

An Act

Enrolled
Legislative Act 9 -85

AN ACT RELATING TO CHEROKEE NATION OF OKLAHOMA ELECTION LAWS; AMENDING 21 CNCA 1985 (LA 1-78), SECTIONS 1 and 2; CHANGING THE FEE OF THE REGISTERED VOTERS LIST; CHANGING THE FEE CHARGED FOR THE REQUEST OF A RECOUNT; ADDING NEW ITEMS; REPEALING LEGISLATIVE ACT 2 - 82; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE CHEROKEE NATION:

SECTION 1. AMENDATORY 20 CNCA 1985 (LA 1-78),
Section 1, is amended to read as follows:

Chapter 1: GENERAL

~~Section 1.~~

Section 101. PURPOSE. ~~These rules are~~ This legislative act is adopted for the purpose of conducting all Cherokee Tribal Elections; e.g., Principal Chief, Deputy Principal Chief, Council and Constitutional amendments and referendums of the Cherokee Nation of Oklahoma.

Section 102. AUTHORITY. ~~These regulations are~~ This legislative act is in accordance with Public Law 91-495 enacted ~~on October 22, 1970.~~ pursuant to Article IX, Section 1 of the Constitution for the Cherokee Nation of Oklahoma approved by referendum on June 26, 1976.

Section 103. ELIGIBILITY. All enrolled citizens of the Cherokee Nation of Oklahoma whose names appear on the Dawes Commission Roll ~~or any person 18 years of age or above who has a lineal ancestor on the above mentioned stated roll and~~ who is registered to vote as provided herein shall be entitled to vote in all elections and referendums of the Cherokee Nation; however, no person who is registered to vote in another tribe shall be eligible to vote. Eligibility to vote shall have no bearing in inheritance or participation in the distribution of any assets in any manner.

Section 104. TENURE. Tenure of the Principal Chief, Deputy Principal Chief, and Council Members shall be a term of four (4) years from the date of August 14, 1979, and each August 14 every four (4) years thereafter except for vacancies that are filled in accordance with Article 6, Section 4 and 5 of the Constitution and Legislative Act 5-76, as amended.

Section 105. REGISTRATION TO VOTE. A. Those persons whose name appears on the Cherokee Registry as of the first day of business in March preceding the first general election of 1979 and every four (4) years thereafter shall be afforded the right to vote in all Cherokee Tribal Elections.

B. Nothing in this enactment shall be construed to prohibit the right of any Cherokee who possesses a valid voter card issued by the Cherokee Nation of Oklahoma pursuant to the two elections for Principal Chief held pursuant to PL 91-495 enacted on October 22, 1970, for the first general election 1979, ONLY.

Section 106. TRIBAL ELECTION COMMITTEE. There shall be a Tribal Election Committee composed of five (5) members, two (2) appointed by the Council, two (2) appointed by the Chief and one (1) by those four (4) who shall be responsible for all elections conducted by the Cherokee Nation of Oklahoma and shall serve for a period from the day of appointment until six (6) months following the general election or as extended by the

Council. Said Tribal Election Committee shall be selected at the fourth quarterly council session preceding the election year or the December monthly session preceding the election year, whichever is appropriate. No Elected Official of the Cherokee Nation of Oklahoma or tribal employee shall serve on the Tribal Election Committee ~~for Election Boards~~. No candidate or regular employee of a candidate for office or is related within the third degree by either consanguinity or affinity to a candidate for office shall serve on the Tribal Election Committee ~~for Election Boards~~.

A. It shall be the responsibility of the Tribal Election Committee to provide the Tribal Election Board Officials with the proper instructions for performing their duties.

B. The Tribal Election Committee shall elect a Chairman from its own membership.

D. It shall be the duty of the Tribal Election Committee to prepare the official ballot or ballots.

E. The Tribal Election Committee shall be responsible, upon approval of the Council, for the storage of and safekeeping of all election ballots after the close of the election.

