



# Council of the Cherokee Nation

## Meeting Minutes Rules Sub Committee

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Tuesday, July 14, 2009

11:00 AM

Legislative Conference Room

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### CALL TO ORDER

Chair Frailey called the meeting to order at 11:28 a.m.

### INVOCATION

Councilor Crittenden gave the invocation.

### ROLL CALL

**Present** 11 - Meredith Frailey; Jack D. Baker; Julia Coates; Curtis Snell; Buel Anglen; S. Joe Crittenden; Cara Cowan Watts; Bill John Baker; Jodie Fishinghawk; Tina Glory Jordan and Don Garvin

**Absent** 2 - Chuck Hoskin, Jr. and Bradley Cobb

**Late Arrival** 3 - Janelle Fullbright; Harley Buzzard and Chris Soap

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

*Chair Frailey gave appreciation to the Election Commission and their Attorney Lloyd Cole for attending the meeting.*

*Mr. Hembree stated after review of the minutes from last month it appears there is an issue on the definition of "services" in § 41. In discussion with Mr. Cole the Commission is of the opinion that a limiting definition of services should not be used due to it being in the eye of the beholder. If the Election Commission should make an erroneous decision the judicial process is available. Mr. Hembree was in agreement with the Commission's recommendation. Mr. Cole stated they wished to leave the definition on a case by case determination and address it by circumstance.*

*Councilor Glory-Jordan made a motion to leave as is based on the Election Commission's recommendation. Councilor Anglen seconded the motion. Motion carried.*

*Mr. Hembree recommended all amendments that have passed be incorporated into a single election law Act to be presented to Rules Committee later this month. Councilor Garvin made a motion to move forward with this to the Rules Committee. Councilor Glory-Jordan seconded the motion. Chair Frailey inquired about the definition for "political purposes" in § 52 and other tabled items remaining.*

§ 43 E.

*Mr. Hembree read the proposed language. He questioned if the committee wanted the name, address, telephone and employment with every contribution made? He*

stated this is what is provided with federal contributions. Councilor Glory-Jordan questioned what is currently being done. Ms. Martha Calico stated all of this information is currently required. Mr. Hembree stated this would then just memorialize what is already taking place. Mr. Cole stated his notes show the last sentence beginning with "in the reports..." has been stricken. Councilor Garvin made a motion to approve with a period after election commission and strike the remaining language beginning with "in the reports...." Councilor Jack D. Baker seconded the motion. Motion carried.

§ 62 D

Mr. Hembree read the language along with the proposed changes. Chair Frailey inquired if it should read preceding instead of proceeding. Mr. Hembree concurred. He questioned if the committee wanted additional absentee ballot locations. He stated the Election Commission has voiced concern on the logistical difficulties to have other absentee locations. They prefer to have one location. Councilor Fullbright disagreed and suggested two additional locations with one in the Northern most place in the jurisdiction and one in the Southern most place in the jurisdiction. Mr. Hembree stated the proposed language leaves it in the prevue of the Election Commission to have additional locations. Councilor Jack D. Baker made a motion to approve as written. Councilor Crittenden seconded the motion. Mr. Cole announced they will offer Saturday also. This will allow in person absentee voting the Wednesday, Thursday, Friday and Saturday prior to the election. Councilor Jack D. Baker suggested adding the language "or time" the Election Commission deems necessary and appropriate. Mr. Hembree and Mr. Lloyd agreed with the suggestion. Councilor Garvin seconded the motion. Councilor Soap voiced concern that this would give too much latitude for the Election Commission. Mr. Hembree agreed with Councilor Soap. Councilor Cowan Watts offered a friendly amendment to mandate Saturday prior to the election. Councilor Jack D. Baker accepted the friendly. Chair Frailey requested Mr. Hembree read as amended. Ms. Calico stated they are going to allow absentee walk-ins at the Election Commission office two weeks prior to the Saturday election on Wednesday, Thursday, Friday and Saturday. The week of the election they will also allow absentee voting on Tuesday, Wednesday and Thursday. She stated they have extended the absentee voting to those days at the Election Commission office to the week prior to the election along with those specified days the week of the election. Councilor Bill John Baker made a motion to table temporarily to reconsider later this meeting. Councilor Glory-Jordan seconded the motion to allow the Election Commission to provide the wording. The motion failed with a roll call vote of seven (7) yeas and seven (7) nays as follows:

Tina Glory-Jordan	Yea
Curtis Snell	Yea
Chris Soap	Nay
Cara Cowan Watts	Nay
Buel Anglen	Nay
Bill John Baker	Yea
Jack D. Baker	Nay
Harley Buzzard	Nay
Julia Coates	Nay
Joe Crittenden	Yea
Jodie Fishinghawk	Yea
Meredith Frailey	Yea
Janelle Fullbright	Yea
Don Garvin	Nay

Mr. Hembree stated the law today is the election is on Saturday and the Wednesday,

Thursday and Friday immediately before the election there are walk in absentee voting in Tahlequah. The additional language proposed with the friendly amendment is "at any other locations and times that the Election Commission deems necessary and appropriate." Ms. Calico provided a handout of the days proposed by the Election Commission. Councilor Bill John Baker made a friendly amendment to strike "and Friday". Councilor Garvin accepted. Motion carried with Councilor Soap opposed.

Councilor Cowan Watts inquired if the voter registration form would be updated and posted on line soon. Mr. Cole stated it is contingent upon the Court and the decision regarding the fifteen districts. Councilor Cowan Watts requested the letter attached regarding the choice for absentee voters be removed to eliminate a lot of confusion. Mr. Cole stated the letter could be simplified if not eliminated. Councilor Cowan Watts gave appreciation to Ms. Brittain, Chair Frailey, Mr. Hembree, the Election Commission and Mr. Cole for everything throughout this process. Councilor Glory-Jordan inquired if people can register to vote now and then the Election Commission can place in a district according to their address. Mr. Cole stated he has discussed placing articles in the Phoenix to keep the voters updated. Councilor Fishinghawk requested the articles be also included in the County newspapers. Mr. Cole stated they are in the process of scrubbing the voter registration address list. Councilor Bill John Baker inquired if the handout from Security Alarms is just for information. Mr. Cole stated they are considering adopting and wanted to inform the committee to see that the problems were being addressed. Chair Frailey inquired if the committee requested the strike through and the clean version at the Rules Committee. Councilor Cowan Watts requested both.

**Motion carried for an Election Law Act with all amendments be presented at the July Rules Committee.**

ANNOUNCEMENTS

ADJOURNMENT

**Councilor Cowan Watts moved to adjourn. Councilor Anglen seconded the motion. Motion carried.**

STAFF PRESENT:

*Gregg Simmons*                      *Nason Morton*

VISITORS PRESENT:

*Lloyd Cole*                      *Roger Johnson*                      *Curtis Rohr*  
*Brenda Walker*                      *Martha Calico*                      *Todd Hembree*

APPROVAL / DISTRIBUTION

**Minutes submitted by: Shelli Brittain, Legal & Legislative Coordinator**

**Motion to approve minutes made by: \_\_\_\_\_**

**Minutes attested and concurred by: \_\_\_\_\_**

Date: \_\_\_\_\_