without limitation, advertising, rallying, public speaking, or other communications with Members.

10.103(20) Non-Candidate Registrants shall mean individuals who expend money on campaigning.

10.104(1) All elections held pursuant to this Chapter shall be administered by the Election Commission. The Election Commission shall be composed of seven (7) members chosen by the Elder Advisory Committee, and appointed by the Board of Directors. The Election Commission shall have the sole responsibility and explicit authority for the conduct of all elections. It shall be an independent commission in the performance of its statutory authority and in the performance of such authority shall not be subject to direction or supervision or of any other type of influence by the Board of Directors. No person shall be appointed who is currently holding tribal elective office. Any member of the Election Commission shall be ineligible for tribal elective office unless they resign from the Election Commission at least six (6) months before the election deadline. The Election Commission shall establish its own administrative procedures and By-Laws, subject to the approval of the Board of Directors, and may not delegate its authority. The Commission may assign or outsource specific tasks or duties as necessary consistent with the Constitution and this Chapter.

10.113(2) No campaigning shall take place in any tribal offices, tribal enterprises, or majority owned subsidiaries, tribally owned property, or events or functions, or those areas reasonably required as access to any of the foregoing locations except as allowed in Subsection (5) (posting of a sign on a public bulletin board) or (6) (signs on housing property with owner/tenant's permission).

10.113(4) No tangible or intellectual property of the Tribe may be used for any Campaigning purposes, including, without limitation, computers, photocopying, telephones, fax machines, database information, and office supplies.

10.114(3) Non-Candidate Registrants:

(a) Only Members may register as Non-Candidate Registrants. Members must register by submitting information, on forms provided by the Election Commission for that purpose, to the Designated Representative at the Designated Office declaring them to be a Non-Candidate Registrant and include the following:

- (1) The full name of the Non-Candidate Registrant;
- (2) The name of the Candidate(s) for which the Non-Candidate Registrant will campaign;
- (3) The physical and mailing address and phone number where the Non-Candidate Registrant can be reached;
- (4) A certification under oath and penalty of perjury, that the Non-Candidate Registrant shall abide by all requirements of this Chapter; and
- (5) A signed statement consenting to jurisdiction of the Sault Ste. Marie Tribe of Chippewa Indians for this Chapter or any other Chapter in substantially the following form:

“I, [Non-Candidate Registrants Name], hereby consent to personal jurisdiction of the Sault Ste. Marie Tribe of Chippewa Indians.”

(b) Non-Candidate Registrants are prohibited from soliciting Contributions from individuals for use in their campaign.

(c) Non-Candidate Registrants may only spend funds supporting or opposing Candidates for office representing the Election Unit in which the Non-Candidate is registered to vote and which have been specifically identified and disclosed in the Non-Candidate Registrant's registration letter.

(d) Non-Candidate Registrants shall not spend more than one thousand dollars (\$1,000) per Election Cycle, including direct Contributions to the Candidate.

10.120(1) All complaints must be submitted based on first-hand knowledge of an alleged violation.

10.121(3) The Election Commission, establishing two categories of Complaints: Administrative Complaints and Campaign Complaints.

a. Administrative Complaints; shall mean any type of action that is related to filing paperwork with the Election Commission. These types of Complaints can be initiated administratively by a majority vote of the Election Commission outside of the complaints/contest process. Examples of these types of Complaints include missed report filing deadline or failed to place endorsement on an advertisement. The Election Commission shall make the following types of decisions on these types of Complaints:

i. Dismiss the Complaint in writing as being without merit, if a Complaint is based on second-hand knowledge, it shall be dismissed as being without merit; or

ii. Issue a notice pursuant to the published Sanctions Schedule.

b. Campaign Complaints: shall mean any type of violation related to campaigning. These types of Complaints can only be initiated by members or candidates through the complaint process. The Election Commission shall make the following types of decisions on these types of Complaints:

i. Dismiss the Complaint in writing as being without merit, if a Complaint is based on second-hand knowledge, it shall be dismissed as being without merit; or

ii. Convene a hearing on the matter and render a written decision pursuant to subsection (5) of this section.

The complaint filed here would be considered a Campaign Complaint, as it concerns an alleged violation of Chapter 10 campaigning rules.

The complaint submitted by Ms. Minton is based on social media posts and comments made at a Board workshop/meeting that she saw, meeting the requirements of 10.120(1).

The burden of proof as to whether or not a violation of Chapter 10 occurred is a preponderance of the evidence. Which means that the evidence demonstrates a fact is more likely than not true, or greater than 50% likely. The Election Commission reviewed the evidence presented for each allegation and made a finding in this opinion on whether a preponderance of the evidence supports the allegation.

Ms. Minton alleges that when Mr. Payment filed his contest/complaint against her on March 6, 2026, Mr. Payment was attempting to use his position on the Board of Directors to influence the Election Commission to deem Ms. Minton ineligible to run for office, violating 10.104(1). Mr. Payment filed his contest/complaint on March 6, 2026, from his personal email address, not his Tribal email address. The Complaint filed was signed as a Tribal Citizen of the Sault Tribe, not as a member of the Board of Directors. Being on the Board of Directors does not forfeit a member's right to file a contest/complaint with the Election Commission. There was no evidence presented that Mr. Payment was attempting to utilize his position as a Board Member to try to influence the Election Commission to deem Ms. Minton ineligible to run for office.

Becoming a Board of Director does not forfeit a person's First Amendment rights to political speech. Chapter 10 establishes parameters for restrictions on specific locations and resources that can be used for exercising First Amendment Rights to political speech.

