

**SAULT STE. MARIE  
CHIPPEWA TRIBAL COURT  
-COURT OF APPEALS-**

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**AARON PAYMENT**

**Appellant,**

**v**

**Case #: APP-2026-02**

**THE SAULT STE MARIE TRIBE OF CHIPPEWA  
INDIANS' ELECTION COMMISSION**

**Appellee.**

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**APPELLEE'S RESPONSE BRIEF**

**ORAL ARGUMENT REQUESTED**

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INTRODUCTION

The Sault Tribe Election Commission held a hearing on April 29, 2026, regarding an election complaint filed by Jacqueline Minton against Director Aaron Payment. The case dealt, in part, with the oath of office taken by elected tribal leaders, in particular, the part of the oath that includes “In discharging those duties, I will honor the Seven teachings of our peoples: love, respect, honesty, humility, truth, wisdom, and bravery.” The Election Commission conducted its review of each of the allegations in the complaint based on the laws of the Sault Tribe and the Seven Grandfather teachings Nbwaakaawin (Wisdom); Zaagidwin (Love); Minadendmowin (Respect); Aakdewin (Bravery); Debwewin (Truth); Dbaadendizwin (Humility); and Gwekwaadziwin (Honesty).

When Resolution 2025-193, revising Tribal Code Chapter 10: Elections Ordinance, was approved by the Board of Directors on August 19, 2025, it changed the election complaint process, establishing two types of complaints: administrative and campaign. See Tribal Code Chapter 10.121. The complaint filed here was alleged campaign violations and was deemed a campaign complaint by the Election Commission. The Election Commission then had to review the complaint and determine if it was without merit and should be dismissed or whether to schedule a hearing for all parties to present their case. Pursuant to 10.121(3)(b)(ii), the Election Commission scheduled a hearing on this complaint for April 29, 2026.

Under 10.121(4), “Any hearing held pursuant to this Section shall be conducted in accordance with any Administrative Hearing Code adopted by the Board of Directors. Absent any adopted Administrative Hearing Code, hearings pursuant to this Section shall be conducted under administrative hearing procedures adopted by the Election Commission. All parties involved in a hearing under this code must appear in-person for the hearing.” Currently, there is no Administrative Hearing Code adopted by the Board of Directors, and the Election Commission adopted its own administrative hearing procedures, in which the hearing in this matter was conducted.

Under Sections 3.1 and 3.2 of the Election Commission Hearing Procedures, when a majority of the Election Commission finds, based on a preponderance of the evidence, whether or not a violation of the Election Ordinance occurred, it issues a written finding indicating the rationale for the decision. A preponderance of the evidence means that the evidence demonstrates that a fact is more likely than not true, or that it is 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. In the complaint reviewed, there were four different

allegations for violations of 10.104(1), 10.113(2), 10.113(4), and 10.114(3), with the allegation for a violation of 10.113(2) being the only one the Election Commission found a preponderance of evidence to support a violation of 10.113(2) against Aaron Payment for campaigning during the March 24, 2026, Board of Director's workshop.

Appellant's brief attempts to mislead this Court with overlapping arguments based on the findings of the Election Commission for the other allegations that were not founded. These arguments are a red herring and do not support the claim that the Election Commission's findings on the violation should not be upheld. One of the allegations Appellant cites is that, on March 6, 2026, Aaron Payment, when he filed his complaint/contest, attempted to use his position on the board of Directors to influence the Election Commission to deem Jacqueline Minton ineligible to run for office. The Election Commission found that Aaron Payment did not use his position as a member of the Board of Directors to influence the Commission in deeming Jacqueline Minton ineligible to run for office. The question of whether Aaron Payment was using his position as a member of the Board of Directors to campaign was not before the Election Commission in its hearing on April 6, 2026. The next finding used to try to minimize the Election Commission's finding of a violation is a finding that relates to the allegation that Aaron Payment was using the Tribe's tangible and intellectual property to campaign. The Election Commission, similar to the Board of Directors, purchases an annual subscription license to use Zoom to conduct its meetings and access features beyond the free version. When an entity purchases an annual subscription license, it does not own the product. Based on that, the Election Commission found that Zoom is not the Tribe's intellectual property and does not constitute a violation of 10.113(4).

10.104(8) establishes that it shall be the duty of the Election Commission to conduct all tribal elections held pursuant to this Chapter. Further, 10.104(8)(j) states the

Election Commission shall conduct all contests and complaint proceedings in accordance with this Chapter. Appellant alleges that the Election Commission abused its discretion when it found a violation of 10.113(3) campaigning on tribal property against Aaron Payment, because Mr. Payment was not physically present on tribal property, did not specifically name who he was referring to in his comments at the March 24, 2026, workshop, and that this was an exercise of his obligation as a member of the Board of Directors to legislate. The Election Commission did not abuse its discretion in its finding, and it was supported by the evidence presented at the hearing.

#### TRIBAL PROPERTY

The Appellant contends that since Mr. Payment attended the March 24, 2026, workshop via Zoom and was not physically present on tribal property, he cannot be found in violation of 10.113(2) for campaigning on tribal property. For the Court to accept such an argument would set the precedent that appearing via Zoom is not considered tribal property would disrupt operations at Board of Director's workshops/meetings, Committee meetings, and more relevant to this Court and the Trial Court, it would also establish that when someone appears via Zoom for a Court hearing, they are not on tribal property and thus aren't under the jurisdiction of the Court. This precedent would hamper Court operations, require all parties to appear in person for hearings, and eliminate the ability to appear via Zoom.

