

## ARTICLE XII [INITIATIVE AND REFERENDUM]

### Section

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*Section headings are editorially supplied.*

### § 1. [Power of initiative and referendum]

The Muscogee (Creek) People may propose and enact laws by the initiative or reject acts of the Muscogee (Creek) Nation National Council by referendum. [Added by 2009, [A113].]

#### Historical and Statutory Notes

##### 2009 Enactment

The 2009 enactment was passed by referendum on Nov. 7, 2009, by a vote of 1,258 to 1,096.

### § 2. [Application; signatures; certification]

An initiative or referendum is proposed by an application containing the bill to be initiated or the act to be referred. The application shall be signed by not less than one hundred (100) qualified Muscogee (Creek) Nation voters as sponsors and shall be filed with the office authorized by the Muscogee (Creek) Nation law to receive the same. The application shall be certified, if found in proper form. Denial of certification shall be subject to judicial review.

[Added by 2009, [A113].]

#### Historical and Statutory Notes

##### 2009 Enactment

The 2009 enactment was passed by referendum on Nov. 7, 2009, by a vote of 1,258 to 1,096.

### § 3. [Petition; subject matter summary; filing]

After certification of the application, a petition containing a summary of the subject matter shall be prepared by the person authorized by Muscogee (Creek) Nation law to do so for circulation by the sponsors. If signed by qualified Muscogee (Creek) Nation voters who are equal in number to at least fifteen (15) percent of the electorate, it may be filed.

[Added by 2009, [A113].]

**Historical and Statutory Notes**

**2009 Enactment**

The 2009 enactment was passed by referendum on Nov. 7, 2009, by a vote of 1,258 to 1,096.

**§ 4. [Time of filing; preparation of ballot title and summary]**

An initiative petition may be filed at any time. The person authorized by Muscogee (Creek) Nation law to do so shall prepare a ballot title and proposition summarizing the proposed law(s), and shall place it/them on the ballot for the first election held after adjournment of the legislative session following the filing. If, before the election, substantially the same measure has been enacted, the petition is void.

[Added by 2009, [A113].]

**Historical and Statutory Notes**

**2009 Enactment**

The 2009 enactment was passed by referendum on Nov. 7, 2009, by a vote of 1,258 to 1,096.

**§ 5. [Time of filing referendum petition]**

A referendum petition may be filed only within ninety (90) days after adjournment of the legislative session at which the act was passed. The person authorized by Muscogee (Creek) Nation law to do so shall prepare a ballot title and proposition summarizing the act and shall place them on the ballot for the first election held after adjournment of that session.

[Added by 2009, [A113].]

**Historical and Statutory Notes**

**2009 Enactment**

The 2009 enactment was passed by referendum on Nov. 7, 2009, by a vote of 1,258 to 1,096.

**§ 6. [Votes required; certification of election results; effective dates; repeal and amendment]**

If a majority of the votes cast on the proposition favor its adoption, the initiated measure is enacted. If a majority of the votes cast on the proposition favor the rejection of an act referred, it is rejected. The person authorized by Muscogee (Creek) Nation law to do so shall certify the election returns. An initiated law becomes effective ninety (90) days after certification, is not subject to veto by the Principal Chief, and may not be repealed by the Muscogee (Creek) Nation National Council within two (2) years of the effective date. It may be amended at any time. An act rejected by referendum is void thirty (30) days after certification. Additional procedures for the initiative and referendum may be prescribed by Muscogee (Creek) Nation law.

[Added by 2009, [A113].]

**Historical and Statutory Notes****2009 Enactment**

The 2009 enactment was passed by referendum on Nov. 7 2009, by a vote of 1,258 to 1,096.

**§ 7. [Purpose of initiative and referendum; amendment of Constitution]**

The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, or to laws necessary for the immediate preservation of the public peace, health, or safety of the Muscogee (Creek) People. No article, section, or provision of the Muscogee (Creek) Nation Constitution shall be amended except as provided in this Constitution.

[Added by 2009, [A113].]

**Historical and Statutory Notes****2009 Enactment**

The 2009 enactment was passed by referendum on Nov. 7, 2009, by a vote of 1,258 to 1,096.

**§ 8. [Recall of elected officials]**

All elected and/or appointed officials of the Muscogee (Creek) Nation are subject to recall by the qualified Muscogee (Creek) voters. The grounds for recall of a judicial officer shall be established by the Muscogee (Creek) Nation Supreme Court. The grounds for recall of an officer, other than a judge, are: serious malfeasance or nonfeasance, during the term of office, in the performance of the duties of the office, or; a conviction, during the term of office, of a felony or conviction of a misdemeanor involving moral turpitude. After certification of the application, as set forth in § 2 of this Amendment, a Petition for Recall shall be prepared by the person authorized by Muscogee (Creek) Nation law to do so and the petition shall set forth the specific conduct that may warrant recall. A Recall Petition may not be issued for circulation by the sponsors until the Muscogee (Creek) Nation Supreme Court has determined that the facts alleged in the petition are true and there exist sufficient grounds for issuing a Recall Petition. A Recall Petition must be signed by qualified Muscogee (Creek) voters who are equal in number to at least fifteen (15) percent of the electorate. Upon a determination by the person authorized by Muscogee (Creek) Nation law to so determine that a petition has been signed by at least the minimum number of the eligible voters, a Recall Election must be conducted in the manner provided by Muscogee (Creek) Nation law. The incumbent shall continue to perform the duties of office until the Recall Election results are officially declared and, unless the incumbent declines or no longer qualifies, the incumbent shall, without filing, be deemed to have filed for the Recall Election. A Recall Election may not occur less than six (6) months before the end of the officer's term. An officer who is removed from office by a Recall Election or who resigns from office after a Petition for Recall issues may not be appointed to fill the vacancy that is created. Additional procedures and grounds for recall maybe prescribed by the National Council.

[Added by 2009, [A113].]

**Art. XII, § 8**

**CONSTITUTION**

**Historical and Statutory Notes**

**2009 Enactment**

The 2009 enactment was passed by referendum on Nov. 7, 2009, by a vote of 1,258 to 1,096.