



Council of the Cherokee Nation

Council House
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Meeting Minutes - Final RULES COMMITTEE

Meredith Frailey, Chair

*Recording Secretary, Gayle Miller
Phone: 1-800-995-9465,
E-mail: council-public@cherokee.org*

Monday, January 11, 2010

2:00 PM

Legislative Conference Room

Special Session January 11th & 12th, 2010

CALL TO ORDER

Chair Frailey called the meeting to order at 2:10 p.m.

INVOCATION

Councilor Joe Crittenden gave the invocation.

ROLL CALL

Present 17 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Janelle Fullbright; Harley Buzzard; Curtis Snell; Chris Soap; Bradley Cobb; Chuck Hoskin, Jr. and Julia Coates

AN ACT AMENDING LA#7-97 AND LA#39-05; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED

Chair Frailey stated the election law was tabled in the tribal council meeting back to the rules committee to consider suggestions for change under certain sections of the election law.

Melanie Knight stated the majority of the changes are corrections to references referring to the right constitution. Most of them are typographical or connecting references such as changing membership to citizen. By and large a lot of them are not substantive changes but the one substantive change Council should consider which was also discussed in full rules committee was separating out the districting section of this law because of the litigation that is ongoing and reserving that portion and passing the remainder so the Election Commission can go forward with the updated law.

Councilor Hoskin asked what purpose it serves to strike the districting from the legislation because in fact it is the law of the land right now. Isn't section 5 just restating what the law is now? Melanie stated the Chief would not want to agree to legislation at this point because the legislation is opposite to his position in the litigation and so he would find himself in a contradictory position if he signs off on a

law that is passed with districting in it.

Todd Hembree stated he would go through the changes with the Council in sequential of order.

Page 1: No changes to recommend.

Page 2: Section 3, Authority: add additional language to the end of the last sentence that would say “which became the organic law of the land on July 26, 2003. Councilor Bill John Baker moved to add language. Councilor Joe Crittenden seconded the motion. Motion carried.

Section 3A, Definitions: Item #1- At Large Registered Voter, third line, change the word “have” to “has”. Item #6 – Constitutional Amendment, amend this definition to include section 3 of article 15, which allows the right of the people to provide a constitutional amendment. Councilor Bill John Baker moved to approve. Councilor David Thornton seconded the motion. Motion carried.

Page 3: Item #16 – recommend on the third line, delete the words “starting in the year 1979 and occurring every four years thereafter” and simply adding “as provided by law”. Councilor Garvin moved to approve. Councilor Jack Baker seconded the motion. Motion carried. Also, add the language “and Section 3 of the Cherokee Nation Constitution” to the end of the last sentence of item 16. Item #17 – second line, insert language “and constitutional amendment” after the word “measure”. Councilor Jack Baker moved to approve. Councilor Don Garvin seconded the motion. Motion carried.

Page 4: No changes to recommend.

Page 5: Section 5, Reserved: recommend adding language “reserved pending court determination in Smith vs. Election Commission et al. cv 09-65”. Councilor Buel Anglen moved to approve. Councilor Brad Cobb seconded the motion. Councilor Tina Glory-Jordan made a friendly amendment to insert the language “Reserved for future use” in section 5. Councilor Buel Anglen accepted the friendly amendment. Councilor Brad Cobb seconded the friendly amendment. Motion carried with Councilors Joe Crittenden, Meredith Frailey, Bill John Baker, and Chuck Hoskin, Jr. opposing.

Page 6: Chapter 2, Section 11, Cherokee Nation Election Commission: Item #A, Term – put original language of “or” back in the first paragraph.

Councilor Tina Glory-Jordan made a request to have Ms. Karen Graham and Michael McBride present to answer questions.

Page 7: No changes to recommend.

Page 8: Item #12 – recommends this item remain the same as written. Keep the original language as written. Language was in original law. Councilor Chuck Hoskin, Jr. moved to approve. Councilor Joe Crittenden seconded the motion. Motion carried.

Page 9: No changes to recommend.

Page 10: No changes to recommend.

Page 11: Section 14, Election Services Office: Item #C, the first line, the words

“a be” should read “be a”.

Councilor Tina Glory-Jordan moved to table this item to next month. Councilor Jodie Fishinghawk seconded the motion. Motion to table failed with the following roll call vote:

Yea: 7 - Bill John Baker; S. Joe Crittenden; David Thornton Sr. ; Tina Glory Jordan; Jodie Fishinghawk; Curtis Snell and Chuck Hoskin, Jr.

Nay: 9 - Don Garvin; Meredith Frailey; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Harley Buzzard; Chris Soap; Bradley Cobb and Julia Coates

Not In Room: 1 - Janelle Fullbright

RECESS

Councilor Bill John Baker moved to recess until 2:00 p.m. tomorrow, January 12th. Councilor Joe Crittenden seconded the motion. Motion carried. Meeting recessed at 3:08 p.m.

STAFF PRESENT

Doug Evans

Melanie Knight

Greg Simmons

VISITORS PRESENT

Roger Johnson

Todd Hembree

Martha Calico

Brenda Walker

Patsy Morton

Mike Miller

Curtis Rohr

RECONVENE SESSION

Chair Anglen called the reconvened Special Rules meeting to order at 2:02 p.m.

INVOCATION

Councilor Don Garvin gave the invocation.