F. The regulations developed by the Tribal Election Committee shall be submitted for approval to the Council at its first quarterly Council meeting of the next election year or the March monthly meeting session, whichever is appropriate for approval.

Section 107. TRIBAL ELECTION BOARD. A. There shall be an Election Board consisting of not more than seven (7) persons, inspector, judge, clerk, and counters, appointed by the Tribal Election Committee to conduct the election at the voting places in each of the County Seats in Adair, Craig, Cherokee, Delaware, Mayes, McIntosh, Muskogee, Nowata, Ottawa, Rogers, Sequoyah, Tulsa, Wagoner, and Washington counties or until otherwise specified by law. No Elected Official of the Cherokee Nation of Oklahoma or tribal employee shall serve on the Election Board. No candidate or regular employee of a candidate for office or is related within the third degree by either consanguinity or affinity to a candidate for office shall serve on the Election Board.

B. The Board shall have the following specific duties:

1. To ascertain that the name of each person offering to vote is on the official voting list for the particular voting place.

2. To see that only one ballot is cast by the voter ~~himself~~ himself; that the voting list is checked and that the voter countersigns or appropriately checks his name on the register of persons voting.

2a. If a voter presents himself and states that he, because of a physical disability or infirmity or language barrier is unable to mark his ballot, the inspector should recite the following oath:

"Do you solemnly swear or affirm that you are unable to mark your ballot for voting because of a (name of appropriate disability)."

Once a voter has been sworn, he should be permitted to be assisted by any person of his choice, at least eighteen (18) years of age, in voting his ballot. Such assistance should be given in a voting booth, witnessed by the precinct inspector.

3. Any challenge of the right of a person to vote shall be decided by the Election Board, whose decision shall be final.

4. To keep the ballot boxes locked at all times except when the ballots are being counted.

5. To count the ballots cast and to make a tally thereof.

6. To make a certified election return and post a copy thereof at the voting place.

7. To preserve spoiled and mutilated ballots.

8. After counting, to return all of the ballots cast to the ballot boxes, lock and mark the boxes with the name of the voting place and date of election.

9. To return the unused ballots, spoiled and mutilated ballots and locked ballot boxes to the Tribal Election Committee immediately following the election.

10. No member of the Election Board shall leave the voting place during voting hours without permission of the inspector.

Section 10-108. VOTING LISTS. The Cherokee Tribal Registrar shall prepare a list of qualified voters to be used by the Tribal Election Committee for conducting Tribal elections. Each candidate for an elective office of the Cherokee Nation shall have the opportunity to secure a list of registered voters. Said list may be obtained for a fee of ~~100~~ \$200 per list paid to the Tribal Election Committee, Cherokee Nation Tribal Office, Tahlequah, Oklahoma. Duplication of this list shall be prohibited.

Section 10-109. ELECTION RETURNS. A. The ballots cast shall be counted and tallied by the Election Board ~~immediately following the close of the election~~ beginning at 10:00 a.m. or after on the day of the election. Absentee ballots shall be counted on election day in accordance with ~~Section 11, Item 10~~ Chapter 3, section 303.

B. Results of the voting shall be made by certified return to the Election Committee and a copy of the return shall be posted at the voting place.

C. ~~In accordance with Article 6, Section 1, of the Constitution, the total results will be posted by the Tribal Election Committee at the Election Headquarters as soon as possible after closing of the polls and counting of the absentee ballots.~~ The Election Committee shall immediately after the election prepare a consolidated return of the election results and post said results at the Election Headquarters.

D. After counting, all ballots cast shall be placed in ballot boxes, locked, marked with the name and voting place and the date of the election by the Election Committee. All unused and spoiled or mutilated ballots shall also be given to the Election Committee. The Election Committee ~~will store the ballots with the Office of the Superintendent of the Bureau of Indian Affairs, Tahlequah Agency, Tahlequah, Oklahoma~~ shall store the ballots, upon approval of the Council, in such a manner that will insure the safekeeping of said ballots.

