



## Legislation Text

File #: 10-134, Version: 1

**AN ACT AMENDING LEGISLATIVE ACT 06-10, AS AMENDED BY LA#22-10; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED; AMENDING CHAPTER 6 ARTICLE II § 61; ADDING PROVISIONS PROVIDING FOR CITIZENS WHO ARE AT-LARGE VOTERS TO VOTE AT CERTAIN PRECINCT LOCATIONS WITHIN THE JURISDICTION OF THE CHEROKEE NATION AND DECLARING AN EMERGENCY  
BE IT ENACTED BY THE CHEROKEE NATION:**

**Section 1. Title and Codification**

This act shall be referred as the "At-Large In Person Voting Act of 2010" and codified as Title 26 Chapter 6, Article II § 61, of the Cherokee Nation Code Annotated ("CNCA").

**Section 2. Purpose**

The purpose of this Act is to amend the Cherokee Nation Election Code to add provisions providing for citizens who are at-large voters to vote at certain precinct locations within the jurisdiction 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. 22-10 Eff. July 12, 2010

**Section 4. Amendment**

This Act hereby amends Legislative Act 06-10, as amended by LA #22-10, amending Chapter 6, Article II, § 61, with the following:

**CHAPTER 6  
Article II**

**§ 61. Precinct and Hours; Notice**

A. The Election Commission shall establish the location of each precinct subject to approval by Council Resolution. The Election Commission shall promulgate regulations listing the approved locations for precincts, provided that said regulatory provisions listing approved locations may be amended, if needed. Each precinct shall be open during the hours from 7:00a.m. to 7:00p.m. on the day of the election. The Election Commission shall publicize the location of each precinct. In considering the location of precincts the Election Commission shall, whenever practicable, locate precincts on Indian Country as defined under Federal Law, thereby allowing Cherokee Nation legal jurisdiction over said areas.

B. Registered voters of the Cherokee Nation who reside out-side of the Cherokee Nation may be allowed to vote in-person the day of the election at existing precincts within 20 drive miles of the Cherokee Nation borders. The Cherokee Nation Election Commission will provide a list of precincts that meet this criteria.

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.

**Section 8. Self-Help Contributions**

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.