



# Council of the Cherokee Nation

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

## Legislation Details (With Text)

|                        |   |                      |                |              |                   |
|------------------------|---|----------------------|----------------|--------------|-------------------|
| <b>File #:</b>         | CNC-1975  | <b>Version:</b>      | 1              | <b>Name:</b> | 1975 CONSTITUTION |
| <b>Type:</b>           | Cherokee Nation Code  | <b>Status:</b>       | Passed         |              |                   |
| <b>File created:</b>   | 1/1/2014  | <b>In control:</b>   | TRIBAL COUNCIL |              |                   |
| <b>On agenda:</b>      | N/A   | <b>Final action:</b> | N/A            |              |                   |
| <b>Enactment date:</b> | N/A   | <b>Enactment #:</b>  | N/A            |              |                   |
| <b>Title:</b>          | CONSTITUTION OF THE CHEROKEE NATION OF OKLAHOMA 1975              |                      |                |              |                   |
| <b>Sponsors:</b>       | N/A   |                      |                |              |                   |
| <b>Indexes:</b>        | Constitution, Constitutional Amendment, Constitutional Convention |                      |                |              |                   |
| <b>Code sections:</b>  | CN CONSTITUTION OF 1975 -   |                      |                |              |                   |
| <b>Attachments:</b>    | 1. CONSTITUTION OF THE CHEROKEE NATION OF OKLAHOMA 1975.pdf       |                      |                |              |                   |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

## CONSTITUTION OF THE CHEROKEE NATION OF OKLAHOMA 1975 PREAMBLE

We, the people of the Cherokee Nation, in order to preserve and enrich our tribal culture, achieve and maintain a desirable measure of prosperity the blessings of freedom, acknowledging, with humility and gratitude, the goodness of the Sovereign Ruler of the Universe in permitting us so to do, and imploring his aid and guidance in its accomplishment-do ordain and establish this Constitution for the government of the Cherokee Nation. The term "Nation" as used in this Constitution is the same as "Tribe."

### Article I. Federal Relationship

The Cherokee Nation is an inseparable part of the Federal Union. The Constitution of the United States is the Supreme law of the land; therefore, the Cherokee Nation shall never enact any law which is in conflict with any Federal law.

### SUBSEQUENT HISTORY

Superseded by Article I, 1999 Constitution.

### Article II. Bill of Rights

**Section 1.** The judicial process of the Cherokee Nation shall be open to every member of the Cherokee Nation. Speedy and certain remedy shall be afforded under the terms of this Constitution for every wrong and injury to person, property or reputation wherein said remedy does not conflict with the laws of the United States. The Council shall prescribe the procedures pertinent thereto. The appropriate protections guaranteed by the Indian Civil Rights Act of 1968 shall apply to all members of the Cherokee Nation.

### SUBSEQUENT HISTORY

Superseded by Article III, 1999 Constitution.

### **Article III. Membership**

**Section 1.** All members of the Cherokee Nation must be citizens as proven by reference to the Dawes Commission Rolls, including the Delaware Cherokees of Article II of the Delaware Agreement dated the 8th day of May, 1867, and the Shawnee Cherokees as of Article III of the Shawnee Agreement dated the 9th day of June, 1869, and/or their descendants.

#### **SUBSEQUENT HISTORY**

Superseded by Article IV, § 1, 1999 Constitution.

**Section 2.** There shall be established a Cherokee Register, to be kept by the Registrar, for the inclusion of any Cherokee for membership purposes in the Cherokee Nation who presents the necessary evidence of eligibility for registration.

(a) A Registration Committee shall be established. It shall be the duty of the Registration Committee to consider the qualifications and to determine the eligibility of those applying to have their names entered in the Cherokee Register. The Registration Committee shall consist of a Registrar and two (2) assistants. All members shall be appointed by the Principal Chief, and confirmed by the Council.

