

TITLE 19. ELECTIONS

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CHAPTER 1. PRIMARY AND GENERAL ELECTIONS

Section

- 1-101. Primary elections.
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§ 1-101. Primary elections

On the Saturday immediately following the third Friday in September, 2003, and every four (4) years thereafter, the citizens of the Muscogee (Creek) Nation shall nominate their candidates for the offices of Principal Chief and Second Chief for the next following general election, unless otherwise provided by law. On the Saturday immediately following the third Friday in September, 2001, and every two (2) years thereafter, a primary election shall be held, at which time the citizens of the Muscogee (Creek) Nation shall nominate their candidates for the offices of Representatives of the National Council.

[NCA 99-20, § 1-100, approved April 30, 1999; amended by NCA 01-50, § 2, eff. June 1, 2001.]

Library References

- Indians ⇄ 217.
- Westlaw Topic No. 209.

Title 19, § 1-102

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§ 1-102. General elections

On the Saturday immediately following the first Friday of November, 2003, and every four (4) years thereafter, a general election shall be held, at which time the Principal Chief and the Second Chief of the Muscogee (Creek) Nation shall be elected. On the Saturday immediately following the first Friday of November, 2001, and every two (2) years thereafter, the National Council Representatives shall be elected.

[NCA 99-20, § 1-101, approved April 30, 1999; amended by NCA 01-50, § 3, eff. June 1, 2001.]

Library References

Indians ☞217.
Westlaw Topic No. 209.

§ 1-103. Substitute candidates

In the event of the death of a nominee for office, a substitute candidate will not be permitted to have his name placed on the general election ballot. A ruling must be made by the National Council in regards to any special election to replace said candidate.

[NCA 99-20, § 1-102, approved April 30, 1999.]

Library References

Indians ☞217.
Westlaw Topic No. 209.

CHAPTER 2. ORGANIZATION OF ELECTION BOARD AND PRECINCT ELECTION COMMITTEES

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- 2-102. Terms of office.
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- 2-106. Office of the Election Board; hours.
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- 2-110. Precinct Election Committee.
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- 2-116. Appointment of precinct workers.
- 2-117. Compensation of inspectors, judges, clerks and precinct workers.
- 2-118. Removal of precinct workers.
- 2-119. Eligibility for membership on Precinct Election Committee.
- 2-120. Disqualification of Precinct Election Committee members.
- 2-121. Conflict of interest prohibited.
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Cross References

Election Board, see Const. Art. IV, § 1.

§ 2-101. Nominations and confirmation

The Principal Chief shall nominate a Muscogee (Creek) Nation Election Board, hereinafter referred to as "Election Board", comprised of five (5) members. The members of the Election Board shall be nominated by the Principal Chief by submission of a Tribal Resolution to the National Council. The National Council may at its discretion hold hearings on persons nominated. National Council approval of the Tribal Resolution submitted by the Principal Chief shall be required for confirmation of all appointments to the Election Board. Nominations not approved by majority vote shall be returned to the Principal Chief. Nominations returned shall be replaced by new nominations.

[NCA 99-20, § 2-100, approved April 30, 1999; amended by NCA 03-052, § 2, eff. March 28, 2003.]

Library References

Indians ⇄ 217.
Westlaw Topic No. 209.

§ 2-102. Terms of office

A. Staggered terms. The terms of office of the Election Board members shall commence on June 1 of a calendar year and end on May 31 of a calendar year in accordance with the following permanent schedule:

Title 19, § 2–102

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1. Election Board position number 1: Term ending May 31, 2002 and every five (5) years thereafter.
2. Election Board Position Number 2: Term ending May 31, 2003 and every five (5) years thereafter.
3. Election Board Position Number 3: Term ending May 31, 2004 and every five (5) years thereafter.
4. Election Board Position Number 4: Term ending May 31, 2005 and every five (5) years thereafter.
5. Election Board Position Number 5: Term ending May 31, 2006 and every five (5) years thereafter.

B. Nominations. The Principal Chief shall nominate an individual to serve on the Election Board at least two (2) months prior to the expiration date of the term of an Election Board position and said nomination shall specify the Election Board position number, and the date of the expiration of the term for the person to be appointed, said dates to be in conformity with subsection A of this section.

C. Vacancies. In the event of a vacancy before the expiration of the term for a specific Election Board position number, the term shall be for the balance of the term for the specific Election Board position number in conformity with subsection A of this section.

[NCA 99–20, § 2–101, approved April 30, 1999; amended by NCA 01–118, § 2, approved July 10, 2001.]

Library References

Indians ☞216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 2–103. Compensation of Election Board Members

Each member of the Election Board shall be paid a stipend for attendance at each meeting of the Election Board. The stipend for each Election Board member shall be one hundred fifty dollars (\$150.00) per meeting. Provided, however, stipends shall not be paid for more than fifty (50) meetings per year.

[NCA 99–20, § 2–102, approved April 30, 1999; amended by NCA 07–104, § 1, eff. May 3, 2007.]

Library References

Indians ☞210, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 2–104. Election Board duties

The Election Board shall perform such duties as may be prescribed by law.

[NCA 99–20, § 2–103, approved April 30, 1999.]

Library References

Indians ☞214.5. Westlaw Topic No. 209.

C.J.S. Indians §§ 57, 59.

§ 2-105. Chairman's duties

The Chairman of the Election Board shall be the administrative officer of the Election Board and (a) shall have general supervisory authority; (b) shall have the authority to assign and fix the duties of personnel as may be necessary to perform the duties of the Election Board; (c) may promulgate, repeal or modify such rules or regulations as he or she deems necessary to facilitate and assist in achieving and maintaining uniformity in the application, operation and correctness, impartiality and efficiency in the administration of this Revised Election Code; provided, that such rules or regulations, to be binding and effective, must be consistent with this Code and must have been officially adopted by the Election Board; and (d) shall promote and encourage voter registration and voter participation in elections.

[NCA 99-20, § 2-104, approved April 30, 1999.]

Library References

Indians ⇨214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2-106. Office of the Election Board; hours

A. The Election Board shall maintain an office or offices continuously in the seat of the government.

B. The office of the Election Board shall be located at the Tribal Capitol Complex, Okmulgee, Oklahoma, and shall be open during the regular working hours.

[NCA 99-20, §§ 2-105, 4-105, approved April 30, 1999.]

Library References

Indians ⇨214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2-107. Maintenance of records

All records of the Office of the Election Board shall be maintained by the Manager of the Election Board. Said records shall not be open for public inspection unless otherwise provided by law.

[NCA 99-20, § 2-106, approved April 30, 1999.]

Library References

Indians ⇨214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2-108. Removal of Election Board members

A. The members of the Election Board shall not be subject to removal from office except for any one or more of the following causes:

1. Violation of the Election Board member's oath of office;

2. Dishonesty, gross misconduct, or incompetence in office;
3. Willful neglect of duty as evidenced by excessive absences from duly convened meetings of the Election Board;
4. Conviction of a felony under federal, state, or Tribal law;
5. Committing any act or engaging in any activity which would constitute a criminal offense involving dishonesty or morale turpitude under federal, Tribal or state law;
6. Directly, or indirectly, engaging in any activities or transactions constituting a conflict of interest under the laws of the Muscogee (Creek) Nation or any other applicable laws, rules or regulations; or
7. Violation of Subchapter 1 of Chapter 3 of Title 37 (Title 37, § 3–101 et seq.) of the Muscogee (Creek) Nation Code.

B. A petition for removal hereunder may be filed by the Principal Chief or any Committee of the National Council with jurisdiction over the Election Board's affairs upon a majority vote for removal by such Committee.

C. Any Election Board member accused of any of the causes listed in subsection A shall be given a copy of the petition charging him or her and afforded the right to respond to the charges and present witnesses and other evidence in his or her defense at a hearing convened by the National Council. The petition shall state the cause or causes for removal with sufficient particularity to put the accused Election Board member on notice of the nature of the charges against him or her. Both the petitioner and the Election Board member so accused shall have the right to be represented by an attorney at the hearing, provided that the Election Board member shall be responsible for paying his or her own attorney fees and other expenses in defending the petition. The petitioner shall be represented by the Attorney General or, upon the request of the petitioner, a special prosecutor appointed by the Attorney General pursuant to subsection A of Title 16, § 3–104. The National Council shall preside over the removal hearing and receive the evidence. Removal of the accused Election Board member shall require a two-thirds (2/3) vote of the National Council. The decision of the National Council shall be final and binding on the Muscogee (Creek) Nation and the Election Board member, and shall not be subject to judicial review.

[NCA 99–20, § 2–107, approved April 30, 1999.]

Library References

Indians ⇄214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2–109. Certification of registered voters

The Chairman of the Election Board shall certify no later than January 15th of each and every year the total number of registered voters in each District as of the first day of the year in which the Chairman's certification hereunder is made.

[NCA 99–20, § 2–108, approved April 30, 1999.]

Library References

Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2-110. Precinct Election Committee

Each precinct within the Muscogee (Creek) Nation shall have a Precinct Election Committee composed of three (3) members.

[NCA 99-20, § 2-109, approved April 30, 1999.]

Library References

Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2-111. Judges, clerks and inspectors appointed by Election Board

Each Precinct Election Committee shall have one (1) judge, one (1) clerk and one (1) inspector appointed by the Election Board to serve during designated elections. The Election Board may also designate alternates to serve in each precinct.

[NCA 99-20, § 2-110, approved April 30, 1999.]

Library References

Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2-112. Removal of Precinct Election Committee members

The Election Board shall have the authority to remove any of the Precinct Election Committee members at any time for cause.

[NCA 99-20, § 2-111, approved April 30, 1999.]

Library References

Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2-113. Inspector's duties

The Inspector shall be the principal administrative officer of the precinct.

[NCA 99-20, § 2-112, approved April 30, 1999.]

Library References

Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2-114. Judge shall serve as translator

The Judge shall serve as translator of the precinct.

[NCA 99-20, § 2-113, approved April 30, 1999.]

Library References

Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2-115. Duties of Precinct Election Committee

The Precinct Election Committee shall perform such duties as may be prescribed by law.

[NCA 99-20, § 2-114, approved April 30, 1999.]

Library References

Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2-116. Appointment of precinct workers

Precinct workers for each precinct in each district may be appointed by the Election Board as the Board deems necessary.

[NCA 99-20, § 2-115, approved April 30, 1999.]

Library References

Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2-117. Compensation of inspectors, judges, clerks and precinct workers

The inspector, judge, clerk and precinct workers, if any be appointed, 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. Alternates shall be paid on the same basis as other Precinct Election Committee members.

[NCA 99-20, § 2-116, approved April 30, 1999.]

Library References

Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2-118. Removal of precinct workers

The Election Board may remove precinct workers at any time for cause.

[NCA 99-20, § 2-117, approved April 30, 1999.]

Library References

Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2–119. Eligibility for membership on Precinct Election Committee

To be eligible for membership on a Precinct Election Committee, or to serve as a precinct worker, if the Election Board deems precinct workers to be necessary, for a Precinct Election Committee, a person must:

- A. be a registered voter of the District in which said person will serve;
- B. demonstrate competence to perform required duties; and
- C. if appointed as a judge of the Precinct Election Committee, be able to speak and translate the Mvskoke (Creek) language. With respect to the Creek District, in addition to the Mvskoke-speaking judges, reasonable efforts shall be made to locate a person for each precinct in said district who is capable of translating the Euchee language to give the precinct voters translation services during the election.

[NCA 99–20, § 2–118, approved April 30, 1999.]

Library References

Indians ☞214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2–120. Disqualification of Precinct Election Committee members

No person shall serve on a Precinct Election Committee, or as a precinct worker for a Precinct Election Committee at an election in which he or she is a candidate for office. Nor shall any of the following relatives of a candidate for office be eligible to serve on such committee or work for such committee: the spouse, daughter or daughter-in-law, son or son-in-law, sister or sister-in-law, brother or brother-in-law, parent or grandparents. In the event a member of a Precinct Election Committee is disqualified for one of the aforementioned reasons, it shall be the duty of the Election Board to appoint a suitable replacement for the official for said election.

[NCA 99–20, § 2–119, approved April 30, 1999.]

Library References

Indians ☞214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 2–121. Conflict of interest prohibited

In any controversy arising under this title where a voter's or candidate's rights or privileges are to be determined by an officer or group of officers, any officer who is related (as stated in Title 19, § 2–120) to any voter or candidate shall not take part in any discussion of the controversy, shall not vote in any procedural or substantive vote of the group determining the controversy, and shall defer to another officer any duties required by this Title.

[NCA 99–20, § 2–120, approved April 30, 1999.]

Library References

Indians ☞214.5. Westlaw Topic No. 209.

Title 19, § 2-121

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C.J.S. Indians §§ 57, 59.

§ 2-122. Violations of Title

Penalties for violation of this Title by a Precinct Election Committee member or Election Board member shall result in their immediate suspension from office and shall subject said member to criminal action as stated in Chapter 12 of this Title (Title 19, § 12-101 et seq.) and such other penalties as may be determined by Tribal Court.

[NCA 99-20, § 2-121, approved April 30, 1999.]

