Bylaws of the
Cherokee Nation Election Commission

Article I. Name

The commission will be known as the Cherokee Nation Election Commission (Election Commission).

Article II. Objective

The objective of the Election Commission is to maintain the highest level of integrity in carrying out Legislative Act 04-14, as amended for the purpose of conducting all Cherokee Nation elections.

Article III. Membership

Section 1. The Election Commission shall be composed of five (5) Members, two (2) appointed by the Council, two (2) appointed by the Principal Chief and one (1) selected by those four appointees, and confirmed by the Principal Chief and Council.

Section 2. The Election Commissioners will be sworn in as soon as possible after all five commissioners have been seated with the following oath:

> "I do solemnly swear or affirm that I will faithfully execute the duties of the Election Commission of the Cherokee Nation in a responsible, impartial and unbiased manner, and will, to the best of my ability, preserve, protect and defend the Constitutions of the Cherokee Nation, and the United States of America. I swear or affirm further, that I will do everything within my power to promote culture, heritage, and traditions of the Cherokee Nation."

Section 3. The Election Commission, a Commissioner, or Commission Staff shall not, as a Commission, endorse any candidate before the general and runoff election nor shall they consent to the use of their name or title on any initiative petition.

Section 4. No Election Commission officer, a Commissioner, or Commission Staff shall use their official title to influence the outcome of any election nor shall they consent to the use of their name or title on any initiative petition.

Article IV. Officers

Officers of the Election Commission will be the Chairperson, Vice-Chairperson/Parliamentarian and Secretary/Treasurer. New officers will be elected annually or as soon as possible after all five commissioners have been seated.

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Article V. Meetings

Section 1. The Election Commission will transact all business at official meetings of the Commission. These may be either regular or special meetings, defined as follows:

Regular Meeting – the usual official, legal action meeting called between scheduled regular meetings to consider specific topics. In the event that Commissioners are unable to meet and there exists a need for immediate decision, business may be conducted by telephonic conference or other form of electronic communication. Notice of special meetings will be given through the Election Commission Office at the request of the Chairperson.

Special Meeting – An official legal action meeting called between regular scheduled meetings to consider specific topics. In the event that Commissioners are unable to meet and there exists a need for immediate decision, business may be conducted by telephonic conference or other form of election communication. Notice of special meetings will be given through the Election Commission Office at the request of the Chairperson

Attendance by Telephone- A Commission member or members may attend any meeting, including executive session, by telephone upon approval by the majority of the Commission for good cause shown. Such telephonic attendance and any vote shall have the same effect as if such member or members was or were present.

Section 2. The Election Commission meeting agenda is the responsibility of the Chairperson and/or the Election Commission Office. Items for the agenda may be suggested by Commissioners, an individual, or group but must be approved by the Chairperson or an Election Commissioner. Agenda items must be in writing to the Election Commission Office fourteen (14) days before the regular scheduled meeting. The agenda and any supporting materials will be distributed to members of the Election Commission as far in advance of the meeting date as possible. (Preferably ten (10) days).

Section 3. The Election Commission, during any properly scheduled open meeting, may discuss, make motions, vote to approve or disapprove, vote to table, adopt, reject, reaffirm, rescind, or take no action on any agenda matter and vote to convene in executive session when appropriate. **Executive session is closed to the public.**

Section 4. Any questions or issues of concern must be in writing to the Election Commission fourteen (14) business days before a scheduled meeting.

Article VI. Duties of Commission Officers

Section 1. It is the duty of the Election Commission to maintain the highest level of integrity in carrying out the election law and to conduct all Cherokee Nation elections according to Legislative Act 04-14.

Section 2. It is the duty of the Chairperson to preside at all meetings of the Election Commission. The Chairperson with the assistance and support of the other members of the Election Commission will implement Legislative Act 04-14, as amended carry out Cherokee Nation elections with fairness and equality to all involved parties, both voters and candidates. The Chairperson will not cast a vote to motion except to break a tie. The Chairperson will perform other duties that are delegated to him or her by order of the Election Commission.

Section 3. In absence of the Chairperson, the Vice-Chairperson/Parliamentarian will assume the duties of the Chairperson.

Section 4. The Secretary/Treasurer will keep the minutes of the Election Commission's regular and special meetings and provide copies to appropriate persons. A copy of the approved minutes will be kept in the Election Commission office. All check requests for Election Commissioners will be generated by the Secretary/Treasurer.
Section 5. The Vice Chairperson/Parliamentarian will guide the Election Commission in parliamentary proceedings.