(b) There shall be a number assigned to every name which is approved and entered into the Cherokee Register. This number shall be preceded by the three words, "Cherokee Registry Number".

(c) The decisions of the Registration Committee shall be subject to review by the Tribunal created by Article VII.

#### **SUBSEQUENT HISTORY**

Superseded by Article IV, § 2, 1999 Constitution.

**Section 3.** Registration as used in this article refers to the process of enrolling as a member of the Cherokee Nation and is not the same as the registration for voting purposes.

#### **SUBSEQUENT HISTORY**

Superseded by Article IV, § 3, 1999 Constitution.

### **Article IV. Distribution of Powers**

The powers of the government of the Cherokee Nation shall be divided into three (3) separate departments: Legislative, Executive and Judicial; and except as provided in this Constitution, the Legislative, Executive and Judicial departments of government shall be separate and distinct and neither shall exercise the powers properly belonging to either of the others.

#### **SUBSEQUENT HISTORY**

Superseded by Article V, 1999 Constitution.

## Article V. Legislative

**Section 1.** The legislature shall consist of one legislative body to be called the Council of the Cherokee Nation. The initial election of members to the Council pursuant to this Constitution shall occur within 120 days from the date of its ratification on a day to be announced by the Principal Chief.

### SUBSEQUENT HISTORY

Superseded by Article VI, § 1, 1999 Constitution.

**Section 2.** The Council shall establish its rules for its credentials, decorum, and procedure.

### SUBSEQUENT HISTORY

Superseded by Article VI, § 2, 1999 Constitution.

**Section 3.** The Council shall consist of fifteen (15) members, who are members by blood of the Cherokee Nation of Oklahoma. Each Council member shall be elected in the general election for a term of four (4) years and until his successor is duly elected and installed.

The Council shall establish representative districts which shall be within the historical boundaries of the Cherokee Nation of Oklahoma. These districts shall be apportioned to afford a reasonably equal division of tribal membership among the districts.

### SUBSEQUENT HISTORY

Superseded by Article VI, § 3, 1999 Constitution.

**Section 4.** There shall be at least one regular session of the Council in the calendar year which shall convene on the second Monday in each January or at such other date as the Council shall determine. No business shall be conducted by the Council unless at least two-thirds (2/3) of members thereof regularly elected and qualified shall be in attendance, which number shall constitute a quorum. The session may not exceed a maximum of thirty (30) calendar days for pay purposes.

### SUBSEQUENT HISTORY

Superseded by Article VI, § 4, 1999 Constitution.

**Section 5.** Special meetings of the Council may be called: (A) by the Principal Chief, (B) by the Deputy Principal Chief when he has the full powers of the Principal Chief as elsewhere defined, (C) upon written request of fifty-one percent (51%) of the members of the Council, or (D) upon the written request of ten percent (10%) of the registered voters of the Cherokee Nation. The purposes of said meeting shall be stated in a notice published not less than ten (10) days prior to the meeting, and the Council may not consider any other subject not within such purposes. No special meetings may convene until thirty (30) days have elapsed after the adjournment of a prior session or meeting, unless called pursuant to (A) and (B) above.

### SUBSEQUENT HISTORY

Superseded by Article VI, § 5, 1999 Constitution.

**Section 6.** All meetings of the Council and of its committees shall be open to the public except: (A) When the discussion shall concern employment, retention or discharge of personnel; (B) When the question of the moral turpitude of any member of the Tribe is discussed; or (C) When the decorum of the audience shall prejudice orderly administration of business. In the event that consideration of a subject shall take place in Executive Session, the vote shall take place in an open meeting.

#### **SUBSEQUENT HISTORY**

Superseded by Article VI, § 6, 1999 Constitution.

**Section 7.** The Council shall have the power to establish laws which it shall deem necessary and proper for the good of the Nation, which shall not be contrary to the provisions of this Constitution. Laws or enactments which are required by Federal statutes to be approved shall be transmitted immediately upon enactment as provided by Section 11 of this Article to the President of the United States or his authorized representative.