Library References

Indians ↔214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

CHAPTER 3. GENERAL ADMINISTRATION

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- 3-102. Forms provided by Election Board.
- 3-103. Costs paid by Election Board.
- 3-104. Training Election Board personnel.
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- 3-114. Oaths of office.
- 3-115. Maintenance of records.
- 3-116. Maintenance of election results.
- 3-117. Use of electronic data processing equipment and voting machines.

§ 3-101. Elections to be on Saturdays

All elections required to be conducted shall be scheduled for a Saturday.

[NCA 99-20, § 3-100, approved April 30, 1999.]

Library References

Indians ☞214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3-102. Forms provided by Election Board

A. All forms required by law shall be provided by the Election Board.

B. Forms required for implementation of registration and election laws shall be prescribed by the Election Board of a uniform character suitable for the voting system in use.

[NCA 99-20, §§ 3-101, 102, approved April 30, 1999.]

Library References

Indians ☞214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3-103. Costs paid by Election Board

The cost of workers, rent for polling places, ballot boxes, locks and keys, voting booths and other materials shall be paid from the Election Board funds. Budget modifications may be implemented with approval by law.

[NCA 99-20, § 3-103, approved April 30, 1999.]

Cross References

Election Board Special Depository Account, see Title 37, § 2-215.

Library References

Indians ☞214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3–104. Training Election Board personnel

Prior to each election, the Manager of the Election Board shall cause to be conducted a training program for Members of each Precinct Election Committee, absentee workers, and precinct workers if the Election Board deems necessary.

[NCA 99–20, § 3–105, approved April 30, 1999.]

Library References

Indians ☞214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3–105. Compensation for training

The members of each Precinct Election Committee, absentee workers, and precinct workers if the Election Board deems necessary, shall receive compensation for each day of training, in an amount to be determined by the Election Board prior to the training sessions.

[NCA 99–20, § 3–106, approved April 30, 1999.]

Library References

Indians ☞214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3–106. Precinct Election Committee instruction booklets

The Election Board, for each election, shall cause each Precinct Election Committee to be provided with a booklet of instructions for conducting the election.

[NCA 99–20, § 3–107, approved April 30, 1999.]

Library References

Indians ☞214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3–107. Instruction to voters

Instructions to voters describing the manner for casting one's vote shall be posted inside each polling place. Said instructions shall be prescribed by the Election Board, and printed in Mvskoke (Creek) and English.

[NCA 99–20, § 3–108, approved April 30, 1999.]

Library References

Indians ☞214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3–108. Dissemination of information

It shall be the duty of the Election Board to disseminate information about the dates and times of elections, locations of polling places, names and addresses of voter registrars, and other data as they deem necessary to inform the general public of same. Sample ballots shall be made available to the general public, and printed in Mvskoke (Creek) and English.

[NCA 99–20, § 3–109, approved April 30, 1999.]

Library References

Indians ⇄214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3–109. Establishment of precincts; map of precinct required

It shall be the duty of the Election Board to establish boundaries for voting precincts in the districts. A large map showing said precincts shall be maintained in the Election Board office at all times, and shall be published annually in the *Muscogee Nation News*.

[NCA 99–20, § 3–110, approved April 30, 1999.]

Library References

Indians ⇄214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3–110. Change of precinct boundaries

The Election Board may change the boundaries of, abolish or consolidate any precinct with the majority approval of the National Council of the Muscogee (Creek) Nation, subject to the limitations hereunder provided, by observing the following procedures:

A. Changes shall not become effective until the Council has approved the change(s) and thereafter notices of such changes have been posted for thirty (30) days, one (1) notice posted at the door of the polling place for the affected precinct, and one (1) notice posted at the door of the Muscogee (Creek) Nation Tribal Complex.

B. The registration of each registered voter affected by such change shall be transferred as provided by law by the Manager of the Election Board without any request from said voter.

C. Each registered voter whose registration is transferred as hereinbefore provided shall be notified of such transfer in writing by the Manager of the Election Board. At the same time, the voter shall be issued a new voter identification card, if necessary, and shall be instructed to destroy his or her former voter identification card.

[NCA 99–20, § 3–111, approved April 30, 1999; amended by NCA 07–105, § 3, eff. May 3, 2007.]

Historical and Statutory Notes

NCA 07-105 provides in part:
 “Section tree. Authorization. The Election Board of the Muscogee (Creek) Nation is hereby authorized to establish an additional voting precinct within the Okmulgee District at the Twin Hills Indian Community Center for the purpose of providing Tribal Citizens residing in Beggs,

Duck Creek, Mounds, Boynton, Haskell and the rural area north of Morris with a more centralized polling place. Additionally, the Election Board shall implement the procedures set forth in MCNCA Title 19, § 3-110 regarding change of precinct boundaries.”

Library References

Indians ☞214.5.
 Westlaw Topic No. 209.
 C.J.S. Indians §§ 57, 59.

§ 3-111. Ballot boxes

There shall be one (1) ballot box for each precinct. Said ballot box shall be constructed of substantial material and shall be equipped with three (3) locks so that the keys of one lock will not unlock the others. Each box shall be equipped with an opening in the top through which a ballot may be inserted, but must be constructed in such a manner that the box must be unlocked before the ballots can be removed. In the case when elections are conducted using electronic voting machines, the component ballot transfer case will be used in lieu of ballot boxes for paper ballots.

[NCA 99-20, § 3-112, approved April 30, 1999.]

Library References

Indians ☞214.5.
 Westlaw Topic No. 209.
 C.J.S. Indians §§ 57, 59.

§ 3-112. Voting booths

The Election Board shall cause at least two (2) voting booths to be provided in each precinct. Said booths shall contain a counter or shelf, or some surface for writing and shall be constructed in such a manner that a member of the Precinct Election Committee can determine whether more than one person is in the booth, but in such a manner as to insure secrecy by the voter in marking his or her ballot.

[NCA 99-20, § 3-113, approved April 30, 1999.]

Library References

Indians ☞214.5.
 Westlaw Topic No. 209.
 C.J.S. Indians §§ 57, 59.

§ 3-113. Official seals

The Election Board shall have official seals, which seals shall be affixed to Certificates of Election and other official documents of said Election Board. The Manager shall maintain written minutes of all official acts of said Election Board, and such minutes shall be public record.

[NCA 99-20, § 3-114, approved April 30, 1999.]

Library References

Indians ⇨214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3-114. Oaths of office

All persons appointed as members of the Election Board shall, before entering upon the duties of their offices, take and subscribe to the oath of office as prescribed by the Election Board. Said oaths shall be retained in the office of the Election Board.

[NCA 99-20, § 3-115, approved April 30, 1999.]

Library References

Indians ⇨214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3-115. Maintenance of records

The Election Board shall continuously maintain records of all official acts and certificates made by said Election Board and its officers and Precinct Election Committee.

[NCA 99-20, § 3-116, approved April 30, 1999.]

Library References

Indians ⇨214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3-116. Maintenance of election results

The Election Board, with regard to elections certified by same, shall retain permanently the results of said elections by precincts.

[NCA 99-20, § 3-117, approved April 30, 1999.]

Library References

Indians ⇨214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 3-117. Use of electronic data processing equipment and voting machines

Notwithstanding any other provision of law, the Election Board may direct the Chairman of said Election Board to provide for: (1) the use of electronic data processing equipment for the purpose of establishing and maintaining the registration records, producing central and precinct registries, producing poll books and canvassing and tabulating election returns, and (2) electronic voting machines for use in Tribal elections.

[NCA 99-20, § 3-118, approved April 30, 1999.]

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Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

CHAPTER 4. REGISTRATION

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- 4-114. Change of residence to another district.
- 4-115. Cancellation of registration.

Cross References

Eligibility to vote, see Const. Art. IV, § 2.

§ 4-101. Persons entitled to vote in Tribal elections

Every person who is a qualified Citizen of the Muscogee (Creek) Nation according to the Constitution of the Muscogee (Creek) Nation, regardless of religion, creed, or sex, shall be eligible to vote in the Tribal elections provided that (a) they are registered to vote in accordance with this chapter; (b) they are at least eighteen (18) years of age at the date of election, with the registrant providing sufficient proof of age to the Election Board; and (c) they hold citizenship.

[NCA 99-20, § 4-100, approved April 30, 1999.]

Library References

Indians ⇄214.5, 222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 57, 59, 62, 67, 180.

§ 4-102. Registration required

No person shall be permitted to vote in any election unless such person is registered with the Election Board as a voter.

[NCA 99-20, § 4-101, approved April 30, 1999.]

Library References

Indians ⇄214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 4-103. Time and place of registration

The Election Board and its assistants shall be authorized to register voters at any place during the time prescribed by Title 19, § 4-106.

[NCA 99-20, § 4-102, approved April 30, 1999.]

Library References

Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 4-104. Appointment of registrars; number and qualifications

The Manager of the Election Board shall appoint as voter registrars at least one person for every one thousand five hundred (1,500) registered voters in the district, as enumerated by the latest January registration report; provided further, however, that the total number of voter registrars in any district need not exceed one hundred (100). Said voter registrars shall be located in such a manner geographically as to provide convenient access for all qualified electors of the county. The Election Board shall have the authority to remove any voter registrar at any time for cause. To be eligible to become a voter registrar, one must be a registered voter of the district and must demonstrate competence to perform his or her duties. Voter registrars shall be trained in their duties in a manner prescribed by the Election Board.

[NCA 99-20, § 4-103, approved April 30, 1999.]

Library References

Indians ↻214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 4-105. Additional capacities of registrars

Voter registrars may serve simultaneously as precinct inspectors, judges, clerks or precinct workers provided that they are qualified to serve in such other capacities.

[NCA 99-20, § 4-104, approved April 30, 1999.]

§ 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.

[NCA 99-20, § 4-106, approved April 30, 1999.]

§ 4-107. Procedures for registration

Any qualified elector desiring to become a registered voter shall appear, in person, or request such form as is necessary in order to become a registered voter. Said applicant shall swear to or affirm the facts on the registration form

to be correct. Applicant shall sign the registration form and shall be issued a voter identification card soon thereafter.

[NCA 99-20, § 4-107, approved April 30, 1999.]

§ 4-108. Registration forms

The Election Board shall devise a registration form to be used for registering voters. Said registration forms shall contain the following information: Voter's full name and sex, date of birth, place of residence and mailing address; the voter's Tribal enrollment number; the voter's social security number, an oath of the voter's eligibility to become a registered voter; and such other information as may be deemed necessary by the Election Board to identify said voter and to ascertain his or her eligibility.

[NCA 99-20, § 4-108, approved April 30, 1999; amended by NCA 03-043, § 1, approved March 3, 2003.]

Library References

Indians ⇨214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 4-109. Voter identification cards

All valid voter identification cards and other valid registration documents issued and/or prepared prior to the effective date of this Title (April 30, 1999) shall continue to be valid. Voter identification cards shall be issued to every citizen who becomes a registered voter in the Muscogee (Creek) Nation. Said voter identification card shall contain information as is necessary to determine a registered voter's eligibility.

[NCA 99-20, § 4-109, approved April 30, 1999.]

Library References

Indians ⇨214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 4-110. Maintenance of registration forms

The Manager of the Election Board shall cause the original registration forms of every registered voter to be separated by precinct and to be retained separately in precinct registries. A precinct registry shall be maintained in a secure manner in the offices of the Election Board, except as otherwise provided by law.

[NCA 99-20, § 4-110, approved April 30, 1999.]

§ 4-111. Central registry

The Manager of the Election Board shall cause conformed duplicate registration forms of every registered voter in said district to be retained in a central registry in alphabetical order. Said central registry shall be maintained in a secure manner in the office of the Election Board.

[NCA 99-20, § 4-111, approved April 30, 1999.]

§ 4-112. Transfer of registration

If a registered voter of a district has changed his or her residence to another precinct within the same district, he or she shall be entitled to a transfer of registration upon his or her notifying the Election Board and presenting, or mailing, his or her voter identification card to the Election Board. The Manager of the Election Board shall transfer the original registration form of such registered voter to the proper precinct registry and shall note the transfer on the original and duplicate registration forms and upon the voter identification card. Thereafter, the Manager shall immediately return said voter identification card to the registered voter.

[NCA 99-20, § 4-112, approved April 30, 1999.]

§ 4-113. Transfer of registration on election day

If a registered voter of a district has changed his or her residence to another precinct within the same district and, as of election day, has not executed a transfer as hereinbefore provided, he or she shall be entitled to a transfer upon his or her executing an application on a form to be prescribed by the Election Board and presenting said form along with his or her voter identification card to the inspector of the precinct in which he or she has just registered. Upon doing so, said registered voter shall be permitted to vote in said precinct, and only in said precinct, for the election being conducted. Said vote will be subject to a challenge as set forth in Title 19, § 7-302, but the Election Board shall not disallow the vote solely because the voter's name was not on the precinct registry on the day of the election. The inspector shall deliver said transfer form to the Manager of the Election Board, who shall transfer such registration in accordance with the application and Title 19, § 4-112.

[NCA 99-20, § 4-113, approved April 30, 1999.]

Library References

Indians ⇨214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 4-114. Change of residence to another district

Any registered voter who changes his or her residence to another district must follow the procedures set forth in Title 19, § 4-112 in order to vote in an election. The voter must also state at the time of notification whether he or she prefers to move his or her district preference, if lawful, according to Title 7, § 5-103.

