

Cherokee Council House
Cherokee, Qualla Boundary (NC)

Date: MAR 03 2016

ORDINANCE NO. 151 (2016)

WHEREAS, The Eastern Band of Cherokee Indians has authorized the Election Board to be an impartial board to oversee and conduct elections; and

WHEREAS, the Election Board is in a position to identify how the Tribe's election laws are applied and how changes or modifications to the election law would be beneficial to the spirit behind the laws and to the general public; and

WHEREAS, several changes or modifications have been identified by the Election Board and out of its responsibility to the public it brings those suggested changes before Tribal Council.

NOW THEREFORE, BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that Chapter 161 of the Cherokee Code shall be amended to read as follows:

Sec. 161-1. - Election dates.

- (a) The Cherokee General Election shall be held on the first Thursday in September 1999, and each two years thereafter.
- (b) The Primary Election for the office of Principal Chief and Vice-Chief shall be held on the first Thursday in June, 2015, and each four years thereafter.
- (c) The Primary Election for the offices of Tribal Council shall be held on the first Thursday in June, 2013, and each two years thereafter.
- (d) A Primary Election run-off shall be held on the third Thursday in June, 2013, and each two years thereafter, if necessary.
- (e) A General Election run-off shall be held on the third Thursday in September 1999 and each two years thereafter, if necessary.

Sec. 161-4. - Filing for office.

(b)

The Board of Elections shall review all applications and shall certify each applicant as either eligible or ineligible and notify the applicant of its decision by March 31st within fifteen calendar days of the date of filing. Candidates shall be contacted by Board of Elections Office to pick up and sign for the notice of certification. Any adverse decisions shall be accompanied with a clear and concise statement as to the reason for denial and shall include a list of the applicant's rights to request a hearing before the Board of Elections.

Sec. 161-4.1. - Write-in candidates.

~~(a)~~

~~All persons wishing to run as write-in candidates in the general election must declare their candidacy by filing with the Board of Elections at least 45 days prior to the general election. All candidates must complete a filing form to establish that they meet the qualifications of the office for which they file.~~

~~(b)~~

~~Write-in candidates shall pay a filing fee in the amount as required by the registered candidate as specified in Subsection 161-4(c) of this Chapter.~~

~~(c)~~

~~The Board of Elections shall review all write-in forms and shall certify each applicant as either eligible or ineligible and notify the applicant of its decision within fifteen business days of the date of filing.~~

~~(d)~~

~~Write-in votes will not be counted unless the first and last name of the candidate is written on the ballot. The name of the candidate for purposes of write-in voting is the name filed by the candidate with the Board of Elections. The Board of Elections shall make public the names of write-in candidates certified as eligible for each Tribal office no later than seven days before the general election.~~

~~(e)~~

~~Unless a person has filed with and been certified as a write-in candidate by the Board of Elections pursuant to Subsection (a) thru (c) of this Section, no write-in votes for that person shall be counted or reported by the Board of Elections.~~

~~(f)~~

~~No write-in voting is permitted in any the primary election, and no write-in votes cast in the primary election shall be counted or reported.~~

~~(g)~~

~~No stickers preprinted with a candidate's name are permitted.~~

Sec. 161-9. - Referendums/initiatives.

(c)

(4)

If a majority of the voters voting in a referendum/initiative election are in favor of the enactment or repeal of an ordinance or resolution, provided that at least 30 percent of registered voters have voted in such an election, the ordinance or resolution shall be enacted or repealed. No action undertaken by this procedure shall be overturned by Tribal Council.

a.

A petition shall be on a standardized form provided by the Board of Elections and shall include the designation of three signatories as the Petitioner's Committee; signature lines for the names, addresses and enrollment numbers of supporters of the petition; and a full explanation of the proposed action sought by referendum including the full text of the proposed action. The Petitioner's Committee shall be responsible for the content of the proposed legislation. This proposed legislation shall appear on all signature sheets.

Sec. 161-11. - Registration.

(b)

Voters shall register in the township in which they currently reside. Tribal members not living on Cherokee Trust Land shall register in the township in which they last resided. Voters who have never resided on Cherokee Trust Lands shall register ~~in~~ the township in which his/her enrolled mother last resided. If the voter's mother was not an enrolled member or never held a residence on Cherokee Trust Land, then the voter shall register where his/her enrolled father last resided.

In the case that neither the voter's mother or father held a residence on Cherokee Trust Land, then the voter shall register in the township where their nearest matrilineal ancestor last resided. If the voter's mother's side of the family is not of Cherokee descent then the first matrilineal line on the father's side shall be used to determine township.

For the purpose of this section the terms "mother" and "father" shall mean biological mother and biological father, unless a legal adoption has occurred, in which case "mother" and "father" shall mean adoptive mother and adoptive father. Voters moving from one township to another must ~~re~~register in the new township.

Effective July 2016, and subject to (d) and (e) of this subsection, voter registration shall be automatic for tribal members reaching the age of 18 years. It shall be the responsibility of the voter to ensure correct township registration prior to voting.

(e)

The Board of Elections shall open the voter registration books on the Monday following the certification of the primary election to Tribal Council until the last business day in July to allow voters to register and/or ~~update re-register~~ for the general election. During the period when the registration rolls are closed those registered voters who change their residence are not required to update their registration until the registration rolls reopen on the first business day following the certification of the general election. This residency requirement of Subsection 161-11.1(a) of this Chapter shall be waived during this period to resolve any conflicts within this Chapter.

Sec. 161-11.1. - Changes in voter registration.

(a)

Once a person is registered by the Board of Elections, they shall remain registered until such time as they move to a different township, or an investigation made by the Board of Elections has found an improper township registration, at which time they must register in the new township pursuant to Subsection 161-11(b) of this Section.

(b)

Registered voters may terminate their registration by presenting a notarized request to the Board of Elections.

(c)

Persons living in long term care facilities and those who are displaced due to emergency situations may petition the Board of Elections for a waiver for the change of township requirement in Subsection (a) of this Section. Waivers may be issued upon proof of displacement.

(d)

The Board of Elections shall purge its lists of voters annually for deceased voters in each community.

Sec. 161-11.3. - Notice of voter registration.

(c)

The Board of Elections shall not release any information regarding an individual's personal voting ~~participation record~~ to candidates or the general public. Voter registration cards are property of and shall only be issued by the EBCI Board of Elections.

Sec. 161-14.1. – Early Voting.

(a)

Early voting shall begin exactly 14 days prior to each official election day set forth in Sec. 161-1. The location for early voting shall be determined by the Election Board and shall be located on tribal trust lands.

Sec. 161-20. - Definitions.

The terms defined in this Section shall, for all purposes of this Chapter, have the meanings specified below:

Government Issued Identification (I.D.) shall mean a valid state issued driver's license, state issued photo I.D., military personnel I.D. card, a United States government issued passport, EBCI employee identification with photo, or EBCI Enrollment card with photo.

BE IT FINALLY ORDAINED that this ordinance shall be effective upon ratification by the Principal Chief and that all prior ordinances or resolutions that are inconsistent with this ordinance are hereby rescinded.

Submitted by: Election Board and Principal Chief