



## **NCA 18-164**

### **CLASSIFICATION: #19. ELECTIONS**

**A LAW OF THE MUSCOGEE (CREEK) NATION REPEALING MCNCA TITLE 37, CHAPTER 9 ENTITLED "CAMPAIGN FINANCE DISCLOSURE ACT/PUBLIC OFFICIALS ETHICS COMMISSION" AND CREATING A NEW CHAPTER UNDER MCNCA TITLE 19, CHAPTER 15 ENTITLED "CAMPAIGN FINANCE CODE"**

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

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

A. The Nation must ensure that elected officials are independent, impartial and avoid conflicts of interest and that public office is not used for private gain.

B. NCA 15-081 created the Campaign Finance Disclosure Act and established a Public Officials Ethics Commission.

C. Creating a new Campaign Finance Code authorizing the Muscogee (Creek) Nation Election Board to serve as the official repository of all campaign contribution and expenditure reports will avoid and eliminate filing deadline conflicts, qualification disputes and enforcement issues.

**SECTION TWO. PURPOSE. The purpose of this Act is to create the Campaign Finance Code administered by the Muscogee (Creek) Nation Election Board.**

**SECTION THREE. REPEALER. MCNCA Title 37, Chapter 9 entitled, "Campaign Finance Disclosure Act/Public Officials Ethics Commission" is hereby repealed in its entirety.**

**SECTION FOUR. NEW LAW. The following new law shall be codified in Title 19, Chapter 15 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said new law and its inclusion in pocket parts for the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated in this law in order to be consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws; and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following new law:**

**TITLE 19. ELECTIONS**  
**CHAPTER 15. CAMPAIGN FINANCE CODE**

**§ 15-101. Campaign Finance Code**

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

**§ 15-102. Definitions**

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

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

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

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

**§ 15-103. Powers and responsibilities**

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

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

**§ 15-104. Disclosure of Campaign Contributions**

A. All candidates for elective office shall file a statement disclosing the source and amount of all monetary or in-kind contributions over one hundred dollars (\$100.00), made to either the candidate, a campaign worker or a campaign committee.

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All cumulative donations received from a single donor exceeding one hundred dollars (\$100.00) shall be reported on the disclosure statement.

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

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

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

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

1. The identity of each contributor whose cumulative donations exceed the total sum of one hundred dollars (\$100.00), including name, address and occupation;
2. Date the contribution was accepted by the candidate or the candidate's campaign;
3. A description and value of the contribution received during the reporting period;
4. The total sum of all donations received during the reporting period;
5. The cumulative total of all donations received from the date of the declaration of candidacy for elective office to the reporting date;
6. The description and value of all campaign expenditures made during the reporting period;
7. The cumulative total of all campaign expenditures made from the date of the declaration of candidacy for elective office.

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

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

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

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

**§ 15-105. Failure to File Reports; Inaccurate Reports**

A. If any candidate should fail to file a campaign contribution report within five (5) days after the last day of the preceding month, the Election Board shall file a show cause notice against that candidate. The show cause notice shall notify the candidate of the specific campaign disclosure violation alleged.

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

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

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

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

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

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

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

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

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

**§ 15-107. Use of Campaign Contributions**

A. Contributions accepted by any candidate shall be used to cover the cost of a campaign for elective office or any ordinary and necessary expenses incurred by the candidate during the candidate's campaign for elective office.

B. Any contributions plus any interest earned on such contributions not expended within thirty (30) days after the candidate's campaign has ended shall be disposed of in one of two manners, at the candidate's option:

1. Excess campaign proceeds shall be delivered to the Election Board by the candidate. Those funds shall be placed in an interest bearing account to be reserved for the purpose of defraying the costs of future elections.
2. Donated to the College of the Muscogee Nation. A written receipt or acknowledgement of such donation must be filed with the Election Board.

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

**ENACTED** by the Muscogee (Creek) National Council on this 27<sup>th</sup> day of October, 2018.

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



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Lucian Tiger III, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

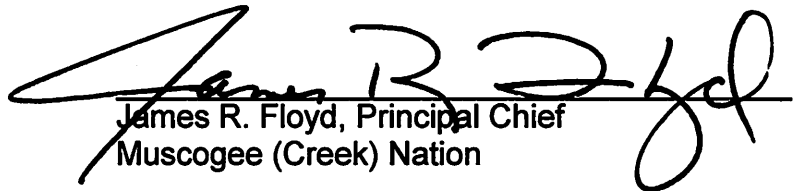
I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Fourteen** members attending this meeting on the **27<sup>th</sup>** day of **October, 2018** and that the above is in conformity with the provisions therein adopted by a vote of **13** in favor, **0** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



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Kristie A. Jackson, Recording Secretary  
Muscogee (Creek) National Council

**APPROVAL**

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this **1<sup>st</sup>** day of **November, 2018** to the above Law, **NCA 18-164** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



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