[NCA 99-20, § 4-114, approved April 30, 1999.]

Cross References

District elections, eligible voters, see Const. Art. IV, § 8.
Legal residence, declaration, see Const. Art. IV, § 9.

Library References

Indians ⇨214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 4-115. Cancellation of registration

A. The registration of any registered voter may be canceled only for one of the following reasons: written notice of cancellation from the voter, death or registration with another Tribe. Provided, however, enrollment as a member of a Creek Tribal Town shall not be grounds for such cancellation.

B. A registered voter may have his or her name removed from the registries of a district by appearing before or mailing to the Election Board a written notice for same.

C. A list of deceased persons shall be maintained and their registration forms filed alphabetically in a special file. These person's names shall be placed on said list upon written notification from family or friends of said persons, or written notification from the Muscogee (Creek) Nation Citizenship, Muscogee (Creek) Nation Social Services and/or Muscogee (Creek) Nation Realty offices.

[NCA 99-20, § 4-115, approved April 30, 1999.]

Library References

Indians ↻214.5.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57, 59.

CHAPTER 5. CANDIDACY FOR OFFICE

Subchapter

1. Filing for Candidacy
2. Contest of Candidacy

SUBCHAPTER 1. FILING FOR CANDIDACY

Section

- 5-101. Declaration of Candidacy required.
- 5-102. Candidate must be registered and take leave from employment with the Muscogee (Creek) Nation.
- 5-103. Candidate for Representative must be legal resident of district.
- 5-104. Candidate may file for only one office.
- 5-105. Prohibited names.
- 5-106. Filing period.
- 5-107. Declaration of Candidacy forms.
- 5-108. Petitions and filing fees.
- 5-109. Withdrawals from primary election.
- 5-110. Declaration of Candidacy must be accepted; exceptions.
- 5-111. Office for which no candidate has filed.

§ 5-101. Declaration of Candidacy required

A. A person may become a candidate for office and have his or her name appear on a ballot only after he or she files a Declaration of Candidacy with the Manager of the Election Board.

B. Candidates for Principal Chief, Second Chief, and National Council Representative shall file Declarations of Candidacy with the Manager of the Election Board.

[NCA 99-20, §§ 5-100, 101, approved April 30, 1999.]

Library References

Indians ⇄216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5-102. Candidate must be registered and take leave from employment with the Muscogee (Creek) Nation

In order to file as a candidate for nomination, a person must be a registered voter with the Election Board for the previous six (6) months upon filing and, if applicable, immediately after filing for candidacy shall take a leave without pay from employment with the Muscogee Creek Nation, including a corporation, chartered Community Board and employees, agency or other entity which is at least fifty-one percent (51%) owned by the Muscogee (Creek) Nation. Immediately after an employee files for candidacy, the appropriate Muscogee (Creek) Nation personnel office shall place the employee in non-pay status until the first working day after primary election day, or in the event the employee is in a run-off, until the first official working day after the general election.

[NCA 99-20, § 5-102, approved April 30, 1999; amended by NCA 01-115, § 2, approved July 10, 2001; NCA 03-043, § 2, approved March 3, 2003; NCA 05-188, § 1, eff. Aug. 15, 2005]

Library References

Indians ⇨216, 217.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–103. Candidate for Representative must be legal resident of district

Each Representative shall be a legal resident of his or her district for one full calendar year (see Constitution Article VI, Section 2(B)) prior to filing for office and shall be required to be an actual full-time resident within that district for the term of office. When the Representative ceases to be an actual resident of the district, they disqualify themselves as a Representative of the district.
[NCA 99–20, § 5–103, approved April 30, 1999.]

Cross References

National Council Representatives, see Const. Art. VI, § 2.

Library References

Indians ⇨216, 222.
Westlaw Topic No. 209.
C.J.S. Indians §§ 32 to 35, 59, 62, 67, 180.

§ 5–104. Candidate may file for only one office

A candidate may file for no more than one (1) office at any election.
[NCA 99–20, § 5–104, approved April 30, 1999.]

Cross References

National Council Representatives, see Const. Art. VI, § 2.

Library References

Indians ⇨216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–105. Prohibited names

A. No person may become a candidate for any office whose name is identical or similar to the name of the incumbent or of any other candidate who has filed for the same office where it appears to the Election Board that the name is used for the purpose of confusing the voters.

B. No person may become a candidate for any office who adopts or has adopted a name identical to or similar to that of the incumbent of such office, or of any candidate who has previously made a public announcement of his candidacy for such office.

C. No person may become a candidate for any office who adopts or has adopted the name of any person of Tribal, state, or national reputation, living or dead.

[NCA 99–20, §§ 5–105 to 5–107, approved April 30, 1999.]

§ 5-106. Filing period

The Declaration of Candidacy provided herein must be filed with and received by the Election Board office no earlier than 9:00 a.m. on the 3rd Monday in July and not later than 4:00 p.m. on the first Wednesday following said Monday. Said Declaration of Candidacy may be transmitted by the United States mail, but in no event shall the Election Board accept said Declarations after the time prescribed by this section.

[NCA 99-20, § 5-108, approved April 30, 1999; amended by NCA 03-043 § 3, approved March 3, 2003.]

Library References

Indians ⇨216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5-107. Declaration of Candidacy forms

Forms to be used for filing Declaration of Candidacy shall be prescribed by the Election Board and shall contain the following information: the name of the candidate; the street or other physical address (i.e., not a P. O. Box) of the candidate's place of residence, and if different, the candidate's mailing address; name of the office sought; the candidate's date of birth; the candidate's Tribal enrollment number; precinct and district wherein the candidate is a registered voter; whether or not the candidate has been convicted of a felony under federal, Tribal, or state law; and an oath wherein the candidate swears or affirms that such candidate is qualified to become a candidate for the office which he or she is seeking as set forth in the Constitution of Muscogee (Creek) Nation, and that if elected such candidate will be qualified to hold said office. The candidate must sign a Declaration of Candidacy form, and the signature must be properly notarized by a notary public or other person authorized by law to administer oaths.

[NCA 99-20, § 5-109, approved April 30, 1999.]

Cross References

Juvenile adjudication not to disqualify from employment or office, see Title 6, § 1-404.

Library References

Indians ⇨216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5-108. Petitions and filing fees

A Declaration of Candidacy must be accompanied by a money order, cashier's or certified check, or a bank instrument equivalent to a cashier's or certified check, payable to the Muscogee (Creek) Nation Election Board. The filing fees are as follows:

1. Two hundred dollars (\$200.00) for National Council Representatives; and
2. Four hundred and twenty-five dollars (\$425.00) for Second Chief; and

3. Five hundred and fifty dollars (\$550.00) for Principal Chief.

[NCA 99–20, §§ 5–110, 111, approved April 30, 1999; amended by NCA 03–043, § 4, approved March 3, 2003.]

Cross References

Election Board Special Depository Account, see Title 37, § 2–215.

Library References

Indians ⇄216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–109. Withdrawals from primary election

Any candidate may withdraw his or her candidacy upon filing a written notice of withdrawal as a candidate with the Election Board. Said notice shall be signed by the candidate, whose signature shall be notarized by a notary public, and shall be filed on or before 4:00 p.m. on the Friday following the close of the filing period prescribed by law. If a candidate withdraws from a primary election with the Election Board, in order to become a candidate again, such candidate must file a new Declaration of Candidacy form and comply with §§ 5–101 through 5–110 of the election laws.

[NCA 99–20, § 5–112, approved April 30, 1999; amended by NCA 03–043, § 5, approved March 3, 2003]

Library References

Indians ⇄216, 217.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–110. Declaration of Candidacy must be accepted; exceptions

The Election Board shall accept any Declaration of Candidacy which it is authorized to accept, except such Declaration which on its face shows the candidate to be unqualified to become a candidate for the office he or she seeks. Such acceptance shall entitle the candidate to have his or her name appear on the appropriate ballots unless said candidate withdraws his or her candidacy according to law, or unless a contest to said candidacy is sustained in the manner described in subchapter 2 of this chapter.

[NCA 99–20, § 5–113, approved April 30, 1999.]

Library References

Indians ⇄216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–111. Office for which no candidate has filed

If at the close of any filing period for district offices, the Election Board determines that no candidate has validly filed for position, the Election Board shall declare an additional one (1) day filing period to be open on the following Wednesday during regular filing hours. The Election Board shall publicize the

additional filing period within the district or districts affected by radio and newspaper announcements and by posters distributed to Indian Community Centers and organizations, churches, ceremonial grounds and other places where Indian people congregate. If at the close of any additional filing period for district offices, the Election Board determines that no candidates have validly filed for any position, there shall be no further additional filing period and the position shall remain vacant until after a special election may be called according to this title.

[NCA 99-20, § 5-123, approved April 30, 1999.]

Library References

Indians ↻216, 217.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

SUBCHAPTER 2. CONTEST OF CANDIDACY

Section

- 5-201. Eligibility to contest candidacy.
- 5-202. Time for filing contest.
- 5-203. Grounds for contest.
- 5-204. Fee.
- 5-205. Date for hearing contest.
- 5-206. Service of notice.
- 5-207. Hearing of contest.
- 5-208. Burden of proof on petitioner.
- 5-209. Declaration may be amended.
- 5-210. Candidacy may be stricken.
- 5-211. Disposition of deposits.

§ 5-201. Eligibility to contest candidacy

Any candidate, hereafter referred to as petitioner, may contest the candidacy of any other candidate for the same office, hereafter referred to as contestee, by filing a written petition with the Election Board. In the event only one candidate files for an office, a petition contesting his candidacy may be filed by any registered voter.

[NCA 99-20, § 5-114, approved April 30, 1999.]

Library References

Indians ↻216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5-202. Time for filing contest

Said petition must be filed no later than 5:00 p.m. on the second day following the close of the filing period.

[NCA 99-20, § 5-115, approved April 30, 1999.]

Library References

Indians ☞216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–203. Grounds for contest

Said petition must allege that the contestee was not qualified by law to become a candidate for the office for which he or she filed a Declaration of Candidacy and must contain the reasons therefore. Reasons not appearing on the face of the petition shall be considered waived and shall not be grounds for a contest.

[NCA 99–20, § 5–116, approved April 30, 1999.]

Library References

Indians ☞216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–204. Fee

A. A non-refundable fee of five hundred dollars (\$500.00), in the form of a money order, a cashier's or certified check or an equivalent bank instrument must be paid at the time the petition is filed. The petition shall be refused upon failure to pay the non-refundable fee.

B. In the event of multiple petitions filed against the contestee, each of the multiple petitioners must pay a separate non-refundable five hundred dollars (\$500.00) fee.

C. Should the contestee desire to answer said contest, said contestee shall not be required to pay a filing fee at the time of filing his or her answer, or if no answer is filed, at the time of his or her appearance.

[NCA 99–20, §§ 5–117, 126, approved April 30, 1999.]

Cross References

Election Board Special Depository Account, see Title 37, § 2–215.

Library References

Indians ☞216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–205. Date for hearing contest

When such a petition is properly filed, the Manager of the Election Board shall set the matter down for a hearing before the Election Board. Said hearing will be held no less than three (3) working days after the date on which the petition was filed.

[NCA 99–20, §§ 5–117, 118, approved April 30, 1999.]

Library References

Indians ☞216. Westlaw Topic No. 209.

C.J.S. Indians § 59.

§ 5–206. Service of notice

A. It shall be the duty of the petitioner to cause a true copy of the petition and notice of the date and place of the hearing to be served on the contestee.

B. Said service shall be made in person, where possible, within twenty-four (24) hours after the date and place of the hearing has been set by the Election Board.

C. Service shall be made by the Lighthorsemen as to all offices, and the certificate of returns of such Lighthorsemen, showing the inability to make such service within the aforementioned time, shall be deemed sufficient proof of the absence of the contestee, or the inability to serve such petition and notice upon him or her, and to justify the constructive service herein provided. When personal service is impossible, within said time, it is hereby made the duty of said petitioner to serve said true copies upon the Manager of the Election Board. Provided that for the purpose of such constructive service, the Manager of the Election Board is hereby made and constituted the service agent for all candidates who file Declarations of Candidacy with them. By filing his or her Declaration of Candidacy, each candidate shall thereby be conclusively presumed to have accepted the terms and provisions hereof and specifically the aforesaid constructive service. When constructive service becomes necessary, said constructive service shall be made within twenty-four (24) hours after proof of inability to personally serve the contestee has been returned to the petitioner.

[NCA 99–20, §§ 5–119 to 5–121, approved April 30, 1999.]

Library References

Indians ⇌216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–207. Hearing of contest

The petition may be heard without formal pleading being filed in answer or reply thereto. The Election Board shall have the authority to issue subpoenas and compel the attendance of witnesses and the production of evidence. Said Election Board shall have the authority to receive the testimony of witnesses under oath, said oath to be administered by the Manager of the Election Board. At the conclusion of the hearing, the Election Board shall render its decision and the vote of the individual members in writing. The decision of such Election Board shall in all cases be final.

[NCA 99–20, § 5–122, approved April 30, 1999.]

