

# An Act

## Legislative Act 14-06

### A LEGISLATIVE ACT RELATED TO TITLE 26 "ELECTIONS", AS AMENDED BY LA#39-05; AMENDING PROVISIONS FOR IN PERSON ABSENTEE VOTING

#### BE IT ENACTED BY THE CHEROKEE NATION:

#### Section 1. Title:

This act shall be known as the "Election Code Amendment Act of 2006" and codified as Title 26 Sections 62(D), 73(B) of the Cherokee Nation Code Annotated.

#### Section 2. Purpose

The purpose of this Act is to amend how the absentee ballots are handled.

#### Section 3. Legislative History

Title 26, "Elections", of the Cherokee Nation Code Annotated as amended by Legislative Act 39-05.

#### Section 4. Definitions

None.

#### Section 5. Amendment

Legislative Act 39-05 is hereby amended as follows:

#### **62(D) In person absentee voting:**

Any voter may vote by an in-person absentee ballot at the Election Commission Office located at Tahlequah, Oklahoma from 9:00 a.m. to 5:00 p.m. on Tuesday, Wednesday, and Thursday, immediately preceding any election provided for by this Act. As part of the application for an in-person absentee ballot such voter shall swear or affirm that he or she has not voted a regular mail absentee ballot and that he or she will not vote at the regular polling place in the election for which the in-person absentee ballot is requested. Any voter who violates the provisions of this section shall be guilty of a crime.

The Election Commission shall develop rules and procedures to carry out the requirements of this section.

#### **73(B)**

Runoff. In the event of a runoff, the Election Services Office shall automatically send an absentee ballot to all registered voters who were sent an absentee ballot for the primary election, except for registered voters whose absentee ballots in the primary were returned unopened due to bad addresses. Absentee ballot requests for a runoff election by persons who did not vote by absentee ballot in the general election must be received by the Election Services Office ~~at least fourteen (14) days prior to the runoff election date~~ **by the third Monday of June of the election year.** Absentee ballots for a runoff shall be mailed during a two-day period starting on the second Monday in July of the election year and ending on the Tuesday immediately following said Monday unless there is a challenge to the election or there is a request for a recount in which case the absentee ballots for the runoff shall be mailed as soon as possible after the resolution of any challenge or recount.

**Section 6. Provisions as cumulative**

The provisions of this act shall be cumulative to existing law.

**Section 7. Severability**

The provisions of this act are severable and if any part of provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.

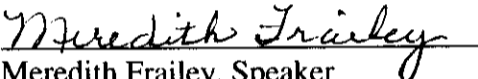
**Section 8. Emergency declared**

It being immediately necessary for the welfare of the Cherokee Nation, the Council hereby declares that an emergency exists, by reason whereof this act shall take effect and be in full force after its passage and approval.

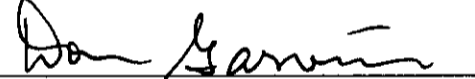
**Section 9. Self-Help Contributions**

To the extent that this Act involves programs or services to citizens of the Nation or others, self-help contributions shall be required, unless specifically prohibited by the funding agency, or a waiver is granted due to physical or mental incapacity of the participant to contribute.


Enacted by the Council of the Cherokee Nation on the 10<sup>th</sup> day of July, 2006.

  
Meredith Frailey, Speaker  
Council of the Cherokee Nation


**ATTEST:**

  
Don Garvin, Secretary  
Council of the Cherokee Nation

Approved this 13<sup>th</sup> day of July, 2006.

  
Chad Smith, Principal Chief  
Cherokee Nation

**ATTEST:**

  
Melanie Knight, Secretary of State  
Cherokee Nation

**YEAS AND NAYS AS RECORDED:**

Audra Smoke-Conner	<u>YEA</u>	Melvina Shotpouch	<u>YEA</u>
Bill John Baker	<u>YEA</u>	Meredith A. Frailey	<u>YEA</u>
Joe Crittenden	<u>YEA</u>	John F. Keener	<u>YEA</u>
Jackie Bob Martin	<u>YEA</u>	Cara Cowan Watts	<u>YEA</u>
Phyllis Yargee	<u>YEA</u>	Buel Anglen	<u>YEA</u>
David W. Thornton, Sr.	<u>YEA</u>	William G. Johnson	<u>YEA</u>
Don Garvin	<u>YEA</u>	Charles "Chuck" Hoskin	<u>YEA</u>
Linda Hughes-O'Leary	<u>YEA</u>	Jack D. Baker	<u>YEA</u>
Taylor Keen	<u>YEA</u>		