

# An Act

## Legislative Act 48-21

### **AN ACT AMENDING TITLE 26 SECTION 11(C) OF THE CHEROKEE NATION CODE ANNOTATED TO REQUIRE THE CHEROKEE NATION ELECTION COMMISSION TO AMEND THEIR RULES, REGULATIONS AND FORMS UPON PASSAGE OF LEGISLATION BY THE COUNCIL**

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

#### **Section 1. Title and Codification**

This Act amends Title 26 § 11(C)(7) of the Cherokee Nation Code Annotated (the “Code”) to require the Cherokee Nation Election Commission (“CNEC”) to amend their rules, regulations, and forms upon passage of legislation adopted by the Council of the Cherokee Nation.

#### **Section 2. Findings**

The Council of the Cherokee Nation finds that an emergency exists within the Cherokee Nation, that Title 26 § 11(C)(7) of the Cherokee Nation Code Annotated provides the authority to the CNEC to develop rules and regulations necessary to conduct Cherokee Nation elections, but that amending these rules and regulations to comply with newly enacted or amended legislation is not addressed. In the most recent Cherokee Nation election, certain rules, regulations, and/or forms utilized by the CNEC had not been amended to comply with the changes enacted by recent Council amendments to the Code, creating confusion and frustration by the Candidates and Cherokee Nation voters.

#### **Section 3. Purpose**

The purpose of this Act is to amend Title 26 § 11(C)(7) of the Cherokee Nation Code Annotated to address the amendment of CNEC rules and regulations upon passage of legislation amending the existing Code or creating new provisions within the Code. This Act will require the CNEC to amend their rules, regulations and forms upon passage of, or as soon as practicable, legislation amending the existing Code or creating new provisions within the Code.

#### **Section 4. Legislative History**

Article VI, Section 7 of the Cherokee Nation Constitution states that the Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation.

Source. LA 06–10, eff. February 23, 2010.

History

Amended. LA 26–14, eff. October 25, 2014.

Amended. LA 46–12, eff. December 17, 2012.

Amended. LA 04-14, eff. February 19, 2014.

Amended. LA 12-16, eff. May 18, 2016.

Amended. LA 24-20, eff. October 13, 2020.

## **Section 5. Substantive Provisions**

### **§ 11. Cherokee Nation Election Commission**

C. Duties. The Election Commission shall have the responsibility of conducting all general and special elections. The Election Commission shall also engage in the following activities in the performance of its responsibilities:

7. Develop rules and regulations necessary to conduct Cherokee Nation elections, provided that such rules and regulations shall be published and transmitted to the Council no later than ninety (90) days before the first day of filing for the election for which said rules and regulations are intended to apply, unless a shorter time is prescribed by the Council for purposes of a special election. Said rules are to be published in the Cherokee Phoenix and on the official website of Cherokee Nation as soon as practicable after transmittal to the Council. The Election Commission shall amend their rules, regulations and forms upon passage of, or as soon as practicable, all legislation adopted by the Council of the Cherokee Nation applicable to and/or related to Cherokee Nation elections, including, but not limited to, legislation amending the existing provisions of Title 26 and/or creating new election related provisions within the Code;

## **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 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 8. 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.


Enacted by the Council of the Cherokee Nation on the 15<sup>th</sup> day of November, 2021.

  
Mike Shambaugh, Speaker  
Council of the Cherokee Nation

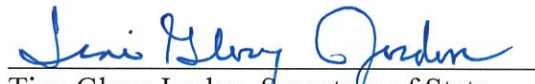
**ATTEST:**

  
Dora Patzkowski, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 19<sup>th</sup> day of November, 2021.

  
Chuck Hoskin, Jr., Principal Chief  
Cherokee Nation

**ATTEST:**

  
Tina Glory Jordan, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Rex Jordan	<u>Yea</u>	Melvina Shotpouch	<u>Yea</u>
Candessa Tehee	<u>Yea</u>	Victoria Vazquez	<u>Yea</u>
Wes Nofire	<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>	Keith Austin	<u>Yea</u>
Daryl Legg	<u>Yea</u>	Danny Callison	<u>Yea</u>
Joshua Sam	<u>Yea</u>	Julia Coates	<u>Yea</u>
Shawn Crittenden	<u>Yea</u>	Johnny Jack Kidwell	<u>Yea</u>
Mike Shambaugh	<u>Yea</u>		