

Committee: Rules
Date: 8-19-08 Committee Date: 8-28-08

Author: Todd Hembree
Sponsor: Jack D. Baker

RESOLUTION NO. 80-08

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI
SECTION 13 OF THE CHEROKEE NATION CONSTITUTION, AMENDING THE
PROCEDURE FOR REPLACEMENT OF COUNCIL MEMBERS DUE TO REMOVAL,
DEATH, RESIGNATION OR DISABILITY**

WHEREAS, the Cherokee Nation, since time immemorial has exercised the sovereign rights of self-government on behalf of the Cherokee People; 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 VI Section 13 of the Cherokee Constitution sets forth a procedure for replacing a Tribal Council member in the event of removal, death, resignation or disability; and,

WHEREAS, It would be beneficial for the Cherokee people to allow the Tribal Council members to select a member in the event that a minority of said term remains and allow for a special election if a majority of said term remains.

NOW, THEREFORE BE IT RESOLVED by the Cherokee Nation through its Tribal Council, that a proposed amendment to substitute language in Article VI Section 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 questions:

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 VI Section 3 and the section would read as follows:

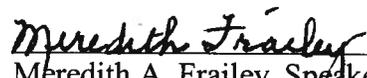
In the case of removal, death, resignation or disability of any of Council member, ~~such seat shall be filled by the candidate having the next highest number of votes in that district, who is available and willing to serve and whose eligibility is confirmed by the Election Commission. In the event no such candidate exists,~~ the Council shall fill the vacated seat in the following manner: If a majority of the four-year term remains to be served, the Council shall authorize a special election in the district of the vacated seat to be conducted within ninety days; if a minority of the four-year term remains to be served, the Council shall elect a replacement who would otherwise be qualified to serve from the district of the vacated seat.

_____ Yes In favor of the Amendment

_____ No Against the Amendment and keep the language the same

CERTIFICATION

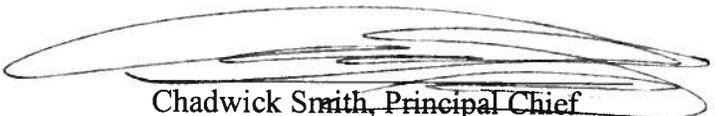
The foregoing resolution was adopted by the Council of the Cherokee Nation at a duly called meeting on the 15th day of September, 2008, having 17 members present, constituting a quorum, by the vote of 16 yea; 1 nay; 0 abstaining.


Meredith A. Frailey, Speaker
Council of the Cherokee Nation

ATTEST:


Don Garvin, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19th day of September, 2008.


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:


Melanie Knight, Secretary of State
Cherokee Nation