



### RECONSIDERATION OF NCA 15-081

I, the undersigned, certify that the foregoing "Reconsideration of NCA 15-081" is a true extract from the, May 19, 2015, Regular Session Journal of the Muscogee (Creek) National Council.

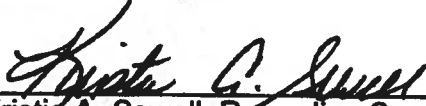
**AND THAT,** NCA 15-081 entitled, A LAW OF THE MUSCOGEE (CREEK) NATION CREATING A NEW CHAPTER UNDER MCNCA TITLE 37, ENTITLED THE CAMPAIGN FINANCE DISCLOSURE ACT AND TO ESTABLISH A PUBLIC OFFICIALS ETHICS COMMISSION was presented to the National Council acting as a Council as a Whole and was approved in Regular Session on May 19, 2015, National Council by a vote of 14 in favor, 0 against, 0 abstention.

**AND THAT,** Said legislation was returned as a Veto with objections by the Principal Chief on, June 2, 2015 and said objections have been entered at large in the Journal of the Muscogee (Creek) National Council;

**AND THAT,** The National Council taking action to reconsider the Bill to **OVERRIDE** (the Veto) at the Regular Session on June 20, 2015, in accordance with the Constitution, Article VI, Section 6(a), requires a (2/3) vote of the full membership, which consists of Sixteen members;


**AND THAT,** The record of vote reflects there were Sixteen present with a vote of 11 in favor, 4 against;

**THEREFORE, BE IT KNOWN,** under Article VI., Section 6. (a) of the Muscogee (Creek) Nation Constitution, NCA 15-081 is hereby recorded as a "VETO OVERRIDE" on this 20<sup>th</sup> day of June 2015.

  
\_\_\_\_\_  
Kristie A. Sewell, Recording Secretary  
National Council  
Muscogee (Creek) Nation

### CERTIFICATION OF APPROVAL

**IN WITNESS WHEREOF,** I, the Presiding Officer of the Muscogee (Creek) National Council have hereto attached my signature this 20<sup>th</sup> day of June, 2015.

  
\_\_\_\_\_  
Thomas Yahola, Speaker  
National Council  
Muscogee (Creek) Nation



# VETO OVERRIDE



NCA 15-081

**CLASSIFICATION: #37. TRIBAL GOVERNMENT**

**A LAW OF THE MUSCOGEE (CREEK) NATION CREATING A NEW CHAPTER UNDER MCNCA TITLE 37, ENTITLED THE CAMPAIGN FINANCE DISCLOSURE ACT AND TO ESTABLISH A PUBLIC OFFICIALS ETHICS COMMISSION**

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

**SECTION ONE. FINDINGS. The National Council finds that:**

A. The government of this Nation must be properly conducted to insure that public officials are independent and impartial and that public office is not used for private gain other than the remuneration provided by law.

B. The Nation's interest requires that law be enacted to prevent any conflict of interest and to establish standards of conduct for elected officials. This will insure that the government will attract those citizens best qualified to serve. Public officials should not be denied the opportunity available to all other citizens to acquire and retain private economic interests except when such interests conflict with the responsibility of such officials to the public.

C. All public officials are agents of the people and hold their positions for the benefit of the people. They are to uphold the Constitution of this Nation and perform efficiently and faithfully their duties under the laws of this Nation and the United States of America.

**SECTION TWO. PURPOSE. The purpose of this Act is to establish a Public Officials Ethics Commission and codify the provisions of the Campaign Finance Disclosure Act.**

**SECTION THREE. NEW LAW. The following new law shall be codified in Title 37 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said new law and its inclusion in pocket parts for the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated in this law in order to be 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 new law:**

**CHAPTER 9. CAMPAIGN FINANCE DISCLOSURE ACT/PUBLIC OFFICIALS  
ETHICS COMMISSION**

**§9-101. Public Officials Ethics Commission Established**

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 Disclosure Act, there is hereby established a Public Officials Ethics Commission.

**§9-102. Appointment**

The Commission shall be comprised of three members, one appointed by the Principal Chief, one appointed by the National Council Speaker, and one remaining Commissioner shall be selected by the other Commissioners. Commissioners shall be appointed within 30 days of enactment of this law.

**§9-103. Qualifications**

Commissioners must be Muscogee (Creek) Citizens and registered voters.