Section 6. No Election Commissioner may use his or her office to support a candidate during his or her term of office. Support includes verbal or written endorsement, stickers, on vehicles, or other forms of electioneering.

Section 7. No Election Commissioner may cause any voter's name to be removed or added to the list of eligible voters without proper documentation to support such an action.

Section 8. All press releases must be in writing and approved by the Election Commission before they may be released. Further, Election Commissioners may not make presentations or give statements to the public, employees, or elected officials of the Cherokee Nation that appear to reflect the "thinking" or decisions of the Election Commission without approval of the majority of the Election Commission.

Section 9. No Election Commissioner may make public knowledge any information deemed by majority vote of the Election Commission to be confidential or any matters discussed in executive session except by a majority vote to issue a written statement on the matter.

Section 10. No Election Commissioner may treat any candidate for office in any manner that might be construed as either preferential treatment or disparaging treatment.

Section 11. No Election Commissioner may use his or her position to unduly influence elected officials of the Cherokee Nation.

Section 12. No Election Commissioner may use his or her position for personal or financial gain beyond the agreed upon compensation.

Section 13. Election Commissioners will represent the Cherokee Nation and its constituency in a respectful and dignified manner.

Section 14. Election Commissioners will set up policies to ensure that the Election Commission office staff is protected and a grievance procedure set in place.
Section 15. Election Commissioners will have the authority to remove any persons from the voting precincts that causes disruption or interference with the voting process. Such persons will not be allowed to return.

Section 16. Election Commissioners will review the Absentee Ballot Request Form and make any revisions necessary.

Article VII. Vacancy of Office

Section 1. A vacancy automatically occurs when a Commissioner meets one of the following:

a. resigns from office
b. death
c. fails to attend three (3) consecutive meetings without notice and being excused by the Election Commission
d. either actively endorses or opposes a candidate for office

Section 2. The Principal Chief, the Cherokee Nation Tribal Council or the Election Commission will name a replacement as soon as possible according to who made the original appointment.

Section 3. If the vacancy results in an open office on the Commission, a new election will be held to fill that officer's position.

Article VIII. Amendments

Bylaws may be amended after the general and runoff elections. An amendment requires a majority vote of the Election Commission.

Article IX. Authority

Section 1. The Bylaws will be supplemental to Legislative Act 04-14, as amended which is the supreme governing document of the Election Commission and have full authority when Legislative Act 04-14, as amended is silent.

Section 2. Robert's Rules of Order, Newly Revised, will govern the Election Commission in all cases where Legislative Act 04-14, as amended and the Bylaws are silent.

Bylaws of the
Cherokee Nation Election Commission

Reviewed and approved on the 12th day of July, 2016 by the Cherokee Nation Election Commission.

Shawna Calico

Shawna Calico, Chairman

Teresa Hart

Teresa Hart, Vice Chairman

Martha Calico

Martha Calico, Secretary/Treasurer

Carolyn Allen, Commissioner

Pamela Sellers

Pamela Sellers, Commissioner

RESOLUTION NO. 2016-1

CHEROKEE NATION ELECTION COMMISSION

A RESOLUTION ADOPTING AMENDED AND RESTATED BYLAWS OF THE CHEROKEE NATION ELECTION COMMISSION

WHEREAS, the Cherokee Nation since time immemorial has exercised the sovereign rights of self-government in behalf of the Cherokee people;

WHEREAS, the Cherokee Nation is a federally recognized Indian Nation with a historic and continual government to government relationship with the United States of America;

WHEREAS, the Cherokee Nation Election Commission is a constitutional autonomous and permanent entity charged with the administration of all Cherokee Nation elections as set forth in the Cherokee Nation Constitution.

WHEREAS, pursuant to the above authority the Cherokee Nation Election Commission hereby adopts the attached amended and restated Bylaws.

CERTIFICATION

The forgoing resolution was adopted by the Cherokee Nation Election Commission at a duly called meeting on the 12th day of July, 2016, having 4 members present, constituting a quorum, by the vote of 4 yea, 0 nay; 0 abstaining.

Shawna Calico

Shawna Calico, Chairperson of the
Cherokee Nation Election Commission

ATTEST:

Martha Calico

Martha Calico, Secretary of the
Cherokee Nation Election Commission

YEAS AND NAYS RECORDED:

Shawna Calico Yeas Teresa Hart Yeas Martha Calico Yeas
Pamela Sellers Yeas Carolyn Allen_____