

Cherokee Nation Code Annotated
Title 34: Initiative and Referendum
Chapter 1: Referendum and Initiative Procedures
§ 17. Protest

Cite as: 34 CNCA § 17

Upon order of the Supreme Court it shall be the duty of the Election Commission to forthwith cause to be published, in at least one (1) newspaper of general circulation in the state, a notice of such filing and the apparent sufficiency or insufficiency thereof and notice that any citizen or citizens of Cherokee Nation may file a protest to the petition or an objection to the count made by a written notice to the Supreme Court and to the proponent or proponents filing the petition, said protest to be filed within ten (10) days after publication. A copy of the protest or objection to the count shall be filed with the Election Commission. In case of the filing of an objection to the count, notice shall also be given to the Election Commission and the party filing a protest, if one was filed.

The Election Commission shall deliver the bound volumes of signatures to the Supreme Court.

Upon the filing of an objection to the count, the Supreme Court shall resolve the objection with dispatch. The Supreme Court shall adopt rules to govern proceedings to apply to the challenge of a measure on the grounds that the proponents failed to gather sufficient signatures.

Upon the filing of a protest to the petition, the Supreme Court shall then fix a day, not less than ten (10) days thereafter, at which time it will hear testimony and arguments for and against the sufficiency of such petition.

A protest filed by anyone hereunder may, if abandoned by the party filing same, be revived within five (5) days by any other citizen. After such hearing the Supreme Court shall decide whether such petition be in form as required by this act. If the Court be at the time adjourned, the Chief Justice shall immediately convene the same for such hearing. No objection to the sufficiency shall be considered unless the same shall have been made and filed as herein provided.

If in the opinion of the Supreme Court, any objection to the count or protest to the petition is frivolous, the Court may impose appropriate sanctions, including an award of costs and attorney fees to either party as the Court deems equitable.

Historical Data

LA 16-01, eff. June 15, 2001. Amended LA 19-01, eff. June 15, 2001; LA 15-04, eff. April 19, 2004.