



NCA 23-022

CLASSIFICATION: #19. ELECTIONS

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 19, CHAPTER 2, ENTITLED "ORGANIZATION OF ELECTION BOARD AND PRECINCT ELECTION COMMITTEES", CHAPTER 10, ENTITLED "ABSENTEE VOTING" AND CHAPTER 15, ENTITLED "CAMPAIGN FINANCE CODE"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. AMENDMENT. This amendment shall be codified in Title 19 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws; and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION TWO. AMENDMENT. MCNCA Title 19 § 2-103. is hereby amended to read as follows:

§ 2-103. Compensation of Election Board Members

The stipend for each Election Board member shall be five hundred dollars (\$500.00) per day when conducting official election board business or when attending an official meeting of the Election Board. Stipends shall not be paid for more than fifty (50) occurrences per year. Board members may be provided lodging during the election period, if deemed necessary. Regular per diem rates will apply.

SECTION THREE. AMENDMENT. MCNCA Title 19, Chapter 10 is hereby amended to read as follows:

CHAPTER 10. ABSENTEE VOTING

§ 10-101. Absentee ballots authorized

Absentee ballots shall be authorized for all elections unless specifically denied by law. The Manager of the Election Board shall prescribe all forms to be used in administering absentee ballots.

§ 10-102. Absentee workers; appointment

The Election Board shall submit a minimum of eight (8) names plus two (2) alternate names to the National Council for approval at least thirty (30) days preceding the Tribal election. The National Council shall approve or disapprove the names presented. In the event the Election Board fails to comply with this provision of this Title or in the event one (1) or more names are not approved by the National Council, then the members of the National Council shall submit recommendations to the Speaker who shall compile from the submitted names a list of ten (10) names or substitute names of qualified workers for any names that were not approved by the National Council. The Speaker will resubmit the names to the National Council for confirmation. These persons will be recognized as the official absentee workers for the current election season. Said absentee workers shall meet all qualifications required of election workers and shall each be paid a stipend at a rate set by the Election Board. Mileage reimbursements, for actual miles driven, shall be paid in accordance with Muscogee (Creek) Nation regulations.

§10-103. Request for absentee ballot

A. The Election Board will mail a request form to all voters who are registered with the Election Board. The form shall contain a space for signature and address of the voter requesting the absentee ballot.

B. Absentee ballots shall be provided to any voter for any election with a written request from said registered voter. Telephone requests for absentee ballots will not be accepted.

C. All absentee ballot request must be in writing by the registered voter and received by the Office of the Election Board by the close of business, at least twenty-four (24) days prior to any scheduled election. Said requesting voter shall be eligible to vote by absentee ballot for ensuing election cycle.

§10-104. Transmittal of ballot to voter

A. When an absentee ballot request is received by the Manager of the Election Board in accordance with § 10-103 of this chapter, it shall be the Manager's duty to cause verification of the registration of said voter and to transmit, by United States mail, a ballot or ballots which said voter has requested and is entitled to receive.

B. The Office of the Election Board shall mail absentee ballots not more than thirty (30) days prior to the election, except for ballots to be mailed outside the continental limits of the United States which may be mailed not more than thirty (30) days prior to the election.

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§ 10-105 Materials to accompany absentee ballot

- A. Said absentee ballot will be accompanied by:
1. A secrecy envelope in which a marked absentee ballot will be placed by the voter;
 2. An outer envelope bearing a statement affirming that the voter is a registered voter of the Muscogee (Creek) Nation and a place for the required signature of said voter;
 3. Instructions on how to mark and return the ballot to the Okmulgee post office; and
 4. A priority mail return envelope.

§ 10-106. Return of ballots

- A. The voter shall be required to do the following:
1. Mark their ballot in accordance with § 7-307 of this Title;
 2. Seal the ballot in the secrecy envelope;
 3. Seal the secrecy envelope inside the outer envelope;
 4. Sign the statement in the space provided for the signature of the voter on the outer envelope;
 5. Place both envelopes inside the priority mail return envelope; and
 6. Voters must ensure the return priority envelope is received by United States Postal Service (USPS) office located in Okmulgee, OK by 11:00 a.m. on election day.

