



EASTERN SHAWNEE TRIBE OF OKLAHOMA

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RESOLUTION NUMBER 021016-R- 13

Resolution to Amend the Eastern Shawnee Tribe of Oklahoma Election Ordinance

WHEREAS, the Eastern Shawnee Tribe of Oklahoma is a federally recognized Indian Tribe organized under the Oklahoma Indian Welfare Act of 1936, with a Constitution approved by the Secretary of the Interior, April 4, 1994 and Amended March 2, 1999; and

WHEREAS, the Constitution of the Eastern Shawnee Tribe of Oklahoma, Article IX, Section 1, empowers the Business Committee to protect and preserve the interests of the Tribe; and

WHEREAS, the Eastern Shawnee Tribe of Oklahoma is committed to protecting and preserving the interests of the tribal membership; and

WHEREAS, the Eastern Shawnee Tribe of Oklahoma is committed to the concept of Indian Tribes functioning as sovereign governments; and

NOW THEREFORE BE IT RESOLVED, that the Business Committee of the Eastern Shawnee Tribe of Oklahoma does hereby wish to approve the amended Eastern Shawnee Tribe of Oklahoma Election Ordinance "attached" with an effective date of January 27, 2016.

CERTIFICATION

The foregoing Resolution NUMBER 021016-R- 13 was adopted at a duly called (regular and/or special) meeting of the Business Committee of the Eastern Shawnee Tribe of Oklahoma conducted on **February 10, 2016**. A quorum was present at said meeting with the vote reflecting;

4 FOR
1 AGAINST
____ ABSTAINING
____ ABSENT
____ VACANCY

Judy Brown
Judy Brown,
Secretary

Feb 10, 2016
Date

Jack Ross
Jack Ross,
Second Chief

2-10-16
Date

EXECUTIVE BRANCH

Vetoed: YES _____ NO

Glenna J. Wallace
Glenna J. Wallace, Chief
Eastern Shawnee Tribe of Oklahoma

2-13-16
Date

7:12 p.m.
Time

**EASTERN SHAWNEE TRIBE OF OKLAHOMA
ELECTION ORDINANCE
Revised February 10, 2016**

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EASTERN SHAWNEE TRIBE OF OKLAHOMA

Revised February 10, 2016 ELECTION ORDINANCE

ARTICLE I

AUTHORITY

This Election Ordinance is authorized by the Constitution of the Eastern Shawnee Tribe of Oklahoma ratified April 4, 1994 and Amended March 2, 1999, pursuant to Article XI, Section 2.

ARTICLE II

PURPOSE

The purpose of this Election Ordinance is to establish guidelines, rules, and an orderly procedure to conduct the election of officers of the Eastern Shawnee Tribe in accordance with Article XI, Section 2 of the Constitution of the Eastern Shawnee Tribe of Oklahoma.

ARTICLE III

DEFINITIONS

The following terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

“Business Committee” means the elected legislative body of the Eastern Shawnee Tribe which is empowered to act on such matters and subjects in accordance with the Constitution of the Eastern Shawnee Tribe, and is comprised of the Second Chief, Secretary, Treasurer, and three (3) Council Members, as defined in Article VIII, Section 1, of the Constitution of the Eastern Shawnee Tribe of Oklahoma ratified April 4, 1994.

“Business Committee Member” means a person who is an elected member of the Business Committee, as defined in Article VIII, Section 1, of the Constitution of the Eastern Shawnee Tribe of Oklahoma ratified April 4, 1994.

“Certification of Election Results” means a verification of election results in written form and signed by the Election Board Chairperson and Secretary.

“Chief” means the elected executive officer of the Eastern Shawnee Tribe who is empowered to act on such matters and subjects in accordance with the Constitution of the Eastern Shawnee Tribe as so defined in Article VII of the Constitution of the Eastern Shawnee Tribe of Oklahoma ratified April 4, 1994.

“Conflict of Interest” means a decision which would affect any member’s ability to make a decision without bias or a decision which would affect any member’s immediate family, personal, or business interest.

“Constitution” refers to the Constitution of the Eastern Shawnee Tribe of Oklahoma, ratified April 4, 1994, and all amendments added thereto.

“Election” means the act of choosing or selecting one or more from a greater number of persons, things, courses, or rights.

“Election Board” means a body of persons appointed by the Chief and confirmed by the Business Committee pursuant to Article XI, Section 5, of the Constitution of the Eastern Shawnee Tribe of Oklahoma ratified June 17, 1999, to conduct all elections in accordance with this Ordinance.

“Electioneering” means to actively campaign for or against a particular candidate or issue.

“Forfeiture” means something to which the right is lost by the commission of a crime or fault or the losing of something by way of penalty.

“General Council” means all members of the Eastern Shawnee Tribe who are eighteen (18) years of age or older as defined in Article IV, Section 1, of the Constitution of the Eastern Shawnee Tribe of Oklahoma ratified April 4, 1994.

“Immediate Family” mean those persons who are closely related. (e.g., Husband-Wife; Parent-Offspring; Sibling-Sibling; and/or all persons, whether related by blood or not, who live together in the same household).

“Initiative” means the power to propose ordinances, resolutions, laws, or other legislative measures, and to enact or reject them by direct vote of the people independent of the Business Committee, as defined in Article XIV, Section 1, of the Constitution of the Eastern Shawnee Tribe of Oklahoma ratified April 4, 1994.

“Majority Vote” means that one candidate must receive at least one vote more than fifty percent (50%) of the total votes cast in an election to be declared a winner, as prescribed in Article IX, Section 4 of this Election Ordinance and Article XI, Section 3 of the Constitution of the Eastern Shawnee Tribe.

