



Council of the Cherokee Nation

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

Legislation Text

File #: 12-110, Version: 4

AN ACT RELATING TO VOTER RESIDENCY OF CITIZENS OF THE CHEROKEE NATION BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be known as the Voter Residency Act of 2012 and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to include residences of Cherokee Nation citizens that are at least sixty percent (60%) within the jurisdictional boundaries of the Cherokee Nation so that the citizen will be eligible to vote inside the nation and the proper district for those voters shall be assigned by the Cherokee Nation Election Commission and this Act is for voting purposes only.

Section 3. Legislative History

Cherokee Nation Constitution-Article VI, Section 3; Cherokee Nation Code Annotated: Title 26, Chapter 1, Section 3-A (27)

Section 4. Definitions

For purposes of this Title:

Title 26, Section 3-A (27)

27. Resident Registered Voter. "Resident Registered Voter" means a person whose residence is inside of the jurisdictional boundaries of the Cherokee Nation at the time he or she registers to vote **or if at least sixty percent (60%) or more of their residence is inside the jurisdictional boundaries of the Cherokee Nation at the time he or she registers to vote. The Cherokee Nation Election Commission and their mapping provider shall make the determination of the percentage location by providing maps of the residence. Once the determination has been made, the Election Commission with advise the voter of his or her voting district.**

28. **Residence.** "**Residence**" means the home, a place or dwelling in which one lives; residence is synonymous with domicile which is the principal place of the residence of an individual. **This definition is for the purposes of defining voter residency for the Cherokee Nation Election Code.**

~~28.~~ **29.** Runoff Election. "Runoff election" means the election of one of the two candidates for an executive office or Council seat who had the highest number of votes at the primary election; a runoff election may occur during a general or special election.

~~29.~~ **30.** Special Election. "Special election" means an election specially set on a date other than the date certain established for general elections, for one or more of the following purposes: consideration of referendum and initiative petitions when special election is required by the Council or Principal Chief pursuant to Article XV, Section 4 of the Cherokee Nation Constitution, consideration of constitutional amendments when special election

is required by the Council pursuant to Article XV, Sections 2 and 4 of the Cherokee Nation Constitution, election by the council to fill Council vacancies pursuant to Article VI, §13 of the Cherokee Nation Constitution, election of the Principal Chief pursuant to Article VII, Section 5 of the Cherokee Nation Constitution.

30. **31. Political Purposes.** "Political purposes" means actions or activities designed to influence the success or defeat of a candidate or elective office or any ballot measure.

Section 5. Substantive Provisions

Substantive Provisions will be the definition in Section 4 above.

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.