§ 10-107. Emergency request for absentee ballot

A. If the Election Board receives a request from a registered voter of the Muscogee (Creek) Nation who, due to hospitalization within the Muscogee (Creek) reservation, shall be unable to vote in person on the day of the election, the Election Board shall declare this an emergency and shall issue said person ballot. The deadline for requesting an emergency ballot shall be 10:00 a.m. on the day of the election. No emergency ballot shall be issued prior to election day.

B. The procedure for persons requesting ballots due to hospitalization is as follows:

1. Upon request of an emergency absentee ballot, the Election Board Chairman shall designate one or more Election Board members to deliver emergency absentee ballots. Lighthouse personnel shall escort the designated Election Board member or members to deliver emergency ballot.
2. On the day of the election, said appointed Election Board members shall

deliver an emergency absentee ballot to each registered voter of the Muscogee (Creek) Nation who is hospitalized and who has requested said emergency ballot

3. The voter requesting an emergency absentee ballot must complete an affidavit provided by the Election Board stating that they are under a doctor's care at a hospital and unable to vote in person. This affidavit must be signed by the attending doctor, nurse or other person in charge of that area of the hospital.
4. The emergency voting procedure shall be the same as if the voter were casting their vote in person at a precinct.
5. The voter shall then place said ballots in the secrecy envelope marked "ABSENTEE BALLOT" and then place in the outer envelope with the voter signature in the space provided. The Election Board members designated to deliver the emergency ballot must witness said signature.
6. The outer envelope must be returned with the ballot enclosed and the emergency affidavit. The Election Board will then present the outer envelope to the absentee workers for tabulation.

§ 10-108. Handling of returned absentee ballot

A. Valid absentee ballots must be received at the Election Board's post office box in Okmulgee, Oklahoma, by 11:00 a.m. on election day. Ballots shall be handled as follows:

1. Absentee ballot boxes shall be designated and placed in the USPS Okmulgee Post Office. Boxes will be locked and the keys will be retained by the Lighthorse personnel until the day of the election or on the days the Election Board causes the examination of signatures to be performed. Ballot boxes shall be placed in the Okmulgee Post Office in a manner in accordance with the following:
 - a. Boxes are transported to the post office by Lighthorse within 48 hours of absentee ballot mailout to voters;
 - b. Election Board member will verify the boxes are empty, locked and sealed;
 - c. Custody of the empty locked boxes will be transferred to the USPS Okmulgee post office. Said transfer shall be documented.
2. As early as five (5) days in advance of the day of election and on the day of election, two (2) designated Election Board members shall witness the transportation of ballot boxes by assigned Lighthorse personnel. Said boxes will be delivered to the public location deemed appropriate by the Election Board. Before transporting the last absentee ballot boxes on election day, the Election Board members shall ask the Postmaster, supervisor or clerk to verify that all absentee ballots received by 11:00 a.m. on election day have been collected. A document

outlining the transfer of ballot boxes will be maintained at each stage of the process.

§ 10-109. Examination of signatures

Examination of signatures shall take place on election day and may and take place during the five (5) days in advance of the day of election. Absentee workers will assist with the examination of signature procedure. The examination of signature shall be performed in accordance with the following:

A. On days the signatures are examined, Lighthorse personnel will transfer keys for the absentee ballot boxes to the Election Board. Upon receipt of the absentee ballots, the Election Board shall cause the examination of the signatures, which shall be open for public viewing. Prior to each election, the Election Board shall establish and approve procedures for the examination of signatures and removal of outer envelope. Said procedures shall be performed each day until all signatures received by the Election Board prior to 11:00 a.m. deadline on election day have been examined.

B. For examination of signatures that take place prior to election day, absentee ballot boxes containing the secrecy envelopes shall be locked and the keys to said locks shall be given to Lighthorse personnel to maintain until election day. Two (2) designated members of the Election Board shall accompany Lighthorse personnel in transporting said locked and secured ballot boxes to a designated room inside Lighthorse facilities.

C. No earlier than 11:00 a.m. on election day, two (2) designated members of the Election Board shall accompany Lighthorse personnel in retrieving absentee ballot boxes from Lighthorse facilities. Upon retrieval, absentee ballot boxes shall be immediately transported to the public location deemed appropriate by the Election Board. Upon arrival, Lighthorse personnel will then give the keys to Election Board staff.

