

Cherokee Nation Code Annotated
Title 34: Initiative and Referendum
Chapter 1: Referendum and Initiative Procedures
§ 19. Filing—Official ballots—Review
Cite as: 34 CNCA § 19

When a referendum is ordered by petition of the people against any measure passed by the Tribal Council or when any measure is proposed by initiative petition, whether as an amendment to the Constitution or as a statute, it shall be the duty of the parties submitting the measure to prepare and file one (1) copy of the measure with the Election Commission and one (1) copy with the Attorney General's Office.

The parties submitting the measure shall also submit a suggested ballot title, which shall be filed on a separate sheet of paper and shall not be deemed part of the petition. The suggested ballot title:

1. Shall not exceed two hundred (200) words;
2. Shall explain in basic words, which can be easily found in dictionaries of general usage, the effect of the proposition;
3. Shall be written on the eighth-grade reading comprehension level;
4. Shall not contain any words that have a special meaning for a particular profession or trade not commonly known to the citizens of Cherokee Nation;
5. Shall not reflect partiality in its composition or contain any argument for or against the measure;
6. Shall contain language which clearly states that a "yes" vote is a vote in favor of the proposition and a "no" vote is a vote against the proposition; and
7. Shall not contain language whereby a "yes" vote is, in fact, a vote against the proposition and a "no" vote is, in fact, a vote in favor of the proposition.

When a measure is proposed as a constitutional amendment by the Tribal Council or when the Tribal Council proposes a statute conditioned upon approval by the people:

1. After final passage of a measure, the Election Commission shall submit the proposed ballot title to the Cherokee Nation Attorney General for review as to legal correctness. Within five (5) business days, the Attorney General shall, in writing, notify the Election Commission and the Tribal Council Members whether or not the proposed ballot title complies with applicable laws. The Attorney General shall state with specificity any and all

defects found and, if necessary, within ten (10) business days of determining that the proposed ballot title is defective, prepare and file a ballot title which complies with the law;

2. After receipt of the measure and the official ballot title, as certified by the Attorney General, the Election Commission shall within five (5) days transmit to the Tribal Council an attested copy of the measure, including the official ballot title.

The following procedure shall apply to ballot titles of referenda ordered by a petition of the people or any measure proposed by an initiative petition:

1. After the filing and binding of the petition pamphlets, the Election Commission shall submit the proposed ballot title to the Attorney General for review as to legal correctness. Within five (5) business days after the filing of the measure and ballot title, the Attorney General shall, in writing, notify the Election Commission whether or not the proposed ballot title complies with applicable laws. The Attorney General shall state with specificity any and all defects found and, if necessary, within ten (10) business days of determining that the proposed ballot title is defective, prepare and file a ballot title which complies with the law; and

2. Within ten (10) business days after completion of the review by the Attorney General, the Election Commission shall, if no appeal is filed, transmit to the Tribal Council an attested copy of the measure, including the official ballot title, and a certification that the requirements of this section have been met. If an appeal is taken from such ballot title within the time specified in this title, then the Election Commission shall certify the ballot title, which is finally approved by the Supreme Court.

Historical Data

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