

**THREE AFFILIATED TRIBES
FORT BERTHOLD RESERVATION**

**IN THE DISTRICT COURT
NEW TOWN, NORTH DAKOTA**

TERRANCE E. FREDERICKS,

Appellant,

v.

Case No. CV-2026-0225

CHERYLE GOOD BIRD, in her official
capacity as Chairperson of the MHA Nation
Tribal Election Board; MARK
BLUESTONE; SAMANTHA LUCIO;
RANDY WHITEOWL; NOREEN TWO
CROW; SAVANA THOMAS; and RENITA
HOWLING WOLF, in their official
capacities as members of the MHA Nation
Tribal Election Board,

ADMINISTRATIVE RECORD

Appellees.

Pursuant to Chapter VI, Section 12-6-4(F)(4) of the Election Ordinance for the Three Affiliated Tribes, the Tribal Election Board, by and through undersigned legal counsel, respectfully submits the following Administrative Record, including relevant notices, correspondence between Appellant and the Tribal Election Board, and declaration setting forth Tribal Election Board actions in this matter.

SUMMARY OF ADMINISTRATIVE RECORD

1. Prospective Candidate Authorization and Consent Form completed by Appellant on July 1, 2026;
2. Notice of Candidacy Tribal Business Council Form completed by Appellant on July 1, 2026;
3. Candidate Declaration of No Outstanding Financial Obligations to Tribe completed by Appellant on July 1, 2026;
4. Authorization for Release of Information to Tribal Election Board completed by Appellant on July 1, 2026;
5. Request for Information provided by Tribal Election Board to Finance Department on July 31, 2026, and returned on August 5, 2026;
6. Tribal Election Board Correspondence dated August 18, 2026, advising Appellant of a Notice of Challenge of Eligibility for Candidacy;

7. Appellant's Response to August 18, 2026 Notice of Challenge of Eligibility for Candidacy submitted to the Tribal Election Board on August 21, 2026;
8. Tribal Election Board Correspondence dated August 21, 2026, advising Appellant of his ineligibility for candidacy for Tribal Office; and
9. Declaration of Sarah Billings, Internal Auditor, MHA Tribal Finance Department.

The Tribal Election Board and undersigned legal counsel understand that the Tribal Election Ordinance's Challenge of Eligibility of Candidates provision mandates filing of the administrative record within twenty-four hours. *See* Tribal Election Ordinance, Chapter VI, Section 12-6-4(F)(4) and (5). A responsive pleading is not contemplated in the Tribal Election Ordinance. *Id.* However, in light of Appellant's constitutional challenges set forth in his appeal, a Memorandum of Law in Response to Appellant's Appeal From Final Election Board Decision will be filed separately. Respectfully submitted this 25th day of August, 2026.

Tyra Wilkinson, TAT Legal Department
307 5th Avenue
New Town, ND 58763
701-421-0759
twilkinson@mhanation.com
FBDC License #0058



REQUEST FOR INFORMATION

TO: Sarah Billing, sbilling@mhanation.com

FROM: Tribal Election Board, electionboard@mhanation.com

Date: July 31, 2026

SUBJECT: Eligibility of Candidacy for Tribal Office

You are hereby notified that Terrance Eugene Fredericks has filed a Notice of Candidacy for Tribal Office in the 2026 Tribal Business Council Election of the Three Affiliated Tribes.

Chapter VI, Section 12-6-2 (B) Outstanding Debt of the Election Ordinance of the Three Affiliated Tribes provides that any qualified voter of the Three Affiliated tribes shall be eligible as a candidate for Tribal Office, provided that:

B. Outstanding Debt or Financial Obligations. Candidates shall have no delinquent or outstanding financial debt or obligations to the Tribe or any of its entities at the time of filing his/her Notice of Candidacy. All candidates must provide a declaration under penalty of perjury that he/she meets the financial obligation requirement in a format established by the Tribal Election Board.¹ In order to comply with the requirements of the Election Ordinance, the Tribal Election Board may promulgate additional forms for certification by the designated personnel in the Finance Office of the status of financial obligations owed by a potential candidate.

