



# Council of the Cherokee Nation

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

## Legislation Text

File #: 11-007, Version: 1

### **A RESOLUTION PROPOSING AN AMENDMENT TO ARTICLE VIII SECTION 2 OF THE CHEROKEE NATION CONSTITUTION, PROVIDING FOR JUSTICES OF THE SUPREME COURT TO BE ELECTED BY POPULAR VOTE**

**WHEREAS**, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people; and,

**WHEREAS**, the Constitution of the Cherokee Nation was approved by the Commissioner of Indian Affairs on September 5, 1975, seconded by Principal Chief Ross O. Swimmer on October 2, 1975, and ratified by the Cherokee people on June 26, 1976; 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 2 of the Constitution to proposed constitutional amendments when the same are approved by a majority of all members of the Council and submitted to the people for their approval at a general election, or at a special election called for that purpose by a two-thirds vote of the Council; and,

**WHEREAS**, Article VIII Section 2 of the Cherokee Nation Constitution states that Justices of the Supreme Court shall be appointed by the Principal Chief and confirmed by the Council to serve terms of ten (10) years; and

**WHEREAS**, it would be of great benefit to the Cherokee Nation to have the Justices of the Supreme Court elected by the Cherokee people; and,

**WHEREAS**, requiring Justices of the Supreme Court to be elected by the citizens of the Nation will promote the Nation as a democracy.

**NOW, THEREFORE, BE IT RESOLVED** by the Cherokee Nation through its Tribal Council, that a proposed amendment to substitute language in Article VIII Section 2 of the Cherokee Nation Constitution and that the same be submitted to the duly qualified registered voters of the Cherokee Nation setting forth the following question:

### **REFERENDUM ON CONSTITUTIONAL AMENDMENT**

There is hereby an amendment to the Constitution of the Cherokee Nation, pursuant to Article XV Section 2. Said Amendment would modify Article VIII Section 2 and the Section would read as follows:

Justices of the Supreme Court shall be appointed by the Principal Chief and confirmed by the Council elected by the registered voters of the Cherokee Nation to serve terms of ten (10) years each after expiration of the initial terms as follows: Seat 1: ending 12/31/2000, Seat 2: ending 12/31/2002, Seat 3: ending 12/31/2004, Seat 4: ending 12/31/2006, Seat 5: ending 12/31/2008. An appointment to the Supreme Court shall take place once every two (2)

years, except in the case of filling a vacated seat on the Court for the remainder of that term. The Council shall, within six (6) months of this Constitution taking effect, pass such laws as are necessary for carrying into effect the provisions of this section.

\_\_\_\_\_ Yes      In favor of the Amendment

\_\_\_\_\_ No Against the Amendment and keep the language the same