Library References

Indians ⇌216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–208. Burden of proof on petitioner

The burden of proof shall be upon the petitioner to sustain the allegations in his or her petition. However, failure of the contestee to appear or answer thereto shall be deemed to place him or her in default, shall constitute an admission of the allegations of the petition, and shall constitute appropriate grounds for disqualification, and upon finding so, such contestee's candidacy shall be stricken.

[NCA 99–20, § 5–127, approved April 30, 1999.]

Library References

Indians ☞216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–209. Declaration may be amended

If said contestee's Declaration of Candidacy may be amended or corrected to conform to law, the Election Board may order the same to be done, if the Election Board determines such amendment or correction to be proper at the time of its order or decision.

[NCA 99–20, § 5–126, approved April 30, 1999.]

Library References

Indians ☞216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–210. Candidacy may be stricken

If, after the hearing provided for in § 5–207 of this Title, the Election Board determines that the contestee was not qualified to become a candidate for the office for which he or she has filed a Declaration of Candidacy, it may order that his or her candidacy be stricken and that his or her name not be placed on the ballot.

[NCA 99–20, § 5–126, approved April 30, 1999; amended by NCA 03–173, § 1, approved Sept. 2, 2003.]

Library References

Indians ☞216.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 5–211. Disposition of deposits

All costs incurred shall be paid from the non-refundable deposits of the petitioner(s). The balance, if any, shall be retained by the Election Board.

[NCA 99–20, § 5–128, approved April 30, 1999.]

Cross References

Election Board Special Depository Account, see Title 37, § 2–215.

CHAPTER 6. BALLOTS

Section

- 6-101. Appearance of candidate's name.
- 6-102. Unopposed candidates.
- 6-103. Ballots printed by Election Board.
- 6-104. Manner of printing ballots for general elections.
- 6-105. Order of names.
- 6-106. District and precinct name on ballot.
- 6-107. Ballots for Tribal Questions.
- 6-108. Ballots to be bound.
- 6-109. Number of ballots.
- 6-110. Absentee ballots.
- 6-111. Sample ballots.
- 6-112. Gummed labels.
- 6-113. Ballots for educational purposes.

§ 6-101. Appearance of candidate's name

The name of any candidate for office shall be printed on the official ballot as said candidate signed his Declaration of Candidacy; provided, however, that no candidate shall have any prefix, suffix or title placed before or after his name.

[NCA 99-20, § 6-100, approved April 30, 1999.]

Library References

Indians ⇌214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 6-102. Unopposed candidates

Any candidate who is unopposed in any election shall be deemed to have been nominated or elected, as the case may be, and his or her name shall not appear on the ballot at any election in which he or she is so unopposed.

[NCA 99-20, § 6-101, approved April 30, 1999.]

Library References

Indians ⇌214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 6-103. Ballots printed by Election Board

The Election Board shall cause ballots to be printed for primary, general and special elections at such time as to ensure delivery of said ballots for distribution. The Election Board shall cause ballots to be printed for the offices of Principal Chief, Second Chief and National Council Representatives.

[NCA 99-20, § 6-102, approved April 30, 1999.]

Library References

Indians ⇌214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 6–104. Manner of printing ballots for general elections

The official ballot for the general election shall be printed so that the nominees' names will appear in column.

[NCA 99–20, § 6–103, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 6–105. Order of names

On all primary and general election ballots, the names of the candidates for each office shall be rotated in such a manner that all names appear in each position on said ballots an equal number of times.

[NCA 99–20, § 6–104, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 6–106. District and precinct name on ballot

All ballots for primary and general elections must bear the name of the district and precinct in which said ballots are to be used, or must be designated in such a manner as the Manager of the Election Board may prescribe to achieve the same identification of a ballot for a particular precinct.

[NCA 99–20, § 6–105, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 6–107. Ballots for Tribal Questions

Ballots for Tribal Questions shall be printed in such a manner as to include the number of the Tribal Question, the ballot title, and the following language “SHALL THE PROPOSED (AMENDMENT OR ACT) BE APPROVED?,” followed by the words “YES” and “NO,” one above the other, each preceded by a square one-fourth (1/4) inch in size.

[NCA 99–20, § 6–106, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 6–108. Ballots to be bound

All ballots for a precinct shall be bound in a book or books with the precinct identified on the cover of same.

[NCA 99–20, § 6–107, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 6–109. Number of ballots

In every primary and general election, at least one (1) ballot shall be printed for each voter eligible to cast such ballot in each precinct.

[NCA 99–20, § 6–108, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 6–110. Absentee ballots

As soon as practical, the Election Board shall cause to be printed a sufficient number of absentee ballots, prepared as nearly as practical in the same manner as provided for other ballots for the primary and general elections, in time for said ballots to be issued during the time prescribed by law.

[NCA 99–20, § 6–109, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 6–111. Sample ballots

Sample ballots for primary and general elections shall be exact duplicates of the regular ballots for elections, except that a stub need not be attached, and the words “Sample Ballot” shall be printed in letters at least one-half (1/2) inch high across the face of the ballot. Sample ballots shall be printed in a sufficient number to be used at each precinct polling place and as otherwise provided by law.

[NCA 99–20, § 6–110, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 6–112. Gummed labels

Gummed labels may be printed and affixed to any ballots in order to assure that proper names of candidates and proper questions appear thereon.

[NCA 99–20, § 6–111, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 6-113. Ballots for educational purposes

It shall be unlawful to print or distribute ballots, or duplicate thereof, except as authorized by law; provided, however, that for educational purposes, the contents of said ballots may be reproduced in sizes of at least twenty percent (20%) smaller than or twenty percent (20%) larger than the official ballots and provided further that such reproductions must bear the words "FOR EDUCATIONAL PURPOSES ONLY."

[NCA 99-20, § 6-112, approved April 30, 1999.]

Library References

Indians ⇄214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

CHAPTER 7. CONDUCT OF ELECTIONS

Subchapter

1. Preparations
2. Prohibited Conduct
3. Voting
4. Counting

SUBCHAPTER 1. PREPARATIONS

Section

- 7-101. Supplies and ballots provided by Election Board.
7-102. Hours for voting.
7-103. Delivery of supplies and ballots.
7-104. Installation of voting booths and electronic voting machines.
7-105. Opening ballot box.

§ 7-101. Supplies and ballots provided by Election Board

Prior to the day of any primary or general election, it shall be the duty of the Election Board to provide to each Precinct Election Committee the supplies and ballots required by law to conduct the election. The Inspector for each precinct shall sign a form acknowledging receipt of all supplies and ballots for his or her precinct.

[NCA 99-20, §§ 7-100, 101, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-102. Hours for voting

At every primary and general election, each polling place in the Muscogee (Creek) Nation shall open at 7:00 a.m., and shall remain open continuously until 7:00 p.m. and in the event the polling place does not open promptly at 7:00 a.m., shall remain open the amount of time necessary to assure the polling place was open the full continuous twelve (12) hours required. Every registered voter of a precinct who presents himself or herself between said hours shall be entitled to vote, as provided by law, provided further, all qualified voters who are in line waiting to vote at the close of the polls shall be allowed to vote.

[NCA 99-20, § 7-102, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

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Title 19, § 7-201

§ 7-103. Delivery of supplies and ballots

Not later than 6:45 a.m. on the day of the election, the Precinct Election Committee shall assemble at the polling place. The Inspector shall deliver supplies and ballots required by law for the election at said time.

[NCA 99-20, § 7-103, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-104. Installation of voting booths and electronic voting machines

Prior to 7:00 a.m., the Inspector shall cause voting booths to be properly installed and other equipment, supplies and ballots to be arranged for the orderly conduct of the election. In elections wherein electronic voting machines are used, the Precinct Election Committee shall immediately install the electronic voting machine upon arrival of same at the polling place.

[NCA 99-20, § 7-104, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-105. Opening ballot box

In elections wherein manual paper ballots are used, when all required steps have been taken in preparation for the opening of the polls, the Inspector shall open each ballot box and, in view of the Judge, Clerk and any registered voters at the polling place, shall turn said box down to show that no ballots are contained therein. The inspector shall then lock said box and shall give one key to the Judge, one to the Clerk and retain the third himself or herself.

[NCA 99-20, § 7-105, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

SUBCHAPTER 2. PROHIBITED CONDUCT

Section

- 7-201. Electioneering prohibited.
- 7-202. Disclosure of vote prohibited.
- 7-203. Intoxicating liquor prohibited.
- 7-204. Voter must vote ballots issued to him or her.

§ 7-201. Electioneering prohibited

No person shall be allowed to electioneer within three hundred (300) feet of any ballot box or electronic voting machine while an election is in progress, nor

shall any person or persons, except election officials and other persons authorized by law, be allowed within fifty (50) feet of any ballot box or electronic voting machine while an election is in progress. No printed material other than that provided by the Election Board shall be publicly placed or exposed within three hundred (300) feet of any ballot box or electronic voting machine while an election is in progress. Appropriate signs will be posted by the Election Board.

[NCA 99–20, § 7–106, approved April 30, 1999.]

Library References

Indians ⇄214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7–202. Disclosure of vote prohibited

No person shall, within the election enclosure, disclose to any other person how he or she voted; nor shall any person expose his or her ballot to any other person.

[NCA 99–20, § 7–107, approved April 30, 1999.]

Cross References

Secret ballot, see Const. Art. IV, § 3.

Library References

Indians ⇄214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7–203. Intoxicating liquor prohibited

No person shall take intoxicating liquor of any kind or quantity to within three hundred (300) feet of any polling place on an election day. No person shall attend an election or be within three hundred (300) feet of a polling place in an intoxicated condition on an election day.

[NCA 99–20, § 7–108, approved April 30, 1999.]

Library References

Indians ⇄214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7–204. Voter must vote ballots issued to him or her

No person shall vote any ballot except such ballot issued to him or her by the Precinct Election Committee, and no ballot shall be removed from the polling place prior to being cast.

[NCA 99–20, § 7–109, approved April 30, 1999.]

Library References

Indians ⇄214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

SUBCHAPTER 3. VOTING

Section

- 7-301. Order of entering voting booth.
- 7-302. Procedure for determining eligibility.
- 7-303. Absentee ballot affidavit.
- 7-304. Use of voter identification card; affidavit required.
- 7-305. Signing precinct poll book.
- 7-306. Ballots to be marked in voting booth.
- 7-307. Manner of voting.
- 7-308. Electronic machine voting.
- 7-309. Manual paper ballot voting.
- 7-310. Time limit.
- 7-311. Spoiled ballots.
- 7-312. Physical disability; procedure.
- 7-313. Visual disability; procedure.
- 7-314. Monolingual voters; procedure.

§ 7-301. Order of entering voting booth

Registered voters shall be permitted to enter the voting booths in the order in which they present themselves at the door or entrance of the polling place.

[NCA 99-20, §§ 7-110, 111, approved April 30, 1999.]

Library References

- Indians ⇨214.5, 217.
- Westlaw Topic No. 209.
- C.J.S. Indians §§ 57, 59.

§ 7-302. Procedure for determining eligibility

Each person presenting himself or herself to vote shall announce his or her name to the judge of the precinct, whereupon the judge shall determine whether said person's name is on the precinct registry. If the voter's name is not on the precinct registry, the inspector shall contact the Election Board to determine said voter's registration. If the Election Board determines that the voter is not on the precinct registry, the judge shall challenge such vote. In no case shall a voter be denied the right to vote. Upon review of the challenged vote and the eligibility of the voter, the Election Board shall decide whether to accept or deny the challenged vote.

[NCA 99-20, § 7-112, approved April 30, 1999.]

Cross References

- Eligibility to vote, see Const. Art. IV, § 2.
- Transfer of registration on election day, challenge of vote, see Title 19, § 4-113.

Library References

- Indians ⇨214.5, 217.
- Westlaw Topic No. 209.
- C.J.S. Indians §§ 57, 59.

§ 7-303. Absentee ballot affidavit

If a registered voter has requested an absentee ballot, he or she shall be required by the Judge to sign an affidavit swearing or affirming that he or she has not cast an absentee ballot and is entitled to vote in person.

[NCA 99-20, § 7-113, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-304. Use of voter identification card; affidavit required

If the precinct official should deny the voter the right to vote, the said voter shall be allowed to vote only if: (1) he or she presents his or her voter identification card showing him or her to be a registered voter of the precinct to the Judge or (2) is cleared through checking with the Election Board's main office and signing an affidavit swearing or affirming that he or she is currently registered and eligible to vote in said precinct and that he or she has not cast an absentee ballot for said election.

[NCA 99-20, § 7-114, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-305. Signing precinct poll book

Persons who have been determined to be eligible to vote shall sign, in the presence of the clerk, the proper precinct poll book, to be prescribed by the Manager of the Election Board. Said clerk shall thereupon issue proper ballot to said person. The voter's signature on said precinct poll book shall be the best evidence of said voter having voted at said election. Said precinct poll books shall be retained in the office of the Election Board 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.

[NCA 99-20, § 7-115, approved April 30, 1999.]

§ 7-306. Ballots to be marked in voting booth

The voter shall mark his or her ballot within a voting booth. At no time shall more than one (1) person occupy a voting booth, unless specifically authorized by law. The voter may take a card or other advertising matter containing names of candidates with him or her to the polls, to expedite his or her voting, when he or she goes to the booth.

