



Council of the Cherokee Nation

Cherokee Nation Complex
17675 S. Muskogee Ave.
Tahlequah, OK 74464

Meeting Minutes - Final RULES COMMITTEE

Joe Byrd, Chair

Recording Secretary, Shelli Brittain
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Wednesday, March 9, 2016

9:00 AM

Tribal Council Offices

SPECIAL SESSION

CALL TO ORDER

Chair Byrd called the meeting to order at 9:12 a.m.

INVOCATION

Councilor Thornton gave the invocation.

ROLL CALL

Present 13 - Jack D. Baker; Joe Byrd; Don Garvin; Frankie Hargis ; Janees Taylor; David Thornton, Sr. ; Victoria Vazquez; Keith Austin; Buel Anglen; Dick Lay; Shawn Crittenden; Wanda Hatfield and Bryan Warner

Absent 2 - Harley Buzzard and Rex Jordan

Late Arrival 2 - Curtis Snell and David Walkingstick

NEW BUSINESS

Chair Byrd in honor of yesterday being Indigenous Women's Day he requested a moment to acknowledge all of our Cherokee women for the work they put forth in making our tribe better.

1. [16-025](#)

AN ACT AMENDING LA-04-14 REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED

Councilor Vazquez moved to approve to enter into discussion. Councilor Hargis seconded the motion. Attorney General Hembree commented this is a collective effort by the Attorney General's office, the Counsel for the Tribal Council and the Attorney for the Election Commission. He stated they would like to go through section by section. Councilor Anglen requested clarification on how the voting will happen if it would be section by section.

Chapter 1 General Provisions § 3-A Definitions

3. Candidate

After explanation was given for the proposed language Councilor Thornton made a motion to add the language in blue from the loophole work group handout. After additional discussion Councilor Thornton withdrew his motion.

After additional discussion was held Councilor Baker made a motion to not change the current legislated language (remove the red underline and keep the strike through). Councilor Garvin seconded the motion. The motion failed with the following roll call vote:

Yea: 6 - Jack D. Baker; Don Garvin; Frankie Hargis ; Curtis Snell; Buel Anglen and Wanda Hatfield

Nay: 8 - Joe Byrd; Janees Taylor; David Thornton, Sr. ; Victoria Vazquez; Keith Austin; Dick Lay; Shawn Crittenden and Bryan Warner

Late Arrival: 1 - David Walkingstick

With discussion continuing on the definition of Candidate Councilor Taylor made a motion to accept the suggested loophole language with the change to strike "or conducted other campaign activities" and adding "made public announcement". The definition would read as follows: "Candidate means a person who has raised funds and/or accepted in-kind contributions in excess of One Thousand dollars (\$1,000.00) filed or has filed or conducted other campaign activities made public announcement and is qualified to run in for an election to hold elective office in the Cherokee Nation, in accordance with Chapter 4, Sections 31-34 of this Act and in accordance with the Cherokee Nation Constitution. Councilor Austin seconded the motion. Councilor Lay offered a friendly amendment to change and file to or file. The friendly was not accepted.

Following lengthy debate on a public announcement Councilor Taylor's motion failed with the following roll call vote:

Yea: 6 - Joe Byrd; Frankie Hargis ; Janees Taylor; Victoria Vazquez; Keith Austin and Bryan Warner

Nay: 8 - Jack D. Baker; Don Garvin; Curtis Snell; David Thornton, Sr. ; Buel Anglen; Dick Lay; Shawn Crittenden and Wanda Hatfield

Late Arrival: 1 - David Walkingstick

After clarification was requested and given in regard to the procedure for voting on amendments debate continued on the definition of candidate.

Councilor Lay made a motion to accept the suggested language as presented in the draft Act with the addition of "or filed". Councilor Thornton seconded the motion. The motion to approve carried by voice vote with Councilors Baker, Garvin and Anglen opposed.

In Chapter 1 General Provisions § 3-A Definitions, 13. Election Commission Office the suggested changes were accepted with no objections.

In Chapter 1 General Provisions § 3-A Definitions, 15. Election Period the suggested changes were accepted with no objections.

In Chapter 1 General Provisions § 3-A Definitions, 31. Term. Mr. Hembree commented this is a new definition and gave an explanation for the reasoning for including this new definition of "term".

Following discussion and debate Councilor Lay made a motion to delete all of 31 the definition of term. Councilor Baker seconded the motion. The motion failed with the following roll call vote:

Yea: 5 - Jack D. Baker; Don Garvin; Curtis Snell; Buel Anglen and Dick Lay

Nay: 9 - Joe Byrd; Frankie Hargis ; Janees Taylor; David Thornton, Sr. ; Victoria Vazquez; Keith Austin; Shawn Crittenden; Wanda Hatfield and Bryan Warner

Late Arrival: 1 - David Walkingstick

In Chapter 2 changes in the title were accepted with no objections.

In Chapter 2 §11 A all changes were accepted with no objections.

In Chapter 2 §11 A3 all changes were accepted with no objections.

In Chapter 2 §11 C12A all changes were accepted with no objections.

In Chapter 2 §11 C12F all changes were accepted with no objections.

In Chapter 2 §11 E all changes were accepted with no objections.

In Chapter 2 §11 G Councilor Baker offered a friendly amendment to insert "any of" following "committing". The friendly was accepted.