The style of all bills shall be: "Be It Enacted By The Cherokee Nation". The style of all resolutions shall be "Be It Resolved By The Cherokee Nation".

#### **SUBSEQUENT HISTORY**

Superseded by Article VI, § 7, 1999 Constitution.

**Section 8.** No laws passed by the Council shall have retroactive effect or operation.

#### **SUBSEQUENT HISTORY**

Superseded by Article VI, § 8, 1999 Constitution.

**Section 9.** The Council shall have the power of removal and said removal must be conducted in accordance with Article XI of this Constitution. Nothing herein is intended to abrogate or limit the authority of the President of the United States or any person or agency to which the President or Congress of the United States shall delegate authority therefore, to remove the Principal Chief or his subordinates.

#### **SUBSEQUENT HISTORY**

Superseded by Article VI, § 9, 1999 Constitution.

**Section 10.** Members of the Council and all Executive Officers shall be bound by oath, provided in Article XIII, to support the Constitution of the Cherokee Nation, the Constitution of the United States of America, do everything within the individual's power to promote the culture, heritage and traditions of the Cherokee Nation and to perform the duties of their respective offices with fidelity.

#### **SUBSEQUENT HISTORY**

Superseded by Article VI, § 14, 1999 Constitution.

**Section 11.** Every enactment which shall have been approved by a majority of the members in attendance at the

Council shall, before it becomes effective be presented to the Principal Chief, if he approves, he shall sign it; if not, he shall return it with his objections to the Council, which shall enter the objections in the Journal and proceed to reconsider it. If, after such reconsideration, two-thirds (2/3) of the entire council shall agree to pass the enactment, it shall become fully effective and operational notwithstanding the objections of veto of the principal chief. In all such cases, the vote of the Council shall be determined by yeas and nays, and the names of the members voting shall be entered on the Council's Journal. If any enactment shall not be returned by the Principal Chief within five (5) days (Sundays and holidays excepted) after it shall have been presented to him, the same shall be law in like manner as if he had signed it, unless the Council shall, by its adjournment, prevent its return, in which case, it shall become a law without the approval of the Principal Chief. No enactment shall become law after the final adjournment of the Council, unless approved by the Principal Chief within fifteen (15) days after such adjournment.

### **History**

**Amended.** Resolution 9-87, approved June 20, 1987.

### **SUBSEQUENT HISTORY**

Superseded by Article VI, § 10, 1999 Constitution.

### **Article VI. Executive**

**Section 1.** The executive power shall be vested in a Principal Chief, who shall be styled "The Principal Chief of the Cherokee Nation". The Principal Chief shall hold his office for the term of four (4) years; and shall be elected by the qualified voters on the same day and in the same manner, except as otherwise provided by this Constitution, as they shall respectively vote for members of the Council for that particular year, provided, the Principal Chief in office when this Constitution is ratified shall continue in office until his successor is duly elected in the 1979 election and installed.

The returns of the election for the Principal Chief shall be sealed and directed by the lawfully appointed election officials to the Secretary-Treasurer, who shall, immediately after the organization of the Council, and before proceeding to other business, open and publish the same in the presence of a majority of the Council. The person having the highest number of votes shall be the Principal Chief; but if two (2) or more shall be equal and highest in votes, one of them shall be chosen by a vote of the Council. The manner of determining contested elections shall be as directed by Cherokee law.

### **SUBSEQUENT HISTORY**

Superseded by Article VII, § 1, 1999 Constitution.

**Section 2.** The Principal Chief of the Cherokee Nation shall be a citizen of the Cherokee Nation of Oklahoma in accordance with Article III. He shall have been born within boundaries of the United States of America, its territories or possessions; and he shall have obtained the age of thirty (30) years at the time of his election and be a member by blood of the Cherokee Nation of Oklahoma.

### **SUBSEQUENT HISTORY**

Superseded by Article VII, § 2, 1999 Constitution.