§ 10-110. Counting procedures

A. Counting of absentee ballots shall not commence before election day. At the time designated by the Election Board, absentee workers shall meet to commence the counting process.

B. When ballot counting is done with electronic voting machine, the process shall be as follows:

1. Upon delivery of absentee ballots to the designated location, Lighthorse personnel shall give the keys to the ballot boxes to Election Board staff to open said ballot boxes.
2. The secrecy envelopes shall then be opened and the absentee ballots will be removed.
3. The absentee ballots shall then be gathered and inserted into the electronic voting machine. Any absentee ballots that cannot be counted

by the electronic voting machine shall be counted manually by the absentee workers.

4. After the polls close, three (3) copies of the absentee certificate of results total shall be produced by the electronic voting machine.
5. Each Election Board member present shall sign each copy of the absentee result totals in the appropriate area on said results.
6. The inner envelopes shall then be opened, the absentee ballots therein shall be removed, and the inner envelopes shall then be counted As soon as possible after the polls close, one (1) copy of the absentee result totals shall be posted at the Tribal Complex or at the location the absentee count took place.
7. Afterwards, a copy of the absentee results, all ballots and envelopes shall be placed in the absentee ballot box or boxes and delivered to Lighthorse facilities; and
8. The absentee workers shall complete the ballot accounting form and attach it to a copy of the absentee results total and return both to the Election Board.

C. The counting procedures when conducting a manual hand count of absentee paper ballots shall be as follows:

1. Upon delivery of the absentee ballots at the designated location, Lighthorse personnel shall give the keys to the ballot boxes to Election Board staff to open said ballot boxes.
2. The secrecy envelopes shall then be opened and the absentee ballots will be removed.
3. The absentee workers shall then count the absentee ballots. Two (2) absentee workers shall read the vote on each ballot and two (2) other absentee workers shall each mark a tally sheet. Each tally sheet completed shall be signed and dated by the absentee workers.
4. At the conclusion of the official count, the absentee workers shall execute three (3) copies of certificates of results wherein said absentee workers attest to the correctness of the totals. One (1) copy of the certificate shall be posted at the Tribal Complex or where said count took place; one (1) copy shall be transmitted forthwith to the Election Board; and one (1) copy shall be placed in the absentee ballot box or boxes.
5. As soon as practicable after the polls close, the absentee count results shall be posted by the Manager of the Election Board.
6. All absentee ballots, envelopes and a certificate of results shall be placed in the absentee ballot box or boxes for transmittal to Lighthorse facilities.

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In the event no absentee workers are authorized, the Election Board shall conduct the count of absentee ballots in the manner provided in § 10-110. Each tally sheet completed shall be signed and dated by the Election Board.

§ 10-112. Retention of outer envelopes and absentee ballots

A. Outer envelopes and absentee ballots shall be retained in a secured manner designated by the Manager of the Election Board for a period of six (6) months after the official results of the election.

B. A copy of the absentee list, which includes absentee voter names only, shall be retained in the Election Board office for a period of six (6) months following the official results of the election and shall be subject to public inspection during regular office hours.

§ 10-113. Notification of rejection

In the event a voter's absentee ballot is rejected for any reason, the Manager of the Election Board shall as soon as practical, notify said voter of the rejection and the reason therefore.

§ 10-114. List of absentee voters

Prior to the day of the election, the Manager of the Election Board shall provide to the appropriate election workers a list of the names of all voters in a precinct who have requested absentee ballots.

§ 10-115. Early In Person Voting authorized

A. Early in person voting shall be authorized for all elections unless expressly prohibited by law. The Election Board shall direct, administer, operate and conduct the early in-person voting process in accordance with the authority, powers and limitations granted within this Title and the Constitution of the Muscogee (Creek) Nation.

1. Early in person voting shall take place on the Wednesday and Thursday immediately preceding the day of an election between the hours of 7:00 A.M. and 7:00 P.M.
2. It shall be the duty of the Election Board to establish the specific locations for early in-person voting sites or locations within the Muscogee (Creek) Nation. The number and specific locations of such early in-person voting sites shall be established by Election Board Resolution, subject to approval by Tribal Resolution.
3. Precinct Committee Members shall exercise and perform all duties required for the facilitation and implementation of early in person voting. The Election Board shall assign to Precinct Committee Members any necessary authority, duties and responsibilities for the purpose of conducting and managing the early in-person voting process.