**§9-104. Terms**

A. The initial term of the Principal Chief's appointment shall be two years, the initial term of the Speaker's appointment shall be four years, and the initial term of the Commissioner appointed by other two Commissioners shall be six years. The term of office for a Commissioner shall commence on the first day in July. Thereafter, all successive terms for a Commissioner shall run for six (6) years.

B. No member of the Public Officials Ethics Commission shall be eligible for elected office for two years after completing his or her term.

**§9-105. Quorum**

A majority of the members shall constitute a quorum.

**§9-106. Vacancies**

A vacancy on the Commission shall be filled for the remainder of the unexpired term by the appointment to an unexpired or full term. Within sixty days, the seated members of the Commission shall select a Commissioner to serve the remainder of the term.

**§9-107. Appropriation-Compensation-Staff**

A. The Public Officials Ethics Commission shall receive an annual appropriation sufficient to perform its duties. The Commission shall present its budget to the Principal Chief and the National Council at the time prescribed by the Nation's Controller.

B. Commissioners shall receive compensation in the form of a stipend of Three Hundred and No/100 dollars (\$300.00) per meeting.

C. The Commission may employ such persons as are necessary to fulfill its duties.

**§9-108. Powers and responsibilities**

A. The Public Officials Ethics Commission shall serve as the official repository for campaign contributions and expenditures reports and such other documents filed by candidates, candidate committees.

B. The Public Officials Ethics Commission shall preserve the actual reports and statements for a period of at least 6 years and then have electronic copies made and kept on file.

C. The Public Officials Ethics Commission may accept and file any information supplied that exceeds the requirements of Muscogee (Creek) Law.

D. The Public Officials Ethics Commission shall cause to be prepared and make available for distribution forms referenced in § 9-114 upon which required information shall be provided as required by Muscogee (Creek) Law. The Public Officials Ethics Commission shall provide copies substantially in the form listed in in § 9-114, however, the Commission may make alterations to the form.

E. The Public Officials Ethics Commission shall make campaign contributions and expenditure reports filed with the Public Officials Ethics Commission available during regular office hours to the public for review. Copies shall be provided if requested for a fee of \$1.00 for the first page and \$.50 for each additional page.

F. The Public Officials Ethics Commission may issue interpretations pertaining to the provisions of Muscogee (Creek) Law they are charged with enforcing.

**§9-109. Rules**

The Public Officials Ethics Commission shall promulgate rules governing ethical conduct to be followed in all campaigns for elective office, initiatives and referenda, including civil penalties for violations of the rules. Newly promulgated rules shall be presented to the National Council within sixty days of their promulgation. Such rules are not valid until approved by duly adopted Tribal Resolution.

**§9-110. Complaints-Investigations and Hearings-Written Decisions-Disclosure**

A. Complaints alleging violations of this Act shall be filed with the Public Officials Ethics Commission.

B. The Public Officials Ethics Commission shall not initiate any investigation or other proceeding except:

1. Pursuant to a complaint which meets the requirements of this law;  
or
2. A delinquency.

C. Complaints shall be in writing and signed by the person making the complaint and shall be verified and notarized. The complaint shall state specifically the violation of the Ethics Act, name the person who violated and the date of the violation which shall not be more than two (2) years before the complaint is filed. A filing fee of Two Hundred Dollars (\$200) shall be submitted with any Complaint before the Public Officials Ethics Commission will review the Complaint. In the event the Public Officials Ethics Commission determines the Complaint has merit, the person submitting the Complaint shall be entitled to a refund of the Two Hundred Dollar (\$200) filing fee.

D. A complaint may be withdrawn by the complainant at any time with the consent of the Commission and respondent, however, the \$200 Filing Fee shall not be returned.

E. The Commission shall determine if the complaint may be resolved by action on the part of either party or if the complaint should be dismissed. The Commission may order a hearing before the Commission at which time the complainant and respondent with counsel may be present and shall be notified that the investigation and hearing may result in a referral of the complaint to the Attorney General if there is a criminal penalty possible. The complainant shall be present to testify and present evidence and the respondent may examine the complainant, testify and present evidence.

F. The Commission shall cause a record to be made of any hearing and may request a licensed member of the Muscogee (Creek) Nation Bar Association assist the Commission as a hearing officer.

