



# Council of the Cherokee Nation

## Meeting Minutes Rules Sub Committee

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Tuesday, February 17, 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 Snell gave the invocation.**

### ROLL CALL

**Present** 15 - Meredith Frailey; Jack D. Baker; Janelle Fullbright; Curtis Snell; Buel Anglen; Harley Buzzard; S. Joe Crittenden; Chuck Hoskin, Jr. ; Cara Cowan Watts; Bill John Baker; Bradley Cobb; Jodie Fishinghawk; Don Garvin; Chris Soap and David Thornton Sr.

**Absent** 1 - Julia Coates

**Late Arrival** 1 - Tina Glory Jordan

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

*Chair Frailey requested going back to the items that have been tabled.*

#### § 11 B 1. Staggered Terms:

*Mr. Hembree stated this item was tabled then passed to also include the Chief's appointments. He didn't think any further action needed to be taken.*

#### § 11 G. Removal of Election Commission Members:

*Mr. Hembree read over the changes.*

**Councilor Jack Baker moved for the approval. Councilor Cowan Watts seconded the motion. Motion carried.**

#### § 21 C 1 At Large Registered Voters:

**Councilor Bill John Baker made a motion to approve. Councilor Jack Baker seconded the motion. Motion carried.**

#### § 21 C 2 At Large Registered Voters:

*Councilor Jack Baker made a motion to approve. Councilor Anglen seconded the motion. Councilor Hoskin Jr. stated this seems to be substitute language for 21 C 1. Councilor Jack Baker this pertains to proposing a constitution amendment to allow them to choose districts once again. Councilor Hoskin Jr. inquired if it is necessary to recognize there is a right under the constitution. Mr. Hembree stated during debate it was requested that there be reference to that constitutional item. Councilor Hoskin Jr. stated the two seem redundant. Councilor Bill John Baker inquired if this same article is where the eighteen year olds are addressed. Mr. Hembree agreed. He*

*recommended passing 21 C 2 and then it could be addressed again at the Rules committee.*

**Councilor Jack Baker made a motion to approve 21 C 2 as a replacement to 21 C 1. Councilor Bill John Baker seconded the motion. Motion carried.**

*§ 52 Electioneering & Obstructing Voters*

*Councilor Hoskin Jr. stated he has proposed this amendment to separate into 3 areas, electioneering within 250 feet of a polling place, obstructing or impeding voter access to polling place, and the enforcement notice to law enforcements and regulations. He gave a brief explanation for the amendments.*

**Councilor Hoskin Jr. moved to approve § 52 a, b, and c. Councilor Cowan Watts seconded the motion. Motion carried.**

*§ 102 Conduct of Appeal Hearings.  
C. Burden of Proof*

*Mr. Hembree stated this is a very significant change. Right now petitioner has to prove beyond a reasonable doubt which is a huge burden of proof. Councilor Hoskin Jr. questioned if there had been prescient set. Mr. Hembree stated there was issue during the last election with the high burden of proof. Councilor Garvin made a motion to not change. Councilor Jack Baker seconded the motion.*

**Councilor Hoskin Jr. moved to table to allow time for additional information on this significant change. Councilor Bill John Baker seconded the motion. Motion carried.**

*§ 41 Definitions*

*1. Campaign contributions.*

*Mr. Hembree stated this amendment includes in kind contributions. Councilor Cowan Watts moved for the approval. Councilor Bill John Baker seconded the motion. Councilor Jack Baker inquired if there is a limit to campaign contributions on behalf of ballot measures. Mr. Hembree stated there is a section on contribution limits. Councilor Cowan Watts inquired if more guidance was needed.*

**Councilor Cowan Watts made a motion to table to allow additional time to address the issues. Councilor Cobb seconded the motion. Motion carried.**

*§ 42 Definitions*

*2. Campaign Expenditure*

*Mr. Hembree requested the same motion for this item as § 41 1 Campaign contributions.*

**Councilor Cobb made a motion to table this item for one month. Councilor Jack Baker seconded the motion. Motion carried.**

*§ 44 H. Campaign Materials*

*Mr. Hembree stated this would add a new H to this section. This is to limit anomoyous campaign and cross check campaign contributions. Councilor Bill John Baker voiced concern for the expense of this request and questioned the actual need.*

**Councilor Anglen made a motion to strike § 44 H. Councilor Thornton seconded the motion. Motion carried.**