[NCA 99-20, § 7-116, approved April 30, 1999.]

Cross References

Secret ballot, see Const. Art. IV, § 3.

§ 7-307. Manner of voting

Using the marking prescribed by the Election Board, the voter shall mark his or her ballot with an "X," a cross, the blacking out of a square box, or other such marking methods as may be required by the use of electronic tabulating devices, indicating the candidate of his or her choice or for the desired answer to each question appearing on the ballot.

[NCA 99-20, § 7-117, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-308. Electronic machine voting

Except for special elections wherein the Board determines that manual paper ballots may be used, all Tribal elections shall be conducted with electronic voting machines. The procedure for voting with electronic voting machines is as follows:

- A. Before leaving the voting booth, the voter shall detach the numbered stub from the ballot provided to the voter.
- B. The Inspector shall examine said numbered stub to determine that the ballot was the same ballot said voter was issued.
- C. The voter shall then deposit his or her ballot in the electronic voting machine.
- D. Thereupon, the voter shall immediately leave the polling place.

[NCA 99-20, § 7-118, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-309. Manual paper ballot voting

In special elections wherein the Election Board determines manual paper ballots should be used, the procedure is as follows:

- A. Before leaving the voting booth, the voter shall fold the ballot so that his or her votes cannot be seen, but so that the numbered stub is plainly visible.
- B. The voter shall remove said numbered stub in the presence of the Inspector.
- C. The inspector shall examine said numbered stub to determine that the ballot was the same ballot said voter was issued.
- D. The voter then shall deposit his ballot in the ballot box.
- E. The voter thereupon shall immediately leave the polling place.

[NCA 99-20, § 7-118, approved April 30, 1999.]

§ 7-310. Time limit

No voter who is voting without assistance may remain in the voting booth more than five (5) minutes if other voters are waiting and in any event no more than ten (10) minutes.

[NCA 99-20, § 7-119, approved April 30, 1999.]

§ 7-311. Spoiled ballots

Should a voter spoil any ballot in his effort to vote the same, he or she shall fold it and return it and all other ballots which he or she was issued to the clerk. The clerk shall destroy said ballot in the presence of the voter and shall issue said voter another complete set of ballots in the same manner that the first one was provided. The voter must execute an affidavit prescribed by the Election Board in which the voter swears or affirms that he or she spoiled his or her original ballots, returned said ballots to the clerk, that the clerk destroyed the ballots in his or her presence and that he or she was issued a new set of ballots.

[NCA 99-20, § 7-120, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-312. Physical disability; procedure

When any voter who states that he or she, because of a physical disability or infirmity other than visual, is unable to mark his or her ballot, the inspector shall administer an oral oath to said voter, in which said voter shall swear to or affirm the fact of such disability or infirmity. Should a voter so qualify himself or herself, it shall be the duty of the two (2) members of the Precinct Election Committee to give said voter such assistance as he or she needs. The voter must, without suggestions, state how he or she desires his or her ballot to be marked. Such assistance shall be given at the ballot box, and all other voters shall be kept sufficiently distant that they will not know how such voter voted.

[NCA 99-20, § 7-121, approved April 30, 1999.]

Cross References

Secret ballot, see Const. Art. IV, § 3.

§ 7-313. Visual disability; procedure

When any voter who states that he or she, because of a visual disability, is unable to mark his or her ballot, the inspector shall administer an oral oath to said voter, in which said voter shall swear to or affirm the fact of such disability. Should a voter so qualify himself or herself, it shall be the duty of the members of the Precinct Election Committee to permit such visually disabled voter to be assisted in reading, marking and preparing of his ballots by any person at least sixteen (16) years of age chosen by such visually disabled voter for that purpose. It shall be lawful for such an assistant to accompany such

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Title 19, § 7-401

visually disabled voter into the voting booth and to read, mark, prepare and to perform all other necessary acts for the casting of the ballots of such visually disabled voter. It shall be the duty of the members of the Precinct Election Committee to permit the voting of such visually disabled voter with the help of his or her chosen assistant under such conditions as will assure that no person other than said voter and his or her assistant know how said voter voted.

[NCA 99-20, § 7-122, approved April 30, 1999.]

Cross References

Secret ballot, see Const. Art. IV, § 3.

§ 7-314. Monolingual voters; procedure

When any voter states that he or she, because of a language barrier, can speak and/or read only the Mvskoke (Creek) language, or the Euchee language, the judge of the Precinct Election Committee shall administer an oral oath in Mvskoke (Creek) and English (or Euchee, where applicable) to said voter. Said Judge 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.

[NCA 99-20, § 7-123, approved April 30, 1999.]

Cross References

Secret ballot, see Const. Art. IV, § 3.

Library References

Indians ↻214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

SUBCHAPTER 4. COUNTING

Section

- 7-401. Procedures for precinct counting.
- 7-402. Methods of counting.
- 7-403. Rules governing counting.
- 7-404. Reasons for failure to count to be noted.
- 7-405. Mutilated ballots.
- 7-406. Watchers; appointment and duties.
- 7-407. Challengers.
- 7-408. Certificate of vote.
- 7-409. Ballots and materials placed in ballot box; return to Election Board.
- 7-410. Retention of ballot box.
- 7-411. Retention of keys.
- 7-412. Canvassing returns.
- 7-413. Methods of sealing.

§ 7-401. Procedures for precinct counting

Regardless of whether counting is done by the Precinct Election Committee or precinct workers, counting for the precinct shall commence no earlier than

7:00 p.m., or if the precinct commenced voting later than 7:00 a.m., then no earlier than twelve (12) hours after the time precinct opened for voting. Provided, that the counting shall not commence until the Precinct Election Committee and, if any, precinct workers have had an opportunity to cast their own ballots before the close of the polls. The count may not begin until after the polls have closed. Counting procedures regarding absentee ballots shall be as provided in Title 19, § 10-111.

[NCA 99-20, § 7-124, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-402. Methods of counting

The counting of ballots shall be conducted in accordance with the procedure prescribed by the Election Board so as to insure accuracy and promptness in determining the results; said procedures shall be uniform in all districts using paper ballots and electronic voting devices. Provided, however, that the following provisions shall be incorporated into said prescribed procedure:

A. 1. In elections for which Precinct Workers have been authorized, two (2) Precinct Workers shall call from the ballots the names of the candidates voted for, while two (2) other Precinct Workers shall record the votes upon the official tally sheets.

2. If only two (2) Precinct Workers are authorized for an election, both Precinct Workers shall examine the ballots at the same time, while calling out the vote and recording said vote upon the tally sheets in the manner prescribed by the Election Board.

3. In elections in which Precinct Workers have not been authorized by the Election Board, two (2) Precinct Election Committee members shall call from the ballots the names of the candidates voted for, while one Precinct Election Committee member records the votes upon the official tally sheets.

B. In elections in which electronic voting machines are used, as soon as practicable after the polls close, the Precinct Inspector shall cause the voting machine to print the totals tape, which shall then be signed by all Precinct Election Committee members. The Precinct Election Committee shall then complete the precinct tally sheet. Two (2) extra copies of the totals tape shall be printed and signed by the Precinct Election Committee. One (1) copy of the totals tape shall be posted outside the polling place; one (1) copy of the totals tape shall be placed in the ballot transfer case; and the original totals tape shall be attached to the precinct tally sheet and the Ballot Accounting Form and placed in the election return envelope for return to the office of the Election Board.

C. It shall be unlawful for any person to divulge the progress of the count until after all ballots have been counted and results of said count have been certified.

[NCA 99-20, § 7-125, approved April 30, 1999.]

§ 7-403. Rules governing counting

The following rules shall govern the counting and recounting of votes:

A. Any ballot bearing any mark as a distinguishing mark shall not be counted for any office or question thereon.

B. If the name of any person is written on a ballot, said ballot shall not be counted for any office or question thereon.

C. An "X", cross, two (2) lines meet, including the so-called "check mark", a blacked out square or straight line marking said square shall be considered valid markings. Such valid markings located otherwise on the ballot shall not be counted.

D. Marks used to designate the intention of the voter, other than those herein defined as a "valid markings," shall not be counted.

E. Failure to properly mark a ballot as to one or more candidates or questions shall not of itself invalidate the entire ballot if the same has been properly marked as to other candidates or questions unless such improper marking shall constitute a distinguishing mark.

F. Any ballot or part of a ballot on which it is impossible to determine the voter's choice of question or candidate shall be void as to the question, candidate or candidates thereby affected.

[NCA 99-20, § 7-126, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-404. Reasons for failure to count to be noted

If a ballot or part of a ballot is not counted for any reason, a Precinct Election Committee member or precinct worker shall write said reason on the back of said ballot, and sign said statement.

[NCA 99-20, § 7-127, approved April 30, 1999.]

§ 7-405. Mutilated ballots

A ballot bearing distinguishing marks or the name of a person, as hereinbefore described, and a ballot which was placed in the ballot box without being voted, shall be considered as a mutilated ballot and shall be retained separately from the ballots which have been counted whole or in part.

[NCA 99-20, § 7-128, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 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. 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 service.

[NCA 99-20, § 7-129, approved April 30, 1999; amended by NCA 01-50, § 4, eff. June 1, 2001.]

Library References

Indians ☞217.
Westlaw Topic No. 209.

§ 7-407. Challengers

Any candidate in any election involving candidates shall have the authority to appoint one (1) challenger for each polling place. All such challengers appointed by a candidate shall be listed together with the polling place at which same shall be assigned, in a written notice, said notice to be filed with the Manager of the Election Board no later than 5:00 p.m., on Wednesday preceding the election. A challenger must be a registered voter of the district, but need not be a registered voter of the precinct in which he or she serves as a challenger. A challenger shall be clearly identified as such by a badge prescribed by the Election Board. A challenger shall have the right to be stationed outside the voting enclosure, but in view of the Precinct Election Committee. Said challenger shall be entitled to question any person who presents himself or herself at the polling place to vote, but shall be limited in his or her questioning to inquiries as to the person's name, address and voter registration information. Said challenger shall have the right to challenge any prospective voter. Any prospective voter so challenged shall be required to sign an affidavit swearing or affirming that he or she is currently registered and eligible to vote in said precinct and that he or she has not cast an absentee ballot for said election before being permitted to vote. Any prospective voter shall not be permitted to vote in any event unless he or she meets the qualifications otherwise required of a registered voter.

[NCA 99-20, § 7-130, approved April 30, 1999.]

Library References

Indians ☞217.
Westlaw Topic No. 209.

§ 7-408. Certificate of vote

At the conclusion of the official count, the Precinct Election Committee or the Precinct Workers, if the Election Board deems precinct workers necessary, shall execute certificates of vote wherein said Precinct Election Committee or precinct workers attest to the correctness of the totals. The Inspector shall cause one copy of each certificate to be posted on the door or entrance of the polling place and shall cause one copy of each certificate to be transmitted forthwith to the Manager of the Election Board as set forth in Title 19, § 7-409.

[NCA 99-20, § 7-131, approved April 30, 1999.]

§ 7-409. Ballots and materials placed in ballot box; return to Election Board

All ballots and all materials used in conducting the official count shall be placed in the ballot box. Said ballot box shall be locked, and the Inspector shall return it, along with all other election materials and a copy of each certificate of vote, forthwith to the Election Board.

[NCA 99-20, § 7-132, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-410. Retention of ballot box

The Election Board shall not disturb anything in the ballot box, unless it is necessary to count the ballots due to a lack of counting by the precinct workers or the Precinct Election Committee. The ballot box shall be retained by the Manager of the Election Board and remain unopened unless a court orders a particular box or boxes to be opened by the Manager of the Election Board or it is necessary to open a ballot box in order to use it at the next election, at which time the ballots shall be destroyed; provided, however, that in no case shall the ballots be destroyed until thirty (30) days after the election in which the ballots were cast. Provided, however, if the certificate of vote or poll book has been locked inside a ballot box inadvertently, said box may be opened in public view in the presence of all members of the Election Board by the inspector, who shall remove only said certificate or poll book and relock the ballot box. Provided further, that said ballot box may be opened in public view to remove, process and count all “challenged” ballots for that precinct.

[NCA 99-20, § 7-133, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-411. Retention of keys

Each member of the Election Board shall retain only one (1) key to each ballot box until the time for contests of elections has expired, or until the boxes are opened pursuant to such a contest.

[NCA 99-20, § 7-134, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-412. Canvassing returns

The Election Board shall convene at the Tribal Capitol Complex in Okmulgee County, Okmulgee, Oklahoma, or at such other place as the Election Board may designate on the day of each election, for the purpose of receiving the official precinct returns and shall remain in session until said precinct returns are all delivered. The Election Board shall cause to be listed the results of such election, as the official precinct returns are received upon forms prescribed by the Election Board. The Election Board shall use such precinct returns to certify the results of such election for Tribal offices and Tribal questions, and the Precinct Election Committees shall transmit immediately to the Election Board the completed returns for all Tribal offices and Tribal questions. Precinct returns shall be prima facie evidence of the correctness of the results in the several districts. The Election Board shall use the precinct returns to certify the results of such election for all Tribal offices and Tribal questions.

