



## 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 ~~E~~each member of the Election Board ~~member~~ shall be paid a stipend for attendance of each meeting of the Election Board. The stipend for each Election Board member shall be five hundred dollars (\$500.00) per ~~day~~ meeting ~~when conducting official election board business or when attending an official meeting of the Election Board~~ and shall decrease to four hundred fifty dollars (\$450.00) on election days. Provided, however, ~~s~~Stipends shall not be paid for more than fifty (50) ~~occurrences~~meetings 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; ~~Early in person voting authorized~~

A. Absentee ballots shall be authorized for all elections unless specifically denied by law. ~~In accordance with Article IV, Section 9, of the Constitution of the Muscogee (Creek) Nation, citizens who fail to timely declare a home district upon registering to vote shall be ineligible to vote.~~ **The Manager of the Election Board shall prescribe all forms to be used in administering absentee ballots.**

B. ~~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.~~

**§ 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.

§10-102~~3~~. 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.~~ 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. ~~All absentee ballots shall be provided to any voter for any election with a written requests must be in writing by the from said 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. 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. 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. ~~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.~~

§10-103~~4~~. Transmittal of ballot to voter

A. ~~When such application~~ an absentee ballot request is received by the ~~m~~ Manager of the Election Board in accordance with § 10-103 of this chapter, it shall be the Manager's ~~his or her~~ 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 ~~A~~absentee ballots shall be mailed not more than ~~twenty~~thirty (230) 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 ~~such~~the election.

§ 10-1045 Materials to accompany absentee ballot

A. Said absentee ballot ~~or ballots must~~ will be accompanied by:

- ~~A1.~~ A printed opaque **secrecy** envelope **in which a** marked "ABSENTEE BALLOT"absentee ballot will in which a voted ballot or ballots must be placed by the voter.;
- ~~B2.~~ An **outer** return 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.**

§ 10-1056. Return of ballots

A. The voter shall be required to do the following:

1. **m**Mark his or her **their** ballot **in accordance with § 7-307 of this Title;**
2. **s**Seal the ballot in the opaque **secrecy** envelope printed "ABSENTEE BALLOT";
3. **s**Seal the printed opaque **secrecy** envelope inside the return outer envelope;
4. **s**Sign the statement in the space provided for the signature of the voter on the return outer envelope; and
5. **Place both envelopes inside the priority mail return envelope; and**
6. **Voters must ensure the** return **priority** both envelopes, the opaque envelope sealed inside the other, **is received** by United States **Postal Service (USPS)** mail to the **office located in** Okmulgee, **OK** Post Office by 11:00 a.m. on election day.

§ 10-106. Incapacitated voter; application for absentee ballot

~~A registered voter who swears or affirms that he or she is physically incapacitated and thereby unable to vote in person at his or her precinct on the day of the election may apply for an absentee ballot by following the procedures set forth in subsection C of Title 19, § 10-102.~~

§ 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 ~~his or her district~~ on the day of the election, the Election Board shall declare this an emergency and shall issue said person an absentee 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 ~~or ballots~~ to each registered voter of the Muscogee (Creek) Nation who is hospitalized and who has requested said emergency ballot ~~or ballots~~. ~~Requests for emergency absentee ballots must be made prior to 10:00 a.m. on the date of the election.~~
3. The voter requesting an emergency absentee ballot must first complete an affidavit provided by the Election Board stating that he ~~or she~~ they ~~is~~ are under a doctor's care at a hospital and ~~is~~ 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. ~~In the presence of the Election Board members, the voter shall then mark his or her ballot such a manner as to make it impossible for any person other than the voter to ascertain how said ballot is marked. In so far as is possible, t~~The emergency voting procedure shall be the same as if the voter were casting his ~~or her~~ their vote in person at a precinct.
5. The voter shall then place said ballots in the ~~printed opaque~~ secrecy envelope marked "ABSENTEE BALLOT" and then place in the outer ~~said opaque printed envelope in the return envelope. The return envelope shall contain~~ with the voter's signature ~~in the space provided on the return envelope. The Election Board members designated to deliver the emergency absentee ballot or ballots must witness said signature.~~
6. The ~~return~~ outer envelope ~~then~~ must be returned with the ballot enclosed and the emergency affidavit ~~which was witnessed by the members of the Election Board. The Election Board will then present the return~~ outer envelope to the absentee countworkers for tabulation.

