



# Council of the Cherokee Nation

## Meeting Minutes Rules Sub Committee

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Monday, January 12, 2009

3:00 PM

Legislative Conference Room

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### CALL TO ORDER

Chair Frailey called the meeting to order at 3:15 p.m.

### INVOCATION

Councilor Crittenden gave the invocation.

### ROLL CALL

**Present** 13 - Meredith Frailey; Jack D. Baker; Janelle Fullbright; Buel Anglen; Harley Buzzard; S. Joe Crittenden; Chuck Hoskin, Jr. ; Cara Cowan Watts; Bill John Baker; Bradley Cobb; Tina Glory Jordan; Don Garvin and Chris Soap

**Late Arrival** 3 - Julia Coates; Curtis Snell and Jodie Fishinghawk

### DISCUSSION AND POSSIBLE ACTION OF AMENDMENTS TO THE ELECTION CODE

*Mr. Todd Hembree announced there were a couple of tabled items that needed to be addressed before moving forward.*

#### § 21 A 4

*Mr. Hembree stated this section pertains to persons convicted of a felony or any crime in tribal court unless they receive a pardon shall be ineligible to vote. Councilor Crittenden stated it is his position that it should become part of the law. Councilor Hoskin Jr. inquired if this is part of the current election law. Mr. Hembree replied it is not part of the current law. Councilor Hoskin Jr. stated this is law in many states. He stated we have criminal law and we have punishment and this seems to be additional punishment. He stated this is a pretty significant right we are considering stripping from someone who has served their time. He stated some jurisdictions limited the ability to vote while serving the time of the sentence. Councilor Bill John Baker voiced concern for implementing this section. He questioned how the Election Commission would enforce if implemented. Councilor Crittenden stated there should be penalties when the law is broken. Councilor Glory-Jordan disagreed and voiced concern for the cost in determining if someone was or wasn't convicted of a felony. She stated she believes in a second chance and questioned if it would give a loophole for an election to be challenged.*

*Councilor Jack Baker made a motion to not include this item in the election law. Councilor Fullbright seconded the motion.*

*Councilor Thornton stated we have programs where if you are a felon you can not apply and it should be all or none. He stated he is agreement with Councilor Crittenden. Councilor Cowan Watts requested input from the Election Commission. Mr. Roger Johnson the newly elected Chairman of the Commission announced Ms.*

*Brenda Walker had been sworn in and was elected as Vice Chairman and Martha Calico was elected as the Secretary Treasurer. He stated the first thing that comes to mind in respect of convicted felons don't have a big interest in the political process and voting. He felt it would be a mute issue. Councilor Hoskin Jr. stated he would be more inclined to support if it was that they couldn't vote while serving time as a felon. Mr. Hembree stated that may be harder to police than the original wording. He suggested moving ahead with the motion on the floor then he and Councilor Hoskin could get together with proposed language for an amendment. Councilor Cowan Watts requested clarification as to if the vote is yes to remove then Councilor Hoskin can't bring forward and amendment. Mr. Hembree stated he could bring forward an amendment if it included significant change.*

**The motion to not include § 21 A 4 in the Election Law passed with Councilors Crittenden and Thornton opposed.**

**§ 21 C 2 At Large Registered Voters**

*Mr. Hembree stated at the request of Councilor Jack Baker he added language "unless said voter has elected to remain a voter in a district pursuant to Article 6 Section 3 of the Cherokee Nation Constitution".*

*Councilor Bill John Baker moved to approve with the added language. Councilor Jack Baker requested clarification for someone who lives within the Cherokee Nation and moves outside. Would they have the opportunity to remain a voter of the district in which they moved from. He stated this is not addressed in the Constitution. Councilor Cobb stated the people need to have the opportunity to decide. Councilor Bill John Baker stated the Constitution is clear that if you move from one county to another within the jurisdiction that you must register in the county in which you move. He stated it doesn't address if you live inside and move outside.*

*Councilor Jack Baker made a motion that if a person who currently lives inside the jurisdiction moves outside of the jurisdiction they then have a one time option to decide if they vote in the district in which they moved from or to vote At Large. Councilor Fullbright seconded the motion.*

*Councilor Hoskin Jr. voiced concern for the law suggesting an exception if you are under the age of 25. Mr. Hembree agreed this section is hard to interpret. Councilor Cobb requested clarification for "one time". Councilor Jack Baker stated if they live within the jurisdiction and move outside they get a one time opportunity to decide. If they live outside and move in then they must register in the district in which they live. If this same person moves outside the jurisdiction again they would again have the opportunity to determine where they voted. Ms. Martha Calico commented in the elections she has served in if a voter moves their registration goes with them. The one time thing was if you lived outside and wished to vote in a district within the jurisdiction you were given a one time choice which has been completed. Councilor Coates commented people who live outside of the jurisdiction and wish to vote in a district within the jurisdiction is because of some sort of tie to that district. Mr. Hembree stated this would need to be drafted very carefully that this could be attacked on a constitutional boundary stating this is a denial of equal protection. It could be viewed that At Large voters are being treated better than voters living within the jurisdiction.*

**Councilor Glory-Jordan made a motion to table. Councilor Garvin seconded the motion. Motion carried.**

**Chair Frailey requested research be done on this section and providing language at the next meeting.**

ANNOUNCEMENTS

*None.*

ADJOURNMENT

**Councilor Bill John Baker made a motion to adjourn. Councilor Cobb seconded the motion. Motion carried at 3:58 p.m.**

STAFF PRESENT:

*None.*

VISITORS PRESENT:

<i>Todd Hembree</i>	<i>Roger Johnson</i>	<i>Curtis Rohr</i>
<i>Brenda Walker</i>	<i>Martha Calico</i>	<i>Patsy Eads Morton</i>
<i>Jim Ketcher</i>	<i>Wanda Beaver</i>	

APPROVAL / DISTRIBUTION

**Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator**

**Motion to approve minutes made by:** \_\_\_\_\_

**Minutes attested and concurred by:** \_\_\_\_\_

**Date:** \_\_\_\_\_