[NCA 99-20, § 7-135, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 7-413. Methods of sealing

The Election Board shall prescribe methods of sealing all ballots, all certificates of vote and all materials used in recording the count of the ballots in such a manner that any tampering or alteration of the election materials after such materials have been sealed would be detected.

[NCA 99-20, § 7-136, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

CHAPTER 8. CERTIFICATION AND CONTESTS

Subchapter

1. Certification
2. Contests

SUBCHAPTER 1. CERTIFICATION

Section

- 8-101. Certifying nominees.
- 8-102. Certificates of nomination not required.
- 8-103. Certificates of election.
- 8-104. Lists and certificates to be prescribed by Manager of Election Board.
- 8-105. Tie votes.
- 8-106. Time for issuing lists or certificates.
- 8-107. Right to certificate.
- 8-108. Lighthorsemen to provide security for ballot boxes.

Cross References

Majority vote required, see Const. Art. IV, § 4.

§ 8-101. Certifying nominees

The Election Board shall certify a list of nominees for the offices for which the Election Board accepts filings of Declaration of Candidacy following the primary election.

[NCA 99-20, § 8-100, approved April 30, 1999.]

Library References

Indians ⇌217.
Westlaw Topic No. 209.

§ 8-102. Certificates of nomination not required

The Election Board shall not be required to provide Certificates of Nomination to candidates.

[NCA 99-20, § 8-101, approved April 30, 1999.]

Library References

Indians ⇌217.
Westlaw Topic No. 209.

§ 8-103. Certificates of election

The Election Board shall certify a list of successful candidates for offices for which the Board accepts filings of Declaration of Candidacy and shall provide Certificates of Election to the same following the general election or special election.

[NCA 99-20, § 8-102, approved April 30, 1999.]

Library References

Indians ↻217.
Westlaw Topic No. 209.

§ 8-104. Lists and certificates to be prescribed by Manager of Election Board

The lists and certificates prescribed in Title 19, § 8-103 shall be prescribed by the Manager of the Election Board.

[NCA 99-20, § 8-103, approved April 30, 1999.]

Library References

Indians ↻217.
Westlaw Topic No. 209.

§ 8-105. Tie votes

When a tie vote occurs in the election of any candidate in any primary or general election, the Election Board shall request the Principal Chief to set an election date.

[NCA 99-20, § 8-104, approved April 30, 1999.]

Cross References

Procedure when determination of successful party is impossible, see § 19-8-210.

Library References

Indians ↻217.
Westlaw Topic No. 209.

§ 8-106. Time for issuing lists or certificates

A. The list and certificates prescribed in Title 19, § 8-103 shall not be issued by the Election Board prior to 5:00 p.m. on the Friday next following a primary or general election.

B. If no contest has been filed by 5:00 p.m. on the first Friday following an election, the Election Board shall declare the result of such election and shall issue the appropriate lists and certificates to the successful party as provided by law. Provided, however, that no such lists or certificates shall be issued until the total of all returns has been verified, and a complete tabulation thereof made.

[NCA 99-20, §§ 8-105, 107, approved April 30, 1999.]

Library References

Indians ↻217.
Westlaw Topic No. 209.

§ 8-107. Right to certificate

No property right to a Certificate of Election shall arise or be created until such time as the Election Board certifies the list of successful candidates and issues the Certificates of Election in accordance with this chapter.

[NCA 99-20, § 8-106, approved April 30, 1999.]

Library References

Indians ↻217.
Westlaw Topic No. 209.

§ 8–108. Lighthorsemen to provide security for ballot boxes

It shall be the duty of the Lighthorsemen to provide security for the ballot boxes from the time said ballot boxes are stored by the Election Board following an election until 5:00 p.m. on the first Friday following the election or, in the event a recount contest is filed, until such time as said ballot boxes are delivered to the Mound Auditorium of the Tribal Complex, or if said room is unavailable then at such other place at the Capitol Complex as the Election Board may order.

[NCA 99–20, § 8–109, approved April 30, 1999; amended by NCA 01–50, § 6, eff. June 1, 2001.]

Library References

Indians ↻217.
Westlaw Topic No. 209.

SUBCHAPTER 2. CONTESTS**Section**

- 8–201. Time for filing contest or recount.
- 8–202. Petition for recount; filing fee; service of notice.
- 8–203. Conduct of recount; duties of Supreme Court Justices.
- 8–204. Agents for candidates.
- 8–205. Recount procedure for counting ballots; watcher.
- 8–206. Certification of results.
- 8–207. Recount may not cease.
- 8–208. Expenses of recount.
- 8–209. Petition for fraud or irregularities.
- 8–210. Determination of successful party impossible; procedure; Principal Chief to call special election.

§ 8–201. Time for filing contest or recount

Any candidate whose name appears on a primary or general election ballot may, at any time before 5:00 p.m. on the first Friday following an election, contest the correctness of the announced results of said election or allege fraud or irregularities by filing a written petition with the Election Board. Contests shall not be permitted in any election except those in which candidates are seeking office.

[NCA 99–20, § 8–108, approved April 30, 1999; amended by NCA 01–50, § 5, eff. June 1, 2001.]

Library References

Indians ↻217.
Westlaw Topic No. 209.

§ 8–202. Petition for recount; filing fee; service of notice

In the event a candidate requests a recount of the ballots cast in an election, he or she must set forth in his or her petition the precincts and absentee ballots

which he or she desires to be recounted. Said petition must be accompanied by either a money order, cashier's or certified check or a bank instrument equivalent to such checks in the non-refundable amount of one thousand dollars (\$1,000.00) for each district affected by the petition. When such petition is properly filed and the filing fee of one thousand dollars (\$1,000.00) duly paid, it shall be the duty of the Manager of the Election Board to order said recount to begin not less than three (3) nor more than ten (10) calendar days from the date of filing of said petition. It shall be the duty of such contestant to cause to be served upon the candidate or candidates opposing him or her, and directly affected by said contest, a true copy of said petition and a true copy of said order. A copy of said petition and order shall be served in person upon the opposing candidate or candidates within twenty-four (24) hours after the filing of said original petition of contest. Procedures shall follow those stated in Title 19, § 8-203.

[NCA 99-20, § 8-110, approved April 30, 1999; amended by NCA 01-50, § 7, eff. June 1, 2001.]

Cross References

Election Board Special Depository Account, see Title 37, § 2-215.

Library References

Indians ⇄217.
Westlaw Topic No. 209.

§ 8-203. Conduct of recount; duties of Supreme Court Justices

Once service has been made in accordance with Title 19, § 8-202, the actual recount of ballots shall be conducted by the Precinct Election Committee or the precinct workers and/or the absentee workers designated by the Manager of the Election Board. The recount shall be conducted in the Auditorium of the Mound Building, or if said room is not available then at such other place at the Capitol Complex as the Election Board may order in which case the Election Board shall immediately post notice of the time and place of the recount at prominent places in the Capitol Complex. It shall be the duty of a quorum of the Supreme Court Justices of the Muscogee (Creek) Nation to attend and, in conjunction with the Election Board, conduct a recount. It shall be the exclusive and sole duty of said Justices to hear evidence as to whether the ballots have been preserved in the manner prescribed by this title, whether the ballots are the identical ballots cast by the voters, and whether the ballots have been exposed to the reach of unauthorized persons thus affording a reasonable opportunity for an unauthorized person to tamper with or change the ballots. The judgment of said Justices upon such questions shall be final and conclusive. If the Justices cannot determine that the ballots have been properly preserved, then no recount shall be conducted. If the judgment of the Justices is that the ballots have been properly preserved, then the recount of the ballots shall be conducted immediately thereafter under the exclusive supervision of the Election Board.

[NCA 99-20, § 8-111, approved April 30, 1999.]

Library References

Indians ☞217.
Westlaw Topic No. 209.

§ 8–204. Agents for candidates

The contestant shall be authorized to commission in writing no more than one (1) agent for each district wherein the recount is being conducted to act on his behalf. Said commission shall be filed with the Manager of the Election Board prior to the recount proceedings set forth in Title 19, § 8–203. The same authority shall be granted to any contestee. Such agent or agents shall have full authority to act on behalf of the candidate he is commissioned to represent in the absence of said candidate.

[NCA 99–20, § 8–112, approved April 30, 1999.]

Library References

Indians ☞217.
Westlaw Topic No. 209.

§ 8–205. Recount procedure for counting ballots; watcher

In conducting the recount of ballots, the Election Board shall open each ballot box individually and shall assign said ballots to a group of precinct workers or the Precinct Election Committee and/or the absentee workers appointed by the Election Board. Said precinct workers of the Precinct Election Committee and/or absentee workers shall then conduct a manual recount of the ballots. The Election Board shall supervise such counting and its decision shall be final in all cases. Each candidate affected by the recount is entitled to have a watcher present at each place where a count is being made. Said watcher shall be limited to a challenge, in writing, of any decision made by the precinct workers or the Precinct Election Committee and/or the absentee workers with regard to the counting of ballots. Such challenge shall be made immediately to the Election Board, whose decision on said challenge shall be final. Said precinct workers shall be appointed from among the registered voters of the districts involved and shall meet such qualifications as may be imposed for a precinct inspector, judge or clerk. precinct workers shall be paid on the same basis as they are paid for primary or general elections.

[NCA 99–20, § 8–113, approved April 30, 1999; amended by NCA 03–043, § 6, approved March 3, 2003.]

Library References

Indians ☞217.
Westlaw Topic No. 209.

§ 8–206. Certification of results

When all ballots have been counted, the Election Board shall tabulate the votes and shall issue appropriate lists and certificates in accordance with Title 19, § 8–103.

[NCA 99–20, § 8–114, approved April 30, 1999.]

Library References

Indians ↻217.
Westlaw Topic No. 209.

§ 8-207. Recount may not cease

The recount shall continue until such time as all the ballots in said district have been recounted, and the recount is complete.

[NCA 99-20, § 8-115, approved April 30, 1999.]

Library References

Indians ↻217.
Westlaw Topic No. 209.

§ 8-208. Expenses of recount

Deposits accompanying petitions shall be used by the Election Board to defray the actual expenses of said recount. Expenses shall include stipends of the Board members, which shall be made on a per diem basis at a rate set by law; stipends set by the Election Board for absentee workers and the Precinct Election Committee deemed necessary by the Election Board to conduct an expedient and accurate recount; per diem for the presiding judge; per diem for witnesses; and for all other actual and necessary expenses.

[NCA 99-20, § 8-116, approved April 30, 1999.]

Cross References

Election Board Special Depository Account, see Title 37, § 2-215.

Library References

Indians ↻217.
Westlaw Topic No. 209.

§ 8-209. Petition for fraud or irregularities

In the event a candidate contests the correctness of the announced results of an election, by alleging fraud or any other irregularities, said candidate shall file with the Manager of the Election Board a contest petition, at any time before 5:00 p.m. on the first Friday following an election, setting forth with particularity the facts which are alleged to constitute fraud and irregularities. Said petition must be accompanied by either a money order, cashier's or certified check or a bank instrument equivalent to such checks in the non-refundable amount of one thousand dollars (\$1,000.00) for each district affected by the petition. When such petition is properly filed and the filing fee of one thousand dollars (\$1,000.00) duly paid, the Manager of the Election Board shall immediately file or cause to be filed said contest petition in the District Court of the Muscogee (Creek) Nation. A hearing on the contest petition shall be set by the District Court no less than three (3) nor more than ten (10) calendar days from the date of the filing of said petition in the District Court. The District Court shall immediately render an oral decision at the conclusion of the hearing, and shall file a written order and opinion consistent with the oral decision no later than the following calendar day. Any appeal to the Muscogee (Creek) Nation Supreme Court shall be filed within three (3) calendar days of

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Title 19, § 8–210

the oral decision of the District Court. If the deadline for filing an appeal falls on a holiday or weekend, the Appellant shall contact the Court Clerk in order to make arrangements for filing the appeal within the three (3) calendar day filing period. A hearing on the appeal shall be set by the Supreme Court no less than three (3) nor more than ten (10) calendar days from the date of the filing of the appeal in the Supreme Court. The Supreme Court shall immediately render an oral decision at the conclusion of the hearing, and shall file a written order and opinion consistent with the oral decision no later than three (3) calendar days after the date the oral decision was rendered. The decision of the Muscogee (Creek) Nation Supreme Court shall be final and conclusive.

[NCA 99–20, § 8–117, approved April 30, 1999; amended by NCA 01–50, § 8, eff. June 1, 2001.]

Cross References

Election Board Special Depository Account, see Title 37, § 2–215.

Library References

Indians ↻217.
Westlaw Topic No. 209.

§ 8–210. Determination of successful party impossible; procedure; Principal Chief to call special election

In the event that, after a hearing is conducted, it is deemed impossible to determine to whom a Certificate of Election shall be issued, the District Court shall notify the Election Board of the same and shall then order a new election to be conducted as soon as is practicable in the same manner as the contested election with the identical candidates. However, any candidate proved to have committed fraud in the election shall not be a candidate in the new election. Provided further, this section shall not apply to elections resulting in tie votes, which elections shall be determined as provided by Title 19, § 8–105. It shall be the duty of the Manager of the Election Board to notify the Principal Chief of said decision of the Muscogee (Creek) Nation District Court.

[NCA 99–20, § 8–118, approved April 30, 1999.]