4. All existing voting processes and legal requirements, including but not limited to voter registration, identification, and voting procedures, shall remain in full force and effect unless specifically repealed or amended herein.
5. The Election Board shall implement and maintain a system and process that prohibits persons from voting multiple times in an election
6. All early in person ballots cast in elections shall be counted at the same time election day in-person ballots are counted, using the same counting procedure set forth in Chapter 7 of this Title.

SECTION FOUR. AMENDMENT. MCNCA Title 19, Chapter 15 is hereby amended to read as follows:

CHAPTER 15. CAMPAIGN FINANCE CODE

§ 15-101. Campaign Finance Code

In order to properly ensure that the Nation's public officials are independent and impartial and to prevent any conflict of interest there is hereby established a Campaign Finance Code overseen by the Muscogee (Creek) Nation Election Board.

§ 15-102. Definitions

A. "Candidate" shall mean a person who has declared his or her candidacy for elective office with the Election Board.

B. "Campaign Contribution" shall mean a contribution in money, goods, or services to a candidate to whom it is offered or given with the intent that it be used in connection with a campaign for elective office.

C. "In-Kind Contribution" shall mean any campaign contribution of a good or service rather than a money donation. In-Kind contributions shall be reported as such, and the report shall include the name of the donor, donor's address, donor's occupation, and the fair market value of the good or service contributed.

D. "Individual" shall mean a natural person or human being and does not include any company, organization or other legal entity.

§ 15-103. Campaign Finance Report

A. Candidates shall file a campaign finance report disclosing the source and amount of all monetary and/or in-kind contributions equal to or exceeding one hundred dollars (\$100.00), made to either the candidate, a campaign worker or a campaign committee. All single or cumulative donations received from a single donor equal to or exceeding one hundred dollars (\$100.00) shall be reported on the finance report. All

candidates, in the event they accept Campaign Contributions, are required to have a separate and distinct campaign bank account, clearly designated for campaign contributions (excluding a candidate's own personal funds). All candidates for an elective office may accept contributions from individuals, business, corporation, or organizations. Of the contributions accepted, at least 51% of the total contributions, including the value of in-kind contributions, must come from Muscogee (Creek) citizens, businesses, corporations, or organizations which are majority owned by a Muscogee (Creek) citizen(s).

B. No candidate running for elective office shall accept campaign contributions prior to January 1st of the election year or after the conclusion of their participation in the election period.

C. Any single contributor (excluding a candidate's own personal funds) whether an individual, business and/or corporation, is limited to a maximum cumulative monetary contribution, including the value of in-kind donations, of five thousand dollars (\$5,000.00) in an election period. Any contributions in excess of this limit must be declined or returned to the donor immediately.

D. Each candidate shall be required to accurately report all contributions received regardless of when the contribution was made to the candidate, as stated in § 15-103. B.

E. The Election Board shall provide candidates with a Campaign Finance Report to be used for disclosing campaign contributions and expenditures. All candidates shall use the form provided by the Election Board in making campaign finance disclosure reports.

F. The Campaign Finance Report shall include the following:

1. The identity of each contributor whose cumulative donations equaling to or exceeding the total sum of one hundred dollars (\$100.00), including name, Muscogee (Creek) Nation citizenship enrollment number (if applicable), address, contact phone number and occupation; contributions from businesses, corporations, and organizations must also indicate if said entity is majority owned by a Muscogee (Creek) citizen(s).
2. Date the contribution was accepted by the candidate or the candidate's campaign;
3. A description and value of the contribution received during the reporting period;
4. The total sum of all donations received during the reporting period;
5. The cumulative total of all donations received;
6. The description and value of all campaign expenditures made during the reporting period;

7. The cumulative total of all campaign expenditures made.

G. Candidates receiving contributions through campaign fundraising events shall report: the title or nature of the fundraising event; the date or timeframe in which the fundraising event was held; the location of the fundraising event; the total amount of funds raised at the fundraising event; and the total amount of campaign expenditures (excluding the candidate's own personal funds) made for the fundraising event. Individual contributions received at the fundraising event need not be reported as such unless an individual at the event contributes a single contribution in an amount equal to or exceeding one hundred (\$100.00) dollars.

