



## NCA 21-031

### CLASSIFICATION: #19. ELECTIONS

**A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 19 § 10-108. ENTITLED "Handling of returned absentee ballot," AND § 10-109. ENTITLED "Examination of signatures; removal of outer envelope"**

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

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

A. There is an increasing volume of absentee ballots cast by voters for tribal elections.

B. The Muscogee (Creek) Nation has declared a state of emergency due to the coronavirus pandemic for an unknown length of time.

C. There is potential for a significant increase of absentee ballots being cast by voters due to the coronavirus pandemic.

D. The amendments are to promote social distancing and safe health practices during the coronavirus pandemic and to ensure election results are known in a timely manner for both candidates and voters.

**SECTION TWO. AMENDMENT.** These amendments shall be codified in Title 19, of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposed of codification of said amendment and its inclusion I pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which section, 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 pockets 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, § 10-108 is hereby amended to read as follows:

§ 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 or on the days the Election Board causes the examination of signatures to be performed. During the three (3) days in advance of the day of election and on the day of 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. on election day have been collected.

**SECTION FOUR. AMENDMENT.** MCNCA Title 19, § 10-109 is hereby amended to read as follows:

§ 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.~~

**The examination of signatures and the removal of the outer envelope may take place during the three (3) days in advance of the day of election and shall take place on the day of election in accordance with the following procedures:**

**A. No earlier than 11:00 a.m. on days the signatures are examined, Lighthorse personnel will give the keys to the absentee ballot boxes to the Election Board staff to open absentee ballot boxes. Upon receipt of the absentee ballots the Election Board shall cause the examination of the signatures in public. After each absentee voter is credited with voting in said election on the appropriate form, the**

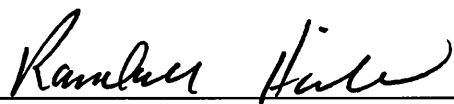
outer envelopes shall be removed and placed in a secure container. The envelopes marked "Absentee Ballot" shall be returned to the ballot box. Said procedures shall be performed each day until all signatures on the outer envelopes received by the Election Board prior to 11:00 a.m. on election day have been examined.

**B. At the conclusion of the examination of signatures each day, if said examinations take place prior to election day, absentee ballot boxes containing envelopes marked "Absentee Ballot" shall be locked and the keys to said locks shall be given to Lighthorse Administration to maintain until election day. Two (2) designated members of the Election Board shall accompany Lighthorse personnel in transporting said ballot boxes to Lighthorse Headquarters. The ballot boxes shall be locked and secured in a designated room inside Lighthorse Headquarters.**

**C. No earlier than 11:00 a.m. on election day, two (2) designated members of the Election Board shall accompany Lighthorse personnel in retrieving absentee ballot boxes from Lighthorse Headquarters. Upon retrieval, absentee ballot boxes shall be immediately transported to the public location deemed appropriate by the Election Board. Upon arrival, Lighthorse personnel will then give the keys to Election Board staff. Election Board staff will open the said ballot boxes no earlier than 11:00 a.m.**

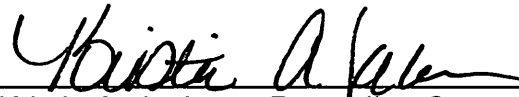
**ENACTED** by the Muscogee (Creek) National Council on this 24<sup>th</sup> day of April, 2021.

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

  
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Randall Hicks, Speaker  
National Council  
Muscogee (Creek) Nation

**CERTIFICATION**

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of Sixteen members with **Sixteen** members attending this meeting on the **24<sup>th</sup>** day of **April, 2021** and that the above is in conformity with the provisions therein adopted by a vote of **15** in favor, **0** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.



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 7<sup>th</sup> day of May, 2021 to the above Law, **NCA 21-031** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.



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