Library References

Indians ↻217.
Westlaw Topic No. 209.

CHAPTER 9. SPECIAL ELECTIONS

Section

- 9-101. Vacancies in elected office.
- 9-102. Proclamation required.
- 9-103. Dates for filing period; elections.
- 9-104. General laws apply.
- 9-105. Term.

§ 9-101. Vacancies in elected office

Whenever a vacancy shall occur due to death, resignation or removal in the Office of the Principal Chief or the Office of Second Chief or due to such disability that the person occupying the office is unable to perform the duties of the office, said vacancy shall be filled in accordance with Article V, Section 1(c) of the Constitution of the Muscogee (Creek) Nation. In the case of a vacancy in any other elected offices due to any of the foregoing-listed causes, a special election shall be called in the same manner as prescribed for that of the Second Chief, provided, that the time limits of this title set forth in Chapter 1 shall apply to the filling of the vacancy, unless it occurs within the last six (6) months of the term, in which case the term shall remain vacant until the next election.

[NCA 99-20, § 9-100, approved April 30, 1999.]

Library References

Indians ☞217.
Westlaw Topic No. 209.

§ 9-102. Proclamation required

In calling such an election, the Principal Chief shall issue a proclamation, a copy of which must be filed with the Manager of the Election Board.

[NCA 99-20, § 9-101, approved April 30, 1999.]

Library References

Indians ☞217.
Westlaw Topic No. 209.

§ 9-103. Dates for filing period; elections

Said proclamation shall contain the following facts:

- A. A filing period of three (3) days, on Monday, Tuesday, and Wednesday, not less than ten (10) days from the date of said proclamation;
- B. The date of the special primary election, not less than twenty (20) days after the close of the filing period;
- C. The date of the special general election, not less than twenty (20) days after the date of the primary election.

[NCA 99-20, § 9-102, approved April 30, 1999.]

Library References

Indians ☞217.
Westlaw Topic No. 209.

SPECIAL ELECTIONS

Title 19, § 9–105

§ 9–104. General laws apply

Special elections shall be conducted under the provisions of this Title applicable to primary and general elections.

[NCA 99–20, § 9–103, approved April 30, 1999.]

Library References

Indians ☞217.
Westlaw Topic No. 209.

§ 9–105. Term

The successful candidate shall serve the remainder of the unexpired term of the vacant office.

[NCA 99–20, § 9–104, approved April 30, 1999.]

Library References

Indians ☞217.
Westlaw Topic No. 209.

CHAPTER 10. ABSENTEE VOTING

Section

- 10-101. Absentee ballots authorized.
- 10-102. Request for absentee ballot.
- 10-103. Transmittal of ballot to voter.
- 10-104. Materials to accompany ballot.
- 10-105. Return of ballots.
- 10-106. Incapacitated voters; application for absentee ballot.
- 10-107. Emergency request for absentee ballot.
- 10-108. Handling of returned absentee ballot.
- 10-109. Examination of signatures; removal of outer envelope.
- 10-110. Absentee workers; appointment.
- 10-111. Counting procedures.
- 10-112. Counting by Election Board in certain cases.
- 10-113. Prescribing forms.
- 10-114. Instructions.
- 10-115. List of absentee voters.
- 10-116. Retention of materials.
- 10-117. Notification of rejection.

§ 10-101. Absentee ballots authorized

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.

[NCA 99-20, § 10-101, approved April 30, 1999.]

Library References

Indians ↻214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 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. 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

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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.

[NCA 99–20, §§ 10–100, 102, 104, approved April 30, 1999.]

Library References

Indians ↻214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 10–103. Transmittal of ballot to voter

A. When such application is received by the Manager of the Election Board, it shall be his or her duty to verify 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. Absentee ballots shall be mailed not more than twenty (20) 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 election.

[NCA 99–20, §§ 10–103, 105, approved April 30, 1999.]

Library References

Indians ↻214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 10–104. Materials to accompany ballot

Said absentee ballot or ballots must be accompanied by:

A. A printed opaque envelope marked “ABSENTEE BALLOT” in which a voted ballot or ballots must be placed by the voter.

B. A 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.

[NCA 99–20, § 10–106, approved April 30, 1999.]

Library References

Indians ↻214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 10–105. Return of ballots

The voter shall be required to mark his or her ballot; seal the ballot in the opaque envelope printed “ABSENTEE BALLOT”; seal the printed opaque envelope inside the return envelope; sign the statement in the space provided for the signature of the voter on the return envelope; and return both envelopes, the opaque envelope sealed inside the other, by United States mail to the Okmulgee Post Office by 11:00 a.m. on election day.

[NCA 99–20, §§ 10–103, 107, approved April 30, 1999.]

Library References

Indians ↻214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 10–106. Incapacitated voters; 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.

[NCA 99–20, § 10–108, approved April 30, 1999.]

Library References

Indians ↻214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 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, shall be unable to vote in 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.

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 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 is 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 in 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, the voting procedure shall be the same as if the voter were casting his or her vote in person at a precinct.

5. The voter shall then place said ballots in the printed opaque envelope marked "ABSENTEE BALLOT" and then place said opaque printed envelope in the return envelope. The return envelope shall contain the voter's signature

on 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 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 envelope to the absentee counters for tabulation.

C. 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.

[NCA 99-20, § 10-109, approved April 30, 1999; amended by NCA 01-50, § 9, eff. June 1, 2001.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 10-108. Handling of returned absentee ballot

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 11:00 a.m. on election day. Absentee ballot boxes shall be designated and placed in the 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 maintained by the Lighthorse Administration until the day of the election. The Election Board shall designate two (2) Election Board members and a member from the Lighthorse Administration to transport absentee ballot boxes to the public location deemed appropriate by the Election Board on election day. Before transporting the absentee ballot boxes, the Election Board members shall ask the Postmaster, or person in charge, to check the Okmulgee drop box and the front counter of the post office to make sure that all absentee ballots submitted by 11:00 a.m. have been collected.

[NCA 99-20, § 10-110, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 10-109. Examination of signatures; removal of outer envelope

At 11:00 a.m. on election day, absentee ballot boxes shall be transported from the Okmulgee Post Office to the Tribal Complex. The Lighthorse personnel will then give the keys 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 in public at a location deemed appropriate. 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 place. The envelopes marked “Absentee Ballot” shall be returned to the ballot box. Said procedures shall continue until all signatures have been examined.

[NCA 99–20, § 10–111, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
 Westlaw Topic No. 209.
 C.J.S. Indians §§ 57, 59.

§ 10–110. 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 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 meet all qualifications required of Precinct Election Committee members, except absentee workers need not be absentee voters. 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.

[NCA 99–20, § 10–112, approved April 30, 1999; amended by NCA 01–50, § 10, eff. June 1, 2001.]

Library References

Indians ☞214.5, 217.
 Westlaw Topic No. 209.
 C.J.S. Indians §§ 57, 59.

§ 10–111. 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.

B. The absentee ballot counting procedures when conducting an election with electronic voting machines 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 Tribal Complex, each absentee ballot outer envelope shall be separated by District and within each District arranged in alphabetical order.
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.

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4. The outer envelope for each District shall be counted and recorded.
 5. Each outer envelope shall be opened and separated from the inner envelope, and the outer envelopes shall then be counted.
 6. The inner envelopes shall then be opened, the absentee ballots therein shall be removed, and the inner envelopes shall then be counted.
 7. 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 by hand by the absentee workers.
 8. After the polls close, the total tape shall be printed by the electronic voting machine.
 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 manual 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 Tribal Complex, each absentee ballot outer envelope shall be separated by district and within each district arranged in alphabetical order.
 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.
 4. The outer envelope of each district shall be counted and recorded.
 5. Each outer envelope shall be opened and separated from the inner envelope, and the outer envelopes shall then be counted.
 6. The inner envelopes shall then be opened, the absentee ballots therein shall be removed, and the inner envelopes shall then be counted.
 7. 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.

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.

[NCA 99–20, § 10–113, approved April 30, 1999.]

Cross References

Procedures for precinct counting, see Title 19, § 7–401.

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 10–112. 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. Each tally sheet completed shall be signed and dated by the Election Board.

[NCA 99–20, § 10–114, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 10–113. Prescribing forms

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

[NCA 99–20, § 10–115, approved April 30, 1999.]

Library References

Indians ⇨214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 10–114. Instructions

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.

[NCA 99–20, § 10–116, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 10–115. List of absentee voters

A. Prior to the day of the election, the Manager of the Election Board shall provide to the Precinct Election Committee 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.

[NCA 99–20, §§ 10–117, 118, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 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.

[NCA 99–20, § 10–119, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 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.

[NCA 99–20, § 10–120, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

CHAPTER 11. CONSTITUTIONAL AMENDMENTS

Section

- 11-101. Committee establishment; term.
- 11-102. Committee number; selection; vacancies.
- 11-103. Committee officers.
- 11-104. Committee authority and procedures.
- 11-105. Committee meetings.
- 11-106. Compensation and reimbursement for expenses.

Historical and Statutory Notes

NCA 01-78, § 1, provides:

“Section 1. Findings.

“A. The Muscogee (Creek) Nation Constitution has been amended only a few times since ratification of the Constitution by citizens of the Muscogee (Creek) Nation in 1979.

“B. It is in the interests of the Muscogee (Creek) Nation government and its citizens to periodically review the Constitution and identify potential Constitutional amendments for submission to the National Council for potential approval and submission to vote of the people.

“C. A Constitution Amendment Committee should be established to review the Constitution and to develop potential amendments for submission to the National Council; provided that each potential amendment must be approved by

a two-thirds affirmative vote of the National Council before submission to a vote of the people, as required by Article IX, Sec. 1(a) of the Constitution.

“D. The Constitution Amendment Committee should be comprised of elected officials of the Muscogee (Creek) Nation, as well as individual citizens who will represent each legislative District in the Constitutional amendment process.

“E. Funds will be needed for payment of copying expenses, advertising expenses, court reporter costs and reimbursement of individual citizen Committee members for mileage for attendance of Committee meetings and public hearings called by the Committee.”

Cross References

Amendment of Constitution, see Const. Art. IX, § 1.

§ 11-101. Committee establishment; term

A. Initial establishment of committee; term. The Constitution Amendment Committee is hereby established. The committee members shall serve a term commencing from date of appointment until December 31, 2003.

B. Subsequent organization of committees; term. After the term of the first Constitution Amendment Committee organized under this chapter expires on December 31, 2003, new Constitution Amendment Committees shall be organized thereafter pursuant to this chapter whenever deemed in the interests of the Nation by Tribal Resolution calling for the organization of a new Constitution Amendment Committee; provided that the term of each such new committee so organized shall commence from date of appointment of committee members and end on a date which shall be specified in the Tribal Resolution calling for the organization of a new Constitution Amendment Committee; provided further that each said committee term shall not exceed four years and shall end on December 31 of an election year.

[NCA 01-78, § 2, approved May 7, 2001.]

Library References

Indians ↻210, 214.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 11–102. Committee number; selection; vacancies

A. Number of committee members; list. The Constitutional Amendment Committee shall consist of eighteen (18) members. Ten (10) members shall be persons who serve by virtue of their status as elected or appointed officials of the Muscogee (Creek) Nation as described in subsection B of this section, and eight (8) members shall be Muscogee (Creek) Nation citizens as described in subsection C of this section. A list of the Constitutional Amendment Committee members shall be prepared by the Executive Office. Copies of the list shall be maintained in the Executive Office, National Council Office and Muscogee (Creek) Nation District Court.

B. Members. In addition to the eight (8) citizen members described in subsection C of this section, the Committee shall consist of the following ten (10) Muscogee (Creek) Nation officials:

1. The Principal Chief or the Second Chief if designated to serve by the Principal Chief;
2. The Muscogee (Creek) Nation District Court Judge; and
3. Eight (8) National Council Representatives as follows: one (1) from each legislative district of the Muscogee (Creek) Nation, who shall be appointed by the Speaker of the National Council after consultation with the National Council Representatives of each such district.

C. Citizen members. In addition to the ten (10) committee members described in subsection B of this section, the Committee shall consist of eight (8) individual citizens of the Muscogee (Creek) Nation, each of whom shall serve on the Committee as a representative of one of the eight (8) legislative districts, subject to the following requirements and provisions:

1. Each citizen Committee member shall be eighteen (18) years of age or older and shall not be an employee of the Muscogee (Creek) Nation;
2. Each citizen Committee member shall be selected by recommendation of the National Council Representatives of the legislative district which he or she is to represent;
3. Each citizen Committee member shall be confirmed by the Principal Chief and the Speaker by jointly executed letter upon presentation of a written recommendation from a majority of National Council Representatives who represent the specific legislative district for which the designated person is to serve as a Committee member, provided that said jointly executed letter shall be duly recorded with the National Council Secretary;
4. Nothing herein shall require that an individual citizen is required to reside within the jurisdictional boundaries of the Muscogee (Creek) Nation in order to be eligible to serve on the Committee; and
5. Any person who serves as an elected official of a Chartered Muscogee (Creek) Indian Community shall be eligible to serve as a citizen member of the Committee, notwithstanding any other provision of Muscogee (Creek) Nation law placing limitations on such community officials.