**Section 3.** The qualified electors shall elect a Deputy Principal Chief, who shall possess the same qualifications as the Principal Chief, for a term of four (4) years at the same time and in the same manner as herein provided for the election of the Principal Chief, provided, that the initial election of the Deputy Principal Chief shall take place in conjunction with the first Council election pursuant to this Constitution and in accordance with Section 1 of this Article.

#### **SUBSEQUENT HISTORY**

Superseded by Article VII, § 3, 1999 Constitution.

**Section 4.** In case of the absence of the Principal Chief from office due to his death, resignation, removal or inability to discharge the powers and duties of the said office, the same shall devolve upon the Deputy Principal Chief for the remaining portion of the four (4) year term to which the Principal Chief has been elected. In case of disability, such powers shall continue during the term of such disability. Vacancies in the office of the Deputy Principal Chief shall be filled by the Council.

#### **SUBSEQUENT HISTORY**

Superseded by Article VII, § 4, 1999 Constitution.

**Section 5.** The Council may, in the case of removal, death, resignation or disability of both the Principal Chief and the Deputy Principal Chief, provide by law what officer shall then act as Principal Chief until the disability be removed or a successor shall be elected.

#### **SUBSEQUENT HISTORY**

Superseded by Article VII, § 5, 1999 Constitution.

**Section 6.** The Principal Chief and Deputy Principal Chief shall, at stated times, receive for their service a compensation not inconsistent with Article X.

#### **SUBSEQUENT HISTORY**

Superseded by Article VII, § 6, 1999 Constitution.

**Section 7.** Before the Principal Chief assumes his office, he shall take the oath or affirmation as provided for in Article XIII.

**Section 8.** The Principal Chief may on extraordinary occasions convene the Council at the seat of government pursuant to Article V, Section 5, and such notice and other laws as may be prescribed by the Council. The purpose of said meetings must be stated and the Council may consider only such matters as are specified in the call of the extraordinary meetings. Before the extraordinary meetings may be legally sufficient to conduct business, a quorum of the Council must be present.

#### **SUBSEQUENT HISTORY**

Superseded by Article VII, § 7, 1999 Constitution.

**Section 9.** At every session of the Council, and immediately upon its organization, the Principal Chief shall

communicate by message, delivered to the Council upon the condition of the Cherokee Nation; and shall recommend such matters to the Council as he shall judge expedient.

#### **SUBSEQUENT HISTORY**

Superseded by Article VII, § 8, 1999 Constitution.

**Section 10.** The Principal Chief shall cause the laws of the Cherokee Nation to be faithfully executed, and shall conduct in person and in such manner as shall be prescribed by law, all communications and business of the Cherokee Nation. The Principal Chief may cause to be formed and operated, trusts, the beneficiary of which shall be the Cherokee Nation and these trusts shall be granted such powers as provided by law for public trusts. Authorization for these trusts, however, must be approved by a majority vote of the Council.

#### **SUBSEQUENT HISTORY**

Superseded by Article VII, § 9, 1999 Constitution.

**Section 11.** The Deputy Principal Chief shall, by virtue of his office, aid and advise the Principal Chief in the administration of the government and shall be President of the Council but shall vote only for the purpose of breaking a tie vote.

#### **SUBSEQUENT HISTORY**

Superseded by Article VII, § 10, 1999 Constitution.

**Section 12.** Nothing in this Constitution shall be construed as preventing the Principal Chief from appointing such administrative assistants as he deems proper.

#### **SUBSEQUENT HISTORY**

Superseded by Article VII, § 11, 1999 Constitution.

