



## NCA 18-188

### CLASSIFICATION: #19. ELECTIONS

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 19, § 4-106 ENTITLED "Time for conducting new registration transactions", § 7-314 ENTITLED "Monolingual voters; procedure", § 7-406 ENTITLED "Watchers; appointment and duties" AND § 10-102 ENTITLED "Request for absentee ballot"**

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

**SECTION ONE. AMENDMENT.** This amendment shall be codified in Title 35 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, § 4-106 is hereby amended to read as follows:

§ 4-106. Time for conducting new registration transactions

New registration transactions may be made at any time except election days and the ten (10) days immediately preceding any election, and the three (3) days following any election. In the case of absentee voters, registration forms must be received by the office of the Election Board at least twenty-four (24) days prior to any scheduled election. Persons authorized to register voters shall not be required to conduct registration transactions on Sundays or legal holidays. ~~In the event an election is scheduled in only a portion of the Muscogee (Creek) Nation, registration will close ten (10) days prior to such election only in the portion of the Muscogee (Creek) Nation which is affected.~~

**SECTION THREE. AMENDMENT.** MCNCA TITLE 19, § 7-314 is hereby amended to read as follows:

§ 7-314. Monolingual voters; procedure

When any voter states that he or she, because of a language barrier, can speak and/or read only in the Mvskoke (Creek) language, or the Euchee language, ~~the judge of the precinct Election Committee shall~~ **a language translator shall be made available** to administer an oral oath in Mvskoke (Creek) and English (or Euchee, where applicable) to said voter. ~~Said Judge~~ **The language translator** shall then translate the Instructions for Voting to said voter. Said voter, if he or she so desires, shall then be permitted to have an assistant of his or her choice accompany him or her into the voting booth. Said voter must mark his or her own ballot.

**SECTION FOUR. AMENDMENT.** MCNCA TITLE 19, § 7-406 is hereby amended to read as follows:

**§ 7-406. Watchers; appointment and duties**

Any candidate in a primary election, or general election, shall be entitled to have a watcher present at any place where an official count is being conducted. Said watcher must be commissioned in writing by the candidate. Said commission must be filed with the Manager of the Election Board no later than 5:00 p.m. on ~~Wednesday preceding the election~~ **the Friday preceding the first day of early in-person voting**. Watchers must subscribe to an oath to observe all laws and rules prescribed for watchers as hereinafter provided. Said oath must be administered by the Inspector of the precinct in which the watcher is authorized. In all elections, said watcher shall be limited to observing the official count and shall have no further authority than to make written objections to said count. Said watcher shall be required to remain at the polling place for the same hours as the precinct workers and shall be confined to the area wherein the official count is being conducted. If precinct workers are not used during the election hours, watchers shall be entitled to observe the vote-recording after the polls are closed and may, but need not be present at the polling place at other times. All watchers shall serve on a volunteer basis and shall not be paid for their services.

**SECTION FIVE. AMENDMENT.** MCNCA TITLE 19, § 10-102 is hereby amended to read as follows:

**§ 10-102. Request for absentee ballot**

A. No absentee ballot shall be provided to any absentee voter for any primary election, general election, special election, or any primary or special election to fill a vacancy for any elected Tribal office without a written request from a registered voter.

B. All absentee ballot requests must be in writing by the registered voter ~~no later than 5:00 p.m. on the Thursday which is twenty-four (24) days before each primary~~

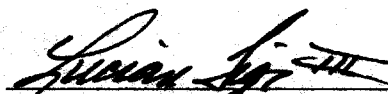
election and received by the office of the Election Board by the close of business, at least twenty-four (24) days prior to any scheduled election. A voter who has timely requested an absentee ballot in accordance with the foregoing shall be entitled to vote absentee in the General Election. Telephone requests for absentee ballots will not be accepted. For the purpose of assisting the absentee Creek voter, the Election Board is hereby directed to mail a request form to all absentee voters who are registered with the Election Board. The form shall be titled "*Request for Absentee Ballot*," and shall state, "I hereby request an absentee ballot be mailed to the following address." The form shall contain a space for a signature and address of the voter requesting the absentee ballot.

C. At the time an individual requests an absentee ballot pursuant to subsection B of this section, a registered voter, who swears or affirms to the Election Board that such individual intends to be absent on the day of the election from the district wherein such individual is registered, may apply for an absentee ballot with the Election Board for the ensuing election only.

**SECTION SIX. 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 15<sup>th</sup> day of December, 2018.

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

  
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Lucian Tiger III, 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 **15<sup>th</sup>** day of **December, 2018** 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*

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Alicia Stroble, Acting Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **21<sup>st</sup>** day of **December**, 2018 to the above Law, **NCA 18-188** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

*James R. Floyd*

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James R. Floyd, Principal Chief  
Muscogee (Creek) Nation