1. Outstanding debt or financial obligations shall include any money owed to the Tribe, Tribal department, or Tribal entity that is: a. Past due and owing as of that date; b. Delinquent; c. In default; d. In foreclosure or repossession; e. Has been sent to collections; or f. Represents an amount that is in default, such that the rights and responsibilities are accelerated. **ANY DELINQUENCIES MUST BE PAID IN FULL TO QUALIFY FOR CANDIDACY. The EXTENSION OF ANY DELINQUENT AMOUNT SHALL NOT BE ALLOWED.** In order for the Tribal Election Board to determine whether or not the candidate herein has satisfied the above-cited criteria for eligibility, the Tribal Election Board requests that the appropriate official of your organization check the appropriate statement. Attached is a copy of an **AUTHORIZATION FOR RELEASE OF INFORMATION. Please answer one of the following questions.**

_____ The candidate herein **IS NOT** currently delinquent in the payment of any financial obligation in favor of the Three Affiliated Tribes of which our organization is aware.

X The candidate listed above **IS** currently delinquent in the payment of a financial obligation in favor of the Three Affiliated Tribes as Follows:

1. TAT Mortgage
2. Small Business Loans
3. Tribal Finance

Due to the various time periods prescribed by the Election Ordinance relating to the procedure for ruling on the eligibility of the respective candidates, this Request for Information form, upon completing, dating, and signing, must be received from your organization by the Tribal Election Board within a period of **two (2) days** from the **date of your receipt** of this form, **which time period shall be strictly adhered to.**

Thank you for your attention to and cooperation in complying with our request. Should you have any questions regarding our request, please contact the Election Board at (701) 627-6479.

Please ensure that the person completing this form on behalf of your organization sets forth his/her signature and date below.

SIGNATURE: _____

TITLE: Internal Auditor

DATE: 8-5-2026

¹ Document: Declaration of No Outstanding Debt or Financial Obligations.



ENTERED

6. Tribal Election Board Correspondence dated August 18, 2026, advising Appellant of a Notice of Challenge of Eligibility for Candidacy

Tribal Election Board
404 Frontage Rd.
New Town, ND 58763

FILE COPY

August 18, 2026

Terrance E. Fredericks


Re: NOTICE OF CHALLENGE OF ELIGIBILITY FOR CANDIDACY TEB CHALLENGE TO CANDIDATE

You are hereby given notice that the Tribal Election Board has deemed you potentially ineligible for candidacy for the Tribal Office for which you have filed for the following reason:

You are delinquent in the payment of a financial obligation(s) in favor of the Three Affiliated Tribes which are as follows: Business Loan

Consequently, the Election Board, pursuant to Subsection B of Section 12-62-2 of part VI of the Election Ordinance of the Three Affiliated, hereby gives you notice that the Board challenges your eligibility for candidacy on the foregoing stated grounds.

You are hereby given further notice that you must take the appropriate steps and must submit proof of eligibility to the Tribal Election Board within a period of three (3) days (not including Sundays or holidays) from the date of your receipt of this notice.

Should you fail to submit to the election Board any proof of eligibility whosoever within the three (3)-day period, the Board shall rule that you are ineligible for candidacy for Tribal Office. On the other hand, should you submit to the Election board proof of eligibility within the three (3)-day period, the Board shall review the proof submitted and rule on this challenge within a period of three (3)-days (not including Sundays and holidays) from the date of its receipt of your proof of eligibility.

The Tribal Election Board will only consider that proof of eligibility that you have delivered to its office on or before 5:00 PM of the third day from the date of your receipt of this notice, dated August 18, 2026.

The Election Board hereby informs you that the three (3)-day time period for submission of your proof of eligibility shall be strictly adhered to in accordance with the Election Ordinance requirements.