~~G. Election Board members appointed to deliver an emergency absentee ballot or ballots shall be reimbursed for their expenses at the applicable Tribal rate of per diem plus mileage at the applicable rate.~~

§ 10-108. Handling of returned absentee ballot

~~A. Absentee ballots received by the Election Board must be marked, sealed in the inner envelope and mailed in the pre-addressed outer envelope. Valid absentee ballots must be received at the Election Board's post office box in Okmulgee, Oklahoma, prior to 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. As absentee ballots are received by the Okmulgee Post Office prior to 11:00 a.m. on election day, said ballots are to be placed in the absentee ballot boxes. The ballot boxes shall be secured with three (3) locks. The keys to the said ballot boxes **will be locked and the keys** will be ~~main~~**retained** by the Lighthorse Administration **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. During the ~~three~~**As early as five (35)** days in advance of the day of election and on the day of election, the Election Board shall designate two (2) **designated** Election Board members **shall witness the transportation of ballot boxes by assigned** and a member from the Lighthorse ~~personnel~~**Administration. **Said boxes will be delivered**** to transport absentee ballot boxes to the public location deemed appropriate by the Election Board ~~on election day~~. Before transporting the ~~last~~ absentee ballot boxes **on election day**, the Election Board members shall ask the Postmaster, **supervisor** or **clerk** person in charge, to check ~~verify~~ the Okmulgee drop box and the front counter of the post office to make sure that all absentee ballots **received** submitted 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; removal of outer envelope

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The ~~e~~Examination of signatures and the removal of the outer envelope may shall take place during the ~~three (3) days in advance of the day of~~ on election day and may and shall take place on the 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 procedures:

A. ~~No earlier than 11:00 a.m. e~~On days the signatures are examined, Lighthorse personnel will give transfer the keys ~~to~~for the absentee ballot boxes to the Election Board staff ~~to open absentee ballot boxes~~. Upon receipt of the absentee ballots, the Election Board shall cause the examination of the signatures, which shall be open for in public viewing. Prior to each election, the Election Board shall establish and approve procedures for the examination of signatures and removal of After each absentee voter is credited with voting in said election on the appropriate form, the outer envelopes, shall be removed and placed in a secure container. The envelopes marked "Absentee Ballot" shall be returned to the ballot box. Said procedures shall be performed each day until all signatures on the outer envelopes received by the Election Board prior to 11:00 a.m. deadline on election day have been examined.

B. ~~At the conclusion of the~~For examination of signatures each day, if said examinations that take place prior to election day, absentee ballot boxes containing the secrecy envelopes marked "Absentee Ballot" shall be locked and the keys to said locks shall be given to Lighthorse Administration personnel to maintain until election day. Two (2) designated members of the Election Board shall accompany Lighthorse personnel in transporting said ballot boxes to Lighthorse Headquarters. The ballot boxes shall be locked and secured ballot boxes ~~in~~ to a designated room inside Lighthorse Headquarters 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 Headquarters 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. ~~Election Board staff will open the said ballot boxes no earlier than 11:00 a.m.~~

§ 10-110. Absentee worker; 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 sixty (60) 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, 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 and resubmit them to the National Council for confirmation. These persons will be recognized as the official absentee workers for any election that is currently being conducted. Said absentee workers 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.~~

~~§ 10-114. Counting procedures~~

A. ~~At 10:00 a.m. on the day of the election, said Absentee Workers shall meet to count absentee ballots in the manner hereinafter prescribed depending on whether the election is being conducted by manual count or electronic voting machine.~~ **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. ~~The absentee~~ **When** ~~ballot counting procedures when conducting an election~~ **is done** ~~with electronic voting machines,~~ **the process** shall be as follows:

