

# An Act

## Legislative Act 26-14

### AN ACT AMENDING LA-04-14 THE CHEROKEE NATION ELECTION CODE TO ADDRESS NOTARY PUBLIC ISSUES AND THE RETURN OF ABSENTEE BALLOTS

#### BE IT ENACTED BY THE CHEROKEE NATION:

#### Section 1. Title and Codification

Example: This act shall be known as the 2nd Election Code Amendment of 2014 and codified as Title 26, (Section) \_\_\_\_\_ of the Cherokee Nation Code Annotated.

#### Section 2. Purpose

The purpose of this act is to address notary public requirements in At-Large States to assure legal notarization of At-Large Absentee Ballots.

#### Section 3. Legislative History

L.A. 9-85 Eff. July 13, 1985  
L.A. 35-89 Eff. Sept. 9 1989  
L.A. 6-91 Eff. March 9, 1991  
L.A. 2-87 Eff. Feb. 14, 1987  
L.A. 12-90 Eff. Nov. 13, 1990  
L.A. 5-87 Eff. Feb. 14, 1987  
L.A. 8-87 Eff. Feb. 26, 1987  
L.A. 11-87 Eff. March 14, 1987  
L.A. 6-87 Eff. Feb. 14, 1987  
L.A. 9-87 Eff. Feb. 26, 1987  
L.A. 14-87 Eff. March 14, 1987  
L.A. 7-87 Eff. Feb. 14, 1987  
L.A. 12-87 Eff. May 11, 1987  
L.A. 23-87 Eff. June 11, 1987  
L.A. 3-87 Eff. February 14, 1987  
L.A. 4-87 Eff. Feb. 14, 1987  
L.A. 7-97 Eff. May 12, 1997  
L.A. 39-05 Eff. Nov. 14, 2005  
L.A. 06-10 Eff. Feb. 16, 2010  
L.A. 46-12 Eff. Dec. 10, 2012  
L.A. 04-14 Eff. Feb. 10, 2014

## **Section 4. Substantive Provisions of Law**

### **§ 78. Return of Absentee Ballots**

A voter shall mark his ballot in permanent black or blue ball point ink; seal the ballot in the secrecy envelope; fill ~~it~~ out completely and sign the affidavit ~~or statement on the front of the affidavit envelope~~ in the presence of a notary public; ~~the affidavit~~ envelope must be notarized and the notary seal affixed for the ballot to be counted; and return the documents ~~inside in the postage paid~~ return envelope via the United States mail ~~in the postage paid return envelope~~ to the Election Commission. Only those absentee ballots which are mailed to the Election Commission and which reach the Election Commission post office box in Tahlequah, Oklahoma, no later than 7:00 p.m. on election day shall be counted; provided that personal delivery of an absentee ballot shall be accepted from the Wednesday prior to election day until election day only if the voter or a person designated by the voter delivers the ballot to the Election Services Office between the hours of 7:00 a.m. and 7:00 p.m. during those four days. Voting in person at a precinct by a voter who has requested an absentee ballot shall be permitted, however, that voter must cast a challenged ballot to allow the Commission to determine whether an absentee ballot was cast. In the event that a valid absentee ballot was returned by the voter, the challenged ballot will not be counted. In the event that a valid absentee ballot was not returned by a voter the challenged ballot will be counted.

The Election Commission is authorized and directed to reach agreements with the appropriate jurisdictions to ensure free notarization of the ballots to the greatest extent possible.

### **Section 5. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

### **Section 6. Severability**

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

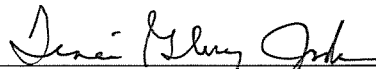
### **Section 7. Effective Date**

The provisions of this act shall become effective thirty (30) days from and after the date of its passage and approval.

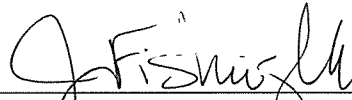
### **Section 8. Self-Help Contributions**

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.


Enacted by the Council of the Cherokee Nation on the 15<sup>th</sup> day of September, 2014.

  
Tina Glory Jordan, Speaker  
Council of the Cherokee Nation

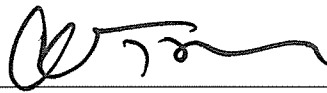
**ATTEST:**

  
Jodie Fishinghawk, Secretary  
Council of the Cherokee Nation

Approved and signed by the Principal Chief this 25 day of Sep, 20  .

  
Bill John Baker, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Chuck Hoskin, Jr., Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Tina Glory Jordan	<u>Yea</u>	Janees Taylor	<u>Yea</u>
David Walkingstick	<u>Yea</u>	Dick Lay	<u>Yea</u>
Joe Byrd	<u>Yea</u>	Cara Cowan Watts	<u>Yea</u>
Jodie Fishinghawk	<u>Yea</u>	Harley Buzzard	<u>Yea</u>
Janelle Lattimore Fullbright	<u>Yea</u>	Frankie Hargis	<u>Yea</u>
David W. Thornton, Sr.	<u>Yea</u>	Victoria Mitchell Vazquez	<u>Yea</u>
Don Garvin	<u>Yea</u>	Julia Coates	<u>Abstain</u>
Lee Keener	<u>Yea</u>	Jack D. Baker	<u>Yea</u>
Curtis G. Snell	<u>Yea</u>		