Should you have any questions concerning this challenge, please contact the Election Board between the hours of 9:00 AM – 5:00 PM, at its office, located in HR Conference room of the old tribal building, 404 Frontage Road, Highway 23, New Town, or at 627-6479


Tribal Election Board
Cheryle Good Bird,
Chairperson

August 21, 2026

Via Hand Delivery and Email

Cheryle Good Bird, Chairperson
Tribal Election Board
electionboard@mhanation.com
404 Frontage Road
New Town, North Dakota 58763

Re: Terrance E. Fredericks—Response to 8/18/2026 Notice of Challenge of Eligibility for Candidacy

Dear Chairperson Good Bird and Members of the Tribal Election Board:

I submit this timely response to the Election Board's August 18, 2026, Notice of Challenge of Eligibility for Candidacy. I respectfully request that the Board reject the challenge and certify my candidacy.

I dispute that I owe the alleged "Business Loan" balance identified in the Notice. I do not admit the existence, validity, amount, accounting, or enforceability of any delinquent financial obligation to the Three Affiliated Tribes or any Tribal entity. I specifically reserve all rights and defenses concerning the alleged loan.

The Notice does not identify:

1. The alleged balance;
2. The date or terms of the alleged obligation;
3. The payment history;
4. The basis for declaring the obligation delinquent;
5. The records supporting the Board's determination; or
6. Any judgment or other final adjudication establishing that I owe the claimed amount.

Without that information, I cannot meaningfully evaluate or respond to the allegation. Thus, if you deny my request to dismiss the challenge on the grounds provided below, I request that the Board provide copies of all documents and information on which the challenge is based,

including the loan agreement, amendments, account statements, payment history, accounting, collection records, and any certification or report supplied by the Tribe's Finance Office or another Tribal entity.

I further object on the grounds that the alleged debt provision in MHA Nation Election Ordinance § 12-6-1(B) cannot lawfully be applied to exclude me from candidacy. Article IV, § 6 of the Constitution identifies the qualifications for candidacy, including the applicable enrollment, age, blood-quantum, and residency requirements. It does not require a candidate to have no debt or financial obligation to the Tribe. Article IV, § 5 authorizes election supervision and election rules, but it does not authorize the Election Board to add a substantive qualification that is absent from Article IV, § 6.

Accordingly, I request that the Board:

1. Reject the challenge as unsubstantiated;
2. Determine that I am eligible for candidacy under Article IV, § 6;
3. Certify my candidacy and place my name on the ballot if the Board determines that I satisfy the constitutional qualifications;
4. Provide the records and information identified above; and
5. Confirm in writing that this response does not constitute an admission, acknowledgment, waiver, or concession concerning the alleged business-loan balance.

If the Board denies this response or rules that I am ineligible, please provide a written decision identifying each factual and legal basis for the ruling, the vote taken, the records relied upon, and the date and time of the decision. I expressly reserve my right to challenge any adverse ruling in the Fort Berthold District Court within the deadline prescribed by MHA Nation Election Ordinance § 12-6-4(F)(4).

Nothing in this response waives any constitutional, statutory, jurisdictional, procedural, evidentiary, or other objection. I reserve all rights and remedies.

Respectfully,

Terrance E. Fredericks

Telephone: [REDACTED]
Email: tfredericks [REDACTED] com

**Tribal Election Board
404 Frontage Rd.
New Town, ND 58763**

August 21, 2026

Terrance E. Fredericks
[REDACTED]

Dear Mr. Fredericks:

Chapter VI, Section 12-6-2 of the Election Ordinance, "Additional Requirements for Tribal Office," provides that a candidate is to have "no delinquent or outstanding financial debt or obligations to the Tribe or any of its entities."

Pursuant to subsection Chapter 3, subsection 12-3-2(A) of the Election Ordinance, starting on July 31, 2026, the Tribal Election Board (or "TEB") sent out notices to Tribal entities of their obligations to compile updated and accurate information on prospective candidates who have outstanding debt or financial obligations owed to the Tribe, inquiring whether prospective candidates had outstanding financial debt or obligation that was past due and owing, delinquent, in default, etc.

