



**CHEROKEE NATION**  
**OFFICE OF THE ATTORNEY GENERAL**  
P.O. Box 948  
Tahlequah, OK 74465-0948  
918-453-5000

**A. Diane Hammons**  
**Attorney General**

**OPINION OF THE CHEROKEE NATION ATTORNEY GENERAL**

**Question Submitted by:** Councilman David W. Thornton  
**Opinion Number:** 2007-CNAG-1  
**Date Decided:** January 5, 2007

This office has received your request for an official Attorney General Opinion in which you ask the following questions:

- 1. Does the posting of an agenda a mere 6 hours before a meeting begins give the public an opportunity to attend a meeting?**
- 2. Is such notice in compliance with the laws of the Cherokee Nation?**
- 3. If it is not, should the meeting be held null and void?**

The answer to your questions is governed by Title 75 of the Cherokee Nation Code, Freedom and Rights. Public bodies are required by Section 10 of Title 75 to provide written public notice of their regular and special meetings. Section 10 is as follows:

**§ 10. Notice of meetings of public bodies**

A. All public bodies must give written public notice of their regular meetings and special meetings as required by the Constitution and laws of the Cherokee Nation.

B. Legislative committees must post their meeting agenda at least ten (10) days prior to the meeting. Subcommittees of standing legislative committees must give notice if it is practical to do so.

C. Subcommittees, other than legislative subcommittees, of committees required to give notice under subsection (A), must make reasonable and timely efforts to give notice of their meetings.

D. Written public notice must include but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

E. Informal legislative conferences between the Principal Chief and the Council of the Cherokee Nation are authorized, provided that the date, time and place of such meetings are posted at least ten (10) days in advance of such meetings. No formal action shall be taken at these conferences. Such conferences are open to the public unless closed pursuant to Section 9 of this Act.

All public bodies shall make efforts to notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings.

Public bodies are required to give written notice of a meeting but there is no minimum time specified for giving notice other than the ten day notice required for meetings of the Council and its committees and subcommittees. However, other statutes may establish a notice time period for meetings of public bodies. In the case of the Election Commission, the statute does not provide any additional guidance.

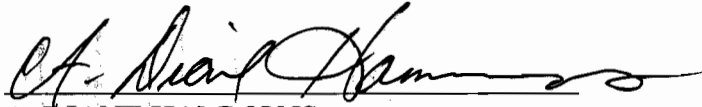
Title 26, Elections, governs the Cherokee Nation Election Commission. Section 11(E) states, in part, "The Election Commission shall conduct business in open meetings..." However, it does not establish any mandatory minimum amount of notice for a meeting or special meeting.

The only defined notice requirement found in the Constitution deals with notice required to be provided for Council meetings. Cherokee Nation Election Commission meetings are not addressed in the Constitution.

Our research did not locate any Cherokee Nation court case on this subject.

**It is, therefore, the official Opinion of the Attorney General that:**

- 1. The notice provided by the Cherokee Nation Election Commission of its December 28, 2006, meeting complied with Cherokee Nation law as it is currently written. Because the notice complied with the law, the actions of the Election Commission would not be null and void.**



A. DIANE HAMMONS  
Attorney General of the Cherokee Nation



RICHARD D. OSBURN  
Assistant Attorney General