E. On Friday following the election, the Election Committee shall certify and transmit to the office of the Superintendent of the Bureau of Indian Affairs, Tahlequah Agency, Tahlequah, Oklahoma, all elected candidates, provided a petition of contest has not been filed or a recount requested. All candidates not involved in that recount or protest will be certified. Certification of the candidate in question will be made following ~~termination-determination~~ of said protest or recount.

Section 10-110. RECOUNT. Only candidates for Office may ask for a recount. A candidate requesting a recount shall petition the Chairman of the Election Committee. A ~~fee~~ deposit of ~~50~~ \$150 per ~~voting place~~ polling location will be charged the candidate requesting the recount. A deposit of ~~200~~ \$500 will be charged for absentee ballots recount. Time limit for filing for a recount shall be from the first working day following the ~~day of the election~~ certification of the election results and shall continue for five (5) working days. Persons working on recount will be appointed by the Tribal Election Committee. Tribal Employees will not be used for recount. Recounts shall be conducted in the presence of the Judicial Appeals Tribunal.

Section 111. PETITION FOR FRAUD OR IRREGULARITIES. In the event a candidate contests the correctness of the announced results of an election by alleging fraud or any other irregularities, the Chairman of the Election Committee shall set a hearing in the same manner as provided for recounts. Provisions for service of notice shall be the same as for recounts.

Section 112. PETITION ALLEGING FRAUD. When a petition alleging fraud concerning poll voting is filed, said petition must be accompanied by a cash bond of Five Thousand Dollars (\$5,000.00). The same amount must accompany a petition alleging fraud concerning absentee voting. Said petitions shall be conditioned upon payment of any and all liabilities or judgements arising from the contest so filed. In said petition, contestant must allege that fraud occurred in certain polling locations or in the casting of absentee ballots. He must further allege the name of the polling locations wherein such fraud occurred, the specific act constituting such alleged fraud and the names of the alleged perpetrators of such fraud. If such a petition is filed in the manner herein provided, the Chief Justice of the Judicial Appeals Tribunal, or such other Justice as the Chief Justice may assign, shall hear and determine said issue without delay or continuance of more than five (5) days. On the day of the hearing, the contestee may file answer to such petition or may file cross-petition, setting forth in detail, as required of a petitioner herein, such claim of fraud. The decision of said Justice shall be final as to any changes in the total votes, and a copy of such judgement and decision shall be furnished to the Election Committee. In any case where fraud is proven on the part of a candidate, he shall be declared ineligible for the office for which he was a candidate. In all cases where a petition is filed which alleges fraud, but after hearing said allegations are not reasonably sustained by competent evidence, the contestant shall be civilly liable in damages to the contestee for all damages sustained, including a reasonable attorney fee and all reasonable and proper costs of conducting such contests.

Section 113. PETITION ALLEGING IRREGULARITIES. When a petition alleging irregularities other than fraud is filed, said petition must allege a sufficient number of irregularities and of such a nature as to:

1. Prove that the contestant is lawfully entitled to be certified as a candidate, or to have his name appear on the Runoff ballot; or
2. Prove that it is impossible to determine with mathematical certainty which candidate is entitled to be certified as a candidate or to have his name appear on the Runoff ballot.

If such allegations are not made, the petition shall be deemed frivolous by the presiding Justice and shall be dismissed. Said petition when concerning poll voting shall be accompanied by a deposit in the form of either a cashier's check or certified check in the amount of Two Hundred Fifty Dollars (\$250.00). The same amount must accompany a petition concerning absentee voting. Said petition must set forth specific allegations of irregularities in certain polling locations or in the casting of absentee ballots. If said petition is filed in the manner herein provided, the Justice shall hear and determine said issue in the same manner as provided for a petition alleging fraud. Deposits shall be used to defray actual costs.