However, if this Court does find that appearing via Zoom is not subjecting oneself to being on tribal property, Tribal Code still supports the Election Commission finding of a violation of 10.113(2) as it states "No Campaigning shall take place in any of the tribal offices, tribal enterprises or majority owned subsidiaries, tribally owned property, or **tribally sanctioned events or functions**, or those areas reasonably required as access to any of the forgoing locations, except as allowed in Subsections (5) and (6)." There is no

question that a Board of Directors workshop is a tribally sanctioned event or function, as it is an official function of the Tribe's governing body. Regardless of whether it was in person or via Zoom, Mr. Payment made his comments at a tribally sanctioned event or function, and they were subject to the limitations in 10.113(2).

#### WORKSHOP COMMENTS

Appellant contends that, because the comments made during the March 24, 2026, workshop did not name a specific person, they were not campaigning. Viewing the video presented of the March 24, 2026, workshop, by itself, may not constitute campaigning. Campaigning is defined in 10.103(4), meaning 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. Just as judges and juries do when presented with evidence in a case, the Election Commission considered the totality of the circumstances and evaluated all the evidence, rather than focusing solely on the March 24, 2026, workshop video.

There were numerous Facebook posts admitted into evidence at the hearing from Mr. Payment regarding Ms. Minton. As stated by Appellant's attorney at the April 29<sup>th</sup> hearing, "I have absolutely no doubt that Mr. Payment, like lots of other people on Sault Tribe Truth, and Sault Tribe Elders, any other number of social media sites that address political issues within the Sault Tribe, spends a lot of time and a lot of effort trying to make his voice and his positions heard." While Mr. Payment was spending the time and effort in making his voice and position heard, one piece of evidence that the Election Commission found particularly relevant was a March 11, 2026, comment by Aaron Payment on the Big Dean Hyslop for Unit 2 Facebook page, which states, "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." At the workshop, Mr. Payment stated, "I won't

name any names, but one person gets more as a cultural workshop presenter than two or more units get budgeted in the cultural budget.” Further, Mr. Payment made a statement, “Everyone sitting at this table heard that the cultural division has about \$7,000 per unit to put on programs through the cultural division. From what I’ve heard, the amount of money is spent easily on one or two workshops that go to one person. So, you know, I don’t appreciate I won’t name her by name.” Aaron Payment’s remarks at the March 24, 2026, workshop came thirteen days after he made a comment on another Unit II candidates' Facebook page regarding Ms. Minton and her receipt of cultural enhancement funds. Looking at the totality of circumstances, the Election Commission determined that it was more likely than not that Aaron Payment was referring to Jacqueline Minton in his comments at the March 24, 2026, workshop. The Appellant admits in their brief that Ms. Minton’s “complaint assumes (**probably correctly**) that Director Payment was referring to her cultural enhancement workshop.” Once the Election Commission determined that it was more likely than not that the statements referred to Ms. Minton, the next determination was whether this was campaigning. There is no question that statements made in an open workshop, which serves to keep membership informed on what is going on in the tribal government, was public speaking directed at membership. The Election Commission determined that it was more likely than not that the statements made by Mr. Payment were attempts to get the membership to reject Ms. Minton as a candidate in Unit II and to paint a picture that Ms. Minton was doing something nefarious with the funding she receives for organizing cultural workshops. The Election Commission found by a preponderance of evidence that Mr. Payment's comments were referring to Ms. Minton and that the comments were campaigning under Chapter 10, violating 10.113(2).

#### BOARD OBLIGATIONS

Finally, the Appellant contends that these comments made were part of his obligation as a member of the Board of Directors on a legislative topic. At the April 29<sup>th</sup> hearing, Appellant's attorney opened his case with the following statement: "If there is nothing else obvious at this hearing today, I think what should be obvious is that Mr. Payment and Ms. Minton do not see eye to eye. Probably politically, certainly politically, probably personally." Further, Appellant's attorney stated, "Now, I will admit between these two (referring to Mr. Payment and Ms. Minton), it appears that things have turned a little nasty with each other." The discussion at the Board table during the March 24, 2026, workshop centered on finding alternative uses for the cultural enhancement funds. The Board of Directors was debating the use of cultural enhancement funds. Mr. Payment used his turn to speak to shift the conversation into an attack against one person who organizes workshops funded by cultural enhancement funds. When asked where Mr. Payment got his information on how much organizers of workshops utilizing cultural enhancement funds are paid, he admitted, "**So I have to go based on rumors.**" Mr. Payment made a comment at the Board table based on rumors against someone with whom he does not see eye to eye, while that person was running for office. The Election Commission found it was more likely than not that Mr. Payment's comment at the Board table, directed toward rumors about Ms. Minton, was made only because she was running as a candidate in Unit II, violating the law of the Tribe and contrary to the Seven Grandfather teachings of love, truth, honesty, and respect.


#### CONCLUSION

The Election Commission did not abuse its discretion in finding Aaron Payment in violation of 10.113(2); it based its findings on a preponderance of the evidence. The Election Commission found that it was more likely than not that: (1) Mr. Payment was on tribal property and at the tribal event or function as defined under 10.113(2) during the

March 24, 2026, workshop; (2) look at a totality of the circumstances of all the evidence that Mr. Payment was referring to Ms. Minton with his comments; (3) Mr. Payments statements were public-speaking directed towards membership; (4) Mr. Payments comments were intended to influence members to reject Ms. Minton as a candidate in Unit II, meeting the definition of Campaigning under 10.103(4); and (5) Mr. Payment's comments based on rumors was only because Ms. Minton was running as a candidate in Unit II. The Appellee asks the Court to uphold the Election Commission's finding of Mr. Payment in violation of 10.113(2).

Respectfully submitted,

May 26, 2026

  
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