



Council of the Cherokee Nation

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

Legislation Text

File #: 19-009, Version: 1

DISCUSSION ONLY - AN ACT AMENDING LA-12-16 TITLE 26 "ELECTIONS" OF THE CHEROKEE NATION CODE ANNOTATED

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

Example: This act shall be known as the _____ and codified as _____ (Title) _____ (Section) _____ of the Cherokee Nation Code Annotated.

Section 2. Purpose

This Title is adopted for the purpose of conducting all Cherokee Nation elections, for Principal Chief, Deputy Principal Chief, Council, Constitutional Aamendments, initiatives and referenda of the Cherokee Nation.

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
L.A. 26-14 Eff. Sept. 15, 2014
L.A. 12-16 Eff. May 16, 2016

Section 4. Definitions

For purposes of this Title:

3. "**Candidate**" means a person who has:

a. raised funds and/or accepted in-kind contributions in excess of One Thousand (\$1,000.00), or

b. has filed and is qualified to run in an election to hold elective office in the Cherokee Nation, in accordance with 26 CNCA §§ 31 to 34 and in accordance with the Cherokee Nation Constitution.

Section 5.

§ 31. General qualifications of candidates for elective office-Certifications and acknowledgments

B. Prerequisites for filing. In addition to the general eligibility qualifications set forth in subsection (A) herein, a candidate must not be in violation of any of the following ~~at the time of filing~~:

1. The candidate shall not be an employee of Cherokee Nation, including any corporation, agency or other entity which is at least fifty-one percent (51%) owned by Cherokee Nation ~~either~~:

a. as of the date of filing or at any time thereafter if elected; provided, that an incumbent serving in an elective office shall not be deemed to be an employee for purposes of this section; ~~or~~

b. ~~has raised funds and/or accepted in-kind contributions in excess of One Thousand (\$1,000.00);~~

2. The candidate may not file to run for an office if he or she has already filed to run for another office in the same election, unless the prior filing is withdrawn.

§ 72. Requests for absentee ballots generally

A. A registered voter of Cherokee Nation who is unable to vote in person at his or her precinct may request an absentee ballot from the Election Commission. The request shall be in writing ~~preferably~~ on a form prescribed by the Election Commission, and returned on the date and shall contain the following information:

1. Name;

2. Date of birth;

3. Address ~~at which you are registered to vote~~;

4. Cherokee Nation citizenship registration number ~~;~~ ~~and~~

5. Handwritten signature ~~and dated copy of original signature~~ ~~;~~ ~~and~~

6. ~~Absentee requests forms cannot be filled out prior to the approved election timeline to request an absentee ballot.~~

7. ~~Address to which the ballot shall be mailed.~~

Provided that if the Cherokee Nation Citizenship Number is not provided with the request and there is sufficient information on the absentee application to identify the person as a registered voter, the application will be processed. All applications without sufficient information to clearly identify the registered voter may be returned for additional information.

B. ~~If more than ten absentee ballots for a single election are requested to be mailed to a single mailing address, the election commission shall immediately notify the attorney general's office. Provided, this requirement shall not apply to requests for ballots to be sent to nursing homes, veterans centers, medical facilities, multiunit housing, addresses of uniformed or overseas voters, or other locations authorized in writing by the Cherokee Nation Election Commission.~~

§ 78. Return of absentee ballot

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 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 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 Section 62 (D) of this Title and on 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.

C. A notary public shall be authorized to notarize a maximum of twenty absentee ballot affidavits for a single election. A notary public may be authorized to notarize more than twenty absentee ballot affidavits with the written approval of the Cherokee Nation Election Commission. The limitation required by this subsection shall not apply to the notarizing of ballots at the place of business of a notary public during the normal business hours of the notary public; provided, however, such limitations shall apply to any agency or other entity that provides voter registration services.

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 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 8. Effective Date

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

Section 9. 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.