Section 114. DETERMINATION OF SUCCESSFUL PARTY IMPOSSIBLE. In the event, after a hearing is conducted, it is deemed impossible to determine who should be certified as the successful candidate, or which candidates are entitled to have their names

appear on the Runoff Election ballot, the Justice shall notify the Chairman of the Election Committee of same. It shall then be the duty of the Election Committee Chairman to notify the Principal Chief of said decision. The Principal Chief shall then order a new election as soon as is practical in the same manner as the contested election, with the identical candidates, provided that any candidate upon whom fraud has been proven shall not be a candidate in the new election. Provided further, the above shall not apply to elections resulting in tie votes, which elections shall be determined as provided by section 115 of this Act.

Section -14 115. WINNER. There shall be a run off for the Offices of Principal Chief and Deputy Principal Chief for the two top men in each of the respective offices with the exception, if one man for each of the respective positions should obtain a simple majority of the votes cast for the respective office. A simple majority meaning over 50 percent or any fraction thereof. In the event of a tie for the last place or places in the Council election, a subsequent election shall be held pursuant to rules developed by the Tribal Election Committee.

Section -15 116. ELECTIONEERING. No person shall be allowed to electioneer within three hundred (300) feet of ~~any ballot box~~ the entrance to any polling location while an election is in authorized progress, nor shall any person or persons, except election officials and other persons authorized by law, be allowed to approach the ballot box while an election is in progress. No printed material other than that provided by the Election Committee shall be publicly placed or exposed within three hundred (300) feet of ~~any ballot box~~, the entrance to any polling location while an election is in progress. The Tribal Election Committee shall be charged with the responsibility of developing the policies on electioneering with the approval of the Council.

Section -16 117. SPECIAL ELECTIONS. Special Elections shall be called by the Council for specifically stated purposes.

Section -17 118. GENERAL QUALIFICATIONS FOR CANDIDATES. Each candidate who desires to run for an elective tribal office within the Cherokee Nation of Oklahoma shall meet the following general qualifications as well as the specific qualifications according to the Constitution of the Cherokee Nation of Oklahoma in Article III, Sections 1 and 2; Article V, Section 3; Article VI, Sections 2 and 3; and Article IX, Sections 1, 2, and 3 and the ~~tribal election laws~~.

Section 119. The qualifications for Principal Chief shall be:

A. The candidate for Principal Chief shall be a citizen of the Cherokee Nation of Oklahoma in accordance with the Constitution of the Cherokee Nation, Article III.

B. The candidate shall have been born within boundaries of the United States of America, its territories or possessions.

C. The candidate shall have obtained the age of thirty (30) years at the time of the election.

D. The candidate shall be a member by blood of the Cherokee Nation of Oklahoma.

E. The candidate must file a certificate of degree of Indian blood from the Bureau of Indian Affairs prior to being certified as a candidate.

F. The candidate shall not have been convicted of or have pled guilty or have pled no defense to a felony under the laws of the United States of America or of any state, territory or possession thereof unless such person has received a pardon.

G. The candidate must certify that if elected Principal Chief, said candidate shall resolve all conflicting interests

and that said candidate will automatically be disqualified in the event that any false or misleading information or statements are made in filing for this office.

H. No person shall be a candidate for an elected office who is an employee of the Cherokee Nation of Oklahoma or covered by Legislative Act 5-76, as amended.

Section 120. The qualifications for Deputy Principal Chief shall be:

The qualifications for the Office of Deputy Principal Chief shall be the same as for the Office of Principal Chief.

Section 121. The qualifications for Council Member shall be:

The qualifications for the Elective Office of the ~~Legislative Branch (Council)~~ of the Cherokee Nation of Oklahoma shall be according to the Constitution of the Cherokee Nation, Article IX, Section 2, and the following qualifications and/or requirements approved by the Council.

A. The candidate for Council shall be a citizen of the Cherokee Nation of Oklahoma in accordance with the Constitution of the Cherokee Nation, Article III.

B. The candidate shall have been born within the boundaries of the United States of America, its territories or possessions.

C. The candidate shall have obtained the age of twenty-five (25) years of age at the time of the election.

D. The candidate shall be a member by blood of the Cherokee Nation of Oklahoma.

E. The candidate must file a certificate of degree of Indian blood from the Bureau of Indian Affairs prior to being certified as a candidate.

