

# An Act

## Legislative Act 26-12

### **AN ACT REPEALING LEGISLATIVE ACT 36-10 AND AMENDING LEGISLATIVE ACT 06-10; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED; AMENDING § 5, ADDING PROVISIONS FOR APPORTIONMENT; AND DECLARING AN EMERGENCY**

#### **BE IT ENACTED BY THE CHEROKEE NATION:**

#### **Section 1. Title and Codification**

This act shall be referred as the "Voter District Amendment Act of 2012" and codified as Title 26 Sections 5(A-B) of the Cherokee Nation Code Annotated ("CNCA").

#### **Section 2. Purpose**

The purpose of this Act is to repeal in its entirety Legislative Act 36-10 and to amend the Cherokee Nation Election Code to define the apportionment process of Council seats and define Tribal Council Districts within the jurisdictional boundaries of the Cherokee Nation.

#### **Section 3. Legislative History**

L.A. 9-85 Eff. July 13, 1985  
L.A. 35-89 Eff. Sept. 9 1989  
L.A. 6-91 Eff. March 9, 1991  
L.A. 2-87 Eff. Feb. 14, 1987  
L.A. 12-90 Eff. Nov. 13, 1990  
L.A. 5-87 Eff. Feb. 14, 1987  
L.A. 8-87 Eff. Feb. 26, 1987  
L.A. 11-87 Eff. March 14, 1987  
L.A. 6-87 Eff. Feb. 14, 1987  
L.A. 9-87 Eff. Feb. 26, 1987  
L.A. 14-87 Eff. March 14, 1987  
L.A. 7-87 Eff. Feb. 14, 1987  
L.A. 12-87 Eff. May 11, 1987  
L.A. 23-87 Eff. June 11, 1987  
L.A. 3-87 Eff. February 14, 1987  
L.A. 4-87 Eff. Feb. 14, 1987  
L.A. 7-97 Eff. May 12, 1997 (as revised in its entirety)  
L.A. 39-05 Eff. Nov. 14, 2005 (as revised in its entirety)  
L.A. 06-10 Eff. Feb. 16, 2010 (as revised in its entirety)  
L.A. 36-10 Eff. Dec. 29, 2010

**Section 4. Repeal**

Legislative Act 36-10 is hereby repealed.

**Section 5. Amendment**

This Act hereby amends Legislative Act 06-10 by adding "Section 5, Representation by District" under Chapter 1§ 5 of Legislative Act 06-10.

**§ 5. Representation by District**

- A. Commencing with the Council elections of 2013, there shall be fifteen (15) voting Districts within the jurisdictional boundaries of the Cherokee Nation as identified in the attached map Exhibit "A", "Boundaries of fifteen Voting Districts of the Cherokee Nation."
- B. Commencing with the Council elections of 2013, there shall be one (1) council seat for each of the fifteen (15) districts within the jurisdictional boundaries of the Cherokee Nation."
- C. Candidates may file for only one (1) seat and must receive a majority of votes cast for that seat.
- D. The fifteen (15) council districts are identified by number below and in exhibit "A" and the names of the districts are set out as follows along with their next election date:
  - 1 - Cherokee West-Seat Currently Occupied by Tina Glory-Jordan-next election date 2015
  - 2 - Cherokee Northeast-Seat Currently Occupied by Joe Byrd-next election date 2013
  - 3 - Cherokee South-Seat Currently Occupied by David Walkingstick-next election date 2015
  - 4 - Three Rivers-Seat Currently Occupied by Don Garvin-next election date 2013
  - 5 - Redbird-Seat Currently Occupied by David Thornton-next election date 2013
  - 6 - Sequoyah District-Seat Currently Occupied by Janelle Fullbright-next election date 2015
  - 7 - Trail of Tears West-Seat Currently Occupied by Frankie Hargis-next election date 2013
  - 8 - Trail of Tears East-Seat Currently Occupied by Jodie Fishinghawk-next election date 2015
  - 9 - Delaware South- Seat Currently Occupied by Curtis Snell-next election date 2013
  - 10 - Delaware North-Currently Vacant-next election date 2013
  - 11 - Craig-Seat Currently Occupied by Chuck Hoskin, Jr.-next election date 2013
  - 12 - Cooweescoowee-Seat Currently Occupied by Dick Lay-next election date 2015
  - 13 - \_\_\_\_\_ Seat Currently Occupied by Cara Cowan Watts-next election date 2015
  - 14 - \_\_\_\_\_ Seat Currently Occupied by Lee Keener-next election date 2015
  - 15 - \_\_\_\_\_ Seat Currently Occupied by Meredith Frailey-next election date 2013
- E. The Legislative Branch shall conduct and determine apportionment for each district which shall result in substantially equal representation of Cherokee citizens per district by using verified information from the Cherokee Nation. Citizens with unverified addresses or resident information shall be determined to