“Nepotism” means favoritism shown to a relative (as described in “Immediate Family”).

“Referendum” means the process where the Business Committee exercises their right to submit to a direct vote of the eligible voters of the Eastern Shawnee Tribe, proposed ordinances, resolutions, laws, or other legislative measures, for enactment or rejection, as defined in Article XIV, Section 2, of the Constitution of the Eastern Shawnee Tribe of Oklahoma ratified April 4, 1994.

“Registered Voter” means a member of the General Council who is duly registered to vote pursuant to Article VII, of this Ordinance, as required by Article XI, Section 2, of the Constitution of the Eastern Shawnee Tribe of Oklahoma ratified April 4, 1994.

“Registration” means the completion of the prescribed process for qualifying as a certified voter of the Eastern Shawnee Tribe according to Article VIII of this Ordinance.

“Run-off” means that if in the situation of three (3) or more candidates running for the same office, if one candidate fails to receive one vote more than fifty percent (50%) of the total votes cast in the election, then a run-off election will be held, as prescribed in Article IX, Section 4 of this Election Ordinance and Article XI, Section 3 of the Constitution of the Eastern Shawnee Tribe.

“Third Party Election Company” means an entity with no affiliation to the Eastern Shawnee Tribe of Oklahoma who specializes in election services.

“To Elect” means to select a person who has duly filed for a position for an elected office by majority vote of the registered voters of the Eastern Shawnee Tribe of Oklahoma as defined in the Constitution of the Eastern Shawnee Tribe of Oklahoma ratified April 4, 1994, using secret balloting.

“Vacancy” means an elected position that has been declared vacant due to death, resignation, or removal. If the vacancy occurs in the office of the Chief, the Second Chief shall immediately succeed to the office of Chief. If a vacancy occurs in any position on the Business Committee, the Business Committee shall call a special election to fill the vacancy for the remainder of the unexpired term, as described in Article XII of the Constitution of the Eastern Shawnee Tribe of Oklahoma ratified April 4, 1994.

“Voting” means an expression of preference by secret ballot.

ARTICLE IV

ELECTION BOARD

SECTION 1. AUTHORITY

The Eastern Shawnee Election Board shall be established as an independent board which shall perform the duties and powers hereinafter cited, and shall conduct the tribal elections in compliance with this Ordinance with full authority to enforce this Ordinance pursuant to the Constitution of the Eastern Shawnee Tribe of Oklahoma.

SECTION 2. ELECTION BOARD COMPOSITION

- (a) Officers/Members – All officers of the Election Board indicated herein shall be by appointment as outlined in Article XI, Section 5 of the Constitution. All Election

Board members shall serve a term of four (4) years after initial appointment. In the case of any member's resignation due to ill health, death, or any valid reason, the Chief shall appoint another member to complete the balance of such resigned member's term.

- (b) Membership – The Election Board shall consist of five (5) members of the Eastern Shawnee Tribe of Oklahoma and (1) alternate, also a member of the Eastern Shawnee Tribe of Oklahoma. At no time shall the membership of the Election Board consist of any elected tribal official, candidate for tribal office, or person involved in an election campaign. An alternate member shall also be selected to serve in case a regular member is unable to perform due to illness, absence from the area, resignation, or death. The Election Board shall be composed of a Chairperson, a Vice Chairperson, a Secretary, and two (2) regular members. No Election Board member shall be an immediately related family member to any other Election Board member or filed candidate. The Chairperson's and Secretary's term shall expire on May 1, 1997, and shall be appointed for four (4) years at a time thereafter. The Vice Chairperson and alternate member's term shall expire on May 1, 1998, and shall be for four (4) years at a time thereafter. The two regular board members term shall expire on May 1, 1999, and shall be four (4) years at a time thereafter.
- (c) Oaths of Office – All persons appointed and confirmed as members of the Election Board shall, before entering upon the duties of their offices, take and subscribe to the oath of office as prescribed by the Business Committee. Said oath shall be retained by the Secretary of the Business Committee.
- (d) Cost/Compensation – The cost of conducting an election, including supplies, printed ballots, advertisements, other miscellaneous materials, and compositions for Election Board members shall be paid by the Tribe, including supplies, printed ballots, advertisements, other miscellaneous materials, and compensation for the Election Board members shall be paid at the rate of one and one half (1 ½) times the current minimum wage per hour, not to exceed one hundred (100) hours per member for any one (1) election by the Business Committee, for Election Board duties consistent with this Ordinance. Compensation for travel from a member's home shall be paid as mileage rate subject to change by the GSA. Travel expenses incurred while attending workshops and training seminars shall be paid as per federal travel regulations.
- (e) Removal of Election Board Member(s) – A signed petition showing cause of removal containing (100) signatures of registered voters shall be cause to initiate removal proceeding of an Election Board member(s). Said petition shall be submitted to the Secretary of the Business Committee, whereas the Business Committee shall investigate any complaint/charges of misconduct by the Election Board member and provide opportunity for a written response within thirty (30) days of submission of such petition to the Business Committee. If after an investigation by the Business Committee the complaints/charges have been found to be valid the Business

Committee may remove an Election Board member. Such removal is subject to review in the Tribal Court.

- (f) Confirmation Failure or Vacancy – Within thirty (30) days of any vacancy on the Election Board the Chief shall present his/her appointment to the Business Committee. The Chief shall present a different person for appointment within thirty (30) days of failure of confirmation notice to the Chief. Should the Chief fail to act, the Chief may be compelled by application of any tribal member to the Tribal Court.

