



## Legislation Text

File #: 24-052, Version: 1

### **AN ACT REPEALING LEGISLATIVE ACT 26-12 AND AMENDING LEGISLATIVE ACT 14-22; REVISING TITLE 26 (“ELECTIONS”) OF THE CHEROKEE NATION CODE ANNOTATED; AND DECLARING AN EMERGENCY**

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

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

This act shall be known as the “Council District Amendment Act of 2024” and codified at Title 26, Chapter 1, Section 5 of the Cherokee Nation Code Annotated.

#### **Section 2. Purpose**

The purpose of this Act is to repeal in its entirety Legislative Act 26-12 and to amend the Cherokee Nation Election Code to define the Tribal Council Districts within the jurisdictional boundaries of 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. February 14, 1987  
L.A. 4-87 Eff. Feb. 14, 1987  
L.A. 7-97 Eff. May 12, 1997  
L.A. 04-4 Eff. Feb. 23, 2004  
  
L.A. 39-05 Eff. Nov. 14, 2005  
L.A. 06-10 Eff. Feb. 16, 2010

L.A. 49-12 Eff. Dec. 10, 2012  
L.A. 46-12 Eff. Dec. 10, 2012  
L.A. 04-14 Eff. Feb. 10, 2014  
L.A. 26-14 Eff. Sept. 15, 2014  
L.A. 12-16 Eff. May 18, 2016  
L.A. 26-14 Eff. May 18, 2016  
L.A. 12-16 Eff. May 18, 2016  
L.A. 22-20 Eff. Sep. 20, 2020  
L.A. 23-20 Eff. Oct. 10, 2020  
L.A. 24-20 Eff. Oct. 13, 2020  
L.A. 48-21 Eff. Nov. 19, 2021  
L.A. 14-22 Eff. May 23, 2022

#### **Section 4. Substantive Provisions**

Title 26, Chapter 1, Section 5 shall be amended as follows:

#### **§ 5. Representation by District.**

- A. Commencing with the Council elections of 2025, there shall be seventeen (17) seats comprising the Tribal Council of the Cherokee Nation
- B. Commencing with the Council elections of 2025, there shall be fifteen (15) Districts of the Council of the Cherokee Nation within the boundaries of the Cherokee Nation Reservation, as identified in the attached “Appendix.”
- C. Commencing with the Council elections of 2025, there shall be one (1) Council seat for each of the fifteen (15) Districts within the boundaries of the Cherokee Nation Reservation. The staggering of terms shall continue in accordance with existing Cherokee law.
- D. Commencing with the Council elections of 2025, there shall be two (2) At-Large Council seats outside the boundaries of the Cherokee Nation Reservation. The staggering of terms shall continue in accordance with existing Cherokee law.
- E. Candidates may file for only one (1) seat and must receive a majority of votes cast for that seat.
- F. The Legislative Branch has previously conducted and determined apportionment for each District in accordance with Cherokee law.
- G. Individuals elected to the Council of the Cherokee Nation for each District shall maintain their domicile within the boundaries of that District. Failure to do so shall result in forfeiture of the office and the position being declared vacant.

#### **§§ 6 to 10. Reserved.**

**Section 5. Repeal**

Upon the effective date of August 14<sup>th</sup>, 2025, Legislative Act 26-12 and any other prior laws inconsistent with the provisions of this Act shall be repealed in their entirety and replaced with the provisions as set forth herein.

**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**

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 immediately upon its passage and approval. Provided, nothing contained herein shall be construed as giving those Tribal Council District as set for in the attached "Appendix" effect prior to August 14<sup>th</sup>, 2025.