### **Article VII. Judicial**

There is hereby created a Judicial Appeals Tribunal composed of three (3) members all of whom must be admitted to practice law before the highest Court of the State of which they are residents, and all of whom shall be members of the Cherokee Nation, appointed by the Principal Chief and approved by the Council for such terms as the Council may provide. The purpose of this Tribunal shall be to hear and resolve any disagreements arising under any provisions of this Constitution or any enactment of the Council. The Council shall provide for a procedure which shall insure that any litigant receives due process of law together with prompt and speedy relief, and shall generally follow that portion of the Oklahoma Statutes known as the Administrative Procedures Act, Title 75 Oklahoma Statutes § 301 et seq. The decision of the Judicial Appeal Tribunal shall be final insofar as the judicial process of the Cherokee Nation is concerned.

#### **SUBSEQUENT HISTORY**

Superseded by Article VIII, §§ 1 to 4, 1999 Constitution.

### **Article VIII. Cabinet**

There shall be a cabinet composed of the following persons who shall be members of the Cherokee Nation:

Secretary-Treasurer

Secretary of Health, Education and Welfare

Secretary of Commerce and Industrial Development

General Counsel

Secretary of Communications

These persons shall be appointed by the Principal Chief and approved by the Council. The Council, on recommendation of the Chief only, may create additional cabinet positions and departments. The Chief shall prescribe the duties and responsibilities of cabinet members. Cabinet members shall be authorized to appoint such staff and other assistants as they deem necessary. The Council may, with recommendation of the Principal Chief, abolish any established cabinet position or function or revise the title or responsibilities of any foregoing department or function.

### **SUBSEQUENT HISTORY**

Superseded by Article VII, § 12, 1999 Constitution.

### **Article IX. Election**

**Section 1.** The Council shall enact an appropriate law not inconsistent with the provisions of this Constitution that will govern the conduct of all elections, provided that the initial election of the Council and Deputy Principal Chief shall be conducted pursuant to rules and regulations promulgated by the Principal Chief and the provision set forth in Articles V and VI of this Constitution, notwithstanding, the Principal Chief or Council may adopt rules requiring a majority vote for any elective office.

### **SUBSEQUENT HISTORY**

Superseded by Article IX, § 1, 1999 Constitution.

**Section 2.** Any member by blood of the Cherokee Nation at least twenty-five (25) years of age on that date of the election may be a candidate for the Council. No person who shall have been convicted of or has pled guilty or has pled no defense to a felony charge under the laws of United States of America, or of any State, Territory, or Possession thereof, shall be eligible to hold any office or appointment of honor, profit or trust within this Nation unless such person has received a pardon. Any person who holds any office of honor, profit or trust in any other tribe of Indians, either elective or appointive shall be ineligible to hold simultaneously any office of honor, profit or trust of the Cherokee Nation unless approved by the Council.

### **SUBSEQUENT HISTORY**

Superseded by Article IX, § 2, 1999 Constitution.

**Section 3.** All elections shall be determined by secret balloting.



### **SUBSEQUENT HISTORY**

Superseded by Article IX, § 3, 1999 Constitution.

#### **Article X. Fiscal**

**Section 1.** The fiscal year shall commence on the first day of July in each year, unless otherwise provided by law.

### **SUBSEQUENT HISTORY**

Superseded by Article X, § 1, 1999 Constitution.

**Section 2.** The Council shall provide by law for annual expenditure of funds, and the source from which funds are to be derived to defray the estimated expenses of the Executive, Council, Cabinet and Departments of Government of the Cherokee Nation for each fiscal year. The budget shall not exceed estimated revenues.

### **SUBSEQUENT HISTORY**

Superseded by Article X, § 2, 1999 Constitution.

**Section 3.** At least thirty (30) days prior to the convening of each regular session of the Council, the Secretary-Treasurer shall make and present to the Council an itemized estimate of revenue to be received by the Cherokee Nation, together with a statement of the sources from which revenues are to be received, under the laws, grants, judgments, interests, and any other sources in effect at the time such estimate is made for the next ensuing fiscal year. The Secretary-Treasurer shall prepare annual financial statements reflecting the results of operations of all tribal activities and shall prepare a consolidated balance sheet in conformity with generally accepted accounting principles within sixty (60) days after the end of the fiscal year.