- ~~1. Counting~~ **Upon delivery** ~~of absentee ballots shall commence at 11:00 a.m. at the Tribal Complex at a public location deemed appropriate by the Election Board~~ **to the designated location, Lighthorse personnel shall give the keys to the ballot boxes to Election Board staff to open said ballot boxes.**
- ~~2. Upon delivery of the absentee ballots at the Tribal Complex, each absentee ballot outer envelope shall be separated by District and within each District arranged in alphabetical order~~ **The secrecy envelopes shall then be opened and the absentee ballots will be removed.**
- ~~3. The signature located on the outside of each outer envelope shall be checked to ensure that it is the signature of the absentee voter~~ **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. The outer envelope for each District shall be counted and recorded~~ **After the polls close, three (3) copies of the absentee certificate of results total shall be produced by the electronic voting machine.**
- ~~5. Each outer envelope shall be opened and separated from the inner envelope, and the outer envelopes shall then be counted~~ **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. The~~ **Afterwards, a copy of the absentee results, all ballots and envelopes** ~~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 by hand by the absentee workers.~~ **be**



placed in the absentee ballot box or boxes and delivered to Lighthouse facilities; and

8. After the polls close, the total tape shall be printed by the electronic voting machine. 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.
9. After the tape is finished printing, all members of the Election Board that are assigned to the absentee precinct shall sign on the designated lines on the tape and the precinct tally sheet shall be completed. Two (2) additional copies of the totals tape shall be printed. Each copy shall be signed by the Election Board members assigned to the absentee precinct.
10. As soon as possible after the precinct polls close, the absentee voter count results shall be posted at the Tribal Complex.
11. After the members of the Election Board assigned to the absentee precinct sign the totals tape, all ballots, the total tape, and outer and inner envelopes shall be placed in the absentee ballot box or boxes and delivered to the offices of the Election Board; and
12. The absentee counters shall complete the ballot accounting form and attach it to the original totals tape and to the precinct tally sheet and the said form, tape, and tally sheet shall be placed in the elections return envelope for return to the Election Board.

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

1. Counting of absentee ballots shall commence at 11:00 a.m. at the Tribal Complex at a public location deemed appropriate by the Election Board.
2. Upon delivery of the absentee ballots at the designated location Tribal Complex, each absentee ballot outer envelope shall be separated by district and within each district arranged in alphabetical order. Lighthouse personnel shall give the keys to the ballot boxes to Election Board staff to open said ballot boxes.
3. The signature located on the outside of each outer secrecy envelopes shall then be checked to ensure that it is the signature of the absentee voter. opened and the absentee ballots will be removed.
4. The outer envelope of each district shall be counted and recorded. 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.
5. Each outer envelope shall be opened and separated from the inner envelope, and the outer envelopes shall then be counted. 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.

- ~~65.~~ 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 practicable after the polls close, the absentee count results shall be posted by the Manager of the Election Board.
- ~~76.~~ The absentee workers shall then count the absentee voter ballots. For each precinct, 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 All absentee ballots, envelopes and a certificate of results shall be placed in the absentee ballot box or boxes for transmittal to Lighthouse facilities.
- ~~8.~~ At the conclusion of the official count, the absentee workers shall execute certificates of vote wherein said absentee workers attest to the correctness of the totals. One (1) copy of the certificate shall be posted at the Tribal Complex; one (1) copy shall be transmitted forthwith to the Manager of the Election Board; and one (1) copy shall be placed in the absentee ballot box or boxes.
- ~~9.~~ As soon as practicable after the precinct polls close, the absentee voter count results shall be posted by the Manager of the Election Board.
- ~~10.~~ All absentee ballots, envelopes and a certificate of vote shall be placed in the absentee voter ballot box or boxes for transmittal to the offices of the Election Board.

§ 10-1112. Counting by Election Board in certain cases

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

§ 10-1123. Prescribing forms Retention of outer envelopes and absentee ballots

~~The Manager of the Election Board shall prescribe all forms to be used in administering 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.**

~~§ 10-1134. Instructions~~ **Notification of rejection**

~~The Manager of the Election Board shall prescribe instructions for voting by absentee ballot. A copy of said instructions shall be mailed to each voter requesting an absentee ballot.~~ **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.**

~~§ 10-1145. List of absentee voters~~

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

~~B. A copy of the absentee voter list shall be publicly posted at the office of the Election Board on the day preceding the election. Absentee voter lists will consist of absentee voter names only.~~

~~§ 10-116. Retention of materials~~

~~All materials used for procuring and casting an absentee ballot shall be retained by the Manager of the Election Board for a period of six (6) months after the official results of the election. Said 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.~~

~~§ 10-117. Notification of rejection~~

~~In the event of a voter's application or statement of eligibility is rejected for any reason, the Manager of the Election Board shall immediately notify said voter in writing of the rejection and the reason therefore.~~

**§ 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 and to ~~create an organization to implement the provisions of the Campaign Finance Code,~~ there is hereby established a Campaign Finance Code overseen by the Muscogee (Creek) Nation Election Board.

