

Cherokee Nation Code Annotated

Title 19: Council

Chapter 1: General Provisions

§ 3. Filling of vacancies

Cite as: 19 CNCA § 3

A. When a vacancy occurs in any office of elected councilors and there is one (1) year or less remaining of the four-year term, the Tribal Council shall appoint, by a majority vote of the remaining councilors, a person to fill the vacancy until the next General Election.

B. A vacancy occurs upon the effective date of the resignation of the Councilor, the death of a Councilor, the disability of the Councilor or the judicial determination of the inability to serve as Councilor.

C. If more than one (1) year remains of the four-year term, the Council shall authorize a special election in the district of the vacated seat to be conducted within ninety (90) days, unless a general election is to be held within one hundred and twenty (120) days from the vacancy at which time this special election may be held as part of the general election. This election shall be held as soon as practicable after the vacancy occurs.

D. The person appointed by the Tribal Council to fill the vacancy shall be a registered voter and tribal citizen in and of the District for which the deceased or disabled Councilor served.

E. To be eligible for appointment to fill a vacancy in an elected Councilor's office, a person must meet the same qualifications required for filing a declaration for candidacy for that office, as prescribed by law.

F. Applications by person(s) applying to fill the vacancy shall not be in any particular form, however, the application must include the person's name(s), address (both physical and mailing), phone number(s), and length of residence in the vacant District.

G. All applicants shall appear before the Rules Committee for interviews. The Chairperson of the Rules Committee shall notify all applicants of the specific date, time and place of said interview by regular mail. Further, public notice of said interviews shall be posted at least ten (10) days in advance. This notice shall be posted outside Cherokee Nation Tribal Council Chambers. Every effort should be made to publish the information concerning the procedures on how the vacancy will be filled throughout the appropriate District.

H. Cherokee Nation shall cause to be published the vacancy of office and said publication shall specify the District in which the vacancy exists, and a deadline by which the Cherokee

Council shall receive applications for the position. This information shall be published in at least one (1) newspaper, which is circulated in the District in which the vacancy exists.

I. Nothing herein shall prevent Councilors from obtaining and submitting resumes of qualified candidates for consideration.

J. The Rules Committee shall forward one or more names to the next regular Council meeting for consideration. If more than one name is submitted to full Council, the Council shall vote for the candidate of their choice. If no candidate receives a majority of votes of those Councilpersons present and voting, then the last placed candidate shall be excluded and voting shall commence. This process shall continue until one (1) candidate receives a majority of votes cast.

K. All voting shall be done by public roll call.

L. Immediately after the candidate has received a majority of votes he or she shall be sworn in as Councilperson and assume office for the remainder of the unexpired term of the vacated office.

Historical Data

LA 6–85, eff. July 13, 1985. Amended LA 8–02, eff. March 15, 2002; LA 23–05, eff. June 28, 2005. Amended LA 31-24, eff. September 16, 2024.