### **SUBSEQUENT HISTORY**

Superseded by Article X, § 3, 1999 Constitution.

**Section 4.** The Council shall require that the records be maintained of all funds, monies, accounts and indebtedness and all other accounts bearing upon the fiscal interests of the Cherokee Nation by the use of a uniform system of accounting which records and financial statements shall be audited by a Certified Public Accountant or as otherwise may be prescribed by the Council prior to the submission of said accounts to the Council.

### **SUBSEQUENT HISTORY**

Superseded by Article X, § 4, 1999 Constitution.

**Section 5.** The Secretary-Treasurer shall be authorized to accept all grants, donations of money, interest of funds of the Cherokee Nation, judgments and any and all other sources of monies available to the Cherokee Nation, for uses and purposes and upon the conditions and limitations for which the same are granted or donated; and the faith of the Cherokee Nation is hereby pledged to preserve such grants and donations as a sacred trust, and to keep the same for the use and purposes for which they were granted or donated.

### **SUBSEQUENT HISTORY**

Superseded by Article X, § 5, 1999 Constitution.

**Section 6.** The Council shall have the authority to invest funds or money of the Cherokee Nation and the preference to be given to the security for such investments, the manner of selecting the securities, prescribing the rules, regulations, restrictions and conditions upon which the funds shall be loaned or invested, provided that no investment shall be in mortgages other than first mortgages only, and do all things necessary for the safety of the funds and permanence of the investments. If required by law, such investments would be subject to the approval of the Secretary of the Interior.

### **SUBSEQUENT HISTORY**

Superseded by Article X, § 6, 1999 Constitution.

**Section 7.** The credit of the Cherokee Nation shall not be given, pledged, or loaned to any individual, firm, company, corporation, or association without the approval of the Council. The Cherokee Nation shall not make any donations by gift, or otherwise, to any individual, firm, company, corporation, or association without the approval of the Council.

### **SUBSEQUENT HISTORY**

Superseded by Article X, § 7, 1999 Constitution.

**Section 8.** All laws authorizing the expenditures of money by and on behalf of the Cherokee Nation shall specify the purpose for which the money is to be used, and the money so designated shall be used for no other purpose. Annual expenditures shall not exceed the available funds.

### **SUBSEQUENT HISTORY**

Superseded by Article X, § 8, 1999 Constitution.

**Section 9.** General laws shall be enacted by the Council providing for the deposit of funds of the Cherokee Nation, and the depository thereof, and such funds shall be under the control of the Secretary-Treasurer, under such terms and conditions as shall be designated by said Council and under such laws which shall provide for the protection of said funds.

### **SUBSEQUENT HISTORY**

Superseded by Article X, § 9, 1999 Constitution.

**Section 10.** No official, member or officer of the Council, Cabinet Member, employee of any official, Council, Cabinet, or subdivisions thereof, or any person employed in any capacity by the Cherokee Nation shall receive from any individual, partnership, corporation, or entity doing business with the Cherokee Nation directly or indirectly, any interest, profit, benefits or gratuity, other than wages, salary, per diem, or expenses, specifically provided by law.

### **SUBSEQUENT HISTORY**

Superseded by Article X, § 10, 1999 Constitution.

**Section 11.** All officers, elected or appointed, who are authorized by this Constitution or any subsequent legislation to a position of trust over any land, property, accounts or monies, shall execute an official surety bond in the amount as may be required by the Council, and such surety bonds shall inure to the benefit of and be paid for by the Cherokee Nation for whose protection or surety the same shall be required and in no event shall said surety bond be other than by a Licensed Insurance Company, authorized to do business in the State of Oklahoma.

#### **SUBSEQUENT HISTORY**

Superseded by Article X, § 11, 1999 Constitution.