F. The candidate shall not have been convicted of or have pled guilty or have pled no defense to a felony charge under the laws of the United States of America or of any state, territory or possession thereof unless such person has received a pardon.

G. The candidate must certify that if elected to the Council, said candidate shall resolve all conflicting interests and that said candidate will automatically be disqualified in the event that any false or misleading information or statements are made in filing for this office.

H. No person shall be a candidate for an elected office who is an employee of the Cherokee Nation of Oklahoma or covered by Legislative Act 5-76, as amended.

Section 122. FILING FEE. A filing fee shall be charged each candidate filing for an elected office of the Cherokee Nation of Oklahoma. Such fees are to be filed and paid to the Tribal Election Committee, Cherokee Tribal Office, Tahlequah, Oklahoma. The fees shall be as follows:

Office of the Principal Chief	\$500
Office of the Deputy Principal Chief	\$350
Office of the Council	\$100

Section 123. DEADLINE FOR FILING. The filing date shall be the fourth Monday of March through the second Friday of April of the election year. The deadline for filing for an elected office of the Cherokee Nation of Oklahoma shall be publicized by the Tribal Election Committee. Any candidate who wishes to withdraw from the election shall have the opportunity to do so by providing a formal written notice to the Tribal Election Committee five working days after the deadline for filing. No refund of filing fee shall be permitted.

Section 124. OFFICIAL ELECTION DATES. The following dates are the official dates pertaining to the election of the Cherokee Nation of Oklahoma:

A. Registration of Voters. Cut off date for registration to vote shall be the first working day of March of the election year.

B. Filing of Candidates. Candidates may file for office from the fourth Monday of March through the second Friday of April of the election year.

C. General Election. The general election for Tribal Offices shall be the third Saturday in June of the election year.

D. Run-off Election. The run-off election shall be the third Saturday in July of the Election year.

E. Swearing in the Elected Officials. The swearing in of the Tribal Elected Officials, i.e., Principal Chief, Deputy Principal Chief, and Council shall be August 14 of the election year.

Chapter 2. POLL VOTING

~~Section 111~~ 201. MANNER OF VOTING. A. Voting shall be by secret ballot.

B. Except as otherwise provided any registered voter may vote by appearing at his prescribed voting place, announcing to the Election Board his name and address and by marking and placing in the ballot box the ballot which shall be handed to him.

C. Any registered voter who will be unable to vote in person may vote by absentee ballot as prescribed in ~~Section II~~ Chapter 3.

~~Section 119~~ 202. WATCHERS. Candidates for the Office of the Principal Chief, Deputy Principal Chief, and each candidate for the Council may submit two names as their designated watchers at each polling place. The selection of the watchers and their designated polling place shall be by random drawing of names from a hat by the ~~Council~~ Tribal Election Committee until the proper amount of names have been drawn. (Two for each polling place.) No candidate for any elected office in the Cherokee Nation shall be a watcher.

~~Section 117~~ 203. VOTING PLACE AND HOURS. Voting places, with the approval of the Council, shall be provided by the Tribal Election Committee and shall be open during the hours from 7 a.m. to 7 p.m. on the day of the election. Proper notice of the election shall be given by the Tribal Election Committee.

SECTION 2. AMENDATORY 20 CNCA 1985, Section II, is amended to read as follows:

Chapter 3. ABSENTEE VOTING

~~Section 111~~ 301. APPLICATION FOR ABSENTEE BALLOT. Absentee voting shall be allowed upon written request by the registered voter of the Cherokee Nation of Oklahoma. Such request shall be made to the Tribal Election Committee of the Cherokee Nation of Oklahoma.

