File #: 10-135, **Version:** 1

AN ACT AMENDING LEGISLATIVE ACT 06-10, AS AMENDED BY LA #22-10; REVISING TITLE 26 ("ELECTIONS") OF THE CHEROKEE NATION CODE ANNOTATED; AMENDING CHAPTER 6 ARTICLE III, § 75 ADDING PROVISIONS LIMITING THE NUMBER OF ABSENTEE BALLOTS THAT MAY BE SENT TO A SINGLE ADDRESS OR POST OFFICE BOX; AND DECLARING AN EMERGENCY

BE IT ENACTED BY THE CHEROKEE NATION:

Section 1. Title and Codification

This act shall be referred as the "Absentee Fraud Protection Act of 2010" and codified as Title 26 Chapter 6, Article III § 75, of the Cherokee Nation Code Annotated ("CNCA").

Section 2. Purpose

The purpose of this Act is to amend the Cherokee Nation Election Code to add provisions to limit the number of Absentee Ballots that may be sent to a single address or post office box.

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 I1, 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 (as revised in its entirety)
L.A. 39-05 Eff. Nov. 14, 2005 (as revised in its entirety)
L.A. 06-10 Eff. Feb. 16, 2010 (as revised in its entirety)
L.A. 22-10 Eff. July 12, 2010

Section 4. Amendment

This Act hereby amends Legislative Act 06-10, as amended by LA #22-10, amending Chapter 6, Article III, § 75, with the following:

CHAPTER 6
Article III

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

A. 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. 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.

B. No more than five (5) absentee ballots shall be mailed or delivered to a single address or post office box without specific approval from the Cherokee Nation Election Commission.

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.

Section8. 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.

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