CLASSIFICATION: #19. ELECTIONS

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 19, CHAPTER 2, ENTITLED, "Organization of Election Board and Precinct Election Committees"

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

SECTION ONE. FINDINGS. The National Council finds that:

A. The Election Board, an Independent Agency of the Muscogee (Creek) Nation, is charged with the responsibility of conducting all regular and special elections.

B. One of the main duties of the Election Board is to promulgate, repeal or modify rules or regulations to ensure the integrity of an election, which is of utmost importance to the Citizens of the Muscogee (Creek) Nation.

C. As an Independent Agency, the Election Board should be entitled to retain outside legal counsel to assist them in carrying out their duties. Other Independent Agencies/Entities of the Nation, such as, the Tribal Trade and Commerce Authority Board, Muscogee Nation Business Enterprise, Muscogee Nation Board of Regents, and the Gaming Commissioner of the Office of Public Gaming have the authority to hire legal counsel.

SECTION TWO. AMENDMENT. This amendment shall be codified in Title 19, Chapter 2 §§104 and 105, of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:
SECTION THREE. AMENDMENT. MCNCA Title 19 §§ 104 and 105 are hereby amended to read as follows:

§2-104. Meetings/Chairperson Election Board duties

The Election Board shall elect from its membership a Chairperson whose term of office shall be for 2 (two) years. The Chair shall preside over all Board meetings. The Board shall adopt a schedule of meetings, attendance requirements and methods of recording minutes of all Election Board business.

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

§2-105. Chairman's Duties

A. Chairperson Duties. The Chairman of the Election Board shall be the administrative officer of the Election Board and,

1. (a) shall have general supervisory authority;
2. (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;

B. Election Board Duties. The Election Board shall be charged with the responsibility of conducting all Muscogee (Creek) Nation elections and administering and enforcing the provisions of this Title. Duties shall include but are not limited to the following:

1. (c) The Election Board 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 Title Revised Election Code; provided that such rules or regulations, to be binding and effective, must be consistent with this Title and must have been officially adopted by the Election Board;

2. (d) The Election Board shall promote and encourage voter registration and voter participation in elections.

3. The Election Board may employ consultants, advisors, planners and other experts by written contract in accordance with Tribal and federal law, and employ outside legal counsel by written contract subject to National Council approval by Tribal Resolution.
4. The Election Board may employ legal counsel by written agreement subject to National Council approval by Tribal Law or Resolution. Legal Counsel shall be independent and free from political interference from any other entity or Department of the Nation and shall have charge over legal matters the Election Board designates through the approved agreement.

5. Requirements for approval of Legal Counsel's written agreement by National Council by Tribal Law or Resolution is hereby waived for Fiscal Year 2011 and Fiscal Year 2012, and the Election Board may hire legal counsel immediately provided there is no waiver of sovereign immunity to the Agreement.

SECTION FOUR. All laws which are inconsistent or conflict with this Act shall have no force and effect.

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 24th day of September 2011.

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

[Signature]
Roger Barnett, 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 twenty-six members with Twenty-three members attending this meeting on the 24th day of September, 2011 and that the above is in conformity with the provisions therein adopted by a vote of 22 in favor, 0 against, 0 abstention, 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.

[Signature]
Terry A. Fish, Recording Secretary
Muscogee (Creek) National Council
APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this ______day of ____________, 2011, to the above Law, NCA 11-156 authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

________________________________________
A. D. Ellis, Principal Chief
Muscogee (Creek) Nation
CLASSIFICATION: #19. ELECTIONS

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SECTION ONE. FINDINGS. The National Council finds that:

A. The Election Board, an Independent Agency of the Muscogee (Creek) Nation, is charged with the responsibility of conducting all regular and special elections.

B. One of the main duties of the Election Board is to promulgate, repeal or modify rules or regulations to ensure the integrity of an election, which is of utmost importance to the Citizens of the Muscogee (Creek) Nation.

C. As an Independent Agency, the Election Board should be entitled to retain outside legal counsel to assist them in carrying out their duties. Other Independent Agencies/Entities of the Nation, such as, the Tribal Trade and Commerce Authority Board, Muscogee Nation Business Enterprise, Muscogee Nation Board of Regents, and the Gaming Commissioner of the Office of Public Gaming have the authority to hire legal counsel.

SECTION TWO. AMENDMENT. This amendment shall be codified in Title 19, Chapter 2 §§104 and 105, of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Codification Committee is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:
SECTION THREE. AMENDMENT. MCNCA Title 19 §§ 104 and 105 are hereby amended to read as follows:

§2-104. Meetings/Chairperson

The Election Board shall elect from its membership a Chairperson whose term of office shall be for 2 (two) years. The Chair shall preside over all Board meetings. The Board shall adopt a schedule of meetings, attendance requirements and methods of recording minutes of all Election Board business.

§2-105. Duties

A. Chairperson Duties. The Chairperson of the Election Board shall be the administrative officer of the Election Board and,

1. shall have general supervisory authority;
2. shall have the authority to assign and fix the duties of personnel as may be necessary to perform the duties of the Election Board.

B. Election Board Duties. The Election Board shall be charged with the responsibility of conducting all Muscogee (Creek) Nation elections and administering and enforcing the provisions of this Title. Duties shall include but are not limited to the following:

1. The Election Board shall promulgate, repeal, or modify such rules or regulations as deemed necessary to facilitate and assist in achieving and maintaining uniformity in the application, operation and correctness, impartiality and efficiency in the administration of this Title; provided that such rules or regulations, to be binding and effective, must be consistent with this Title and must have been officially adopted by the Election Board.

2. The Election Board shall promote and encourage voter registration and voter participation in elections.

3. The Election Board may employ consultants, advisors, planners and other experts by written contract in accordance with Tribal and federal law.

4. The Election Board may employ legal counsel by written agreement subject to National Council approval by Tribal Law or Resolution. Legal Counsel shall be independent and free from political
interference from any other entity or Department of the Nation and shall have charge over legal matters the Election Board designates through the approved agreement.

5. Requirements for approval of Legal Counsel’s written agreement by National Council by Tribal Law or Resolution is hereby waived for Fiscal Year 2011 and Fiscal Year 2012, and the Election Board may hire legal counsel immediately provided there is no waiver of sovereign immunity to the Agreement.

SECTION FOUR. All laws which are inconsistent or conflict with this Act shall have no force and effect.

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 24th day of September 2011.

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

Roger Barnett, 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 twenty-six members with Twenty-three members attending this meeting on the 24th day of September, 2011 and that the above is in conformity with the provisions therein adopted by a vote of 22 in favor, 0 against, 0 abstention, 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.

Terry A. Fish, Recording Secretary
Muscogee (Creek) National Council
APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature this _____day of _____________, 2011, to the above Law, NCA 11-156 authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

A. D. Ellis, Principal Chief
Muscogee (Creek) Nation