



Council of the Cherokee Nation

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

Legislation Text

File #: 17-023, Version: 2

A RESOLUTION PROPOSING AN AMENDMENT TO TITLE 43 SECTIONS 1 & 3 OF THE CHEROKEE NATION CODE ANNOTATED, AMENDING LEGISLATIVE ACT; TO APPROVE AND REFER THE MEASURE ON WHETHER THE DEFINITION OF MARRIAGE AS A CIVIL CONTRACT CONSENT OF PARTIES SHALL BE AMENDED TO INCLUDE OF THE OPPOSITE SEX; TO APPROVE AND REFER THE MEASURE ON WHETHER THE DEFINITION OF WHO MAY NOT BE MARRIED SHALL BE AMENDED TO INCLUDE NOR BETWEEN PARTIES OF THE SAME SEX UNDER "THE CHEROKEE NATION MARRIAGE AND FAMILY PROTECTION ACT OF 2004" AND CODIFIED AS TITLE 43, OF THE CHEROKEE CODE ANNOTATED; AND TO DIRECT IT BE PLACED ON THE BALLOT AT A REGULAR GENERAL ELECTION

WHEREAS, the Cherokee Nation, since time immemorial has exercised the sovereign rights of self-government on behalf of the Cherokee People; and

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America; and

WHEREAS, the Constitution of the Cherokee Nation was approved by Commission of Indian Affairs on April 23, 2002 and ratified by the Cherokee people on July 26, 2003, after said Constitution was revised at a duly called Convention of Delegates as provided by law; and,

WHEREAS, the Cherokee Nation Tribal Council is approved by Article XV Section 4 of the Constitution to propose measures to Referendum petitions shall be the meeting of the Council which passed the bill on which the referendum is demanded; and,

WHEREAS, the elections on measures referred to the People of the Cherokee Nation shall be had at the next regular general election except when the Council or the Principal Chief shall order a special election for the express purpose of making such reference; and,

WHEREAS, any measure referred to the People by the initiative shall take effect and be in force when it shall have been approved by a majority of the votes cast thereon.

WHEREAS, TITLE 43 SECTIONS 1 & 3 of THE CHEROKEE NATION CODE ANNOTATED, LEGISLATIVE ACT; provides as follows:

§ 1: Marriage as a civil contract-Consent of parties

Marriage, so far as its validity in law is concerned, is civil contract between ~~one man and one woman~~ **opposite sex**, to which the consent of the parties, capable in law of contracting, is essential.

§ 3: Who may not be married

No marriage shall be contracted whilst either of the parties has a husband or wife living; nor between parties who are nearer of kin than first cousins whether of the half or of the whole blood; nor between parties who are insane or idiotic nor between parties of the same ~~gender~~ **sex**.

BE IT RESOLVED BY THE COUNCIL OF THE CHEROKEE NATION, that through its Tribal Council in Article XV, Section 4 approves and refers the amendments to the vote of Cherokee People for their final approval or rejection of the amendments stated in this Act; it shall only take effect upon final approval by the Cherokee People through a referendum vote at the next regular general election.

REFERENDUM ON LEGISLATIVE AMENDMENT

There is hereby an amendment to TITLE 43 SECTIONS 1 & 3 of THE CHEROKEE NATION CODE ANNOTATED, LEGISLATIVE ACT; provides as follows:

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This would eliminate Same Sex Marriage in the Cherokee Nation.

Yes In favor of the Amendment

No Against the Amendment and keep the language the same

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CHEROKEE NATION, that this Amendment shall be put to a vote of the people during the 2017 General Election of the Cherokee Nation.