

# An Act

## Legislative Act 49-12

### ACT RELATING TO VOTER RESIDENCY OF CITIZENS OF THE CHEROKEE NATION

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

#### Section 1. Title and Codification

This act shall be known as the Voter Residency Act of 2012 and codified as \_\_\_\_\_ (Title) \_\_\_\_\_ (Section) \_\_\_\_\_ of the Cherokee Nation Code Annotated.

#### Section 2. Purpose

The purpose of this Act is to include residences of Cherokee Nation citizens, a portion of which lies within the jurisdictional boundaries of the Cherokee Nation, so that the Cherokee Nation Election Commission will be able to determine the voter's residence location and the voter shall be able to make a one-time initial option to choose the district in which to vote, regardless of whether their residence lies within two (2) districts or At-Large, which will then be how the voter votes in the future and this Act is for voting purposes only.

#### Section 3. Legislative History

Cherokee Nation Constitution-Article VI, Section 3; Cherokee Nation Code Annotated: Title 26, Chapter 1, Section 3-A (27)

#### Section 4. Definitions

For purposes of this Title:

Title 26, Section 3-A (27)

27. Resident Registered Voter. "Resident Registered Voter" means a person whose residence is inside of the jurisdictional boundaries of the Cherokee Nation at the time he or she registers to vote **or when any portion of their residence is inside the jurisdictional boundaries of the Cherokee Nation. The Cherokee Nation Election Commission and their mapping providers shall make the determination of location by providing maps of the voter's residence. Once the determination has been made, the registered voter has the one time, initial option, to choose the district in which to vote, regardless of whether their**

residence lies within two (2) districts or At-Large, which will then be how the voter votes in the future.

28. Residence. “Residence” means the home, a place or dwelling in which one lives; residence is synonymous with domicile which is the principal place of the residence of an individual. This definition is for the purposes of defining voter residency for the Cherokee Nation Election Code.

~~28-~~29. Runoff Election. “Runoff election” means the election of one of the two candidates for an executive office or Council seat who had the highest number of votes at the primary election; a runoff election may occur during a general or special election.

~~29-~~30. Special Election. “Special election” means an election specially set on a date other than the date certain established for general elections, for one or more of the following purposes: consideration of referendum and initiative petitions when special election is required by the Council or Principal Chief pursuant to Article XV, Section 4 of the Cherokee Nation Constitution, consideration of constitutional amendments when special election is required by the Council pursuant to Article XV, Sections 2 and 4 of the Cherokee Nation Constitution, election by the council to fill Council vacancies pursuant to Article VI, §13 of the Cherokee Nation Constitution, election of the Principal Chief pursuant to Article VII, Section 5 of the Cherokee Nation Constitution.

~~30-~~31. Political Purposes. “Political purposes” means actions or activities designed to influence the success or defeat of a candidate or elective office or any ballot measure.

## **Section 5. Substantive Provisions**

Substantive Provisions will be the definition in Section 4 above.

## **Section 6. Provisions as cumulative**

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

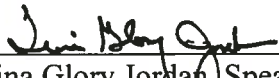
## **Section 7. Severability**

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 10<sup>th</sup> day of December, 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 \_\_\_\_\_, 20\_\_.

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

**ATTEST:**

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

**YEAS AND NAYS AS RECORDED:**

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