##### **§ 15-102. Definitions**

A. ~~"Declaration of Candidacy" shall mean, for the purpose of this Chapter, filing for elective office, announcing candidacy through a publication or webpage of general circulation, by news media announcement, or upon commencement of fundraising activities, whichever occurs first.~~

~~B.~~ "Candidate" shall mean a person who has declared his or her candidacy for elective office with the Election Board ~~by any means described in paragraph A.~~

~~GB.~~ "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.

~~DC.~~ "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. ~~Powers and responsibilities~~ Campaign Finance Report

~~A.~~ The Election Board shall serve as the official repository of campaign contributions and expenditure disclosure reports as well as any other documents filed by candidates or candidates' committees.

~~B.~~ The Election Board may adopt rules governing the administration and enforcement of the provisions of this act.

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 contributions 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. Disclosure of Campaign Contributions

~~A. All candidates for elective office shall file a statement disclosing the source and amount of all monetary or in-kind contributions over one hundred dollars (\$100.00), made to either the candidate, a campaign worker or a campaign committee. All cumulative donations received from a single donor exceeding one hundred dollars (\$100.00) shall be reported on the disclosure statement.~~

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

~~C. Each candidate or prospective candidate shall be required to accurately report all contributions received for disclosure purposes regardless of when the contribution was made to the candidate or prospective candidate.~~

~~D. The Election Board shall provide candidates with a Campaign Contribution Disclosure Statement form 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.~~

~~E. The Campaign Contribution Disclosure Statements shall include the following:~~

- ~~1. The identity of each contributor whose cumulative donations exceed the total sum of one hundred dollars (\$100.00), including name, address and occupation;~~
- ~~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 from the date of the declaration of candidacy for elective office to the reporting date;~~
- ~~6. The description and value of all campaign expenditures made during the reporting period;~~
- ~~7. The cumulative total of all campaign expenditures made from the date of the declaration of candidacy for elective office.~~

~~\_\_\_\_\_ F. Campaign Contribution Disclosure Statements shall be filed along with an affidavit executed by the candidate attesting to the accuracy of the Disclosure Statement.~~

~~\_\_\_\_\_ G. Campaign Disclosure Statements shall be filed with the Election Board upon filing for office. The Campaign Disclosure Statements 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.~~

~~\_\_\_\_\_ H. The Election Board shall be responsible for collecting and retaining all records related to campaign contributions. Campaign Disclosure Statement 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.~~

~~\_\_\_\_\_ I. All candidates, in the event they accept Campaign Contributions, are required to have a separate campaign bank account for contributions (excluding a candidate's own personal funds).~~

#### ~~§ 15-105. 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** shall notify the candidate of the specific **alleged** campaign disclosure violation-alleged.~~



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 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 ~~Disclosure Statement~~ **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 ~~Disclosure Statement~~ **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 ~~Disclosure Statement~~ **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 ~~Disclosure Statement~~ **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 ~~Disclosure Statements~~ **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 ~~Disclosure Statement~~ **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 ~~or any ordinary and necessary expenses incurred by the candidate during the candidate's 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.**

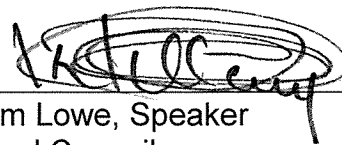
B. Any contributions plus any interest earned on such contributions not expended within thirty (30) days after the candidate's campaign has ended shall be disposed of in one of two manners, at the candidate's option: **delivered to the Election Board by the candidate. Those funds shall be placed in an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

- ~~1. Excess campaign proceeds 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.~~
- ~~2. Donated to the College of the Muscogee Nation. A written receipt or acknowledgement of such donation must be filed with the Election Board.~~

**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 **25<sup>th</sup>** day of **March, 2023.**

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



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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 **25<sup>th</sup>** 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*

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Alicia Stroble, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **30<sup>th</sup>** 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*

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

