



Council of the Cherokee Nation

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

Legislation Text

File #: 13-054, Version: 1

**AN ACT AMENDING LA# 46-12, REVISING TITLE 26 ("ELECTIONS"), SECTION 11 AND SECTION 53 (C), OF THE CHEROKEE NATION CODE ANNOTATED
BE IT ENACTED BY THE CHEROKEE NATION:**

Section 1. Title and Codification

Example: This act shall be known as the Election Amendment Act of 2013 and codified as Title 26, Section 11 and Section 53 (C) of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this amendment is to assure that the Constitutional and Legal Mandates are met that the Election Commission is an independent commission in the performance of its statutory authority and shall not be subject to direction, supervision of any other type of influence by the Executive Office or the Cherokee Nation Council which includes activities during the election process and to correct a scrivener's error from LA 46-12, Section 33 (B).

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. 13, 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. 25, 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. Feb.14, 1987
L.A. 4-87 Eff. Feb. 14, 1987
L.A. 7-97 Eff. May 12, 1997
L.A. 39-05 Eff. Nov. 14, 2005
L.A. 6-10 Eff. Feb. 16, 2010
L.A. 46-12 Eff. Dec 10, 2012

Section 4. Substantive Provisions

§33. Special Qualifications for Council.

In addition to the general qualifications set forth in Section 31 of this Title, the qualifications for Council member shall be as follows:

B. Residence. The candidate shall have established a bona fide permanent residence in the district for which he or she is a candidate for no less than 270 days immediately preceding the day of the general election in which he or she is seeking election. Proof of a bona fide permanent residence shall be regulated by the Election Commission. If elected to office, the candidate shall maintain a bona fide permanent residence in the district which he or she represents. Failure to meet this requirement shall subject the person to disqualification and removal from office. This section shall ~~not~~ apply to "At-Large" district candidates, and thereby shall require that they establish a bona fide permanent residence located outside the jurisdictional boundaries of the Cherokee Nation no less than 270 days immediately preceding the day of the general election to which he or she is seeking election.

§53. Watchers.

C. Selection of Watchers. No candidate for any elective office in the Cherokee Nation shall be a watcher **and no one in an elective office for the Cherokee Nation, as defined in Section 3-A (14) of this code, shall be a watcher if they are currently serving in that elective office capacity during an election. In addition, no former tribal councilor, former Principal Chief or former Deputy Chief shall serve as watchers in any Cherokee Nation Elections.**

Section 5. Provisions as Cumulative

The provisions of this act shall be cumulative to existing law.

Section 6. 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 7. 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.