SECTION 3. MEETINGS

- (a) Meetings – Meetings of the Election Board may be called at any time by the Election Board Chairperson or by request of three (3) members, provided all members receive a written notice of the same. However, in case of an emergency, members may be notified by telephone at least twenty-four (24) hours in advance of any such special meeting. All Election Board meetings shall be open to all tribal members.
- (b) Quorum – A quorum shall consist of three (3) members of the Election Board. No business of the Election Board shall be valid in the absence of a quorum.
- (c) Location of Meetings – All Election Board meetings shall be held on tribal property with notice posted at the Bluejacket Building in advance of the meeting.

SECTION 4. RECORDS

The Election Board shall certify, maintain, and store in a safe and secure manner complete and accurate minutes of all Election Board meetings. All other records pertaining to elections shall be stored in a safe and secure manner in their original form and kept at the George S. Captain Library. A certified copy of these records and all other Election Board records shall be given to the Secretary of the Business Committee within fifteen (15) days after the oath of office has been administered to the newly elected officers. After each election, the Election Board meeting minutes and election results shall be certified by both the Election Board Chairperson and Secretary as true and correct and shall become a permanent record of the Eastern Shawnee Tribe. The Business Committee shall designate a Custodian of Election Board Records to maintain said permanent records and shall make said records available to any Tribal member upon reasonable request during business hours of the Tribal Administrative Office. Election ballots shall not constitute a permanent record and shall be held no longer than six (6) months after the election results are certified, at which time they shall be disposed of according to Article IX of this Ordinance. The Business Committee Secretary shall have access to certified copies of all Election Board records at all times.

SECTION 5. DUTIES OF ELECTION BOARD

- (a) Chairperson: The Chairperson shall be the presiding member responsible for the overall activities of the Election Board, and shall preside over all Election Board

- meetings. The Chairperson shall also install all elected tribal officers and administer the Oath of Office.
- (b) Vice Chairperson: The Vice Chairperson enforces election laws. The Vice Chairperson shall assume all duties of the Election Board Chairperson in the event of his/her absence or inability to perform his/her duties.
 - (c) Secretary: The Secretary shall record and maintain accurate minutes of meetings and records pertaining to the election, voter registration, provide and receive mail service, , and other duties as needed.
 - (d) Two (2) Regular Members: The two Regular Members shall assist in all other election related duties as needed.
 - (e) Conflict of Interest: Members of the Election Board shall be responsible to disqualify themselves and withdraw from all functions of their position during any election or process in which a conflict of interest or nepotism exists. Such persons shall resume their duties only when there is no longer a conflict of interest or a case of nepotism. The Board shall have authority, by majority vote, to disqualify any of its members in the event such members continue to function in a conflict of interest or nepotism situation.
 - (f) Nepotism: Nepotism within the Election Board shall exist, when any two (2) members of an immediate family are on the same Election Board or if a member of the Election Board and any one of that member's immediate family is a candidate for any tribal office. [See definition "**Immediate Family**," Article III, page 4 of this Ordinance. – Those persons who are closely related. (e.g., Husband-Wife; Parent-Offspring; Sibling-Sibling; and/or all persons, whether related by blood or not, who live together in the same household).

ARTICLE V

BALLOTS AND BALLOT BOX(S)

SECTION 1. BALLOT BOX(S)

- (a) Description – There shall be a ballot box provided during an election for Absentee Ballots. Ballot boxes shall be constructed of substantial material and shall be equipped with three (3) locks so that the keys of one lock will not unlock the others. The box shall be equipped with an opening in the top the size of which an Absentee Ballot packet may be inserted, but must be constructed in such a manner that the box can be unlocked in order to remove the ballots therein.
- (b) Keeping of Ballot Box(s) – The Election Board Chairperson shall make sure that the box is empty of all material where s/he will close and lock the box in the presence of no less than two (2) Election Board members as witnesses.
- (c) Keys to Ballot Boxes Locks – The Election Board Secretary shall deliver the keys for the ballot box to the Election Board Chairperson, Vice Chairperson and Secretary to

be maintained by them during the election period. No later than the following day after the election results are certified and posted, the ballot box, keys, ballots, and all material used in the election shall be delivered to the Election Board Secretary for safekeeping.

SECTION 2. BALLOTS

- (a) Appearance of Candidate Name – The name of any candidate for office shall be printed on the official ballot as said candidate signed his/her Declaration of Candidacy; provided, however, that no candidate shall have any prefix, suffix, or title placed before or after his/her name.
- (b) Unopposed Candidate – Any candidate who is unopposed in any election shall be deemed to have been elected, and his/her name will not appear on the ballot at any election in which s/he is so unopposed.
- (c) Manner of Printing Ballots for Elections – The official ballot for the election shall be certified by the Election Board and printed and mailed by a Third Party Election Company. All ballots shall be printed so that the candidates will appear in a column with an empty square alongside each candidate's name. The order of candidate names shall appear according to order of filing. Said ballots shall be printed no later than forty-five (45) calendar days prior to the date for a given election.
- (d) Number of Ballots – In every election, at least (1) one ballot shall be printed for each voter eligible to cast such ballot.

ARTICLE VI

CANDIDACY FOR TRIBAL OFFICIALS

SECTION 1. QUALIFICATIONS OF ELECTED OFFICIALS

A person shall be eligible to run for and hold an elective office of the Eastern Shawnee Tribe if such person meets the following requirements:

- (a) An enrolled member of the Eastern Shawnee Tribe of Oklahoma;
- (b) Registered to vote in tribal elections; and
- (c) Twenty-one (21) years of age or older at the time of filing their candidacy.

