

Committee: Rules

Date: 2-19-09 Committee Date: 2-26-09

Author: Todd Hembree

Sponsor: Councilors Cowan Watts, Anglen,
Fullbright, and Coates

RESOLUTION NO. 21-09

COUNCIL OF THE CHEROKEE NATION

**A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI
SECTION 3 OF THE CHEROKEE NATION CONSTITUTION, PURSUANT TO
ARTICLE XV SECTION 2, ELIMINATING TERM LIMITS FOR THE OFFICE OF
CHEROKEE NATION TRIBAL COUNCIL**

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 VI, Section 3 of the Cherokee Constitution of 1999 provides as follows:

The Council shall consist of seventeen (17) members, who are citizens by blood of the Cherokee Nation. Any citizen by blood of the Cherokee Nation at least twenty-five (25) years of age on that date of the election may be a candidate for Council. Each Council member shall be elected in the general election for a term of four (4) years and until his or her successor is duly elected and installed. ~~All Council members having served two consecutive terms must sit out one (1) term before seeking any seat on the Council.~~

The Council shall establish representative districts which shall be within the boundaries of the Cherokee Nation. Fifteen of these seats shall be apportioned to afford a reasonably equal division of citizenship among the districts, and the remaining two shall be elected at-large by those registered voters residing outside the boundaries of the Cherokee Nation voting at-large in accordance with this section.

The Council members representing districts within the boundaries must be domiciled within their district. The Council shall, within sixty (60) days of this Constitution taking effect, select the two at-large Council members to serve until the next regularly scheduled election.

BE IT RESOLVED BY THE COUNCIL OF THE CHEROKEE NATION, that through its Tribal Council, that a proposed amendment to delete 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 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 VI Section 3 as follows:

The Council shall consist of seventeen (17) members, who are citizens by blood of the Cherokee Nation. Any citizen by blood of the Cherokee Nation at least twenty-five (25) years of age on that date of the election may be a candidate for Council. Each Council member shall be elected in the general election for a term of four (4) years and until his or her successor is duly elected and installed. . ~~All Council members having served two consecutive terms must sit out one (1) term before seeking any seat on the Council.~~

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The Council members representing districts within the boundaries must be domiciled within their district. The Council shall, within sixty (60) days of this Constitution taking effect, select the two at-large Council members to serve until the next regularly scheduled election.

This would eliminate term limits for the office of Cherokee Nation Tribal Council.

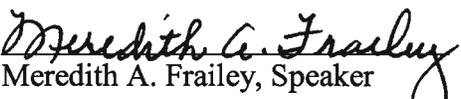
_____ Yes In favor of the Amendment

_____ 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, Speaker
Council of the Cherokee Nation

ATTEST:

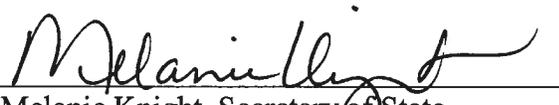


Don Garvin, Secretary
Cherokee Nation Tribal Council

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


Chadwick Smith, Principal Chief
Cherokee Nation

ATTEST:



Melanie Knight, Secretary of State
Cherokee Nation