



Legislation Text

File #: 20-056, Version: 2

AN ACT AMENDING TITLE 26 SECTION 5 OF THE CHEROKEE NATION CODE ANNOTATED TO RECOGNIZE THE TRADITIONAL CHEROKEE NAMES OF THE REPRESENTATIVE DISTRICTS BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Act codifies certain amendments to Title 26 adding § 5 "Representation by District" back to the Cherokee Nation Code Annotated under Chapter 1 § 5.

Section 2. Findings

The Council of the Cherokee Nation finds that an emergency exists within the Cherokee Nation and that it is necessary and proper to recognize the traditional Cherokee names of the representative districts of the Cherokee Nation.

Section 3. Purpose

The purpose of this Act is to amend and restate Title 26 § 5 of the Cherokee Nation Code Annotated to recognize the traditional Cherokee names of the representative districts of the Cherokee Nation.

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.

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
L.A. 26-12 Eff. July 16, 2012

Section 5. Substantive Provisions

§ 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 map Exhibit "A", "Boundaries of fifteen Voting Districts of the Cherokee Nation" [attached to L.A. 26-12](#).

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:~~

District 1 - [Hulbert](#) Cherokee West
District 2 - [Tahlequah](#) Cherokee Northeast
District 3 - [Tenkiller](#) Cherokee South
District 4 - Three Rivers
District 5 - Redbird
District 6 - Sequoyah
District 7 - [Flint](#) Trail of Tears West
District 8 - [Goingsnake](#) Trail of Tears East
District 9 - [Saline](#) Delaware South
District 10 - [Delaware](#) Delaware North
District 11 - [Cooweescoowee North](#) Craig
District 12 - [Cooweescoowee - West](#) Cooweescoowee
District 13 - [Gadusi](#) (currently blank)
District 14 - [Cooweescoowee - Central](#) (currently blank)
District 15 - [Cooweescoowee - South](#) (currently blank)

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 Legislative Act shall be cumulative to existing law.

Section 7. Severability

The provisions of this Legislative 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.