H. Campaign Finance Report shall be filed along with an affidavit executed by the candidate attesting to the accuracy of the report.

I. Campaign Finance Report shall be filed with the Election Board upon filing for office. The Campaign Finance Report shall be updated at the end of every month throughout the election season and continuing until the candidate's participation in the election cycle has ended.

J. The Election Board shall be responsible for collecting and retaining all records related to campaign contributions. Campaign Finance Report records may be retained in an electronic format. Such records shall be made available, upon written request, for public inspection and copying through the four (4) year term the subject candidate served or would have served. Copies of any candidate's records shall be released within a reasonable amount of time, but in no event, more than five (5) business days from the date the written request was received by the Election Board. The Election Board is authorized to charge a copying fee of one dollar (\$1.00) for the first page and fifty cents (.50) for each additional page and to cover costs associated with copying the requested records.

K. Candidates shall be required to produce receipts for all campaign expenditures, excluding purchases made with candidate's personal funds.

§ 15-104. Failure to File Reports; Inaccurate Reports

A. If any candidate should fail to file a campaign contribution report within five (5) days after the last day of the preceding month, the Election Board shall file a show cause notice against that candidate. The show cause notice will be delivered to the candidate's email address noted on their declaration for candidacy, which notifies the candidate of the specific alleged campaign disclosure violation.

B. A candidate who has received a show cause notice shall have five (5) working days from the day of receipt of notice to file a response with the Election Board. A candidate served with a show cause notice may request a hearing before the Election

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Board by filing a written request for hearing with the Election Board within five (5) days from receipt of the show cause notice.

C. If requested, a hearing shall be held before the Election Board to determine whether the candidate failed to file a Campaign Finance Report within the time set forth herein.

D. If a member of the Election Board or a candidate has reason to believe that a candidate has filed an inaccurate or false Campaign Finance Report, or has failed to fully disclose the source or amount of any campaign contribution, notice of such allegations shall be forwarded to the Office of the Attorney General for criminal prosecution.

§ 15-106. Penalties For Failure to File Reports; Inaccurate Reports; Enforcement

A. If it is determined by a majority of Election Board members by a preponderance of the evidence that a candidate has failed to file a Campaign Finance Report in a timely manner, the following penalties may be imposed for each violation:

1. Upon a first violation, a fine may imposed in an amount up to, but not exceeding two-hundred fifty dollars (\$250.00).
2. Upon a second or subsequent violation, a fine may be imposed in an amount not exceeding five-hundred dollars (\$500.00).

B. Any candidate who files a false or inaccurate Campaign Finance Report, or who fails to fully disclose the source or amount of any campaign contribution, shall upon conviction be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000.00) per occurrence.

C. No candidate shall be sworn into office and no candidate shall hold any elective office unless all Campaign Finance Reports have been filed and any assessed fines have been paid by the candidate.

D. Any candidate convicted of filing a false or inaccurate Campaign Finance Report or failing to disclose the source or amount of any campaign contribution shall not be eligible to run for any elective office within the Muscogee (Creek) Nation for a period of ten (10) years after the date of conviction.

§ 15-107. Use of Campaign Contributions

A. Contributions accepted by any candidate shall be used to cover the cost of a campaign for elective office. It is the responsibility of the candidate to contact the Office of the Election Board if an expense is in question.

B. Any contributions plus any interest earned on such contributions not expended within thirty (30) days after the candidate's campaign has ended shall be delivered to the Election Board by the candidate. Those funds shall be placed in an interest bearing account to be reserved for the purpose of defraying the costs of future elections.

SECTION FIVE. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this **25th** day of **March, 2023.**

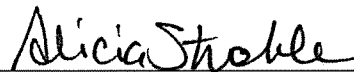
IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



William Lowe, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION


I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the **25th** day of **March, 2023** and that the above is in conformity with the provisions therein adopted by a vote of **15** in favor, **0** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



Alicia Stroble, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 30th day of March, **2023** to the above Law, **NCA 23-022** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



David W. Hill, Principal Chief
Muscogee (Creek) Nation