be "At Large" constituents.

- F. Individuals elected to the Tribal Council for each district shall maintain their domicile within the boundaries of that district. Failure to do so shall result in forfeiture of the office and the position shall be declared vacant.

**Section 6. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

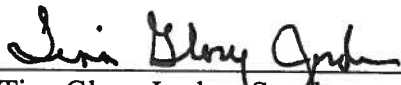
**Section 7. Severability**

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.


**Section 8. Emergency Declared**

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this Act shall take effect and be in full force after its passage and approval.

Enacted by the Council of the Cherokee Nation on the 16<sup>th</sup> day of July, 2012.

  
\_\_\_\_\_  
Tina Glory-Jordan, Speaker  
Council of the Cherokee Nation

**ATTEST:**

  
\_\_\_\_\_  
Jodie Fishinghawk, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**ATTEST:**

\_\_\_\_\_  
Bill John Baker, Principal Chief  
Cherokee Nation

\_\_\_\_\_  
Charles Head, Secretary of State  
Cherokee Nation

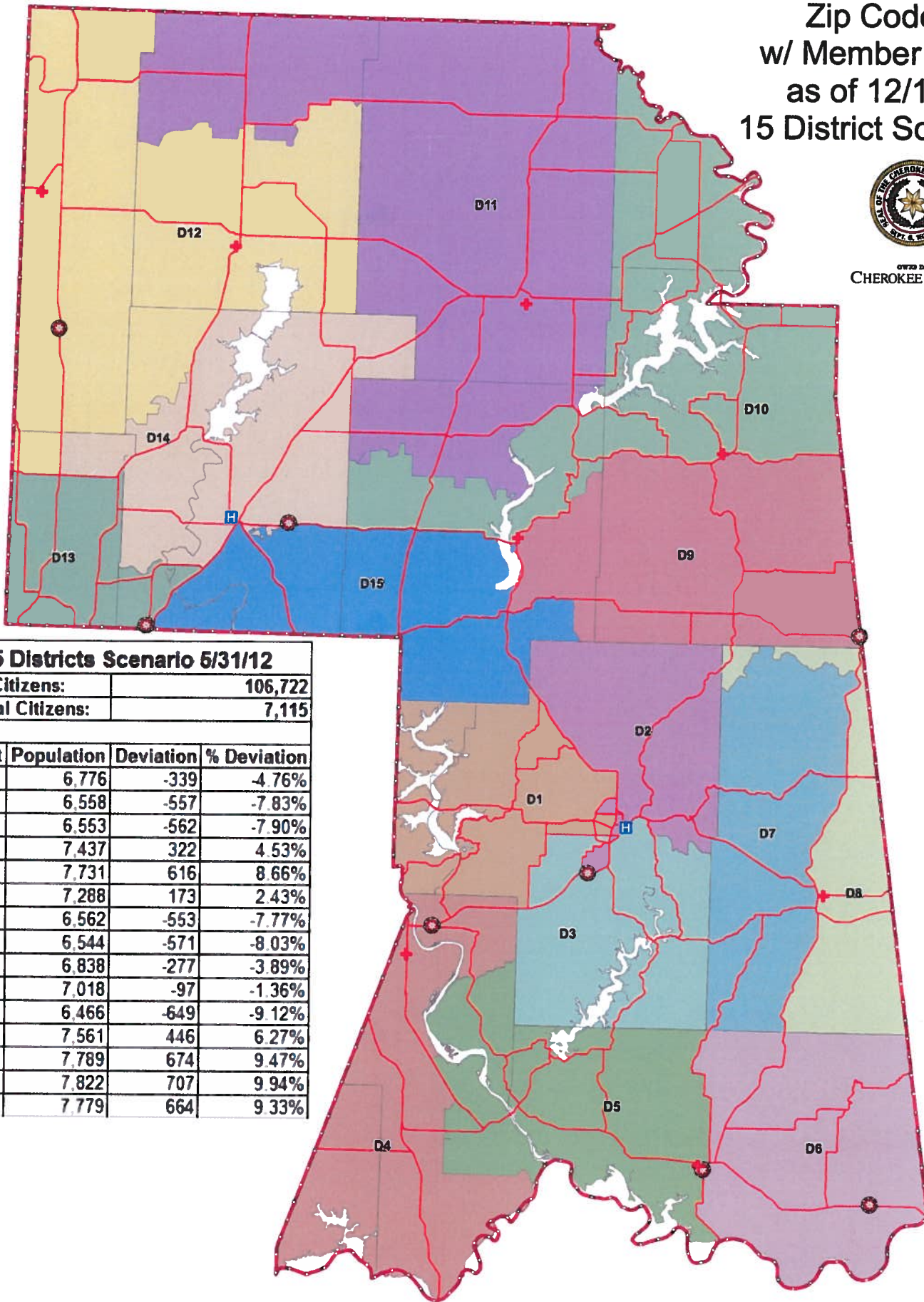
**YEAS AND NAYS AS RECORDED:**

Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Nay</u>
Joe Byrd	<u>Yea</u>	Dick Lay	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Cara Cowan Watts	<u>Nay</u>
Jodie Fishinghawk	<u>Yea</u>	Buel Anglen	<u>Nay</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Charles Hoskin, Jr.	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Julia Coates	<u>Nay</u>