In Chapter 2 §11 G3 Councilor Austin offered a friendly amendment to insert "un-prescribed" prior to "narcotics". The friendly was accepted.

In Chapter 2 §12 C1 all changes were accepted with no objections.

In Chapter 2 §12 C8 all changes were accepted with no objections.

In Chapter 2 §12 C11 all changes were accepted with no objections.

In Chapter 2 §13 all changes were accepted with no objections.

In Chapter 2 §14 all changes were accepted with no objections.

In Chapter 2 §14C all changes were accepted with no objections.

In Chapter 2 §14D all changes were accepted with no objections.

In Chapter 2 §15 is new language. Mr. Harvey Chaffin, attorney for the Election Commission gave an explanation for the inclusion of this proposed language. Councilor Baker offered a friendly to strike "no later" and insert "not less" in A.a. following "conduct of an election". The friendly was accepted.

In Chapter 3 §21A2 all changes were accepted with no objections.

In Chapter 3 §21C all changes were accepted with no objections.

In Chapter 3 §21CA3 all changes were accepted with no objections.

In Chapter 3 §21CB1 all changes were accepted with no objections.

In Chapter 3 §22 all changes were accepted with no objections.

In Chapter 3 §23 all changes were accepted with no objections.

In Chapter 3 §24 all changes were accepted with no objections.

In Chapter 3 §35A all changes were accepted with no objections.

In Chapter 3 §36 following debate Councilor Lay requested to table this section to the end of all other proposed amendments of this act.

RECESS

Chair Byrd announced a 15 minute break at 11:14 a.m.

RECONVENE

Chair Byrd reconvened the meeting at 11:34 a.m.

16-025

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In Chapter 3 §36-5 new language. Councilor Baker offered a friendly amendment to change the fine to be equal the amount of the filing fee for that office. The friendly was accepted. Mr. Hembree offered a friendly amendment to change "fine" to "civil penalty". The friendly was accepted.

In Chapter 5 §41A Councilor Baker made a motion to add the language "or returned to contributors" Councilor Taylor seconded the motion. Councilor Austin offered a friendly amendment to include the word "or goods" following money in the first sentence. Councilor Austin offered a friendly amendment to add "by the end of the applicable election period" following "or returned to contributors". The friendly was accepted. Councilor Baker changed his motion to a friendly. The friendly was accepted.

In Chapter 5 §43A after explanation for the additional language Councilor Baker made a motion to strike the suggested new language entirely. Councilor Taylor seconded the motion. The motion carried.

In Chapter 5 §43B Councilor Baker offered a friendly amendment to change "amount" to "limit". The friendly was accepted.

In Chapter 5 §43C all changes were accepted with no objections.

In Chapter 5 §43E all changes were accepted with no objections.

In Chapter 5 §44E all changes were accepted with no objections.

In Chapter 5 §44F all changes were accepted with no objections.

In Chapter 5 §45B all changes were accepted with no objections.

In Chapter 5 §46B all changes were accepted with no objections.

In Chapter 5 §46D Councilor Warner offered a friendly amendment to include the suggested Election Commission language to the end of D to read "for a reasonable fee for searching and/or making copies of such reports."

In Chapter 6 §51A all changes were accepted with no objections.

In Chapter 6 §51C all changes were accepted with no objections.

In Chapter 6 §52C all changes were accepted with no objections.

In Chapter 6 §52D Councilor Taylor offered a friendly amendment to strike "list" and insert "addresses". The friendly was accepted.

In Chapter 6 §53A all changes were accepted with no objections.

In Chapter 6 §53B all changes were accepted with no objections.

In Chapter 6 §53C all changes were accepted with no objections.

In Article 2 §61 all changes were accepted with no objections.

In Article 2 §62D all changes were accepted with no objections.

In Article 3 §72E Councilor Warner offered a friendly amendment to insert "handwritten" prior to "signature". The friendly was accepted.

In Article 3 §73A Councilor Warner offered a friendly to change May to April as requested. The friendly was accepted.

In Article 3 §73B Councilor Warner offered a friendly to change "last" to "forth" Monday in June as requested. The friendly was accepted.

In Article 3 §73D. Mr. Chaffin gave an explanation for the proposed new language. Councilor Warner offered a friendly to add "and" after election in the second line as requested. The friendly was accepted.

RECESS

Chair Byrd recessed for lunch at 12:31.

RECONVENE

Chair Byrd reconvened the meeting at 1:17 p.m.

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Chair Byrd commented on the time needed to complete the amendments today and suggested tabling until a different date. Attorney General Hembree suggested tabling to regular Rules and requested any questions or concerns between now and then be emailed to his office.

Councilor Baker made a motion to table until the next regular Rules committee. Councilor Lay seconded the motion. The motion carried.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Baker moved to adjourn. Councilor Hatfield seconded the motion. The motion carried at 1:30 p.m.

STAFF PRESENT:

*Chuck Hoskin Jr.
Canaan Duncan
Connie Parnell*

*Todd Hembree
Brooke Tillison*

*Sonja Glory
Claud Stover*

VISITORS PRESENT:

*Harvey Chaffin
Forrest Cox*

*Carolyn Allen
Teddy Snell*

*Martha Calico
Dianne Barker Harrold*