



# Council of the Cherokee Nation

Cherokee Nation Tribal  
Council  
17763 S. Muskogee Ave.  
Tahlequah, OK 74464

## Legislation Details (With Text)

**File #:** 13-032      **Version:** 2      **Name:** 2013 ELECTION LAW AMENDMENT - ABSENTEE BALLOTS  
**Type:** Legislative Act      **Status:** Failed  
**File created:** 2/13/2013      **In control:** TRIBAL COUNCIL  
**On agenda:** 3/11/2013      **Final action:** 2/28/2013  
**Enactment date:**      **Enactment #:** N/A  
**Title:** AN ACT RELATING TO AN ACT AMENDING LA#7-97, LA#39-05, LA-06-10 AND LA-46-12; REVISING TITLE 26 ("ELECTIONS") ARTICLE 3, SECTION 75 OF THE CHEROKEE NATION CODE ANNOTATED  
**Sponsors:** Lee Keener Jr.  
**Indexes:** Absentee Ballots, Election, Election Law  
**Code sections:** ?? - Unknown, Title 26 - Elections  
**Attachments:**

Date	Ver.	Action By	Action	Result
2/28/2013	2	RULES COMMITTEE	Approved and Forwarded to Council	Fail

**AN ACT RELATING TO AN ACT AMENDING LA#7-97, LA#39-05, LA-06-10 AND LA-46-12; REVISING TITLE 26 ("ELECTIONS") ARTICLE 3, SECTION 75 OF THE CHEROKEE NATION CODE ANNOTATED**

BE IT ENACTED BY THE CHEROKEE

NATION: Section 1. Title and Codification

Title 26, Article 3, Section 75, of the Cherokee Nation Code Annotated, Entitled "Elections" is hereby revised and enacted as follows:

Section 2. Purpose

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 LA.  
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

#### Section 4. Substantive Provisions

##### § 75. Transmittal of Ballots to Voters Generally; Preparation of Record of Ballots Issued.

When the Election Commission receives an absentee ballot request, the Election Commission shall, after verification of the requesting voter's registration, transmit the ballot to said voter. **Absentee ballots, other than their own, shall not be mailed to either elected officials or anyone living in their domicile, candidates or tribal or state notaries at their physical address, associated P.O. Box or places of business. The only exception is those ballots sent on behalf of service men and women who are unable to vote in person.**

A record shall be made of all absentee ballots issued, with the name date of birth, voter's Cherokee Nation membership registration number, date of issuance and address of the voter to whom it was issued.

#### 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. Emergency Declared.

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 after 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