



Council of the Cherokee Nation

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

Legislation Text

File #: 22-019, Version: 1

AN ACT AMENDING LEGISLATIVE ACT 24-20 SETTING A FINAL DATE FOR THE ACCEPTANCE OF ABSENTEE BALLOTS BY PERSONAL DELIVERY TO THE CHEROKEE NATION ELECTION COMMISSION

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This Act amends Legislative Act 24-20 and shall be codified at Title 26, Section 78(A) of the Cherokee Nation Code Annotated.

Section 2. Purpose

The purpose of this Act is to set a final date for the acceptance of personal delivery of absentee ballots by the Cherokee Nation Election Commission as set forth in Title 26, Section 78(A) of the Cherokee Nation Code.

Legislative Act 22-20 (Oct. 13, 2020) previously set the deadline for acceptance of absentee ballots by personal delivery to the Cherokee Nation Election Commission to the Thursday before election day from 7:00am to 7:00pm. However, owing to a scrivener's error, Legislative Act 24-20 erroneously set this date to the Friday before election day from 7:00am to 7:00pm. This Act amends and corrects Legislative Act 24-20 and sets the final date for the acceptance of absentee ballots by personal delivery to the Cherokee Nation Election Commission to the Thursday before election day from 7:00am to 7:00pm.

Section 4. Legislative History

LA 06-10

LA 26-14

LA 46-12

LA 04-14

LA 12-16

LA 22-20

LA 24-20

Section 5. Substantive Provisions

§ 78. Return of absentee ballots

A. A voter shall mark his ballot in permanent black or blue ball point ink; seal the ballot in the secrecy envelope; fill out completely and sign the affidavit on the front of the affidavit envelope: (i) in the presence of a notary public; or (ii) in the presence of one (1) witness of legal age and enclose a copy of a government issued photo identification. The affidavit envelope must be: (a) notarized and the notary seal affixed to the affidavit; or (b) signed by the one (1) witness of legal age and included an enclosed copy of a government issued photo identification to be counted; and return the documents inside the postage paid return envelope via the United States mail 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 during in person absentee voting as provided in § 62(D) and on ~~the Thursday before Friday the day before election and~~ election day from 7:00 a.m. to 7:00 p.m., only if the voter or person designated by the voter delivers the ballot to the Election Commission Office. 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.

B. 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 6. Provisions as Cumulative

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

Section 7. Severability

The provisions of this Act are severable and if any part or 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 8. Effective Date/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.