

Cherokee Nation Code Annotated

Title 51: Officers and Employees

Chapter 9: Impeachment Procedures for Elected and Appointed Officials

§ 603. Definitions

Cite as: 51 CNCA § 603

A. **"Articles of Impeachment"** means the written accusations of one or more of the grounds for impeachment, prepared and sworn to by the Special Prosecutor, after his or her investigation and determination that probable cause exists that an impeachable offense has occurred.

B. **"Corruption in office"** means the act of an official or fiduciary person who unlawfully and wrongfully uses his or her station or character to procure some benefit for himself or herself or for another person, contrary to duty and the rights of others.

C. **"Habitual drunkenness"** means one who frequently and repeatedly becomes intoxicated by excessive indulgence in intoxicating liquor so as to acquire a fixed habit and an involuntary tendency to become intoxicated as often as the temptation is presented even though he remains sober for days or even weeks at a time.

D. **"Impeachment"** means the prosecution through the Special Prosecutor of an elected official, under the Constitution, for willful neglect of duty, corruption in office, drunkenness, incompetency, or any conviction involving moral turpitude committed while in office.

E. **"Incompetency"** means lack of ability, legal qualification or fitness to discharge a required duty.

F. **"Moral turpitude"** means an act of business, vileness or depravity in private and social duties which man owes to his fellow man.

G. **"Office of honor, profit or trust"** means, for the purposes of this act, an elected position or a position appointed by the highest governing body of a tribe; such an office does not include employment, contract services or consulting agreements.

H. **"Official"** means the Principal Chief, Deputy Principal Chief and all Members of the Tribal Council, Attorney General and Marshal, including those individuals who have been appointed to serve the remainder of a term of office that has been vacated for any reason.

I. **"Presiding Judge"** means the Chief Justice of the Supreme Court of Cherokee Nation, or if he or she cannot serve, another Justice of the Supreme Court of Cherokee Nation, who will preside over the impeachment proceedings.

J. "**Special Prosecutor**" means an attorney admitted to practice law before the highest Court of the State of which he or she is a resident, and shall not be an employee, contractor or official of Cherokee Nation.

Historical Data

LA 10-02, eff. March 15, 2002. Amended LA 05-12, eff. February 28, 2012.