Any person who has been convicted of any felony or other serious offense including bribery, embezzlement, extortion, fraud, forgery, perjury, theft, habitual drunkenness, felonious assault, or felonious battery shall not be eligible for candidacy to any elective office unless he or she shall have been pardoned in a manner consistent with, and authorized by, the convicting jurisdiction. Additionally, minimal qualifications for a candidate for elective office may be imposed, provided they are done so by Tribal Referendum or Initiative.

SECTION 2. TERMS OF OFFICE

The terms of all elected officials: Chief, Second Chief, Treasurer, Secretary, First, Second, or Third Council Person on the Business Committee shall be for a period of four (4) years. Members shall hold office until their successors are duly elected and given their Oath of Office.

SECTION 3. FILING OF CANDIDACY

All qualified members of the Eastern Shawnee Tribe who desire his or her name to be placed on the ballot as a candidate for Elective Office must file a Declaration of Candidacy in person with the Election Board Secretary or a designated representative at the Eastern Shawnee Tribal Administrative Office. No person shall be a candidate for more than one (1) office at any one (1) time. All such filings of Declaration of Candidacy must be filed no sooner than ninety (90) days nor later than seventy eight (78) days prior to the date elections are to be held and by the close of the Tribal Administrative Office's business day at four-thirty (4:30) p.m. No later than three (3) business days following the close of the filing period, the Election Board Secretary shall cause to be posed at the Tribal Complex a complete list of all candidates along with their respective office of candidacy. The Declaration of Candidacy shall be made in the following manner:

I, _____ for the purpose of having my name placed on the Official Ballot as a candidate for the office of _____ of the Eastern Shawnee Tribe hereby submit the required fee of \$____. I, as a candidate for office, do solemnly swear that I believe and support the policies, the Constitution of the Eastern Shawnee Tribe of Oklahoma, and the laws of this Tribe; that I have not been convicted of a felony, moral turpitude, or other serious offense; nor do I advocate revolution, sabotage, force, violence, or treason against the government of the Eastern Shawnee Tribe; That I will work diligently toward the goals and objectives of the Tribe and heretofore commit myself fully to the responsibilities of this position for the purpose of which it was established.

Signed _____ Date _____

SECTION 4. FILING FEE

A filing fee of fifty dollars (\$50.00) shall be assessed to each candidate for any Elective Office, payable to the Eastern Shawnee Tribe by certified check, cashier's check, or money order. These fees shall be used for election purposes. The filing fee shall be paid on the same day the prospective candidate submits his or her Declaration of Candidacy. Said filing fee is non-refundable. Any candidate may apply for and receive a waiver of the filing fee provided said candidate meets or falls below the federal poverty level guidelines, as determined by the Election Board.

SECTION 5. WITHDRAWAL

A candidate seeking an office may withdraw by filing a written notice of withdrawal with the Election Board Secretary within thirty-five (35) days of the election. Such notice shall contain the candidate's name, the office for which he or she is a candidate and should be signed by the candidate withdrawing. It must be notarized. If the candidate withdraws within thirty-five (35) days of the election a line will be drawn through their name. In the event a candidate withdraws subsequent to the printing of ballots, the Election Board shall post notices to that effect at the Tribal Complex and in the Shooting Star. Any votes cast for a withdrawn candidate shall not be counted.

SECTION 6. TESTING QUALIFICATIONS OF CANDIDATES

The Election Board shall review all filings for elected offices to determine if the prospective candidates meet the qualifications set forth in Article XV, Section 1 and Section 2 of the Constitution, (Section 1: A person shall be eligible to run for and hold office if such person is an enrolled member of the Eastern Shawnee Tribe, registered to vote in tribal elections, and has attained the age of twenty-one (21) years or more. Section 2: Any person who has been convicted of any felony or other serious offense including bribery, embezzlement, extortion, fraud, forgery, perjury, theft, habitual drunkenness, felonious assault, or felonious battery shall not be eligible for candidacy to any elective office unless he shall have been pardoned), and Article VI, Section 1 of this Ordinance. The Election Board shall make this determination at the time the prospective candidates file the Declaration of Candidacy and no later than seven (7) days following said filing. If the Election Board determines a person is not eligible to be a candidate, the Election Board shall so notify that person in writing of their decision and the person shall not be included on the ballot.

SECTION 7. CHALLENGE OF CANDIDATES

- (a) Filing Challenge – Any qualified voter may challenge the eligibility of any person to be a candidate by filing with the Election Board a typed or written statement setting forth the grounds for and evidence supporting the challenge, along with a fifty dollar (\$50.00) non-refundable fee made by cashier's check, certified check, or money order made payable to the Eastern Shawnee Tribe. Any such person filing a challenge may apply for and receive a waiver of the filing fee provided that said person meets or falls below the federal poverty level guidelines as determined by the Election Board. Any such challenge shall be filed no later than five (5) calendar days after the closing of the filing period mentioned in Section 3 of this Article. [All such filings of Declaration of Candidacy must be filed no sooner than ninety (90) days, nor later than seventy-eight (78) days prior to the date elections are to be held and by the close of the Tribal Administrative Office's business day at four-thirty (4:30) p.m. Each statement must indicate the reason the candidate is not eligible to file for office. Such

reason should pertain to the qualifications in Article VI, Section 1 of this Ordinance.]
(A person shall be eligible to run for and hold an elective office of the Eastern Shawnee Tribe if such person meets the following requirements):

- (1) An enrolled member of the Eastern Shawnee Tribe of Oklahoma;
- (2) Registered to vote in tribal elections; and
- (3) Twenty-one (21) years of age or older at the time of filing their candidacy.

