



Council of Cherokee Nation

Meeting Minutes

Tribal Council

Wednesday, January 10, 2007

6:00 PM

Council Chambers

Special Session

CALL TO ORDER

Speaker Frailey called the meeting to order at 6:00 p.m. in the Tribal Council Chambers, W.W. Keeler Complex.

INVOCATION

Councilman Crittenden gave the invocation.

ROLL CALL

- Present** 12 - S. Joe Crittenden; Jackie Bob Martin; Phyllis Yargee; Don Garvin; Meredith Frailey; Cara Cowan Watts; William G. "Bill" Johnson; Buel Anglen; Charles "Chuck" Hoskin; Taylor Keen; Jack D. Baker and Audra Smoke-Conner
- Absent** 5 - David Thornton Sr. ; Linda Hughes-O'Leary; Melvina Shotpouch; John F. Keener and Bill John Baker

Speaker Frailey gave a brief overview of the proceedings that have led up to the meeting this evening. In June 2006, the Cherokee Nation Supreme Court ruled the Constitution passed by the people in 2003 was in effect. One of the greatest exercises of our inherent sovereignty at Cherokee Nation is the ability to pass our own constitution without interference from outsiders. As a result of that ability certain of our citizens drafted and garnered signatures on a petition to hold an election whereby the Cherokee people could vote to amend the Constitution to determine requirements for the citizenship in the Cherokee Nation. There were over 3000 signatures that were gathered, the Supreme Court approved over 2000 of those which made the petition valid. There was a challenge to the petition but the court determined and approved the petition after the challenge and also determined the Principal Chief could hold a special election to carry out the will of the Cherokee people as demonstrated on the petition. That date has been set for March 3rd and after the court ruling the Election Commission set certain dates leading up to the March 3rd special election and those dates are before the Council tonight to confirm. As you know the Cherokee people have done their constitutional duty, the court has fulfilled its responsibility by approving the petition twice and the Election Commission has spent a lot of time approving, gathering and organizing in getting these dates approved that are before the Council tonight. Now it is the Tribal Council's responsibility to fulfill their job to confirm the dates if they feel they are fair and reasonable.

- 1. Confirmation of deadlines set by the Election Commission of the Cherokee Nation for a Special Election to be held March 3, 2007 pursuant to 26 CNCA§ 51 (C).**

A RESOLUTION CONFIRMING THE DATES OF THE SPECIAL ELECTION AS TRANSMITTED BY THE CHEROKEE NATION ELECTION COMMISSION

Speaker Frailey stated this Resolution states "Whereas, the Principal Chief has set the special election for Saturday, March 3, 2007, as authorized by Article XV Section 4 of the Constitution of the Cherokee Nation. Whereas, it is the duty of this Council to confirm the dates for the conducting of the special election as transmitted by the Election Commission, pursuant to Title 26, Chapter 6 § 51 (C) of the Cherokee Nation Code Annotated. Be It Resolved By The Cherokee Nation, that the Council of the Cherokee Nation hereby confirms Saturday, March 3, 2007 as the date of the Special Election and the following dates transmitted by the Election Commission, by memo dated 12/29/2006, for the conduction thereof." Those dates are:

<i>January 11, 2007</i>	<i>Absentee Ballot Request Opens</i>
<i>February 3, 2007</i>	<i>Voter Registration Closes</i>
<i>February 7, 2007</i>	<i>Absentee Ballot Request Closes</i>
<i>February 12 & 13, 2007</i>	<i>Absentee Ballots Mailed</i>
<i>February 19, 2007</i>	<i>Red Cards Mailed</i>

Councilman Garvin moved for the approval of the Resolution. Council member Cowan Watts seconded the motion.

Councilman Hoskin asked when voter registration will open again for the June election. Todd Hembree stated the dates set forth in this Resolution are only for the special election thereof. It has no bearing on the general, primary or runoff elections. After the special election and by his opinion it would automatically be open by a matter of law. Diane Hammons stated those dates are set out in the regular election code so this special election would not affect those.

Councilor Keen stated this is certainly an impacted timeframe and asked if there was a representative from the Election Commission present to explain to the Council particularly since the ballot requests start tomorrow of they are trying to get this out to as many of our citizens as possible. Patsy Eads Morton, Chairman of Election Commission asked for clarification on what the specific question was. Councilor Keen stated what the Election Commission is going to do to make sure that as many citizens are made aware of these timeframes. Patsy Morton stated they have done a mail out and the mail out if bringing a flood of completed applications and phone calls. They also have preparations for publicity to get all the information out. Councilor Keen asked if this information is going out to all registered voters. Mrs. Morton stated the ones that have gone out now are for the "At Large." The Election Commission is meeting tomorrow night and have plans to do all of the things to get this information out and if they go forward tonight it will be done.

Councilor Hoskin asked on the comment Mrs. Morton made that she was seeing a lot of completed applications he assumes those are voter registrations applications and not absentee ballot requests. Mrs. Morton stated the ones that are coming in at this time are the ones that went out to the several thousand outside of the outer boundaries. Councilor Hoskin stated he is specifically asking if they are getting completed absentee ballot requests or are they getting voter registration. Jim Cosby stated they are getting voter registrations.

Councilor Cowan Watts stated she struggles that the Council is suppose to approve or disapprove these election dates per the codes but for the matter of expediency and to make sure the people get their special election she will be supporting this tonight but she doesn't know that it is a required step in the process.

Councilor Garvin stated he agrees with Councilor Cowan Watts and he feels the meeting tonight was not necessary. He complimented the Election Commission on their hard work.

Councilor Hoskin stated he has to disagree with the point that both Councilor Cowan Watts and Garvin made that the Legislative Branch should not be involved in setting these dates. He thinks the Council very well should be and he feels the best time for this question to come before the Cherokee people however is in the June election because they would get more turn out and participation than with the compressed timeframe the Council has in front of them. He does believe the Cherokee people have spoken through the petition process and therefore he will support this because after all they do serve the Cherokee people.

Speaker Frailey stated the question has been called on the motion to approve the Resolution. Motion carried as follows.

Yea: 11 - Jackie Bob Martin;Phyllis Yargee;Don Garvin;Meredith Frailey;Cara Cowan Watts;William G. "Bill" Johnson;Buel Anglen;Charles "Chuck" Hoskin;Taylor Keen;Jack D. Baker and Audra Smoke-Conner

Nay: 1 - S. Joe Crittenden

Enactment No: R-01-07

Speaker Frailey stated the Resolution has passed and those dates are affective now.

2. Any other action required of the Council to implement the Special Election duly called for March 3, 2007.

No other actions were considered necessary.

ADJOURNMENT

With no further business presented, Councilman Johnson moved to adjourn.

Next Tribal Council meeting will be held on January 15th, 6:00 p.m. at the tribal headquarters, W.W. Keeler Complex.