Don Garvin	<u>Nay</u>	Jack D. Baker	<u>Nay</u>
Lee Keener	<u>Nay</u>	Curtis G. Snell	<u>Yea</u>
Frankie Hargis	<u>Yea</u>		

Cherokee Nation  
 Zip Codes  
 w/ Member Date  
 as of 12/1/11  
 15 District Scenario



CHEROKEE NATION



15 Districts Scenario 5/31/12			
Total Citizens:	106,722		
Optimal Citizens:	7,115		
District	Population	Deviation	% Deviation
D1	6,776	-339	-4.76%
D2	6,558	-557	-7.83%
D3	6,553	-562	-7.90%
D4	7,437	322	4.53%
D5	7,731	616	8.66%
D6	7,288	173	2.43%
D7	6,562	-553	-7.77%
D8	6,544	-571	-8.03%
D9	6,838	-277	-3.89%
D10	7,018	-97	-1.36%
D11	6,466	-649	-9.12%
D12	7,561	446	6.27%
D13	7,789	674	9.47%
D14	7,822	707	9.94%
D15	7,779	664	9.33%



GWYB DBP  
**CHEROKEE NATION®**  
P.O. Box 948 • Tahlequah, OK 74465-0948 • 918-453-5000 • [cherokee.org](http://cherokee.org)

**Office of the Chief**

**Bill John Baker**  
*Principal Chief*  
ᎠᎩ ᎠᎩᎩᎩᎩᎩᎩ  
ᎠᎩᎩᎩᎩᎩ

**S. Joe Crittenden**  
*Deputy Principal Chief*  
ᎠᎩ ᎠᎩᎩᎩᎩᎩᎩ  
ᎠᎩᎩᎩᎩᎩ ᎠᎩᎩᎩᎩᎩ

July 24, 2012

Tina Glory-Jordan, Speaker  
Chuck Hoskin, Jr., Deputy Speaker  
Council of the Cherokee Nation  
Tahlequah, Oklahoma

07-24-12P04:44 RCVD

Dear Speaker Jordon and Council Members:

I am returning the enactments passed by the Tribal Council at the regular meeting held on July 16, 2012, as required by our Constitution. The Cherokee Constitution (Article VI, Section 10) requires that every enactment approved by the majority of the Council be presented to the Principal Chief before it becomes effective. I am returning the enactments unsigned.