Any person who has been convicted of any felony or other serious offense including bribery, embezzlement, extortion, fraud, forgery, perjury, theft, habitual drunkenness, felonious assault, or felonious battery shall not be eligible for candidacy to any elective office unless he or she shall have been pardoned in a manner consistent with, and authorized by, the convicting jurisdiction. Additionally, minimal qualifications for a candidate for elective office may be imposed, provided they are done so by Tribal Referendum or Initiative.

- (b) Procedure for Response – Upon receiving a statement challenging a candidate, and determining a challenge exists, the Election Board shall deliver to the challenged candidate a summary of the issues and the statement. A typed or written response shall be filed with the Election Board by the challenge person no later than three (3) business days after the submission of the summary of the issues and the statement by the Board to the challenged candidate. If no response by the candidate is received within three (3) business days the challenge shall be upheld. If a response is received then the Election Board will make the determination whether or not a person is eligible to be a candidate and the Election Board shall so notify that person in writing of their determination with an explanation of their decision. Such determinations must be made within five (5) calendar days after a written response is submitted by the challenged candidate.
- (c) Appeal of Election Board Determination – In the event that either the challenging party or the challenged candidate do not agree with the determination of the Election Board, then either of said parties may appeal the Board’s determination directly to the Business Committee within five (5) business days of the Board’s notice of determination. Thereafter, the Business Committee shall render a determination of challenge within thirty-six (36) hours of the appeal. The determination of the Business Committee shall be final and not subject to review.

ARTICLE VII

VOTER REGISTRATION

SECTION 1. ELIGIBILITY

Eligible voters shall be the General Council, consisting of all members of the Eastern Shawnee Tribe of Oklahoma, eighteen (18) years of age or older who are duly registered to vote pursuant to Article VII, Section 3 of the Election Ordinance.

SECTION 2. REGISTRATION NOTICE

Registration by eligible voters is required to vote in all tribal elections. Members who will become eighteen (18) years of age prior to or on the day of the election shall register at least thirty (30) days prior to any election. A list of all registered voters' names shall be kept by the Election Board Secretary with a certified copy filed with the Business Committee Secretary.

SECTION 3. REGISTRATION QUALIFICATIONS

- (a) To become a registered voter, a person must:
 - (1) Be an enrolled member of the Eastern Shawnee Tribe of Oklahoma;
 - (2) Be at least eighteen (18) years of age on the date of the election in which he or she wishes to cast a vote; and
 - (3) Have a current registration on file with the Election Board Secretary.
- (b) If the Notice of Election mailing comes back with an invalid address or with no forwarding address, than a ballot shall not be mailed to that name or address until the name and address have been corrected.

IT IS THE RESPONSIBILITY OF THE REGISTERED VOTER TO MAKE SURE THE ELECTION BOARD HAS THEIR CORRECT NAME AND ADDRESS AT LEAST FIFTEEN (15) DAYS PRIOR TO THE ELECTION DATE.

SECTION 4. REGISTRATION PROCEDURE

- (a) Manner of Application – A qualified voter wishing to become a registered voter shall appear before the Election Board Secretary or Vital Statistics Department, or a voter may request a voter registration form by writing the Election Board Secretary, or calling the Vital Statistics Department. Normal office hours are 8:00 a.m. to 4:30 p.m. Monday through Friday.
- (b) Registration Form – The official Election Board registration form shall be the only authorized form. No other registration form will be accepted. The registration form shall contain the following information as to the individual voter:
 - (1) **Full name;**
 - (2) **Sex;**

- (3) Date of birth;**
- (4) Place of residence, plus county;**
- (5) Mailing address if different from place of residence; and**
- (6) Signature**

SECTION 5. FORFEITURE OF REGISTRATION

- (a) Cause for Forfeiture – The following are occurrences which are cause for forfeiture of voter registration:
 - (1) A person may voluntarily remove himself or herself from the Voter Registration Roll by notifying the Election Board that he or she wishes to do so and is doing so knowingly and willingly.
 - (2) Voting more than one (1) time in any one (1) election shall cause that individual's vote to be nullified in the current election.
 - (3) Re-Registering – Re-registration is required by all those properly removed from the Voter Registration Roll, after meeting the requirement of eligibility.
- (b) Notice of Forfeiture – Any person involuntarily removed from the Voter Registration Roll for Cause shall be notified by registered mail by the Election Board. In the event of the death of a registered voter, the Vital Statistics Department shall notify the Election Board that a person is being removed from the Voter Registration Roll by reason of death.
- (c) Re-Registering – Re-registration is required by all those properly removed from the Voter Registration Roll, after meeting the requirement of eligibility.

SECTION 6. REGISTRATION RECORDS

The records of registry shall be the responsibility of the Secretary of the Election Board. The Secretary of the Election Board shall maintain a current registry of all registered voters and issue a certified copy of the same to the Business Committee Secretary. The Election Board shall have a current roll of members of the Eastern Shawnee Tribe of Oklahoma. These records shall be kept in a safe and secure manner in the Election Board Office by the Election Board Secretary. The Business Committee Secretary shall have a certified copy.

SECTION 7. POSTING OF VOTER REGISTRATION ROLL

A current list of the names of registered voters shall be posted at the Eastern Shawnee Tribal Business Office at all times.

ARTICLE VIII

VOTING PROCEDURES

SECTION 1. ELECTION NOTICE

Not less than fifty (50) days prior to any Tribal election, the Election Board Secretary shall cause to be published an Election Notice in the Shooting Star Newspaper, for immediate publication and posted in such places as the Eastern Shawnee Tribal Administrative Building, the Community Building, the BIA Miami Agency, and the Indian Health Clinic(s) in Wyandotte, Oklahoma and Miami, Oklahoma. The Election notice shall include: (1) Election Date; (2) Purpose of Election; and (3) Filing period for Candidacy.

