



Council of the Cherokee Nation

Meeting Minutes Rules Sub Committee

Monday, September 15, 2008

3:00 PM

Legislative Conference Room

CALL TO ORDER

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

INVOCATION

Councilor Bill John Baker gave the invocation.

ROLL CALL

Councilor David Thornton is present but does not serve on this committee.

Present 14 - Meredith Frailey; Jack D. Baker; Julia Coates; Janelle Fullbright; Curtis Snell; Buel Anglen; Harley Buzzard; S. Joe Crittenden; Cara Cowan Watts; Bill John Baker; Bradley Cobb; Jodie Fishinghawk; Tina Glory Jordan and Don Garvin

Absent 2 - Chuck Hoskin, Jr. and Chris Soap

DISCUSSION AND POSSIBLE ACTION OF AMENDMENTS TO THE ELECTION CODE

Chair Frailey announced there are proposed amendments in the packet and additional amendments have been handed out today.

Councilor Bill John Baker announced he had received an email from Councilor Hoskin Jr. requesting the amendments he had proposed be tabled until he could be present. Councilor Bill John Baker made a motion to table the suggested amendments in the packet. Councilor Cowan Watts seconded the motion. Motion carried.

Chair Frailey announced the proposed amendments handed out today will now be considered.

§21C VOTING BY DISTRICTS:

3. *Re-registration for Purposes of Changing District and/or Precinct.*

Councilor Cobb stated the process for the voters to determine if they wished to be At Large or remain in a district was extremely rushed and the constituents were extremely confused. He stated at some point it needs to be addressed and corrected. Councilor Jack Baker replied it is by Constitution and to correct there must be an amendment to the Constitution and voted on by the people. Councilor Cowan Watts made the proposed amendment along with a motion for approval to strike "or who wishes to change precinct, and a non-resident registered voter who wishes to change district and/or precinct" and to change "may re-register" to "shall re-register". Councilor Glory-Jordan seconded the motion. Councilor Bill John Baker suggested a friendly amendment to and "in which they reside" after new district. Councilors Cowan Watts and Glory- Jordan accepted the friendly amendment. Councilor Cowan

Watts made an amendment to the motion to change "for a new district" to for the new district". Councilor Jack Baker stated this doesn't give any consideration for people who live within the Cherokee Nation that move out of the Nation and become non-residents. Councilor Cowan Watts stated it could be added to the legislation but questioned the need by stating it is calling for the need to say we have a new residence and we must declare if we wish to stay in that district but would have to change address. Chair Frailey stated the proposed amendments in the packet 21C1 addresses At Large registered voters. She questioned if this addresses the concern. Councilor Jack Baker stated it doesn't address people moving out of the Cherokee Nation. He suggested a friendly amendment to strike resident from "A resident registered voter". Councilor Cowan Watts accepted the friendly amendment. Councilor Jack Baker stated this is still considering At Large as a district and it isn't.

Councilor Bill John Baker moved to table §21C until Council Attorney Todd Hembree has an opportunity to review. Councilor Garvin seconded the motion. Motion carried.

§31(A) GENERAL QUALIFICATIONS

Councilor Jack Baker stated these proposed amendments seem to be housekeeping changes to correspond with the new Constitution.

Councilor Jack Baker moved to accept the proposed amendments to §31(A). Councilor Bill John Baker seconded the motion. Motion carried.

Section 33 B - RESIDENCE

Councilor Cobb inquired as to what is a "bona fide permanent residence". Councilor Glory-Jordan stated there have been at least two cases before the Election Board and it came down to the question as to if it is your primary residence where you intend to return to lay your head at night. Both Councilors Cobb and Bill John Baker voiced concern for the "immediately preceding the day of the general primary election" portion of the paragraph. Councilor Jack Baker stated this is the language that is in the current Act. The underlined portion is the only part that is not included in the current legislation. Councilor Bill John Baker made a motion for this section to be consistent with the Constitution. Councilor Crittenden seconded the motion. Councilor Coates stated Section 34 is consistent with the Constitution. Councilor Bill John Baker made a motion to strike Section 33B. Councilor Cowan Watts seconded the motion. Councilor Glory-Jordan stated Section 34 goes toward filing and Section 33 goes toward representing the people. Councilor Bill John Baker withdrew his motion to strike Section 33B.

Councilor Bill John Baker made a motion to approve the proposed amendments to Section 33 B. Councilor Jack Baker seconded the motion. Motion carried.

§ 37 B, C, and D

Proposed changes are housekeeping to correspond with the Constitution.

Councilor Jack Baker made a motion to approve the proposed amendments to § 37 B, C, and D. Councilor Cobb seconded the motion. Motion carried.

§ 38, § 44E, § 52(B), and New (B)

Councilor Cobb moved for the approval of these suggested amendments. Councilor Crittenden seconded the motion. Councilor Garvin suggested striking New (B). Councilor Glory-Jordan offered a friendly amendment to remove the first sentence of New (B). Councilor Cobb stated he is in agreement with the yard signs but not on the handouts.

Councilor Cowan Watts moved to table. Councilor Jack Baker seconded the motion. Motion carried.

ANNOUNCEMENTS

None.

ADJOURNMENT

Councilor Glory-Jordan made a motion to adjourn. Councilor Jack Baker seconded the motion. Motion carried at 3:50 p.m.

STAFF PRESENT:

Tom Elkins

VISITORS PRESENT:

Jim Ketcher

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____