

An Act

Legislative Act 36-10

AN ACT REPEALING LEGISLATIVE ACT 22-10 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 2010" 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 22-10 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)

Section 4. Repeal

Legislative Act 22-10 is hereby repealed.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 2011, there shall be five (5) voting Districts within the jurisdictional boundaries of the Cherokee Nation as identified in the attached map Exhibit “B”, “Boundaries of Five Voting Districts of the Cherokee Nation.”
- B. Commencing with the Council elections of 2011, there shall be three (3) council seats for each of the five (5) 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. Qualified voters within each District may vote for a candidate for each of the District’s three (3) seats.
- D. The Legislative Branch shall determine apportionment and districting for no less than fifteen (15) districts for the 2013 Tribal elections based on the improved Registrar Citizenship data determined by the December 1, 2011 deadlines by August 1, 2012.

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 24th day of December, 2010.

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

ATTEST:

Don Garvin
Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 29 day of December, 2010.

Chadwick Smith
Chadwick Smith, Principal Chief
Cherokee Nation

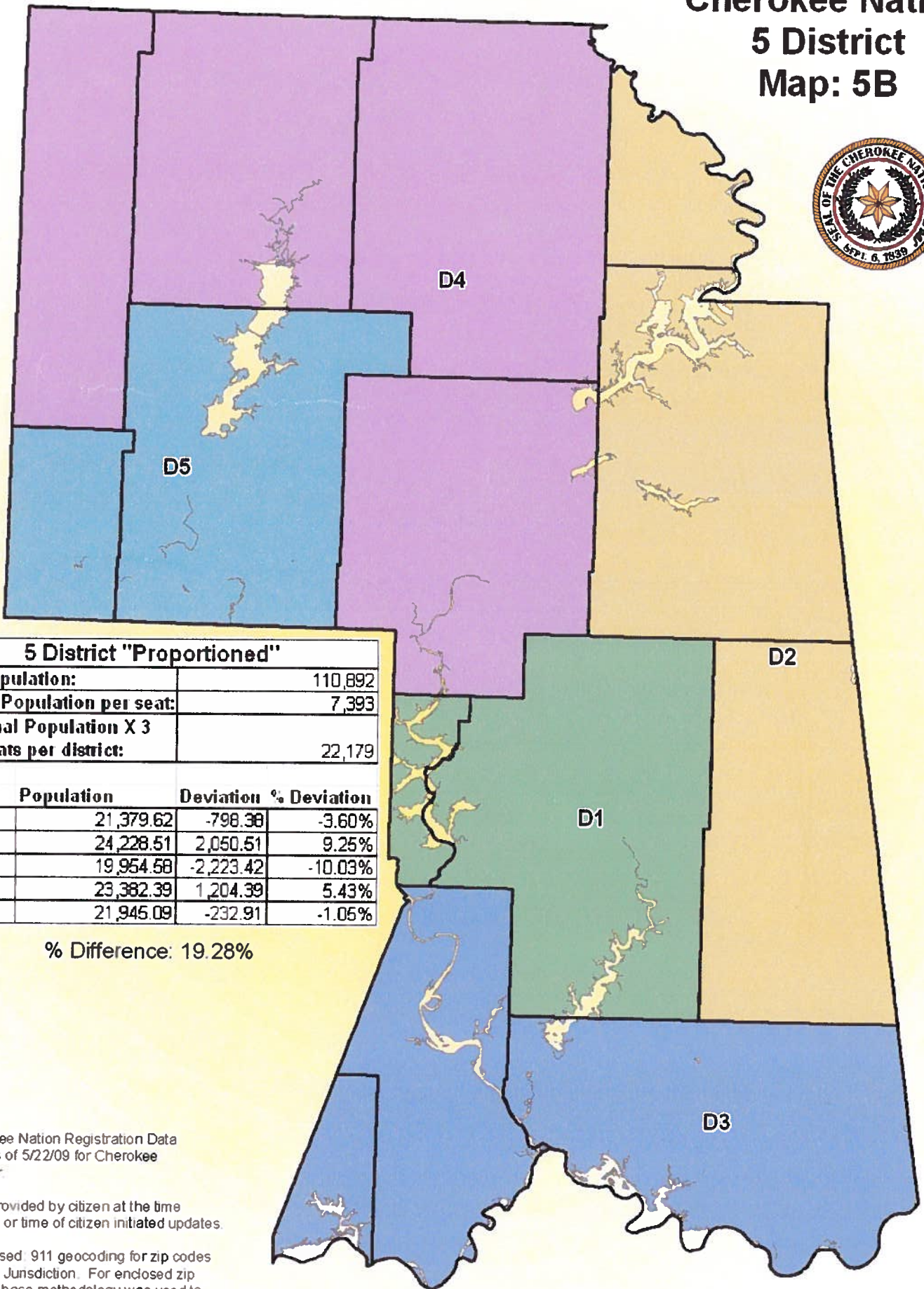
ATTEST:

Melanie Knight
Melanie Knight, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Tina Glory Jordan	<u>Yea</u>	Meredith A. Frailey	<u>Yea</u>
Bill John Baker	<u>Yea</u>	Chris Soap	<u>Yea</u>
Joe Crittenden	<u>Nay</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Nay</u>	Buel Anglen	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Bradley Cobb	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Charles Hoskin, Jr.	<u>Nay</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Yea</u>
Harley L. Buzzard	<u>Nay</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Nay</u>		

Cherokee Nation
5 District
Map: 5B



5 District "Proportioned"	
Total Population:	110,892
Optimal Population per seat:	7,393
Optimal Population X 3 seats per district:	22,179

District	Population	Deviation	% Deviation
D1	21,379.62	-798.38	-3.60%
D2	24,228.51	2,050.51	9.25%
D3	19,954.58	-2,223.42	-10.03%
D4	23,382.39	1,204.39	5.43%
D5	21,945.09	-232.91	-1.05%

% Difference: 19.28%

12/6/10

Note: Cherokee Nation Registration Data "snapshot" as of 5/22/09 for Cherokee Nation Proper.

Information provided by citizen at the time of registration or time of citizen initiated updates.

Methodology used: 911 geocoding for zip codes that cross CN Jurisdiction. For enclosed zip codes, a land base methodology was used to split zip codes (i.e. if a portion of a zip code is 60% within County A and 40% in County B then County A was given 60% of the total number of citizens).