SECTION 2. METHOD OF VOTING

- (a) Absentee Voting – A Third Party Election Company shall mail to every qualified registered voter an Absentee Ballot Packet which shall contain the following:
- (1) One (1) inner envelope bearing on the outside, the words “**ABSENTEE BALLOT**”;
 - (2) One (1) stamped or business return envelope addressed to an off-site post office box maintained by the Eastern Shawnee Election Board with a certificate on the underside which shall read as follows:
**I am a qualified registered voter of the Eastern Shawnee Tribe of Oklahoma.
I certify that I marked the enclosed ballot in secret.
Signature: _____;**
 - (3) Instructions for completion of the Absentee Ballot;
 - (4) An Absentee Ballot; and
 - (5) Rules Governing Counting.
- (b) Records of Absentee Ballots – The Third Party Election Company shall maintain a digital record that shows the names and addresses of qualified registered voters who were sent ballots. In order to be counted, all absentee ballots must be received by return mail no later than 5:00 p.m. (CST) on the Friday before Election Day. All absentee ballots not received prior to 5:00 p.m. (CST) on Friday before Election Day shall be declared invalid and of not use. They will not be opened and the reason will be written on them. No hand carried ballots will be accepted.
- (c) Absentee Ballot Pickup – No ballot shall be retrieved from the Election Board’s post office box prior to Election Day. On Election Day, a Third Party Election Company representative, the Election Board Secretary and at least two (2) members of the Election Board shall personally retrieve all absentee ballots from the post office box and place the entire, unopened, returned envelope directly in the locked ballot box. The ballot box shall be immediately transferred to the Election Board office.

ARTICLE IX

COUNTING BALLOTS

SECTION 1. PROCEDURE FOR COUNTING BALLOTS

The opening of envelopes containing the absentee ballots and the reading of the certificate and tallying shall be conducted by a Third Party Election Company on Election Day and in the presence of the following: five (5) members of the Election Board, three (3) of which must be the Election Board Chairperson, Vice Chairperson, and Secretary. One (1) elective observer per Candidate as herein described may also be present. The Election Board shall compare certificate signatures and/or printing with the signature and/or printing on that individual's voter registration. Any mismatched signatures and/or printing will be disqualified and the envelope will not be opened. The envelope with the mismatched signature/or printing will be marked as disqualified with the reason why it was disqualified. The Election Board members will then open the outer envelope placing the inner envelope back in the ballot box. After all have been opened, the Board members shall proceed to open the inner envelope giving them to the Third Party Election Company to tally using a federally-certified electronic tallying machines.

(a) Rules Governing Counting – The following rules shall govern the counting and recounting of voters:

- (1) If the name of any person is written on a ballot, said ballot shall not be counted for any office or question thereon;
- (2) An "X," two (2) lines meeting, including the so-called "Check Mark," a blacked out square, or a straight line marking said square shall be considered valid markings. Any markings located elsewhere on the ballot shall not be counted;
- (3) Marks used to designate the intention of the voter, other than those herein defined as "Valid Marking" shall not be counted;
- (4) Failure to properly mark a ballot as to one or more candidates shall not, of itself, invalidate the entire ballot if the same has been properly marked as to other candidates;
- (5) Any ballot or part of a ballot on which it is impossible to determine the voter's choice of question or candidate shall be void as to the question or candidate
- (6) If a ballot is not counted for any reason, the Secretary shall write said reason on the back of the said ballot, and sign said statement;
- (7) A ballot which was placed in the envelope without being voted upon, shall be considered as a mutilated ballot and shall be retained separately from the ballots which have been counted. Such ballots will not be counted; and
- (8) Each candidate shall have the right to designate and appoint one (1) observer to watch the official counting of the ballots. Said designation and appointment must be made in writing and be presented to the Election Board Secretary no later than 5:00 p.m. (CST) on the day prior to Election Day. No observer shall be admitted into the room of ballot counting after the door of such building or room

has been closed and locked and ballot counting is in progress (the time shall be posted on the door of the Eastern Shawnee Tribal Complex, in West Seneca, Oklahoma the day before the election). Observers shall not participate in the official counting and shall be limited to submitting a written objection to the counting directly to the Election Board Chairperson. They shall refrain from divulging what they saw or heard while observing the certification of signatures and counting of ballots.

SECTION 2. TIE VOTES

In the event two (2) candidates equally receive the highest number of votes, the Election Board shall order a recount of the ballots cast in that election in the same manner as provided previously in Section 1 of this Article. Should there be a tie vote after the recount, the Election Board Chairperson shall declare a tie and will schedule a meeting for a lot selection. A coin toss will be held as a lot selection. The first registered candidate shall choose the coin side (heads or tails) as the coin is being tossed. The winner of the coin toss shall be the winner of the election.

SECTION 3. MAJORITY VOTE

In an election where there are only two (2) candidates for any elected office, the individual who receives the most votes shall be declared the winner for that office. However, in a race for office where there are three (3) or more candidates for office, one candidate must receive no less than fifty percent (50%) plus one vote of the total votes counted in order to be declared the winner. Failure to do so will result in a run-off election between the two (2) who have received the most votes.

