

An Act

Legislative Act 31-24

AN ACT AMENDING TITLE 19 “COUNCIL”, CHAPTER 1, SECTION 3

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the technical amendments to the Rules of the Tribal Council and codified as Title 19 “COUNCIL” Chapter 1, Section 3 of the Cherokee Nation Code Annotated.

Section 2. Purpose

To amend and modernize the Rules of Procedure for the Tribal Council

Section 3. Legislative History

CNCA Title 19 “Council”
LA-03-85, eff. July 13, 1985
LA 4-85, eff. July 13, 1985
LA 18-87, eff. April 13, 1987
LA 27-88, eff. June 11, 1988
LA 32-89, eff. June 10, 1989
LA 14-91, eff. September 14, 1991
LA 4-95, eff. August 14, 1995
LA 12-97, eff. July 14, 1997
LA 06-98, eff. February 9, 1998
LA 03-99, eff. January 28, 1999
LA 18-00, eff. June 12, 2000
LA 8-02, eff. March 15, 2002
LA 38-04, eff. September 16, 2004
LA 23-05, eff. June 28, 2005
LA 34-07, eff. September 13, 2007
LA 36-07, eff. September 13, 2007
LA 38-07, eff. October 24, 2007
LA 42-07, eff. December 27, 2007
LA 17-09, eff. June 21, 2009
LA 21-12, eff. June 13, 2012
LA 15-14, eff. June 20, 2014
LA 04-20, eff. April 27, 2020
LA 05-20, eff. April 27, 2020
LA 20-24, eff. June 10, 2024
LA 26-24, eff. July 15, 2024

Section 4. Substantive Provisions

CHAPTER 1

GENERAL PROVISIONS

§ 3 Filling of vacancies

A. When a vacancy occurs in any office of elected councilors and there is one (1) year or less remaining of the four-year term, the Tribal Council shall appoint, by a majority vote of the remaining councilors, a person to fill the vacancy until the next General Election. ~~Provided that if there are twenty-four (24) months or more remaining of the term of office that has been vacated then the vacancy shall be filled by Special Election by the electorate of that District.~~

B. A vacancy occurs upon the effective date of the resignation of the Councilor, the death of a Councilor, the disability of the Councilor or the judicial determination of the inability to serve as Councilor.

~~C. If more than twenty-four (24) months remain of the Councilor's term whose office is vacated, then a Special Election shall be called to elect an individual to fill the remaining term. This election shall be held as soon as practicable after the vacancy occurs. The election shall be conducted in accordance with the Cherokee Nation Election Code, 26 CNCA. If more than one (1) year remains of the four-year term, the Council shall authorize a special election in the district of the vacated seat to be conducted within ninety (90) days, unless a general election is to be held within one hundred and twenty (120) days from the vacancy at which time this special election may be held as part of the general election. This election shall be held as soon as practicable after the vacancy occurs.~~

D. The person appointed by the Tribal Council to fill the vacancy shall be a registered voter and tribal citizen in and of the District for which the deceased or disabled Councilor served.

E. To be eligible for appointment to fill a vacancy in an elected Councilor's office, a person must meet the same qualifications required for filing a declaration for candidacy for that office, as prescribed by law.

F. Applications by person(s) applying to fill the vacancy shall not be in any particular form, however, the application must include the person's name(s), address (both physical and mailing), phone number(s), and length of residence in the vacant District.

G. All applicants shall appear before the Rules Committee for interviews. The Chairperson of the Rules Committee shall notify all applicants of the specific date, time and place of said interview by regular mail. Further, public notice of said interviews shall be posted at least ten (10) days in advance. This notice shall be posted outside Cherokee Nation Tribal Council Chambers. Every effort should be made to publish the information concerning the procedures on how the vacancy will be filled throughout the appropriate District.

H. Cherokee Nation shall cause to be published the vacancy of office and said publication shall specify the District in which the vacancy exists, and a deadline by which the Cherokee Council shall receive applications for the position. This information shall be published in at least one (1) newspaper, which is circulated in the District in which the vacancy exists.

I. Nothing herein shall prevent Councilors from obtaining and submitting resumes of qualified candidates for consideration.

J. The Rules Committee shall forward one or more names to the next regular Council meeting for consideration. If more than one name is submitted to full Council, the Council shall vote for the candidate of their choice. If no candidate receives a majority of votes of those Councilpersons present and voting, then the last placed candidate shall be excluded and voting shall commence. This process shall continue until one (1) candidate receives a majority of votes cast.

K. All voting shall be done by public roll call.

L. Immediately after the candidate has received a majority of votes he or she shall be sworn in as Councilperson and assume office for the remainder of the unexpired term of the vacated office.

Section 5. Provisions as Cumulative

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

Section 6. Severability

The provisions of this act are severable and if any part or 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 7. Effective Date/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.

Section 8. Self-Help Contributions

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.

Enacted by the Council of the Cherokee Nation on the 16th day of September, 2024.

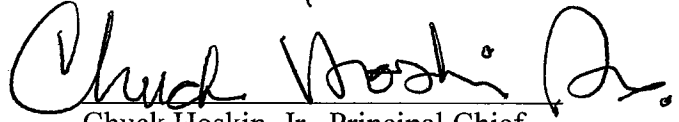

Mike Shambaugh, Speaker
Council of the Cherokee Nation

ATTEST:



Dora Patzkowski, Secretary
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 18th day of September, 2024.



Chuck Hoskin, Jr., Principal Chief
Cherokee Nation

ATTEST:



Shella Bowlin, Secretary of State
Cherokee Nation

YEAS AND NAYS AS RECORDED:

Sasha Blackfox-Qualls	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Kendra McGeady	<u>Yea</u>
Lisa Hall	<u>Yea</u>	Dora Smith Patzkowski	<u>Yea</u>
Mike Dobbins	<u>Yea</u>	Joe Deere	<u>Yea</u>
E. O. "Jr." Smith	<u>Yea</u>	Kevin Easley, Jr.	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Yea</u>
Codey Poindexter	<u>Yea</u>	Johnny Kidwell	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		