

RESOLUTION NO. 20-09

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VII
SECTIONS 1 AND 3 OF THE CHEROKEE NATION CONSTITUTION, PURSUANT TO
ARTICLE XV SECTION 2, ELIMINATING TERM LIMITS FOR THE OFFICE OF
PRINCIPAL CHIEF OF THE CHEROKEE NATION AND DEPUTY PRINCIPAL
CHIEF OF THE CHEROKEE NATION**

WHEREAS, the Cherokee Nation, since time immemorial has exercised the sovereign rights of self-government on behalf of the Cherokee People; and

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America; and

WHEREAS, the Constitution of the Cherokee Nation was approved by Commission of Indian Affairs on April 23, 2002 and ratified by the Cherokee people on July 26, 2003, after said Constitution was revised at a duly called Convention of Delegates as provided by law; and,

WHEREAS, the Cherokee Nation Tribal Council is approved by Article XV Section 2 of the Constitution to proposed constitutional amendments when the same are approved by a majority of all members of the Council and submitted to the people for their approval at a general election, or at a special election called for that purpose by a two-thirds vote of the Council; and,

WHEREAS, Article VII, Section 1 of the Cherokee Constitution of 1999 provides as follows:

Section 1:

The executive power shall be vested in a Principal Chief, who shall be styled "The Principal Chief of the Cherokee Nation". The Principal Chief shall hold office for a term of four (4) years. ~~No person having been elected to the office of Principal Chief in two (2) consecutive elections shall be eligible to file for the office of Principal Chief in the election next following his or her second term of office.~~ The Principal Chief shall be elected by the registered voters on the same day and in the same manner, except as otherwise provided by this Constitution, as they shall respectively vote for members of the Council in the year 2003 and every four years thereafter. The Principal Chief shall be elected by a majority of the votes. The manner of determining contested elections shall be as directed by Cherokee law.

WHEREAS, Article VII, Section 3 of the Cherokee Constitution of 1999 provides as follows:

Section 3:

The registered voters shall elect a Deputy Principal Chief, who shall possess the same qualifications as the Principal Chief, for a term of four (4) years at the same time and in the same manner as herein provided for the election of the Principal Chief. ~~The Deputy Chief shall be subject to the same term limitations as provided for the Principal Chief in this Constitution.~~

BE IT RESOLVED BY THE COUNCIL OF THE CHEROKEE NATION, that through its Tribal Council, that a proposed amendment to delete language in Article VII, Sections 1 and 3 of the Cherokee Nation Constitution and that the same be submitted to the duly qualified registered voters of the Cherokee Nation setting forth the following question:

REFERENDUM ON CONSTITUTIONAL AMENDMENT

There is hereby an amendment to the Constitution of the Cherokee Nation, pursuant to Article XV Section 2. Said Amendment would modify Article VII Sections 1 and 3 as follows:

The executive power shall be vested in a Principal Chief, who shall be styled “The Principal Chief of the Cherokee Nation”. The Principal Chief shall hold office for a term of four (4) years. ~~No person having been elected to the office of Principal Chief in two (2) consecutive elections shall be eligible to file for the office of Principal Chief in the election next following his or her second term of office.~~ The Principal Chief shall be elected by the registered voters on the same day and in the same manner, except as otherwise provided by this Constitution, as they shall respectively vote for members of the Council in the year 2003 and every four years thereafter. The Principal Chief shall be elected by a majority of the votes. The manner of determining contested elections shall be as directed by Cherokee law.

The registered voters shall elect a Deputy Principal Chief, who shall possess the same qualifications as the Principal Chief, for a term of four (4) years at the same time and in the same manner as herein provided for the election of the Principal Chief. ~~The Deputy Chief shall be subject to the same term limitations as provided for the Principal Chief in this Constitution.~~

This would eliminate term limits for the offices of Principal Chief and Deputy Principal Chief of the Cherokee Nation

_____ Yes In favor of the Amendment

_____ No Against the Amendment and keep the language the same

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CHEROKEE NATION, that this Amendment shall be put to a vote of the people during the 2011 General Election of the Cherokee Nation.

CERTIFICATION

The foregoing Resolution was adopted by the Council of the Cherokee Nation at a duly called meeting thereof on the 16th day of March, 2009, having 17 members present, constituting a quorum, by a vote of 13 yea 4 nay; and 0 abstaining.

Meredith A. Frailey
Meredith A. Frailey, Speaker
Council of the Cherokee Nation

ATTEST:

Don Garvin
Don Garvin, Secretary
Cherokee Nation Tribal Council

Approved and signed by the Principal Chief this 23rd day of March, 2009.

Chadwick Smith
Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:

Melanie Knight
Melanie Knight, Secretary of State
Cherokee Nation