



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
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Legislation Details (With Text)

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Title:	AN ACT AMENDING LEGISLATIVE ACT 06-10, AS AMENDED BY LA#22-10; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED; REPEALING CHAPTER 4 § 31 (B)(1); AND DECLARING AN EMERGENCY				
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AN ACT AMENDING LEGISLATIVE ACT 06-10, AS AMENDED BY LA#22-10; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED; REPEALING CHAPTER 4 § 31 (B)(1); AND DECLARING AN EMERGENCY BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be referred as the "Employee Candidate Qualification and Filing Amendment Act of 2010" and codified at Title 26, Chapter 4, §31(B)(1) of the Cherokee Nation Code Annotated ("CNCA").

Section 2. Purpose

The purpose of this Act is to amend the Cherokee Nation Election Code to repeal Chapter 4 §31(B)(1), in order to provide employees, including any employees of any corporation, agency or other entity which is as least 51%-owned by the Cherokee Nation, to run for any elective office of the 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
LA. 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, by the following:

CHAPTER 4 Qualifications of and Filing by Candidates

§ 31. General Qualifications of Candidates for Elective Office - Generally; Certifications and Acknowledgments.

A. General Qualifications. Each candidate who desires to run for the elective Cherokee Nation office of Principal Chief, Deputy Principal Chief or Council Member shall meet the following general eligibility requirements consistent with the Constitution of the Cherokee Nation, Article VI, Section 3, Article VII, Sections 2 and 3, and Article IX, Section 2:

1. The candidate shall be a citizen of the Cherokee Nation, in accordance with Article IV of the Constitution of the Cherokee Nation and shall be a citizen by blood of the Cherokee Nation.
2. The candidate shall not have been convicted of or have pled guilty or no defense to a felony charge under the laws of the United States of America, or of any state, territory or possession thereof, or convicted of a crime in any Tribal Court of any Federally recognized Indian Tribe that would be considered a felony in State or Federal Court, unless such person has received a pardon from an authorized official of the jurisdiction in which the candidate was convicted or pled guilty or no defense to said felony charge; provided that for purposes of this Section, a deferred sentence and/or an expungement of a felony record shall not constitute a pardon or affect or erase the felony conviction, a guilty plea to a felony charge, or a plea of no defense to a felony charge.
3. The candidate shall not hold any office of honor, profit or trust in any other tribe of Indians, either elective or appointive, if elected to the Cherokee Nation office which he or she is seeking.
4. Any outstanding fines imposed by the Election Commission during a previous Cherokee Nation Election must be paid before a person can be eligible to run as a candidate for an elective office in a subsequent election.

B. Prerequisites for Filing. In addition to the general eligibility qualifications set forth in subsection A herein, a candidate must not be in violation of any of the following at the time of filing:

1. The candidate shall not be an employee of the Cherokee Nation, including any corporation, agency or other entity which is at least fifty-one percent owned by the Cherokee Nation, as of the date of filing or at any time thereafter if elected provided, that an incumbent serving in an elective office shall not be deemed to be an employee for purposes of this Section.
1. The candidate may not file to run for an office if he or she has already filed to run for another office in the same election, unless the prior filing is withdrawn.

C. Other Qualifications. In addition to the requirements set forth in this Section, each candidate shall meet any other applicable requirements as set forth in the Constitution of the Cherokee Nation and this Chapter.

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 8m. 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.