G. The Commission shall develop Rules and Procedures for the conduct of Hearings.

**§9-111. Frivolous Complaints**

A. It shall be unlawful for any person to file a frivolous complaint with the Public Officials Ethics Commission. A person shall be deemed to have filed a frivolous complaint if:

1. The person has submitted or conspired to submit substantially the same complaint within the preceding one (1) year period of time;
2. The complaint is not accurate or well-grounded in fact or made maliciously; or
3. The complaint is made for an improper purpose or to harass any person named in the complaint.

B. If the Commission upon a vote of a majority of the members determines a frivolous complaint has been filed, it shall forward the complaint along with any information it deems necessary to the Attorney General. Any person convicted of filing a frivolous complaint shall be guilty of a misdemeanor and shall be punished by a fine not exceeding Five Thousand Dollars (\$5,000.00) or one year (1) year in jail.

**§9-112. Notice of Delinquency**

The Public Officials Ethics Commission shall post in public view at the office of the Secretary of the Nation and Commerce a list of those delinquent in filing any statements or reports required by this Act. The Commission shall send a delinquency notice to the appropriate person within twenty-four (24) hours of the filing deadline by certified mail and may impose late filing fees as provided by this Act. If any person has not filed any statement or report within forty-eight (48) hours after receipt of such notice, the Commission may, on its own motion, institute proceedings against such person.

**§9-113. Campaign Contributions and Expenditure Reporting Requirements**

- A. The campaign contributions and expenditures reports shall disclose:
1. The grand total of contributions from the end of the last election cycle (after date of inauguration) to the current date and expenditures report unless beginning a new campaign or cumulative report.

2. The specific identification of each contributor who gives a contribution which exceeds One Hundred Dollars (\$100.00), with a maximum contribution from any individual or entity of Two Thousand Dollars (\$2,000.00) per candidate, including:
  - a. date contribution accepted.
  - b. the contributor's name and address, and
  - c. a specific description of the contribution;
3. The aggregate value of all contributions received from each such contributor during the campaign.
4. The total sum of all contributions during the current reporting period.
5. The grand total of all contributions for the campaign or cumulative period to date.
6. The grand total of expenditures from the last report, unless beginning a new campaign or cumulative period.
7. All campaign expenditures in detail by categories or objects of expenditure.
8. The total of all expenditures during the current reporting period.
9. Grand total of all expenditures for the campaign or reporting period to date.

B. Reports shall be certified by the candidate. No fictitious names shall be used on reports. The report shall show the correct name of the person actually making the contribution. Interest earned shall not be considered a contribution and a filing fee paid by the candidate shall not be considered to be expenditure.

C. The reports herein described shall be filed on or before the tenth (10<sup>th</sup>) day preceding the date for the Primary Election and shall contain all contributions accepted and expenditures made from the date on which the earliest contribution was received or expenditure made, whichever earlier, through a period of time ending fifteen (15) days preceding the date of the Primary Election. Contributions accepted and expenditures made shall be reported whether the candidate had declared candidacy as of a certain date, however, the reports are not required to be submitted until the candidate officially declares candidacy.

D. A further report shall be filed on or before the tenth (10<sup>th</sup>) day preceding the date for the Runoff Election and shall contain all contributions accepted and expenditures made from the date on the close of the reporting period required by Paragraph C. above through a period of time ending fifteen (15) days preceding the date of the Runoff Election.

E. A further report shall be filed on or before the tenth (10<sup>th</sup>) day preceding the date for the General Election and shall contain all contributions accepted and

expenditures made from the date on the close of the reporting period required by Paragraph D. above through a period of time ending fifteen (15) days preceding the date of the General Election.

F. A further report shall be filed on or before the Thirtieth (30<sup>th</sup>) day after the date for the General Election and shall contain all contributions accepted and expenditures made from the date on the close of the reporting period required by Paragraph E. above through a period of time ending twenty (20) days after the date of the General Election.

G. If any contributions are accepted or any expenditures made within six (6) months after the close of the reporting period in Paragraph F. above the candidate shall file a supplemental report within six (6) months and ten (10) days from the date of the General Election.

H. Disclosure of campaign contributions and expenditures shall begin as of the effective date of this Act. Campaign contributions received and expenditures completed prior to the effective date are not required to be disclosed.