### **Article XI. Removal From Office**

**Section 1.** The Principal Chief and the Deputy Principal Chief shall be subject to removal from office for willful neglect of duty, corruption in office, habitual drunkenness, incompetency or any conviction involving moral turpitude committed while in office.

#### **SUBSEQUENT HISTORY**

Superseded by Article XI, § 1, 1999 Constitution.

**Section 2.** All other elective officers shall be subject to removal from office in such manner and for such causes as may be provided by laws passed by the Council.

#### **SUBSEQUENT HISTORY**

Superseded by Article XI, § 2, 1999 Constitution.

**Section 3.** The Council shall pass such laws as are necessary for carrying into effect the provisions of this Article, insuring therein that due process is afforded the accused.

#### **SUBSEQUENT HISTORY**

Superseded by Article XI, § 3, 1999 Constitution.

### **Article XII. Employee Rights**

No employee, who having served in a position at least one (1) year, shall be removed from the employment of the Cherokee Nation except for cause. The employee shall be afforded a hearing by the Judicial Appeals Tribunal under such rules and procedures as may be prescribed by the Council. These rules and procedures, however, must follow, as nearly as practicable, the provisions of the Oklahoma Administrative Procedures Act, Title 75 Oklahoma Statutes § 301 et seq.

#### **SUBSEQUENT HISTORY**

Superseded by Article XII, 1999 Constitution.

## **Article XIII. Oath**

**Section 1.** All officers elected or appointed shall, before entering upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

"I do solemnly swear, or affirm, that I will faithfully execute the duties of \_\_\_\_ of the Cherokee Nation, and will, to the best of my ability, preserve, protect and defend the Constitutions of the Cherokee Nation, and the United States of America. I swear or affirm further, that I will do everything within my power to promote the culture, heritage and traditions of the Cherokee Nation."

### **SUBSEQUENT HISTORY**

Superseded by Article XIII, § 1, 1999 Constitution.

**Section 2.** The foregoing oath shall be administered by any person authorized by the Council to administer oaths. The oath shall be filed in the Office of the Secretary-Treasurer.

### **SUBSEQUENT HISTORY**

Superseded by Article XIII, § 2, 1999 Constitution.

## **Article XIV.**

Nothing in this Constitution shall be construed to prohibit the right of any Cherokee to belong to a recognized clan or organization in the Cherokee Nation.

### **SUBSEQUENT HISTORY**

Superseded by Article XIV, 1999 Constitution.

## **Article XV. Initiative, Referendum and Amendment**

**Section 1.** Notwithstanding the provisions of Article V, the people of the Cherokee Nation reserve to themselves the power to propose laws and amendments to this Constitution and to enact or reject the same at the polls independent of the Council, and also reserve power at their own option to approve or reject at the polls any act of the Council.

### **SUBSEQUENT HISTORY**

Superseded by Article XV, § 1, 1999 Constitution.

**Section 2.** Any amendment or amendments to this Constitution may be proposed by the Council, and if the same shall be agreed to by a majority of all the members of the Council, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered into the Journal and referred by the Secretary-Treasurer to the people for their approval or rejection, at the next regular general election, except when the Council, by a two-thirds (2/3) vote, shall order a special election for that purpose. If a majority of all the registered voters voting at such election shall vote in favor of any amendment thereto, it shall thereby become a part of this Constitution.

### **SUBSEQUENT HISTORY**

Superseded by Article XV, § 2, 1999 Constitution.

**Section 3.** The first power reserved by the people of the Cherokee Nation is the initiative and ten percent of the registered voters shall have the right to propose any legislative measures by petition and fifteen percent (15%) of the registered voters shall have the right to propose amendments to the Constitution by petition, and every such petition shall include the full text of the measure so proposed. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety), either by petition signed by five percent of the registered voters or by the Council as other enactments are effectuated. The ratio and percent of registered voters hereinbefore stated shall be based upon the total number of votes cast at the last general election for the officer receiving the highest number of votes at such election.

