



Legislation Text

File #: 12-090, Version: 4

**AN ACT REPEALING LEGISLATIVE ACT 36-10 AND AMENDING LEGISLATIVE ACT 06-10;
REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED; AMENDING
§ 5, ADDING PROVISIONS FOR APPORTIONMENT; AND DECLARING AN EMERGENCY
BE IT ENACTED BY THE CHEROKEE NATION:**

Section 1. Title and Codification

This act shall be referred as the "Voter District Amendment Act of 2012" and codified as Title 26 Sections 5(A-B) of the Cherokee Nation Code Annotated ("CNCA").

Section 2. Purpose

The purpose of this Act is to repeal in its entirety Legislative Act 36-10 and to amend the Cherokee Nation Election Code to define the apportionment process of Council seats and define 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 (as revised in its entirety)
L.A. 39-05 Eff. Nov. 14, 2005 (as revised in its entirety)
L.A. 06-10 Eff. Feb. 16, 2010 (as revised in its entirety)
L.A. 36-10 Eff. Dec. 29, 2010

Section 4. Repeal

Legislative Act 36-10 is hereby repealed.

Section 5. Amendment

This Act hereby amends Legislative Act 06-10 by adding "Section 5, Representation by District" under Chapter 1§ 5 of Legislative Act 06-10.

§ 5. Representation by District

- A. Commencing with the Council elections of 2013, there shall be fifteen (15) voting Districts within the jurisdictional boundaries of the Cherokee Nation as identified in the attached map Exhibit "A", "Boundaries of fifteen Voting Districts of the Cherokee Nation."
- B. Commencing with the Council elections of 2013, there shall be one (1) council seat for each of the fifteen (15) districts within the jurisdictional boundaries of the Cherokee Nation."
- C. Candidates may file for only one (1) seat and must receive a majority of votes cast for that seat.
- D. The fifteen (15) council districts are identified by number below and in exhibit "A" and the names of the districts are set out as follows along with their next election date:

- 1 - Cherokee West-Seat Currently Occupied by Tina Glory-Jordan-next election date 2015
- 2 - Cherokee Northeast-Seat Currently Occupied by Joe Byrd-next election date 2013
- 3 - Cherokee South-Seat Currently Occupied by David Walkingstick-next election date 2015
- 4 - Three Rivers-Seat Currently Occupied by Don Garvin-next election date 2013
- 5 - Redbird-Seat Currently Occupied by David Thornton-next election date 2013
- 6 - Sequoyah District-Seat Currently Occupied by Janelle Fullbright-next election date 2015
- 7 - Trail of Tears West-Seat Currently Occupied by Frankie Hargis-next election date 2013
- 8 - Trail of Tears East-Seat Currently Occupied by Jodie Fishinghawk-next election date 2015
- 9 - Delaware South- Seat Currently Occupied by Curtis Snell-next election date 2013
- 10 - Delaware North-Currently Vacant-next election date 2013
- 11 - Craig-Seat Currently Occupied by Chuck Hoskin, Jr.-next election date 2013
- 12 - Cooweescowee-Seat Currently Occupied by Dick Lay-next election date 2015
- 13 - _____ Seat Currently Occupied by Cara Cowan Watts-next election date 2015
- 14 - _____ Seat Currently Occupied by Lee Keener-next election date 2015
- 15 - _____ Seat Currently Occupied by Meredith Frailey-next election date 2013

- E. The Legislative Branch shall conduct and determine apportionment for each district which shall result in substantially equal representation of Cherokee citizens per district by using verified information from the Cherokee Nation. Citizens with unverified addresses or resident information shall be determined to be "At Large" constituents.
- F. Individuals elected to the Tribal Council 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 shall be declared vacant.

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. 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.