



Council of the Cherokee Nation

Meeting Minutes - Draft Rules Sub Committee

Monday, June 16, 2008

3:00 PM

Legislative Conference Room

CALL TO ORDER

Chair Frailey called the meeting to order at 3:10 p.m.

INVOCATION

Councilor Fullbright gave the invocation.

ROLL CALL

Present 13 - Meredith Frailey; Julia Coates; Janelle Fullbright; Curtis Snell; Harley Buzzard; S. Joe Crittenden; Chuck Hoskin, Jr. ; Cara Cowan Watts; Bill John Baker; Jodie Fishinghawk; Tina Glory Jordan; Don Garvin and Chris Soap

Late Arrival 4 - Jack D. Baker; Buel Anglen; Bradley Cobb and David Thornton Sr.

Councilor Glory-Jordan made a motion to amend the agenda to move item 1 to follow item 3. Councilor Bill John Baker seconded the motion. Motion carried.

2.

DISCUSSION REGARDING REDISTRICTING

Chair Frailey stated there has been a stapled packet of 7 maps handed out. Mr. Hembree stated these maps have been worked on by himself, Doug Evans, David Justice and several Councilors. He stated these 7 maps are going to be presented in powerpoint to hopefully minimize confusion. The idea of the map is to increase voter participation, keep major geographical boundaries, and be as simple as possible. He stated the districts will never be completely equal but need to have a reasonable basis for the division. He recommended going through each map and discuss to determine if there can be a consensus. Mr. Hembree stated the committee has been very diligent put in a lot of hard work and very thorough. Chair Frailey questioned the source of the citizenship population of each map. Mr. David Justice stated all of the numbers have been calculated from the registration data base as of November 15, 2007. Councilor Fishinghawk inquired if Lela Ummerteskee would be available for questions today. Chair Frailey stated it is her understanding she is not available today. Councilor Hoskin Jr. inquired if the methodology to determine numbers had changed from the last meeting. Mr. Justice stated it has changed slightly. In the previous meeting zip code numbers were looked at for an entire zip code that was entirely within our jurisdictional boundaries. They used 911 with the boundary zip codes to calculate the in and out percentage. He stated to determine the number north or south of a highway they used the proportionment method or the land based method. Councilor Fullbright stated this seems to be a lot of guess work. Mr. Justice agreed. He stated he contacted the State with hopes of being able to merge numbers in regard to methodology. He stated they were unable to do this that the State doesn't consider a rural route or a post office box a valid address. He stated a third of our citizens have either a rural route or a post office box. Councilor Bill John Baker asked Ms. Martha Calico how if one county is carved into five different districts if it would require reregistering everyone and if not how would people be assigned to

their voting districts. Ms. Calico stated everyone would have to be reregistered who is in a district that isn't county bound. She stated the districts that are not county bound they would almost have to take the word of the voter of where they live. She agreed keeping the old county lines would make the election commission's job easier. Councilor Cobb stated they do not have rural routes in Washington County every address is a 911 address. Mr. Justice stated that is true but the address may not be updated in our system and only half of our jurisdiction uses 911. Councilor Bill John Baker stated the address list given out by the Election Commission is full of rural route addresses for Cherokee County and they have a complete 911 system. Councilor Cobb inquired as to what the State does when they come across a rural route address. Mr. Justice stated it is tossed. Councilor Cowan Watts stated Rogers County went through a challenged election within the last year. She stated it is the responsibility of the voter to provide a valid address. She stated the apportionment method is based on citizenship registration and not voter registration. Councilor Cobb stated we have bad numbers and inquired how to redistrict with bad numbers. Mr. Justice stated we use the numbers we have. Councilor Bill John Baker stated they have experience a problem with providing the election board with correct addresses and they will not accept them unless the individual does it in person. He questioned if this is law or policy. Ms. Calico stated it is a policy. Councilor Glory-Jordan questioned the Okay area in map 1 that either all of Wagoner County is to go with Mayes or Cherokee County. She stated all of the other maps are this way.

Councilor Glory-Jordan made a motion to discard map 1 due to the split of Wagoner County. Councilor Bill John Baker seconded the motion. Motion carried.

Councilor Hoskin Jr. stated the numbers used in the maps are citizenship numbers. He questioned the possibility of citizens updating their address with registration and not the election commission. He inquired if anyone knew of a better system of obtaining good addresses. Mr. Justice stated is not aware of a way.

Councilor Fullbright made a motion to discard map 2 due to Speaker Frailey's district being in 4 different counties which seems unreasonable. Councilor Fishinghawk seconded the motion. Motion carried.

Councilor Hoskin Jr. requested an overview of each map prior to voting to provide an understanding of each before voting.