~~Section 112~~ 302. ABSENTEE VOTING. A registered voter of the Cherokee Nation of Oklahoma who swears or affirms that he/she will be unable to vote in person may make a written ~~request~~ request to the Chairman of the Tribal Election Committee for an absentee ballot. The request must contain the following information:

~~REQUEST FOR ABSENTEE BALLOT~~

Name: ~~_____~~ Date of Birth: ~~_____~~
Address: ~~_____~~
Voter Registration No: ~~_____~~
and
Dawes Commission Roll No: ~~_____~~
Signature: ~~_____~~
A. Name.
B. Date of Birth.
C. Address.
D. Voter Registration Number.
E. Dawes Commission Roll Number.
F. Signature.

Section -13 303. REQUEST TIME. A. Requests for absentee ballots by mail shall be accepted from the third Monday of April until the third Friday in May of the election year. Said ballots shall be returned to the person requesting the ballot beginning the third Thursday of May to the first Friday in June of the election year. Registered voters may make their requests in person at the Tribal Election Committee's Office at the Tribal Office in Tahlequah, Oklahoma, until 4:30 p.m. on the Wednesday preceding the general election.

B. In the event of a run-off all persons who previously received an absentee ballot for the general election shall be provided an absentee ballot for the run-off election.

Section -14 304. ABSENTEE BALLOT. Absentee ballots shall be identical to the regular ballots used in poll voting but shall be stamped Absentee Ballot and the date of issuance thereon.

Section -15 305. TRANSMITTAL OF BALLOT TO VOTER. When such application is received by the Tribal Election Committee, it shall be the duty of the Tribal Election Committee to verify the registration of said voter and to transmit the ballot which said voter requested after verification of the voter's registration. A record shall be made of all absentee ballots issued, name, date of birth, voter's registration number, date of issuance and address of voter to whom it was issued.

Section -16 306. MATERIAL TO ACCOMPANY BALLOTS. Said ballots must be accompanied by: A. A plain opaque envelope in which voted ballots must be placed by the voter.

B. An envelope bearing an affidavit stating that the voter is qualified to vote, that he has personally marked the ballots, and has not exhibited the marked ballot to any other person.

C. A return envelope addressed to the Tribal Election Committee.

Section -17 307. RETURN OF BALLOTS. A voter shall be required to mark his ballot in ink; seal the ballots in the plain opaque envelope; ~~inside the envelope bearing~~ fill out completely and sign the affidavit statement, seal the plain opaque envelope inside the envelope bearing the statement and return both envelopes, sealed inside the return envelope, by the United States mail to the Tribal Election Committee or as otherwise provided in ~~Section II, Item 11~~ Chapter 3, section 311.

Section -18 308. HANDLING OF RETURNED ABSENTEE BALLOTS. Ballots must be marked, sealed in inner envelope and mailed in pre-addressed outer envelope so as to reach the Tribal Election Committee. Any ballot received at the Tribal Election Committee's post office box in Tahlequah, Oklahoma, prior to close of business on election day shall be valid. Upon receipt of the absentee ballot by the Tahlequah Post Office it shall be

placed in the absentee ballot boxes designated and placed in the Post Office for said ballots. The ballot boxes shall be secured with three locks. The keys to the said ballot boxes will be kept in a safe deposit box at Liberty State Bank until election day. At such day the keys will be obtained by the designated persons of the Tribal Election Committee, ~~and the Superintendent of the Tahlequah (BIA) Agency.~~ ~~The Superintendent of the Tahlequah Agency or his designee shall keep the keys to the safe deposit box until election day.~~ Three names will be designated to sign the signature card for the safe deposit box ~~of which one will be the Superintendent of the Tahlequah Agency.~~ The Tribal Election Committee shall designate ~~two~~ three members of ~~the said~~ Committee to sign the card plus an alternate in case someone is absent.

Section -19 309. ABSENTEE COUNTERS. The Tribal Election Committee shall submit names for absentee counters to the Tribal Council at the regular Council Meeting Session in April preceding the election. The Council shall approve or disapprove the names presented.