SECTION 4. ELECTION DISPUTES

- (a) Recount – in the event that any registered voter or candidate for Tribal Office wishes to request a recount of the voting results of a given election such registered voter or candidate must file a written or typed Request for Recount with the Election Board Secretary no later than 4:30 p.m. (CST) on the second business day following the Election, legal holidays excluded. Accompanying the Request, a non-refundable fee of One Hundred Dollars (\$100.00) shall be submitted, made payable to the Eastern Shawnee Tribe by certified check, cashier's check, or a money order. The recount shall then be immediately conducted in the same manner as the original count and as specified in Article IX of this Ordinance, in the presence of observers representing and assigned by each candidate, if such candidate chooses to be represented. However, after the period for the recount has lapsed and no recount has been requested, on the third (3) business day after the election, the Election Board shall post a public notice of the Certification of the results of the Election at the Eastern Shawnee Tribal Office.

In the event a recount has been requested by a candidate or registered voter, a recount

of the entire election results is not required but only the votes concerning the individual candidates whose vote tally is in question and the vote tally received by his/her opponent(s) will be recounted.

- (b) Challenge of Results – In the event that any registered voter or candidate for Tribal Office wishes to challenge the results of any given election, such registered voter or candidate must file a written or typed Petition for Challenge with the Election Board Secretary no later than 4:30 p.m. (CST) on the fifth (5th) business day following the public notice of the Certified Election Results, legal holidays excluded. Accompanying the Petition, a non-refundable fee of One Hundred Fifty Dollars (\$150.00) shall be submitted, made payable to the Eastern Shawnee Tribe by certified check, cashier's check, or money order; *Provided*, that in the event that the petition's protest is upheld by the Election Board and the election results are found invalid, the filing fee shall be returned in full to the person filing the Challenge.

The Petition for Challenge must set forth:

- (1) The Petitioner's name, address, and voter registration number;
- (2) Specifically which election is being challenged;
- (3) Specifically the particular grounds for the challenge (must be directly related to misconduct or not following election ordinances in conducting the election by the Election Board members); and
- (4) All evidence in support of the challenge.

After the petition is filed, the Election Board Chairperson shall set a date and time for consideration of the challenge, which said date for the consideration shall be within seven (7) days after the date the Petition is filed. Petitions not addressing specific problems in not following Election Ordinances will automatically be disqualified. After review of the allegations and proof of the Petition and any other evidence the Election Board deems relevant to the consideration, the Election Board shall pronounce their judgment within three (3) days, and the same will be immediately posted in the Eastern Shawnee Business Office. Said judgment will state either that the Petition for Challenge is denied and the results will stand, or that the Petition for Challenge is upheld and the election results are found to be invalid. Upon a finding that the election results challenged are invalid, the Election Board shall immediately order a new election to be conducted as soon as is practical in the same manner as the regular election is held with the same identical candidates.

SECTION 5. CERTIFICATION AND ANNOUNCEMENT OF ELECTION RESULTS

On the third business day after ballots are counted and the recount period has expired without a recount, the Election Board shall declare the election final and issue a notice of Certification of the Election Results. The Election Board shall issue the notice of such election results on the third business day following the election at 12:00 p.m. (CST), or after the recount is resolved,

whichever is later. The Certification of Election Results shall be posted at the Eastern Shawnee Tribal Office.

ARTICLE X

INSTALLATION OF ELECTED OFFICERS

SECTION 1. PROCEDURE

Five (5) business days after the Certification of Election results and no registered voter or candidate has challenged the results of the election, the Chairperson of the Election Board may set a date to swear in the newly elected officers. However, if there is a challenge of the Election results within five (5) business days as required, the Election Board has the authority to conduct a hearing in a timely manner as required in the Election Ordinance, Article IX, Section 4, paragraph (b), and then reviewing the evidence shall make the determination to validate or invalidate the Election results.

SECTION 2. OATH OF OFFICE

The Election Board Chairperson shall administer the Oath of Office to the elected officers, which said oath shall be as follows;

I, _____, do solemnly swear that I will support, obey, and defend, the Constitution of the Eastern Shawnee Tribe of Oklahoma, and will discharge the duties of my office with fidelity and honor and in the best interest of the Tribe. I have not paid or contributed either directly or indirectly, any money or other valuable thing to procure my appointment, except for necessary and proper expenses authorized by law. Further, I have not knowingly received, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.

ARTICLE XI

SPECIAL ELECTION

If a vacancy occurs for any reason in any position of the Business Committee, the Business Committee shall, within sixty (6) days of such vacancy, call a Special Election to fill the vacancy for the unexpired term. Upon receipt of the call for a Special Election from the Business Committee, the Election Board will hold the Special Election within sixty (60) business days. The Special Election shall be conducted by secret ballot by using procedures herein described by this Ordinance.

ARTICLE XII

INITIATIVE

The members of the Eastern Shawnee Tribe reserve the power to independently propose ordinances, resolutions, or other enactments affecting the Eastern Shawnee Tribe of Oklahoma. Any proposed initiative measure shall be presented to the Business Committee accompanied by a petition signed by at least thirty (30) eligible voters of the Eastern Shawnee Tribe of Oklahoma. Upon receipt of the petition, the Business Committee shall either adopt the initiative measure by a majority vote without alteration or call an election for the purpose of allowing the Tribal members to vote on the initiative measure. The decision of a majority of the voters in such election shall be binding on the Business Committee. The election on the Initiative measure, if called, shall be conducted by secret ballot by using the procedures herein describe by this Ordinance.