Mr. Hembree stated map 3 is a five district map with 3 councilors per district. He stated this was originally forwarded from the Chief's office. Councilor Cowan Watts moved to discard map 3. Councilor Thornton seconded the motion. Motion carried with Councilor Soap opposed.

Mr. Hembree stated map 4 is also based on the premise of 5 districts with 3 councilors per district. The difference between map 3 and 4 is that Craig and Nowata is in with Mayes County. Councilor Bill John Baker stated with 5 districts every two years there would be an election of 2 councilor and then in two more years and election for 1 councilor. This would keep the people involved and voting every two years. He stated 15 districts would only have elections every four years and this situation has been problematic in the past. He stated this map keeps the counties together that tend to work together. This map doesn't carve up counties. Councilor Bill John Baker made a motion to keep map 4 as a suggested map. Councilor Cowan Watts seconded the motion. Councilor Thornton stated this creates a large area to cover and a lot of funds to campaign. Councilor Hoskin Jr. voiced concern for the large area to represent.

The motion to keep map 4 as a suggested map failed with the following vote:

Buel Anglen	Nay	Bill John Baker	Yea
Jack Baker	Nay	Harley Buzzard	Nay
Julia Coates	Yea	Bradley Cobb	Nay
Joe Crittenden	Nay	Jodie FISHINGHAWK	Nay
Meredith Frailey		Janelle Fullbright	Nay
Don Garvin	Nay	Chuck Hoskin Jr.	Yea
Tina Glory-Jordan		Curtis Snell	Nay
Chris Soap	Yea	David Thornton	Nay
Cara Cowan Watts			Nay

With a vote of six (6) yeas and eleven (11) nays map 4 is discarded.

Mr. Hembree stated the remaining maps are different variations of a 15 district map. He stated map 5 is very similar to the vetoed map with the difference being in updated numbers. He stated the idea in map 5 is to maintain the integrity of the county boundaries with divisions being made on major highways or waterways. Councilor Anglen made a motion to retain map 5 for consideration. Councilor Thornton seconded the motion. Councilor Soap questioned the variance of numbers on this map. Mr. Hembree stated there are some major variances in this map and there are attempts to correct it in the other maps. Councilor Glory-Jordan voiced concern for sitting Councilors having to run against each other.

The motion to keep map 5 as a suggested map failed with the following vote:

Buel Anglen	Nay	Bill John Baker	Nay
Jack Baker	Nay	Harley Buzzard	Yea
Julia Coates	Nay	Bradley Cobb	Nay
Joe Crittenden	Nay	Jodie FISHINGHAWK	Nay
Meredith Frailey		Janelle Fullbright	Nay
Don Garvin	Nay	Chuck Hoskin Jr.	Nay
Tina Glory-Jordan		Curtis Snell	Nay
Chris Soap	Nay	David Thornton	Yea
Cara Cowan Watts			Nay

With a vote of two (2) yeas and fifteen (15) nays map 5 is discarded.

Councilor Garvin made a motion to discard map 6 due to all of the small districts. Councilor Cobb seconded the motion. Councilor FISHINGHAWK inquired as to the difference between map 6 and 7. Mr. Hembree stated the difference between map 6 and 7 is in district 1 and 8.

Roll call is as follows:

Buel Anglen	Nay	Bill John Baker	Nay
Jack Baker	Yea	Harley Buzzard	Yea
Julia Coates	Yea	Bradley Cobb	Yea
Joe Crittenden	Nay	Jodie FISHINGHAWK	Nay
Meredith Frailey		Janelle Fullbright	Yea
Don Garvin	Yea	Chuck Hoskin Jr.	Nay
Tina Glory-Jordan		Curtis Snell	Yea
Chris Soap	Yea	David Thornton	Nay
Cara Cowan Watts			Nay

With a vote of nine (9) yeas and eight (8) nays map 6 is discarded.

Mr. Hembree stated map 7 is an attempt to increase D8's numbers by including the northern part of Cherokee County. The areas follow county lines or major geographical boundaries as much as possible. He stated there are some discrepancies with hitting the medium as in districts 4, 6 and 7.

Councilor Thornton requested an amendment that D4 which is Western Sequoyah County includes the Braggs area. Councilor Garvin agreed with the amendment. Councilor Glory-Jordan accepted the friendly amendment. Councilor Crittenden suggested separating Adair County by a different highway other than Highway 51 to keep to current Councilors from running against each other. Mr. Hembree highly recommended against this. He stated this shouldn't be a consideration of sitting Councilors. Councilor Hoskin Jr. stated he would fear this would be challenged due to political motivation. Councilor Cobb inquired as to why the center of the map is always the problem. Mr. Justice stated in the north and south there are large zip codes and they play a major factor in the boundaries used. Councilor Cobb stated it looks as though D9 got what was left over. He stated this area is his biggest problem with this map. Councilor Soap requested to follow the Grand River lines east and west in Mayes County only. Councilors Glory-Jordan and Fullbright accepted the friendly amendment. Councilor Buzzard requested to divide Delaware County by Highway 20 north and south. Councilor Glory-Jordan accepted the friendly amendment.

