



Legislation Text

File #: 10-141, Version: 3

**AN ACT REPEALING LEGISLATIVE ACT 22-10 AND AMENDING LEGISLATIVE ACT 06-10;
REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED; AMENDING
§ 5, ADDING PROVISIONS FOR APPORTIONMENT; AND DECLARING AN EMERGENCY
BE IT ENACTED BY THE CHEROKEE NATION:**

Section 1. Title and Codification

This act shall be referred as the "Voter District Amendment Act of 2010" and codified as Title 26 Sections 5(A-B) of the Cherokee Nation Code Annotated ("CNCA").

Section 2. Purpose

The purpose of this Act is to repeal in its entirety Legislative Act 22-10 and to amend the Cherokee Nation Election Code to define the apportionment process of Council seats and define Tribal Council Districts within the jurisdictional boundaries 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)

Section 4. Repeal

Legislative Act 22-10 is hereby repealed.

Section 5. Amendment

This Act hereby amends Legislative Act 06-10 by adding "Section 5, Representation by District" under Chapter 1§ 5 of Legislative Act 06-10.

§ 5. Representation by District

§ 5. Representation by District

- A. Commencing with the Council elections of 2011, there shall be five (5) voting Districts within the jurisdictional boundaries of the Cherokee Nation as identified in the attached map Exhibit "B", "Boundaries of Five Voting Districts of the Cherokee Nation."
- B. Commencing with the Council elections of 2011, there shall be three (3) council seats for each of the five (5) districts within the jurisdictional boundaries of the Cherokee Nation."
- C. Candidates may file for only one (1) seat and must receive a majority of votes cast for that seat. Qualified voters within each District may vote for a candidate for each of the District's three (3) seats.
- D. The Legislative Branch shall determine apportionment and districting for no less than fifteen (15) districts for the 2013 Tribal elections based on the improved Registrar Citizenship data determined by the December 1, 2011 deadlines by August 1, 2012.

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.

~~Section 9. 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.~~