The Tribal Election Board sent you a Challenge letter on August 18th, 2026, indicating that you have an outstanding debt or financial obligation (Business Loan) to the Three Affiliated Tribes. This was based on information received by the TEB from the Tribal Finance Department after the notices pursuant to subsection 12-3-2(A) were sent out.

In the Notice of Candidacy form, you state that you have "no delinquent or outstanding financial debt or obligations to the Tribe or any of its entities." (See Attached). As provided in the Prospective Candidate Authorization and Consent form you signed, it is your responsibility to ensure that you have no outstanding Debt or Financial Obligations owed by you to the Three Affiliated Tribes or any of its entities prior to filing the Notice of Candidacy petition (See Attached and Election Ordinance subsection 12-6-2 (B)(3)).

You have failed to provide satisfactory documentation or other response to the Tribal Election Board in the 3-day time limit as prescribed in Chapter VI, subsection 12-6-4(F)(2) of the Election Ordinance to show that you have no outstanding financial obligations or that your financial obligations were not delinquent or in default, etc., as of July 1, 2026, when you submitted the Notice of Candidacy petition and that you are eligible as a candidate for the 2026 Election.

Chapter VI, subsection 12-6-4-F(2) provides that if the TEB determines the candidate's response submitted is unsatisfactory, it shall rule that such candidate is ineligible for candidacy for Tribal Office and that his/her Notice of Candidacy or Petition for Nomination shall be withdrawn and his/her name shall NOT be placed on the ballot.

With regard to the objection that the Election Ordinance cannot lawfully be applied to exclude you from candidacy based on Article IV, Section 6: According to the recent Hall decision, CV2026-0216, at paragraph 22, there is a "limiting clause in Article IV Section 6, 'in the first Election after adoption of this Amendment' and 'the Election Ordinance, rather than Section 6 of Article IV of the Constitution, is the appropriate standard governing deadlines and procedures for getting on the ballot.'"

Based on the above, it is the decision of the Tribal Election Board to rule you ineligible as a candidate for the South Segment Representative for the 2026 Election.

Cheryle Good Bird, Chairperson
Tribal Election Board
[REDACTED]

REQUEST FOR INFORMATION

TO: Sarah Billing, sbilling@mhanation.com

FROM: Tribal Election Board, electionboard@mhanation.com

Date: July 31, 2026

SUBJECT: Eligibility of Candidacy for Tribal Office

You are hereby notified that Terrance Eugene Fredericks has filed a Notice of Candidacy for Tribal Office in the 2026 Tribal Business Council Election of the Three Affiliated Tribes.

Chapter VI, Section 12-6-2 (B) Outstanding Debt of the Election Ordinance of the Three Affiliated Tribes provides that any qualified voter of the Three Affiliated tribes shall be eligible as a candidate for Tribal Office, provided that:

B. Outstanding Debt or Financial Obligations. Candidates shall have no delinquent or outstanding financial debt or obligations to the Tribe or any of its entities at the time of filing his/her Notice of Candidacy. All candidates must provide a declaration under penalty of perjury that he/she meets the financial obligation requirement in a format established by the Tribal Election Board.¹ In order to comply with the requirements of the Election Ordinance, the Tribal Election Board may promulgate additional forms for certification by the designated personnel in the Finance Office of the status of financial obligations owed by a potential candidate.

