



Council of the Cherokee Nation

Meeting Minutes Rules Sub Committee

Monday, October 13, 2008

3:00 PM

Legislative Conference Room

CALL TO ORDER

Co Chair Anglen called the meeting to order at 3:12 p.m.

INVOCATION

Councilor Garvin gave the invocation.

ROLL CALL

Councilor Thornton is present but doesn't serve on this sub committee.

Present 12 - Jack D. Baker; Curtis Snell; Buel Anglen; Harley Buzzard; S. Joe Crittenden; Chuck Hoskin, Jr. ; Cara Cowan Watts; Bill John Baker; Jodie Fishinghawk; Tina Glory Jordan; Don Garvin and Chris Soap

Absent 2 - Julia Coates and Bradley Cobb

Late Arrival 2 - Meredith Frailey and Janelle Fullbright

DISCUSSION AND POSSIBLE ACTION OF AMENDMENTS TO THE ELECTION CODE

Mr. Todd Hembree apologized for his absence last month. He stated during the meeting last month some amendments were considered some of which were approved and some tabled. He announced he has included several additions today. He inquired if the committee wanted to go back and visit the two tabled items or move forward with the others. Councilor Glory-Jordan suggested going back to take care of the tabled items before moving forward. A copy of draft minutes from the September 15th session were handed out as a reference.

§ 21 C Voting by Districts

Mr. Hembree proceeded with the tabled items with the first being an amendment to Section 21C Voting by districts. Councilor Cowan Watts inquired if it would take a constitutional amendment to allow the At Large voters a chance to re-register. Mr. Hembree stated it would require a constitutional amendment via resolution of the Council for it to be on the next ballot. Councilor Cowan Watts requested Mr. Hembree draft such resolution to be brought forward. Mr. Hembree stated there are several constitutional amendments being discussed and the next general election is in 2011. He suggested contemplating a special election to consider the constitutional amendments. Councilor Glory-Jordan voiced concern for the cost of a special election.

Councilor Jack Baker stated the new constitution nor section 21C addresses the issues of a tribal citizen moving outside the Cherokee Nation.

Mr. Hembree referred to Section 21C3 of the draft minutes and read the proposed amendment as amended. He suggested leaving the word may and not changing it to

shall. He stated the purposed of the Section 21C3 and 4 amendments are to bring in line with the new constitution

Councilor Jack Baker made a motion for the adoption of the amendments to this section. Councilor Cowan Watts seconded the motion. Councilor Bill John Baker offered a friendly amendment to change shall back to may as suggested by Mr. Hembree. Councilors Jack Baker and Cowan Watts accepted. Motion carried.

§ 52 New B

This New B was tabled during the last meeting. Mr. Hembree announced the State of Oklahoma requires any campaign material over a certain size to have information as to whom paid for the material. Councilor Garvin stated the discussion last month was to exclude yard signs. Mr. Hembree suggested inserting deminisions to be excluded. Councilor Cowan Watts suggested Mr. Hembree provide language with dimensions next month for the committees consideration. Councilor Bill John Baker voiced concern for this item.

Councilor Glory-Jordan made a motion to delete New B. Councilor Garvin seconded the motion. Motion carried.

§ 11 - Cherokee Nation Election Commission

Mr. Hembree read the proposed amendment and stated it is changing prosecutor to Attorney General. This is just a housekeeping measure.

Councilor Bill John Baker moved to approve the amendment. Councilor Jack Baker seconded the motion. Motion carried.

§ 14 D Administrator

Mr. Hembree stated this language is proposed to be stricken due to the election commission being a permanant office under the 1999 Constitution.

Councilor Cowan Watts made a motion to approve. Councilor Garvin seconded the motion. Motion carried.

§ 12C 12 Precinct Boards

Councilor Hoskin Jr. stated this is an amendment he is proposing as an extra duty. This extra duty is to empower the precinct watchers to report evidence of wrong doing they see.

Councilor Cowan Watts moved for the approval. Councilor Frailey seconded the motion. Motion carried.

§ 11 E

Mr. Hembree stated this amendment allows the Election Commission to go into executive session as stated in the Freedom of Information and Rights of Privacy Act. The is to bring all of the laws into uniformity.

Councilor Bill John Baker moved for the approval. Councilor Jack Baker seconded the motion. Motion carried.

§ 11 G

Mr. Hembree stated this section deals with the removal of an Election Commissioner. The only change is from JAT to Supreme Court. Councilor Glory-Jordan questioned the portion of #7 referring to a felony in the State of Oklahoma. Mr. Hembree stated he was unsure of the reasoning for the change to be made in law that he would have to research. Councilor Glory-Jordan suggested leaving it at violation of any law of

the Cherokee Nation.

Councilor Bill John Baker moved to table this item. Councilor Glory-Jordan seconded the motion. Motion carried.

§ 3A 13

Mr. Hembree stated the proposed amendment is to add the language of a general election. Councilor Bill John Baker inquired if this applied to Special Elections as well. Councilor Jack Baker suggested leaving the language as is with out the addition.

Councilor Bill John Baker moved to leave this section as is without this amendment. Councilor Jack Baker seconded the motion. Motion carried.

§ 13 A 18

Mr. Hembree stated this is to clarify that a non resident voter is an At Large voter. Councilor Bill John Baker inquired if further clarification was needed because you can be a non resident voter and vote in the district. Mr. Hembree suggested changing this to At Voter and have a new definition for non resident registered voters.

Councilor Jack Baker moved to approve. Councilor Bill John Baker seconded the motion. Motion carried.

§ 5 A

Mr. Hembree stated this is a housekeeping measure in regard to the 15 districts. Councilor Hoskin Jr. inquired if this is where we would need to clarify district names. Councilor Buzzard requested Delaware 1 and 2 to North and South. Councilor Buzzard inquired why the Delaware districts are not consecutive in number. Councilor Hoskin Jr. stated he is adamant about keeping District 9 as Craig. Councilor Bill John Baker requested County be added after Cherokee

Councilor Garvin moved for the approval. Councilor Bill John Baker seconded the motion. Councilor Buzzard requested County be added to his district name as well. Motion carried.

ANNOUNCEMENTS

None.

ADJOURNMENT

Councilor Cowan Watts moved to adjourn. Councilor Fullbright seconded the motion. Motion carried at 4:20 p.m.

STAFF PRESENT:

Nason Morton

VISITORS PRESENT:

Todd Hembree

Mike Miller

APPROVAL / DISTRIBUTION

Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator

Motion to approve minutes made by: _____

Minutes attested and concurred by: _____

Date: _____