1. Resolution No. 67-12, A Resolution Authorizing the Submission of a Grant Application for Youth Shelter Services by the Department of Children, Youth and Family Services to the U.S. Family and Youth Services Bureau, Runaway and Homeless Youth Program.
2. Resolution No. 68-12, A Resolution Authorizing the Donation of Surplus Equipment to Kenwood Water District.
3. Resolution No. 69-12, A Resolution Approving and Authorizing the Submission of the Fiscal Year 2013 Indian Housing Plan to the U.S. Department of Housing and Urban Development.
4. Resolution No. 70-12, A Resolution Confirming the Nomination of Lynna Carson as a Member of the Cherokee Nation Environmental Protection Commission.
5. Resolution No. 71-12, A Resolution Confirming the Nomination of Linda O'Leary as Registrar for the Cherokee Nation Registration Committee.
6. Resolution No. 72-12, A Resolution Authorizing Cherokee Nation Marshal Service to Donate One (1) 1993 Chevrolet Ambulance to Craig County Emergency Management.

7. Resolution No. 73-12, A Resolution Authorizing the Submission of a Special Grant Application to the Centers for Disease Control and Prevention (CDC) for Funding to Develop and Build Capacity to Implement Interventions.
8. Resolution No. 74-12, A Resolution Authorizing the Submission of a Grant Application to the Department of Health and Human Services, Administration for Children and Families, Office of Child Care for Tribal Maternal, Infant and Early Childhood Home Visiting Grant Program.
9. Resolution No. 75-12, A Resolution Authorizing Cherokee Nation Warehouse to Donate Surplus Office Equipment to Ballu Indian Baptist Church in Mayes County.
10. Resolution No. 76-12, A Resolution Authorizing the Donation of Surplus Office Furniture to the Stilwell Police Department.

### **APPROVED LEGISLATIVE ACTS**

1. Legislative Act 23-12, An Act Amending Legislative Act #11-10 Relating to Creation of Jobs Growth; Adding Language to Assign Seat Designations.
2. Legislative Act 24-12, An Act Relating To and Amending Title 10 of the Cherokee Nation Code Annotated, The Children's Code-Sections 1.2, 25, 27, 28, 29.1, 40.2, 40.3, 40.4, 40.11 and 60.2; and Declaring an Emergency.
3. Legislative Act 25-12, A Legislative Act Amending LA-34-07-Defining Nepotism, and Defining Acceptable Parameters for Employment and Contracting and Amending Title 28, "Ethics", Adding New Sections of the Cherokee Nation Code Annotated.
4. Legislative Act 26-12, An Act Repealing Legislative Act 36-10 and Amending Legislative Act 06-10; Revising Title 26 ("Elections") of the Cherokee Nation Code Annotated; Amending § 5, Adding Provisions for Apportionment; and Declaring an Emergency.
5. Legislative Act 27-12, An Act Amending Legislative Act #20-11 Authorizing the Comprehensive Operating Budget for Fiscal Year 2012-Mod. 10; and Declaring an Emergency.
6. Legislative Act 28-12, An Act Amending Legislative Act #21-11 Authorizing the Comprehensive Capital Budget for Fiscal Year 2012-Mod.4; and Declaring an Emergency.

Sincerely,

*Charles R. Heard*

*for*

Bill John Baker  
Principal Chief

Cc: Legal & Legislative Coordinator, Council of the Cherokee Nation  
Councilors (17), Council of the Cherokee Nation  
Secretary of State, Cherokee Nation