ROLL CALL

Present 11 - Bill John Baker; Don Garvin; Cara Cowan Watts; Buel Anglen; Jack D. Baker; Tina Glory Jordan; Jodie Fishinghawk; Curtis Snell; Chris Soap; Bradley Cobb and Julia Coates

Absent 6 - S. Joe Crittenden; David Thornton Sr. ; Meredith Frailey; Janelle Fullbright; Harley Buzzard and Chuck Hoskin, Jr.

AN ACT AMENDING LA#7-97 AND LA#39-05; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED

Todd Hembree continued going through the sequential order of changes.

Page 11: Section 14, C: Councilor Jack Baker made a motion to put a period (.) after the following language "The Administator shall be under the direct

supervision of the Election Commission. capitalize "At" all times the Administrator shall maintain independence and report to the Council and the Principal Chief through the Rules Committee. Councilor Brad Cobb seconded the motion. Motion carried with Councilor Chris Soap opposing.

Councilor Jack Baker made a motion to strike "through the Rules Committee". Councilor Brad Cobb seconded the motion. Motion carried.

Councilor Jack Baker made a motion to change the word "commission" to "staff" in the sentences that read "The Administrator shall have exclusive over the day to day operations of the Election Commission staff, including without limitation: direct supervisory authority over the Election Commission staff. Councilor Brad Cobb seconded the motion. Councilor Bill John Baker offered a friendly amendment to go back to strike out language which reads " Services Office" in both palces. Councilor Jack Baker accepted the friendly amendment. Councilor Brad Cobb seconded the motion. Motion carried.

Sections 15 - 20 have been reserved for future use.

Page 12: No changes to recommend.

Page 13: No changes to recommend.

Page 14: No changes to recommend.

Corrections to gramatical errors on page 12: A-Basic Requirements, Paragraph 2 - chang D to B, and under C-Voting Districts, change number sequence to begin with 1, 2, 3, etc.

Page 15: Ch. 4, Section 31, A - General Qualifications, paragraph 4: Add language " by the Election Commission" after the word imposed and before the word during. Councilor Jack Baker moved to approve. Councilor Don Garvin seconded the motion. Motion carried.

Page 16: Section 33, Paragraph B, Residence: Councilor Brad Cobb made a motion to bring into standard the residency requirement of Councilors in line with the Chief and Deputy Chief, which would be 270 days preceding the election. Councilor Don Garvin seconded the motion. Motion carried.

Scrivner's error in paragrah B-Residence for Chief and Deputy Chief. Need to insert they word days after 270.

Page 17: No changes to recommend.

Page 18: No changes to recommend.

Page 19: No changes to recommend.

Page 20: No changes to recommend

Page 21: No changes to recommend.

Page 22: No changes to recommend.

Page 23: Paragraph B: Strike the language "and shall be delivered no later than the 20th day" and make the change throughout paragraph. Councilor Don Garvin moved to approve. Councilor Jack Baker seconded the motion. Motion carried.

Page 24: No changes to recommend.

Page 25: Section 51, Official Election Dates: Notice, Paragraph D: Strike 180 days and go back to original language of "proper notice". Councilor Jack Baker moved to approve. Councilor Cara Cowan Watts seconded the motion. Motion carried.

Page 26: No changes to recommend.

Page 27: Paragraph D-In Person Absentee Voting: Strike "on Wednesday, Thursday, and Saturday" and replace with "a minimum number of days". Councilor Tina Glory-Jordan moved to approve. Councilor Jodie FISHINGHAWK seconded the motion. Motion carried.

Page 28: No changes to recommend.

Page 29: Section 73, Paragraph B - Runoff: Change wording to "first" Monday of "July". Councilor Tina Glory-Jordan moved to approve. Councilor Jodie FISHINGHAWK seconded the motion. Motion carried.

Page 30: Section 78: Shorten title to read as "Return of Absentee Ballots" and strike the last sentence in the paragraph. Councilor Tina Glory-Jordan moved to approve. Councilor Jodie FISHINGHAWK seconded the motion. Motion carried.

Page 31: No changes to recommend.

Page 32: No changes to recommend.

Page 33: Certification of Results: Replace the word "will" with "shall". Councilor Tina Glory-Jordan moved to approve. Councilor Jodie FISHINGHAWK seconded the motion. Motion carried.

Section 94, Recounts, Paragraph A: Strike the new language and place back in paragraph I - Automatic Appeal Where Recount Not Possible. Councilor Brad Cobb moved to approve. Councilor Don Garvin seconded the motion. Motion carried with Councilor Julia Coates opposing.

Page 34: Put strike out language back in this paragraph.

Page 35: Section 101, Paragraph A: Correct grammatical error in first line - change "the" to "A".

Page 36: No changes to recommend.

Page 37: No changes to recommend.

Page 38: No changes to recommend.

Councilor Jack Baker made a motion to approve the Election Law as corrected. Councilor Don Garvin seconded the motion. Councilor Bill John Baker offered a friendly amendment to put back "270 days" on page 17, first line. Councilor Jack Baker accepted friendly amendment. Councilor Don Garvin seconded the friendly amendment. Motion passed by acclamation.

ANNOUNCEMENTS

Evidenciary Hearing on constitutionality of Section 5 - Representation by Districts is scheduled for February 5th, 2010.

ADJOURNMENT

Councilor Brad Cobb moved to adjourn. Councilor Cara Cowan Watts seconded the motion. Meeting adjourned at 3:08 p.m.

STAFF PRESENT:

Doug Evans

Melanie Knight

Greg Simmons

VISITORS PRESENT:

*Roger Johnson
Brenda Walker*

*Todd Hembree
Patsy Morton*

*Martha Calico
Curtis Rohr*