1. Outstanding debt or financial obligations shall include any money owed to the Tribe, Tribal department, or Tribal entity that is: a. Past due and owing as of that date; b. Delinquent; c. In default; d. In foreclosure or repossession; e. Has been sent to collections; or f. Represents an amount that is in default, such that the rights and responsibilities are accelerated. **ANY DELINQUENCIES MUST BE PAID IN FULL TO QUALIFY FOR CANDIDACY. The EXTENSION OF ANY DELINQUENT AMOUNT SHALL NOT BE ALLOWED.** In order for the Tribal Election Board to determine whether or not the candidate herein has satisfied the above-cited criteria for eligibility, the Tribal Election Board requests that the appropriate official of your organization check the appropriate statement. Attached is a copy of an **AUTHORIZATION FOR RELEASE OF INFORMATION. Please answer one of the following questions.**

_____ The candidate herein IS NOT currently delinquent in the payment of any financial obligation in favor of the Three Affiliated Tribes of which our organization is aware.
X The candidate listed above IS currently delinquent in the payment of a financial obligation in favor of the Three Affiliated Tribes as follows:

1. TAT Mortgage
2. Small Business Loans
3. Tribal Finance

Due to the various time periods prescribed by the Election Ordinance relating to the procedure for ruling on the eligibility of the respective candidates, this Request for Information form, upon completing, dating, and signing, must be received from your organization by the Tribal Election Board within a period of two (2) days from the date of your receipt of this form, which time period shall be strictly adhered to.

Thank you for your attention to and cooperation in complying with our request. Should you have any questions regarding our request, please contact the Election Board at (701) 627-6479.

Please ensure that the person completing this form on behalf of your organization sets forth his/her signature and date below.

SIGNATURE: _____

TITLE: Internal Auditor

DATE: 8-5-2026

¹ Document: Declaration of No Outstanding Debt or Financial Obligations.



ENTERED



NOTICE OF CANDIDACY TRIBAL BUSINESS COUNCIL

- ☒ I have not been found guilty of a felony by a court of competent jurisdiction.
- ☒ I have not received any of the following discharges from any branch of the Armed Forces of the United States: other than honorable (or less than honorable) discharge; bad conduct discharge; or dishonorable discharge.
- N/A ☒ If I have served in any branch of the Armed Forces of the United States it is my responsibility to provide a copy of my DD 214 showing my discharge type.
- No N/A ☒ I have no delinquent or outstanding financial debt or obligations to the Tribe or any of its entities.
- ☒ I am not delinquent on any credit card reconciliation, travel reimbursement, or other financial obligations to the Tribe or any of its entities.
- ☒ If elected, I understand that, upon taking office, I must comply with the requirements of the Mandan, Hidatsa & Arikara Nation Ethics in Government Ordinance for ownership and/or pecuniary interest in any company that contracts and/or subcontracts for goods or services with an oil & gas producing company on the Fort Berthold Indian Reservation.
- ☒ I am eligible to hold the office I am seeking.
- ☒ I understand and agree that, due to the nature and time frame of the election, the Tribal Election Board is authorized to provide notice of its actions or decisions to me via email and/or in-person. I affirm that the email address provided herein is the accurate and proper email address for me.

I affirm that all of the above statements are true, that any false statement knowingly made by me will subject me to criminal penalties and automatically disqualify me, and request that my name be placed on the ballots to be used in such election as a candidate for the office I am seeking.

Signature of Candidate

Date

07/01/2024

Sworn to and subscribed before me this 1 day of July, 2024.
State of North Dakota
County of Mountrail
My commission Expires: July 8, 2029

Notary Public

JULIE L HERBEL
Notary Public
State of North Dakota
My Commission Expires Jul 8, 2029

FOR INTERNAL USE ONLY

DATE RECEIVED:

TIME:

RECEIVED BY

NOTES:

COPY



PROSPECTIVE CANDIDATE AUTHORIZATION AND CONSENT

**ALL PROSPECTIVE CANDIDATES MUST COMPLETE THIS FORM PRIOR
TO RECEIVING THE NOTICE OF CANDIDACY PACKET**

Today's Date: 07-01-2026

Full Legal Name: Terrance Eugene Fredericks
First Name Middle Name Last Name

I have requested a Notice of Candidacy Packet for the 2026 election to the Tribal Business Council of the Three Affiliated Tribes. I understand and acknowledge all of the following:

☒ I understand that the Notice of Candidacy packet must be accurate and complete at the time that it is submitted. I understand that late or incomplete packets will not be accepted.