Ms. Minton alleges that Mr. Payment, during the workshop on March 24, 2026, violated 10.113(2) campaigning on tribal property. Under 10.113(2), campaigning is not allowed at Tribal events or functions, or on tribally owned property. The March 24, 2026, Board workshop/meeting was held at the Kewadin Casino in Sault Ste. Marie and Mr. Payment attended via Zoom. This would be considered tribal property, as a workshop is an official Tribal function. Video evidence was presented of comments Mr. Payment made on March 24, 2026, about how much someone receives for cultural enhancement based on rumors, but he will not name her. Based on these comments, taken into consideration with the totality of the circumstances of a Facebook comment by Mr. Payment on March 11, 2026, on the Big Dean Hyslop for Unit 2 page, "Did you know Jackie gets paid up to \$2k for a two-hour cultural event? Reportedly, she got over \$60k in two years, awarded by Lana Causley." It is clear that Mr. Payment's comments at the March 24, 2026, workshop are specifically targeting Ms. Minton. Under the code, campaigning shall mean all efforts designed to influence Members to support or reject a particular Candidate, including, without limitation, advertising, rallies, public speaking, or other communications with Members. Mr. Payment's statement was a public-speaking comment intended to influence members to reject Ms. Minton as a candidate in Uni II.

Ms. Minton alleges that Mr. Payment is using tangible and intellectual property belonging to the Tribe that he receives or has access to as a Board member to campaign against her. 10.113(4) is clear about using the tangible property of the tribe, giving examples of what that includes. It does not provide any examples of what constitutes intellectual property. It is up to the Election Commission to define how to read the term intellectual property within the context of Chapter 10. Black's Law Dictionary defines intellectual property as a category of intangible rights that protect the commercially valuable products of the human intellect. Under the Black's Law definition, the Tribe's intellectual property would include all logos, videos, photos, and anything else produced by the Tribe or one of the Tribe's departments. Non-public information or documents of the Tribe could be considered tangible or intellectual property of the Tribe. No evidence was presented to the Election Commission that Mr. Payment has utilized the tangible and

intellectual. Since the Tribe utilizes its Zoom license to host public meetings, it is not considered tangible or intellectual property of the Tribe for campaigning purposes.

Ms. Minton alleges that Mr. Payment has failed to register as a non-candidate registrant and has continued to campaign against her. As of the date of this memo, no one has registered as a non-candidate registrant in any unit. Under 10.114(3)(c), a non-candidate registrant may only spend funds supporting or opposing a candidate for office representing the Election Unit in which the non-candidate registrant is registered to vote. Mr. Payment is registered to vote in Unit I, and Ms. Minton is a candidate in Unit II. Under Code, Mr. Payment is not eligible to register as a non-candidate registrant in Unit II. No evidence was presented that Mr. Payment has expended any funds in campaigning against Ms. Minton.

The Election Commission referred to Sault Tribe Law Enforcement on March 17th for investigation of the concerns raised in the opinion released on March 12th, regarding the release of a confidential attorney-client privilege memo to the Election Commission. The requested relief from Ms. Minton related to that has already occurred.

When tribal leaders take their oath of office, they swear to discharge their duties, they will honor the Seven Grandfather's Teachings, Nbwaakaawin (Wisdom); Zaagidwin (Love); Minadendmowin (Respect); Aakdewin (Bravery); Debwewin (Truth); Dbaadendizwin (Humility); and Gwekwaadziwin (Honesty) to conduct themselves in an ethical manner and spend their time productively. The vengeful conduct of Mr. Payment towards a female tribal elder goes against honoring and following the Seven Grandfather's Teachings.

The allegations raised by Ms. Minton could meet the levels of abuse of office or harassment under Chapter 71 by Mr. Payment, but that is not the role of the Election Commission to make referrals for those actions to law enforcement. The Election Commission is authorized only to refer violations of Election Fraud to law enforcement under Chapter 71, not of the allegations raised, meet the level for a referral to law enforcement for Election Fraud.

FINDINGS

The Election Commission makes the following findings:

1. The Election Commission finds that no evidence was presented to demonstrate that Mr. Payment was attempting to utilize his position on the Board of Directors to influence the Election Commission to deem Ms. Minton ineligible to run for office, and it is not a violation of 10.104(1).
2. The Election Commission finds that Mr. Payment was campaigning on tribal property against Ms. Minton during the March 24, 2026, Board of Directors Workshop, violating 10.113(2).

3. The Election Commission finds that Mr. Payment did not utilize tangible or intellectual property of the Tribe to campaign against Ms. Minton, as the Zoom License purchased by the Tribe for public meetings is not considered tangible or intellectual property for campaigning purposes and is not a violation of 10.113(4).
4. The Election Commission finds that under the Code, Mr. Payment is not eligible to register as a non-candidate registrant in Unit II, and no evidence was presented that Mr. Payment spent any funds to campaign against Ms. Minton, and it is not a violation of 10.114(3).

ORDER

NOW, THEREFORE BE IT ORDERED, that the Election Commission makes the determination pursuant to 10.121(3)(b)(ii) that Mr. Payment violated 10.113(2) campaigning on tribal property at the March 24, 2026, Board of Director's Workshop. With this being Mr. Payment's first violation of 10.113, the Election Commission will issue a Notice to Rectify to cease the campaigning in violation of 10.113 and notify him that repeated violations will result in monetary sanctions pursuant to Section (2)(a) of the Sanction Schedule.



Election Commission Vice-Chairperson

April 29, 2026

NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Tribal Court of Appeals by filing a notice of appeal within five days of receipt of this decision. That appeal shall be governed by Tribal Code Chapter 82 Subchapter II: Appeals from the Election Committee. A notice of appeal must be filed within five (5) business days of the Appellant receiving this order and the publication of this order.