**§9-114. Form for Reporting Campaign Contributions and Expenditures**

**MUSCOGEE (CREEK) NATION  
CAMPAIGN CONTRIBUTIONS AND EXPENDITURES  
REPORT**

**DATE OF REPORT \_\_\_\_\_, 20 \_\_\_\_.**

**NAME OF CANDIDATE**

---

**Name: (Last, First, Middle)**

**ADDRESS OF CANDIDATE**

---

**(Street or Box, City, State, Zip)**

**OFFICE SOUGHT**

---



Listed below are the contributions received and the expenditures made which are required by law to be reported.

**CONTRIBUTIONS**

**Grand Total of Contributions**

\$ \_\_\_\_\_

<b>Name &amp; Address</b>	<b>Nature of Contribution Cash, Check or In-Kind (Describe)</b>	<b>Amount</b>
_____ \$ _____	_____	_____
_____ \$ _____	_____	_____
_____ \$ _____	_____	_____
_____ \$ _____	_____	_____
_____ \$ _____	_____	_____
_____ \$ _____	_____	_____
_____ \$ _____	_____	_____

**BALLOT INFORMATION: candidates please indicate whether the candidate's name appeared on the ballots for the following elections.**

<b>PRIMARY</b>	<b>RUNOFF</b>	<b>GENERAL</b>
<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> No

Report additional information on plain 8 ½ X 11 paper using the format of each question. Attach pages to this report. Put your name and date on all attachments.

**CERTIFICATION**

I certify under penalty of perjury that the foregoing is true and the information in this Campaign Contributions and Expenditures Report is, to the best of my knowledge, true, correct and complete. A person who makes a false sworn statement which he or she does not believe to be true is guilty of perjury.

**SIGNATURE:**

\_\_\_\_\_

**NAME** . **OF** . **FILER:**

\_\_\_\_\_

**DATE:** \_\_\_\_\_

Subscribed to and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_\_.

**My Commission Expires:** \_\_\_\_\_

**My Registration Number:** \_\_\_\_\_

All officials and candidates who are required to file Campaign Contributions and Expenditures Reports are solely responsible for filing complete, accurate and truthful reports by the deadline.

**§9-115. Use of Campaign Contributions**

A. Contributions accepted by any candidate shall be used to defray and campaign expenditures or any ordinary and necessary expenses incurred by the person in connection with duties as a holder of public office. Contributions and any interest income earned on said contributions not used within twenty-four (24) months of the General Election shall be disposed of as follows:

1. Returned to contributors pursuant to a formula approved by the candidate, provided any amount returned to a contributor shall not exceed the amount of the original contribution;
2. Donated to the College of the Muscogee Nation.

**§9-116. Sanctions**

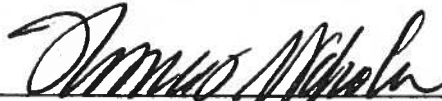
A. Every person who violates any provision of this Act, shall upon conviction be guilty of a misdemeanor and punished by a fine of not more than One Thousand Dollars (\$1,000.00) per occurrence. Candidates who violate any provision of this Act shall be prohibited from filing for elective office for a period of ten (10) years and Candidates who violate any provision of this Act who were elected shall forfeit office and shall be prohibited from filing for elective office for a period of ten (10) years.

B. Candidates who fail to file reports on or before the days specified shall be assessed a late filing fee of One Hundred Dollars (\$100.00) for each day such report remains unfiled, provided such late fee shall not exceed One Thousand Dollars (\$1,000.00). Any elected official shall not be sworn into office until all late fees due under this law have been paid in full.

**SECTION FOUR. 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 **19<sup>th</sup>** day of **May, 2015**.

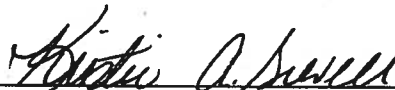
**IN WITNESS WHEREOF**, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



\_\_\_\_\_  
Thomas Yahola, 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 **Fifteen** members attending this meeting on the **19<sup>th</sup>** day of **May, 2015** and that the above is in conformity with the provisions therein adopted by a vote of **14** 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.



\_\_\_\_\_  
Kristie A. Sewell, Recording Secretary  
Muscogee (Creek) National Council

**Page 11 of 11**  
**NCA 15-081**

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this \_\_\_\_\_ day of \_\_\_\_\_, 2015 to the above Law, **NCA 15-081** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

\_\_\_\_\_  
George Tiger, Principal Chief  
Muscogee (Creek) Nation