☒ It is my responsibility to ensure that I have no Outstanding Debt or Financial Obligations owed by me to the Three Affiliated Tribes or any of its entities at the time I file my Notice of Candidacy packet.

☒ It is my responsibility to ensure that I have no delinquent credit card reconciliation or travel reimbursement due or owed by me to the Three Affiliated Tribes or any of its entities at the time I file my Notice of Candidacy packet.

☒ It is my responsibility to provide proof of my eligibility as part of my completed Notice of Candidacy packet.

☒ I understand that the Tribal Election Board will obtain and receive any information about me in order to confirm my eligibility as a candidate.

☒ I understand that my name will be published by the Three Affiliated Tribes on its official website and other public platforms or locations as having requested and received a Notice of Candidacy packet.

☒ I understand that requesting and receiving a Notice of Candidacy packet does not mean that I have been certified as a candidate in the 2026 election and that I must complete and submit the packet, along with all required documents and the filing fee, and be certified by the Tribal Election Board in order to be placed on the ballot.

Signature of Prospective Candidate

July 1, 2026
Date

COPY

ORIGINAL

THREE AFFILIATED TRIBES
FORT BERTHOLD RESERVATION

IN DISTRICT COURT
NEW TOWN, NORTH DAKOTA

Terrance E. Fredericks,	)	
Plaintiff,	)	
	)	
vs	)	
	)	DECLARATION
Cheryle Good Bird et al, in their official	)	
capacities as TAT Election Board	)	CV2026-0225
Defendant.	)	

I, the undersigned Sarah Billing, declare that the statements below are true and accurate to the best of my knowledge:

1. I have been employed in the Three Affiliated Tribes' Finance Department (or "Tribal Finance") for 16 years.
2. On or about July 31, 2026, Tribal Finance received individual requests from the Tribal Election Board (or "TEB") inquiring whether prospective candidates for Tribal Business Council seat had any outstanding financial obligations to the Tribe. This has been a regular Election year request as far as I know, but no amounts of any delinquencies were requested at that time. Tribal Finance responded on August 5, 2026 that prospective candidate Terrance E. Fredericks has a delinquent Tribal Business Loan (or "Loan").
3. The Tribal financial records show that Terrance E. Fredericks of [REDACTED] signed a Promissory Note for a Business Loan with the Tribe's Business Development Program for a substantial amount in February 2015 and was to pay 120 monthly payments from March 2015 to February 2025. I believe at this time, the Loan is in default as per the terms of the Promissory Note due to a failure to make regular payments since February 2018. The Tribe's Business Loan Program mailed out notice of Over Due Payment in September 2018 and then a Default Letter in January 2019 but he did not make the loan current, pay it off, or otherwise respond at that time.
4. Since May 2018, payments received have been in the amount \$250 (one-time payment), \$750 (one-time payment), and then subsequent People's Funds Tribal Disbursement deductions in the amount of \$500, which occur roughly 3-5 times per year. These amounts applied to the Loan is not sufficient to make the Loan current. Most of the deductions are only about 20-25% of the agreed monthly payment in the Promissory Note. Terrance E. Fredericks did not object to the deductions.
5. Terrance E. Fredericks did not come in to Tribal Finance or the Business Loan Office (or "Office") during the timeframe from September 2018 through June 2026 to pay off the Loan or at least to try to make the Loan current. In July 2026, he asked the Office staff for an update on the Loan. He

was told that the Loan was severely delinquent and had matured. Since then, he has not contacted the Office or made any payments.

6. As of July 1, 2026, the Loan is delinquent and in default and has been past due and owing for several years. According to the terms of the Promissory Note, the whole unpaid principal and interest is due and owing and in default.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 25th day of August, 2026.



Sarah Billing, Internal Auditor
Tribal Finance Dept.