D. Vacancies—Committee Members. In the event that a Committee member loses his or her status as an elected or appointed official of the Muscogee (Creek) Nation during the term of the Committee due to failure to be re-elected, resignation, death, or for any other reason, that official's Committee position shall become vacant immediately upon the occurrence of such event, and shall be filled in accordance with the requirements of sub-section B of this section.

[NCA 01–78, § 3, approved May 7, 2001; amended by NCA 03–206, § 1, approved Nov. 26, 2003.]

Library References

Indians ⇄214.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 11–103. Committee officers

The Constitution Amendment Committee shall elect the following officers at its first organizational meeting: Chairperson, Vice-Chairperson and two (2) Sergeants-at-Arms. The Chairperson shall be responsible for conducting the meetings. In the absence of the Chairperson or when otherwise requested by the Chairperson, the Vice-Chairperson shall be responsible for conducting the meetings. The Sergeants-at-Arms shall be responsible for ensuring that order is maintained at all Committee meetings and public hearings, including securing the attendance of a Lighthouse Police Officer at such meetings and hearings when deemed in the best interest of the Committee and the public.

[NCA 01–78, § 4, approved May 7, 2001.]

Library References

Indians ⇄214.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 11–104. Committee authority and procedures

A. Responsibilities. The Constitution Amendment Committee shall be responsible for identifying areas in the Constitution which may need amendment or revision; obtaining citizen input; and developing and drafting, with the technical and legal assistance of the Office of the Muscogee (Creek) Nation Attorney General, potential amendments for submission to the National Council for its consideration and placement on a ballot for vote of the people.

B. Procedures. The Committee shall determine the procedures to be used for carrying out its authority, including the manner in which citizen input in the amendment process will be obtained and including decisions regarding when a proposed amendment or amendments will be submitted to the National Council for possible approval for placement on the ballot at any specific primary election, general election or special election.

C. Support staff. The District Court Judge shall be responsible for providing District Court employees to provide clerical support, and for coordinating with the Executive Office and/or the National Council Office for use of Executive Office and/or National Council Office employees, to provide clerical support,

including assistance with preparations for Committee meetings and hearings and attendance of and assistance at Committee meetings and hearings.

[NCA 01–78, § 5, approved May 7, 2001.]

Library References

Indians ↻214.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 11–105. Committee meetings

A. Meeting schedules. The first Constitution Amendment Committee meeting shall be held on a date set by the Principal Chief. The Constitution Amendment Committee shall schedule regular Committees meetings as needed. The Chairperson of the Constitution Amendment Committee may also schedule special meetings as needed upon issuance of written notice at least five (5) days before the meeting date.

B. Quorum. No Constitution Amendment Committee meeting shall be held unless a quorum of ten (10) committee members are present, except that establishment of a quorum shall not be necessary for Constitution Amendment Committee hearings which are held for the sole purposes of making presentations and obtaining citizen input.

C. Voting. Each member of the committee, including ex officio members, shall have the right to vote at committee meetings.

D. Records. The District Court Judge shall ensure that a record of each Committee meeting and hearing is prepared by District Court employees or by a court reporter on a contractual basis. Such meeting and hearing records shall be maintained by the Muscogee (Creek) Nation District Court.

[NCA 01–78, § 6, approved May 7, 2001.]

Library References

Indians ↻214.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

§ 11–106. Compensation and reimbursement for expenses

A. Compensation. Citizen Committee members shall receive a stipend in the amount of seventy-five and no/100 dollars (\$75.00) for each duly called Committee meeting and public hearings.

B. Mileage reimbursements to ex-officio committee members. Ex-officio Committee members shall be entitled to reimbursement for mileage expenses for attendance of Committee meetings and public hearings only as authorized in accordance with the procedures of his or her respective executive, judicial or legislative office and only from funding apportioned to such office for performance of official duties.

C. Mileage reimbursement to citizen committee members. Citizen Committee members shall be entitled to receive reimbursement for mileage for attendance of Committee meetings, attendance of public hearings called by the

committee and travel required for conducting other official Committee business, after submission of an original voucher approved by the Committee Chairperson or Vice-Chairperson to the Office of the Principal Chief, said reimbursement to be paid in accordance with applicable Executive Office accounting policies and procedures from funds appropriated for said purposes by NCA 01-78.

D. Expenses. Copying expenses, court reporter payments and costs of advertising Committee meetings, public hearings and constitutional elections shall be paid after submission of an original voucher approved by the Committee Chairperson or Vice-Chairperson to the Office of the Principal Chief, said reimbursement to be paid in accordance with applicable Executive Office accounting policies and procedures from funds appropriated for said purpose by NCA 01-78.

[NCA 01-78, § 7, approved May 7, 2001; amended by NCA 04-198, § 1, eff. Nov. 8, 2004]

Library References

Indians ☞214.
Westlaw Topic No. 209.
C.J.S. Indians § 59.

CHAPTER 12. CRIMINAL VIOLATIONS AND PENALTIES

Subchapter

1. Violations
2. Penalties

Cross References

Election Board or Precinct Election Committee members, violation of this title, see Title 19, § 2-122.

SUBCHAPTER 1. VIOLATIONS

Section

- 12-101. Anonymous campaign literature.
- 12-102. Voting illegally.
- 12-103. False swearing.
- 12-104. Fraud.
- 12-105. Bribe to influence vote.
- 12-106. Bribe for withdrawal of candidacy.
- 12-107. Solicitation or acceptance of bribe for withdrawal.
- 12-108. Attempting to prevent registration or voting.
- 12-109. Electioneering.
- 12-110. Intoxicating liquor.
- 12-111. Interference with voter or conduct of election.
- 12-112. Failure to perform duty.
- 12-113. Disclosure by voter.
- 12-114. Disclosure by election official.
- 12-115. Disclosure of count.
- 12-116. Removal of ballot.
- 12-117. Printing or possession of ballots illegally.
- 12-118. False application for absentee ballot.

§ 12-101. Anonymous campaign literature

No person or organization shall, write, print, post or distribute or causes to be written, printed, posted or distributed, any circular, poster or advertisement which is designed to injure or oppose the nomination or election of a candidate, to influence the voters in an election on any constitutional or statutory amendment, or any other issue in a Tribal election, unless there appears upon such circular, poster or advertisement in a conspicuous place, either the name and address of the person who is the author thereof or the name and address of the president, chairman, and secretary, or two (2) officers of the organization, which sponsored the publication of each written document. Nothing in this section shall be construed to apply to any matter or thing published in any such newspaper, magazine or journal recognized and circulating as such, which matter is published by such newspaper, magazine or journal on its own behalf, upon its own responsibility and for which it shall not charge or receive any compensation whatsoever. Nor shall it apply to any publication issued by any legally constituted election officials in the performance of their duties. Any person or organization willfully acting in violation of this section shall be guilty

of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

[NCA 99–20, § 11–100, approved April 30, 1999.]

Library References

Indians ☞214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12–102. Voting illegally

Any person who votes more than once at any election or who, knowing that he is not eligible to vote at an election, willfully votes at said election shall be guilty of a felony.

[NCA 99–20, § 11–101, approved April 30, 1999.]

Library References

Indians ☞214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12–103. False swearing

Any person who swears or affirms a false statement in order to become eligible to vote at an election, willfully votes at said election shall be deemed guilty of felony.

[NCA 99–20, § 11–102, approved April 30, 1999.]

Library References

Indians ☞214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12–104. Fraud

Any person who knowingly perpetrates fraud, or who steals supplies used to conduct an election, in order to change a voter's vote, or to change the certification of the results of an election, shall be deemed guilty of a felony.

[NCA 99–20, § 11–103, approved April 30, 1999.]

Library References

Indians ☞214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12–105. Bribe to influence vote

Any person who offers, solicits or accepts something of value intended to directly or indirectly influence the vote of the person soliciting or accepting same shall be deemed guilty of a felony.

[NCA 99–20, § 11–104, approved April 30, 1999.]

Library References

Indians ⇨214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12-106. Bribe for withdrawal of candidacy

Any person who shall offer or give to another anything of value to induce or cause such other person to withdraw at any election shall be deemed guilty of a felony.

[NCA 99-20, § 11-105, approved April 30, 1999.]

Library References

Indians ⇨214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12-107. Solicitation or acceptance of bribe for withdrawal

Any person who shall solicit or accept from another anything of value for withdrawing from any political contest as a candidate or nominee for any office at any election shall be deemed guilty of a felony.

[NCA 99-20, § 11-106, approved April 30, 1999.]

Library References

Indians ⇨214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12-108. Attempting to prevent registration or voting

Any person who, by means of coercion or any other method, knowingly attempts to prevent a qualified elector from becoming registered, or a registered voter from voting, shall be deemed guilty of a felony.

[NCA 99-20, § 11-107, approved April 30, 1999.]

Library References

Indians ⇨214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12-109. Electioneering

Any person who electioneers within three hundred (300) feet of any ballot box while an election is in progress, and any person except election officials and other persons authorized by law who remains within fifty (50) feet of any ballot while an election is in progress shall be deemed guilty of a misdemeanor.

[NCA 99-20, § 11-109, approved April 30, 1999.]

Library References

Indians ⇨214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12–110. Intoxicating liquor

Any person who takes intoxicating liquors of any kind or quantity to within three hundred (300) feet of any polling place on an election day shall be deemed guilty of a misdemeanor.

[NCA 99–20, § 11–110, approved April 30, 1999.]

Library References

Indians ⇄214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12–111. Interference with voter or conduct of election

Any person who interferes with a registered voter who is attempting to vote, or any person who attempts to influence the voter of another by means of force or intimidation, or any person who interferes with the orderly and lawful conduct of an election shall be deemed guilty of a misdemeanor.

[NCA 99–20, § 11–111, approved April 30, 1999.]

Library References

Indians ⇄214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12–112. Failure to perform duty

Any member or employee of a Precinct Election Committee who willfully fails to perform his lawful duty shall be deemed guilty of a misdemeanor.

[NCA 99–20, § 11–112, approved April 30, 1999.]

Library References

Indians ⇄214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12–113. Disclosure by voter

Any person who, within the election enclosure, discloses to any other person how he voted shall be deemed guilty of a misdemeanor.

[NCA 99–20, § 11–113, approved April 30, 1999.]

Library References

Indians ⇄214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12–114. Disclosure by election official

Any election official who discloses how any voter may have voted shall be deemed guilty of a misdemeanor.

[NCA 99–20, § 11–114, approved April 30, 1999.]

Library References

Indians ↻214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12-115. Disclosure of count

Any person who discloses the count during an election prior to the time such disclosure is authorized by law shall be deemed guilty of misdemeanor.

[NCA 99-20, § 11-115, approved April 30, 1999.]

Library References

Indians ↻214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

§ 12-116. Removal of ballot

Any person who removes a ballot from the polling place or who carries a ballot into the polling place shall be deemed guilty of a misdemeanor.

[NCA 99-20, § 11-116, approved April 30, 1999.]

§ 12-117. Printing or possession of ballots illegally

Any person who causes to be printed, or who has in his possession, ballots not authorized by law shall be deemed guilty of a misdemeanor.

[NCA 99-20, § 11-117, approved April 30, 1999.]

§ 12-118. False application for absentee ballot

Any person who knowingly executes a false statement for application for an absentee ballot shall be deemed guilty of a misdemeanor.

[NCA 99-20, § 11-118, approved April 30, 1999.]

Library References

Indians ↻214, 214.5.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59.

SUBCHAPTER 2. PENALTIES

Section

12-201. Felonies.
12-202. Misdemeanors.

§ 12-201. Felonies

Any person deemed guilty of a offense under provisions of this Title shall be subject to loss of voting rights for a period of two (2) years and any other action deemed necessary by the Tribal Court of the Muscogee (Creek) Nation.

[NCA 99-20, § 11-119, approved April 30, 1999.]

Title 19, § 12–201

ELECTIONS

Library References

Indians ↻214.5, 217, 620.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59, 151 to 179.

§ 12–202. Misdemeanors

Any person deemed guilty of a misdemeanor under provisions of this Title shall be subject to loss of voting rights for a period to two (2) years and any other action deemed necessary by the Tribal Court of the Muscogee (Creek) Nation.

[NCA 99–20, § 11–108, approved April 30, 1999.]

Library References

Indians ↻214.5, 217, 620.
Westlaw Topic No. 209.
C.J.S. Indians §§ 57, 59, 151 to 179.

CHAPTER 13. MISCELLANEOUS PROVISIONS

Section

13-101. Reference to time.

13-102. Maintenance of records.

§ 13-101. Reference to time

All reference to time in this title shall hereby be defined as central time.

[NCA 99-20, § 12-100, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57, 59.

§ 13-102. Maintenance of records

The Election Board shall bear the responsibility of maintaining the records of the Election Board office and such records shall be made available to any publicly announced candidate after payment of his or her filing fee for office, or any elected official.

[NCA 99-20, § 12-101, approved April 30, 1999.]

Library References

Indians ☞214.5, 217.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57, 59.

CHAPTER 14. AMENDMENTS TO TITLE

Section

14-101. Amendment procedure.

§ 14-101. Amendment procedure

Amendments to this title shall be adopted by law.

[NCA 99-20, § 13-100, approved April 30, 1999.]