Section -10 310. COUNTING PROCEDURES. At ~~1:00 p.m.~~ 7:00 a.m. or after on the day of the election, said absentee counters shall meet to count absentee ballots in the manner hereafter prescribed. ~~The Superintendent of the Tahlequah BIA Agency or his designee shall be present at all times during the counting of the ballots.~~

A. The ballot box containing the properly executed envelopes bearing affidavits shall be opened and said envelopes bearing affidavits removed.

B. Examination of affidavits will be on the day of the election by the Tribal Election Committee. ~~and the Tahlequah BIA Superintendent Agency Superintendent of the Tahlequah Agency or his designee.~~ Any ballots rejected due to error in affidavit shall be attached to affidavit without opening and shall be subject to judicial review before discarding.

C. The plain opaque envelopes shall be placed in a ballot box locked with three locks.

D. The ballot box shall be shaken to mix the plain opaque envelopes, after which said box shall be opened, the envelopes removed and the ballots counted according to law.

E. No member of the absentee counters shall leave the counting place during counting hours without the permission of the Election Committee Chairman or his designee.

Section -11 311. ABSENTEE VOTING IN PERSON. ~~There will be no designated polling place for absentee ballot voting in person. The voter who is voting an absentee ballot must comply with all the requirements of absentee voting. Absentee voting in person will be allowed at any polling place provided the person who is voting an absentee ballot is on the list of absentee voters prepared by the Tribal Election Committee and the voter can provide proper identification.~~ There will be no designated polling place for absentee ballot voting in person. The voter who is voting an absentee ballot must comply with all the requirements of absentee voting.

Section -12 312. LIST OF ABSENTEE VOTERS. The Tribal Election Committee shall compile and provide a list of all voters who requested an absentee ballot to each polling place together with other election materials and equipment.

Section -13 313. CREDITING OF VOTERS. On the Monday after election day, the Chairman of the Tribal Election Committee shall cause each voter who cast an absentee ballot to be credited with voting in said election on his registration form in the appropriate registry.

~~Section -14~~ 314. RETENTION OF MATERIALS. All materials used for procuring and casting an absentee ballot shall remain under the control of the ~~Tahlequah-BIA-Agency-Superintendent-~~ Tribal Election Committee for a period of one (1) year after the day of the election.

~~Section -15~~ 315. REJECTION OF APPLICATION FOR ABSENTEE BALLOT. In the event a voter's application for an absentee ballot is rejected for any reason, the Chairman of the Tribal Election Committee shall immediately notify said voter in writing of the rejection and the reason therefore.

~~Section -16~~ 316. INSTRUCTION. The Tribal Election Committee shall prescribe instructions for voting by absentee ballots. A copy of said instructions shall be mailed to each voter requesting an absentee ballot.

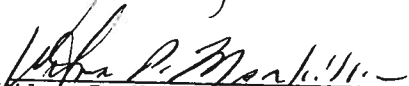
~~Section -17~~ 317. ABSENTEE WATCHERS. The selection of the absentee watchers shall be by random drawing of five (5) names from the balance of names submitted by the candidates in Section I, Item 9, until five (5) names have been drawn. No candidate for any elected office in the Cherokee Nation shall be a watcher.

SECTION 3. Legislative Act 2-82 is hereby repealed.

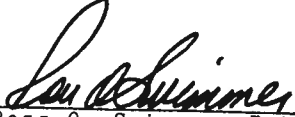
SECTION 4. If any section, sentence, clause or phrase of this act is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this act. The Council hereby declares that it would have passed this act, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 5. It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

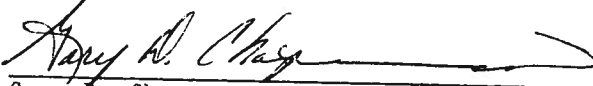
Passed by the Council on this 13th day of July, 1985.


Wilma P. Mankiller, President
Cherokee Nation Council

Approved and signed by the Principal Chief this 13th day of July, 1985.


Ross O. Swimmer, Principal Chief
Cherokee Nation of Oklahoma

ATTEST:


Gary D. Chapman, Secretary/Treasurer
of the Cherokee Nation