



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Details (With Text)

File #: 10-059 **Version:** 2 **Name:** Election Code Apportionment Act of 2010
Type: Legislative Act **Status:** Veto Sustained
File created: 5/12/2010 **In control:** TRIBAL COUNCIL
On agenda: 6/14/2010 **Final action:** 7/12/2010
Enactment date: 6/13/2010 **Enactment #:** LA-18-10
Title: AN ACT AMENDING LEGISLATIVE ACT 06-10 REVISING TITLE 26 ("ELECTIONS") PROVIDING FOR APPORTIONMENT
Sponsors: Jack D. Baker, Meredith Frailey, Jodie Fishinghawk, Tina Glory Jordan, Chuck Hoskin Jr.
Indexes: Election, Election Law, Election Law Reform
Code sections: Title 26 - Elections
Attachments: 1. LA-18-10-VETO

Date	Ver.	Action By	Action	Result
7/12/2010	2	TRIBAL COUNCIL	Sustain the Chief's Veto	Pass
6/21/2010	2	OFFICE OF THE CHIEF	Vetoed	
6/14/2010	1	TRIBAL COUNCIL	Tabled	Fail
6/14/2010	1	TRIBAL COUNCIL	Approved	Pass
5/27/2010	1	RULES COMMITTEE	Approved and Forwarded to Council	Pass
5/27/2010	1	RULES COMMITTEE	Amended	Fail

AN ACT AMENDING LEGISLATIVE ACT 06-10 REVISING TITLE 26 ("ELECTIONS") PROVIDING FOR APPORTIONMENT

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the "Election Code Apportionment Act of 2010" and codified under Title 26 Section 5 of the Cherokee Nation Code Annotated (CNCA).

Section 2. Purpose

The purpose of this Act is to provide for methodology using the best available resources to determine the number of citizens that reside within the Cherokee Nation and within the respective Council districts within the Cherokee Nation.

Section 3. Legislative History

- L.A. 9-85 Eff. July 13, 1985
- L.A. 35-89 Eff. Sept. 9, 1989
- L.A. 6-91 Eff. March 9, 1991
- L.A. 2-87 Eff. Feb. 14, 1987
- L.A. 12-90 Eff. Nov. 13, 1990
- L.A. 5-87 Eff. Feb 14, 1987
- L.A. 8-87 Eff. Feb. 26, 1987

- L.A. 11-87 Eff March 14, 1987
- L.A. 6-87 Eff. Feb. 14, 1987
- L.A. 9-87 Eff. Feb. 26, 1987
- L.A. 14-87 Eff. March 14, 1987
- L.A. 7-87 Eff. Feb. 14, 1987
- L.A. 12-87 Eff. May 11, 1987
- L.A. 23-87 Eff. June 11, 1987
- L.A. 3-87 Eff. Feb. 14, 1987
- L.A. 4-87 Eff. Feb. 14, 1987
- L.A. 7-97 Eff. May 12, 1997
- L.A. 39-05 Eff. Nov. 14, 2005
- L.A. 06-10 Eff. Feb. 23, 2010

Section 4. Definitions

Section 5. Substantive Provisions of Law

§ 5 Representation by District.

A. Apportionment: Apportionment of representation having been first conducted in 1990, shall be conducted every twelve years thereafter. Apportionment shall be conducted upon passage of this Act and approved by the Council by amendment of this Section. Said apportionment shall be attained by dividing the combined total population of all citizens of the Cherokee Nation residing within the jurisdictional boundaries of the Cherokee Nation by fifteen (15). This gives the optimal number of citizens to be represented by each of the fifteen (15) councilors within the jurisdictional boundaries of the Cherokee Nation.

B. Population Determination: The total population residing within the jurisdictional boundaries of the Cherokee Nation, and within each district of the Cherokee Nation, shall be based exclusively on data obtained from the Cherokee Nation's Registration Department, except that the population of districts which lay at the border of Cherokee Nation's jurisdictional area, herein referred to as "Border Districts" shall be adjusted by further identifying the population of each Border District in geographical areas where a United States Postal Service Zip Code covers areas inside and outside the jurisdictional boundaries of the Nation, herein referred to as "Partial Zip Code Areas." Such adjustments of the population of Border Districts shall be attained by application of the provisions set forth in paragraph (1) of this sub-section, subject to the proviso set forth in paragraph (2) of this subsection:

(1) Population of Partial Zip Code Areas in Border Districts shall be identified by:

- (i) Utilizing 911 emergency addresses for each citizen, or
- (ii) In Partial Zip Code Areas where 911 emergency addresses are not available, the Nation shall use all data resources available to the Nation including, but not limited to, citizen registration information, tax commission information, geo-data information and information obtained through the issuance to citizens in those areas of a residency questionnaire by the Council of the Cherokee Nation at the direction of the Speaker of the Council

(2) Upon application of the provisions set forth in paragraph (1) of this sub-section, the population of Border Districts shall be adjusted, *provided* that no Border District's population shall exceed the population of that Border District as determined by the Cherokee Nation Registration Department.

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. 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 immediately upon its approval and signatures.