



Council of the Cherokee Nation

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

Legislation Text

File #: 08-152, Version: 1

A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VI SECTION 3 AND ARTICLE VII SECTIONS 1 AND 3 OF THE CHEROKEE NATION CONSTITUTION OF 1999 PURSUANT TO ARTICLE XV SECTION 2, ELIMINATING TERM LIMITS FOR ELECTIVE OFFICE AND PROVIDING FOR AT LARGE VOTERS TO SELECT A COUNCIL DISTRICT WITHIN JURISDICTION OF THE CHEROKEE NATION

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 ratified by the people on July 26, 2003, after said Constitution was revised at a duly called Convention of Delegates as provided by Cherokee law; and

WHEREAS, the Cherokee Nation Tribal Council is empowered by Article XV, Section 2 of the Constitution to propose 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 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.

All registered voters residing outside the boundaries of the Cherokee Nation, may, at the time of the 2013 election to fill at-large Council seats, choose to continue to be registered to vote in the district in which they were previously registered. In the absence of making that choice, they shall be registered to vote at-large. Notwithstanding the above, citizens under the age of twenty-five (25) who reside outside the boundaries and

who have not previously registered to vote, may make a single choice to register to vote in the district of their choice at the time of their first registration, failing which their registration shall be to vote at-large. All citizens age twenty-five (25) or older residing outside the boundaries not registered to vote at the time of the first election to fill at-large Council seats may only register to vote at-large. Citizens residing outside the boundaries who relocate within a district shall be subject to the requirements to vote in that district. Those residing within the boundaries must vote within the district of their residence.

The Council shall, within one year of this Constitution taking effect, establish a system of staggered terms for all seats on the Council to be organized into elections every two years.

WHEREAS, Article VII, Section 1 of the Cherokee Constitution of 1999 provides as follows:

The executive power shall be vested in a Principal Chief, who shall be styled “The Principal Chief of the Cherokee Nation”. The Principal Chief shall hold office for a term of four (4) years. ~~No person having been elected to the office of Principal Chief in two (2) consecutive elections shall be eligible to file for the office of Principal Chief in the election next following his or her second term of office.~~ The Principal Chief shall be elected by the registered voters on the same day and in the same manner, except as otherwise provided by this Constitution, as they shall respectively vote for members of the Council in the year 2003 and every four years thereafter. The Principal Chief shall be elected by a majority of the votes. The manner of determining contested elections shall be as directed by Cherokee law.

WHEREAS, Article VII, Section 3 of the Cherokee Constitution of 1999 provides as follows:

The registered voters shall elect a Deputy Principal Chief, who shall possess the same qualifications as the Principal Chief, for a term of four (4) years at the same time and in the same manner as herein provided for the election of the Principal Chief. ~~The Deputy Chief shall be subject to the same term limitations as provided for the Principal Chief in this Constitution.~~

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 Article VII, Sections 1 and 3 of the Cherokee Nation Constitution of 1999 and that the same be submitted to the duly qualified registered voters of the Cherokee Nation setting forth the following question:

REFERENDUM ON CONSTITUTION AMENDMENT

There is hereby proposed an amendment to the Constitution of the Cherokee Nation, pursuant to Article XV, Section 2. Said amendment would modify Article VI, Section 3 and Article VII, Sections 1 and 3 of said Constitution deleting any term limit requirements:

Yes for the Amendment _____

No for the Amendment _____