### **SUBSEQUENT HISTORY**

Superseded by Article XV, § 3, 1999 Constitution.

**Section 4.** Referendum petitions shall be filed with the Secretary-Treasurer not more than ninety (90) days after the final adjournment of the session or meeting of the Council which passed the bill on which the referendum is demanded. The veto power of the Principal Chief shall not extend to measures voted on by the people. All 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. 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 and provided that no measure which is required to be approved by the President of the United States or his authorized representative shall be effective until approved.

### **SUBSEQUENT HISTORY**

Superseded by Article XV, § 4, 1999 Constitution.

**Section 5.** Petitions and orders for the initiative and for the referendum shall be filed with the Secretary-Treasurer and addressed to the Principal Chief of the Cherokee Nation, who shall submit the same to the people. The Council shall make suitable provisions for carrying into effect the provisions of this Article.

### **SUBSEQUENT HISTORY**

Superseded by Article XV, § 5, 1999 Constitution.

**Section 6.** The referendum may be demanded by the people against one or more items, sections or parts of any enactment of the Council in the same manner in which such power may be exercised against a complete enactment. The filing of a referendum petition against one or more items, sections or parts of an enactment shall not delay the remainder of such act from becoming operative.

### **SUBSEQUENT HISTORY**

Superseded by Article XV, § 6, 1999 Constitution.

**Section 7.** If two or more amendments are proposed they shall be submitted in such manner that electors may vote for or against them separately.

#### **SUBSEQUENT HISTORY**

Superseded by Article XV, § 7, 1999 Constitution.

**Section 8.** No proposal for the amendment of this Constitution which is submitted to the voters shall embrace more than one general subject and the voters shall vote separately for or against each proposal submitted; provided, however, that in the submission of proposals for the amendment of this Constitution by articles, which embrace a general subject, each proposed article shall be deemed a single proposal or proposition.

#### **SUBSEQUENT HISTORY**

Superseded by Article XV, § 8, 1999 Constitution.

**Section 9.** No convention shall be called by the Council to propose a new Constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular or special election. Any amendments, alterations, revisions or new Constitution, proposed by such convention, shall be submitted to the electors of the Cherokee Nation at a general or special election and be approved by a majority of the electors voting thereon before the same shall become effective. The question of such proposed convention shall be submitted to the members of the Cherokee Nation at least once in every twenty (20) years.

#### **SUBSEQUENT HISTORY**

Superseded by Article XV, § 9, 1999 Constitution.

**Section 10.** No amendment or new Constitution shall become effective without the approval of the President of the United States or his authorized representative.

#### **Article XVI. Supersedes Old Constitution 1839**

The provisions of this Constitution overrule and supersede the provisions of the Cherokee Nation Constitution enacted the 6th day of September 1839.

#### **SUBSEQUENT HISTORY**

Superseded by Article XVI, 1999 Constitution.

#### **Article XVII. Seat of Government**

The Seat of Government of the Cherokee Nation shall be at Tahlequah, Oklahoma.

#### **SUBSEQUENT HISTORY**

Superseded by Article XVII, 1999 Constitution.

#### **Article XVIII. Adoption**

This Constitution shall become effective when approved by the President of the United States or his authorized representative and when ratified by the qualified voters of the Cherokee Nation at a election conducted pursuant to rules and regulations promulgated by the Principal Chief. It shall be engrossed on parchment and signed by the Principal Chief and the Secretary of the Interior. It shall be filed in the office of the Cherokee Nation and sacredly preserved as fundamental law of the Cherokee Nation.

APPROVED FOR REFERENDUM BY THE COMMISSIONER MORRIS THOMPSON ON SEPTEMBER 5, 1975 SECOND BY THE PRINCIPAL CHIEF OF THE CHEROKEE NATION, ROSS O. SWIMMER ON OCTOBER 2, 1975

### **SUBSEQUENT HISTORY**

Superseded by Article XVIII, 1999 Constitution.