Councilor Glory-Jordan moved for the approval of map 7 subject to using 911 addressing in Cherokee County only to provide more accurate numbers. Councilor Cowan Watts seconded the motion.

Ms. Brittain the Recording Secretary repeated the motion along with the 3 friendly amendments as follows: The motion is to approve map 7 subject to the use of 911 in Cherokee County with a friendly amendment for D4 to take the Braggs area, a friendly amendment for Mayes County to use the Grand River lines east and west, and a friendly amendment to Delaware County to be divided north and south by Highway 20. Motion to approve Map 7 with the friendly amendments carried.

Mr. Hembree inquired if the will of the committee was to come back with the map once again to sub committee or pass this map with revisions directly on to Rules. Councilor Bill John Baker made a motion to forward map 7 with the amendments to Rules committee. Councilor Crittenden seconded the motion. Motion carried. Councilor Cowan Watts requested the map be emailed out separately from the packet.

3.

DISCUSSION AND POSSIBLE ACTION COVERING BAD ADDRESSES OF TRIBAL CITIZENS IN TRIBAL ELECTIONS

Chair Frailey stated this is an agenda item at her request in hopes to develop a plan to correct the bad address issue. She inquired if Ms. Wanda Beaver knew the number of bad addresses. Ms. Beaver stated as of today there are 14,780 out of 50,000 addresses. She stated some of these addresses are bad from 10 years ago. Ms. Calico stated she has served in 5 elections and there is a possibility due to changes in the election law over the years that the same bad address could be counted more than once. Councilor Fishinghawk inquired if they send out mail with address correction requested. Ms. Beaver stated they have and will then mail a correction form to the new address to get it returned as a bad address. Councilor Glory-Jordan inquired if they are able to access the other address data bases within the Cherokee Nation. Ms. Beaver stated no they are not. The only information they can access at Registration is to verify if they are a current member, and the relinquish list and deceased list. Councilor Glory-Jordan made a motion that the Election

Commission be able to access all data sources available at the Cherokee Nation to allow them to keep their addresses up to date. Councilor Coates stated she had just completed an At Large mail out that was disastrous in regard to bad addresses. She stated earlier today she met with Lela Ummerteskee and Tonia Williams to create legislation to develop a central data base through registration. She welcomed the input of the Election Commission as well. This legislation would allow the sharing of addresses that come through any department in the Cherokee Nation. Councilor Glory-Jordan modified her motion to request Mr. Hembree prepare the necessary legislation to allow these data bases to be utilized to update the Election Commissions bad addresses. Councilor Coates stated that request has already been made. Councilor Glory-Jordan requested Councilor Coates second her motion and become a co sponsor in the legislation. Councilor Coates stated she and Councilor Jack Baker were already going to sponsor the legislation but that she is welcome to join. Councilor Glory-Jordan restated her motion as an official request for legislation for the Election Commission to be able to tap into all available resources to obtain the most current addresses available. Councilor Coates stated the request has already been made but with a different approach. Mr. Hembree stated the idea is to create as an address clearing house for all aspects of the Cherokee Nation. Chair Frailey inquired if there is a projected date in mind. Councilor Coates stated their central focus is with registration. She stated they hope to have something available for the Rules Committee in July. Ms. Beaver stated this would solve a lot of their issues. Councilor Glory-Jordan withdrew her motion.

- 1. A RESOLUTION ADOPTING PRINCIPLES FOR DISTRICTING OF THE SEATS OF THE COUNCIL OF THE CHEROKEE NATION

Sponsors: Councilor Cowan Watts

Councilor Bill John Baker made a motion to table permanently. Councilor Glory-Jordan seconded the motion. Motion carried.

ANNOUNCEMENTS

ADJOURNMENT

Councilor Garvin made a motion to adjourn. Councilor Jack Baker seconded the motion. Motion carried at 4:35 p.m.

STAFF PRESENT:

<i>Doug Evans</i>	<i>Lita Maupin</i>	<i>David Justice</i>
<i>Tom Elkins</i>	<i>Michael Lynn</i>	<i>Linda Donelson</i>
<i>Angela Drewes</i>		

VISITORS PRESENT:

<i>Todd Hembree</i>	<i>Martha Calico</i>	<i>Wanda Beaver</i>
<i>Jim Ketcher</i>	<i>Charles Dry</i>	

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____