ARTICLE XIII

REFERENDUM

The Eastern Shawnee Business Committee reserves the right of submission of proposed ordinances, resolutions, or other legislative measures to direct vote of registered voters of the General Council, pursuant to Article XIV, Section 2 of the Constitution. The Business Committee shall either: (1) at the discretion of the Business Committee; or (2) upon receipt of the petition signed by at least thirty (3) eligible voters, submit any enacted or proposed ordinance, resolution, or other legislative measure to a referendum of the registered voters. The Business Committee shall call a referendum within ninety (90) days of receipt of a valid petition and said referendum shall be conducted by secret ballot by using the procedures herein described by this Ordinance. The decision of a majority of the voters in such a referendum shall be binding on the Business Committee.

ARTICLE XIV

RECALL

The eligible voters of the Eastern Shawnee Tribe shall have the right to recall any elected tribal official. The right of recall shall be subject to the following procedures:

- (a) A recall shall be initiated by submitting a petition with the Secretary of the Election Board, or his/her authorized representative, signed by at least thirty percent (30%) of the total number of registered voters who cast ballots in the general election immediately preceding the submission of the recall petition, but thirty percent (30%) of the total number shall be no less than one hundred (100) registered voters. Within five (5) days of the submission of the petition, the Secretary of the Election Board shall verify in writing that the petition is valid under the terms of the Election

Ordinance and must then deliver said petition and written verification to the presiding chair of the Business Committee prior to the very next regular scheduled Business Committee meeting at which time it shall become a priority matter on the agenda for that meeting. Should the Secretary of the Election Board find that a recall petition is invalid under the terms of the Election Ordinance, such an invalid petition shall be returned to the originator of the petition with a written explanation of its deficiencies and that it may be resubmitted once the deficiencies have been corrected.

- (b) Upon receipt of the petition and written verification, it shall be the duty of the Business Committee to immediately issue a resolution directing the Election Board to hold a special election for recall. A copy of the petition for recall and written verification along with the resolution issued to hold a special election for recall shall be served by the Secretary of the Business Committee, by return receipt mail, on the Chairperson of the Election Board within two (2) business days of the date of issuing said resolution and such service shall constitute notice on the Election Board for purposes of compelling the Election Board to set a special election for recall within no less than sixty (6) days by no more than ninety (90) days after receipt of said resolution.
- (c) Upon being compelled to call and set a special election for recall, the Election Board shall conduct said special election following the procedures set forth in the Election Ordinance regarding regular elections in all manners so as not to deny the right of all eligible voters of the Eastern Shawnee Tribe of Oklahoma to remove the right to vote. In addition, a written narrative of the issues by the originator of the petition for recall, along with a written rebuttal by the individual subject of recall, shall be mailed by the Election Board to all registered voters at least thirty (30) days prior to the date of the special election for recall. Results of the special election for recall shall be tabulated, certified, and posted in accordance with those provisions of the Election Ordinance and such results shall be effective and binding as of the date that they are so certified and posted and shall be final upon the individual subject to said recall. If the recall of an elected tribal office is mandated by voting majority, the position of said official so recalled shall be deemed vacant at the time the election results are certified and posted as aforesaid and such vacancy shall be filled according to Article XIII of the Tribal Constitution.
- (d) The right of recall may be exercised as to one (1) tribal official per recall.
- (e) The right of recall cannot be exercised against an elected tribal official within six (6) months of the date of the expiration of their term.
- (f) The right of recall shall only be exercised against an elected tribal official upon a showing that such tribal official has either been derelict in their official duties, has abused the authority of the power of their office, or has used the authority or power of their office for personal gain.

ARTICLE XV

VACANCIES OF OFFICE

If a recall by the eligible voters of the Eastern Shawnee Tribe of Oklahoma should create a vacancy in elected offices of the Business Committee as called for in the Constitution in Article XIII, Section 2, the following procedure shall be followed:

- (a) If the vacancy occurs in the office of the Chief, the Second Chief shall immediately succeed the Chief.
- (b) If the vacancy occurs in any position of the Business Committee, the Business Committee shall call a special election within sixty (6) days to fill such elected office.

ARTICLE XVI

UNIFORM PROCEDURES FOR SUBMITTING PETITIONS

SECTION 1. DESCRIPTION

Any Article in this Ordinance which requires the signing and submission of a petition shall be as a single document of any length and shall be restricted to a single subject.

SECTION 2. REGISTERED VOTERS

Any member of the Eastern Shawnee Tribe of Oklahoma who is a registered voter has a right to initiate a petition seeking any relief available under this Ordinance and the Constitution.

SECTION 3. FORM AND CONTENT

Any such petition described in this Article shall be written or typed on plain letter size white paper, stating the: (1) request clearly and plainly; and (2) will have separate distinct signatures, voter registration numbers, and addresses of the individual signatories.

SECTION 4. VERIFICATION OF PETITION

It will be the duty of the Business Committee Secretary to verify the valid voter registration of all signatures of any Petition and the validity of the petition per Section 3 FORM AND CONTENT of this Ordinance. All petitions shall be submitted to the Business Committee Secretary at least five (5) days prior to being presented to the Business Committee. Any signatures to a petition which are found not to be registered voters shall be held invalid and subtracted from any required number of signatures necessary for a given petition. The Election Board shall cooperate and provide any information requested by the Business Committee Secretary.

SECTION 5. TIME RESTRAINTS

- (a) Each petition page which is to be distributed for signatures of registered tribal members must be registered with the Tribal Roll Clerk and validated with the Tribal Seal, time, and date of submittal.
- (b) Each petition must be returned to the Tribal Roll Clerk within thirty (3) calendar days at close of business day or next open business day. Petitions received after the thirty (30) day limit shall not be accepted.
- (c) The Tribal Roll Clerk shall, after validation, turn the accepted petition over to the Tribal Secretary for verification as outlined in Section 4 of this Article.