Election & Voting Ordinance of The Otoe-Missouria Tribe

Revised & Approved on the 8th Day of July 2016
Resolution OMTC #0708085 FY 2016
RESOLUTION

OMTC# 0708085

"A RESOLUTION AMENDING THE ELECTION AND VOTING ORDINANCE OF THE OTOE-MISSOURIA TRIBE"

NOW, THEREFORE BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE OTOE-MISSOURIA TRIBE OF INDIANS, AND

WHEREAS, the Otoe-Missouria Tribal Council, the governing body of the Otoe-Missouria Tribe of Indians, in accordance with the Tribal Constitution, Article VIII-Power, Section 1., duly convened to discuss, review and approve tribal business; and

WHEREAS, the Constitution and By-Laws of the Otoe-Missouria Tribe of Indians provides that the Otoe-Missouria Tribal Council shall have the power to act on behalf of the Tribe in all matters on which the Tribe is empowered to act; and

WHEREAS, the Otoe-Missouria Tribal Council is the Supreme governing body of the Otoe-Missouria Tribe of Oklahoma with the authority to enact laws and ordinances; and

WHEREAS, the Otoe-Missouria Tribal Council has determined that it is necessary to amend the Election and Voting Ordinance of the Otoe-Missouria Tribe regarding the beginning dates for notice of election, registration for candidacy, and requests for absentee ballots; and

WHEREAS, The Otoe-Missouria Tribal Council has determined that the best interest of the Otoe-Missouria Tribe of Indians is best served by amending the Election and Voting Ordinance of the Otoe-Missouria Tribe; and

WHEREAS, THE Constitution and Bylaws of the Tribe provide that amendments to Ordinances are to be passed by a majority of the Tribal Council present.

NOW, THEREFORE BE IT ENACTED by the Otoe-Missouria Tribal Council, that the Council hereby approves this Resolution amending the Election and Voting Ordinance of the Otoe-Missouria Tribe of Indians in accordance with the attached Amended Election and Voting Ordinance effective immediately.
CERTIFICATION

We, the undersigned, Chairman and Secretary of the Otoe-Missouria Tribal Council, do hereby certify by signature, that the above foregoing Resolution was given due consideration on this 8th day of July, 2016, with a quorum present and a vote of:

6 FOR, 0 AGAINST, 0 ABSENT, and 1 ABSTAINING

John R. Shotton, Chairman

Darrell Kihega, Secretary
ELECTION AND VOTING ORDINANCE

OF

THE OTOE-MISSOURIA TRIBE OF INDIANS
(As Amended Through July 8, 2016 By Resolution OMTC #0708085)

BE IT ENACTED BY THE OTOE-MISSOURIA TRIBE OF INDIANS

SECTION I: CITIATION.
This act may be cited as the Otoe-Missouria Election Ordinance of 1984.

SECTION II: PURPOSE.
It is the intent of this Ordinance to establish guidelines, rules, and procedures to govern the election process, the rights of tribal officials, and the rights of tribal members through a fair and equitable manner.

SECTION III: AUTHORITY.
This Ordinance is hereby established in accordance with Article VII, Section Three (3) of the Tribal Constitution of the Otoe-Missouria Tribe of Indians (hereafter “Tribal Constitution”).

SECTION IV: 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:

(a) Initiative Election – refers to the procedure enabling a specific number of tribal member/voters to petition and/or propose laws, acts, or provisions to the governing body. Must be consistent with Article X, Section (1) of the Tribal Constitution.

(b) Recall Election – shall refer to the right or procedure by which a tribal official may be removed from office by a vote of tribal members. Must be consistent with Article VII, Section (10) of the Tribal Constitution.
(c) Referendum Election – the principle of practice of the submission of a proposed public measure or actual statue to a direct popular vote. Must be consistent with Article X, Section (2) of the Tribal Constitution.

(d) Special Election – shall refer to any and all elections that satisfy the intent and purpose of the set of elections described under Article X, Section (1) and Article VII, Section (10) of the Tribal Constitution to include; Initiative Election, Recall Election, and Referendum Election.

(e) Election Judge – shall refer to the impartial person(s) appointed by the Tribal Council in accordance with Article VIII of the Tribal Constitution to adjudicate any and all appealable issues arising from or under this Ordinance not to exceed the authority and jurisdiction thus granted by the Tribal Council, this Ordinance and the Tribal Constitution.

CHAPTER ONE
ELECTION BOARD

SECTION 101: ELECTION BOARD CREATED.
There is hereby created and established an Election Board of the Otoe-Missouria Tribe of Indians, which shall have the duties and powers hereinafter mentioned, and which shall conduct all Tribal Elections, including Initiative, Recall, and Referendum votes in compliance with this Ordinance and in accordance with the Tribal Constitution of the Otoe-Missouria Tribe of Indians.

SECTION 102: ELECTION BOARD COMPOSITION.
The Election Board shall consist of four (4) members which shall be composed of:

(1) Election Board Chairman
(2) Secretary
(3) Assistant Secretary
(4) Marshall
The four (4) Member Election Board shall be elected on an at-large basis at the first annual General Council meeting scheduled after the ratification of the Tribal Constitution. The Election Board shall determine who shall serve as officers of the Election Board at the first scheduled Election Board meeting by a popular vote of the four (4) Board Members. Poll workers may be appointed by the Election Board to assist during tribal elections.

SECTION 103: ELECTION BOARD ELIGIBILITY.
Any person who desires to become a candidate for election or appointment to the Election Board must meet the qualifications set forth below:

(a) must be an enrolled member of the Otoe-Missouria Tribe,

(b) must be at least twenty-five (25) years of age,

(c) must be duly registered to vote in the tribe’s voter registration system (see Section 403 of this Ordinance) must be an eligible voter of the Otoe-Missouria Tribe,

(d) must not have been convicted of a felony by a court of competent jurisdiction, and

(e) must not be a candidate for, or be on the Tribal Council.

SECTION 104: TERMS OF OFFICE.
The terms of office of the Election Board shall be staggered with one (1) position filled for a one (1) year term, One (1) shall be for a term of two (2) years, another shall be filled for a three (3) year term, and the remaining position shall be filled for a four (4) year term of office.

Thereafter, elections for filling the vacancy that occurs each year on the Election Board shall be on an at-large basis, to be handled by the Election Board at the next annual General Council meeting, and those elected shall serve for four (4) year terms or until their successors are duly elected and installed.

If there is a position vacant, due to a lack of a candidate, the vacancy shall be filled by the Tribal Council appointing a person who qualifies for election of such position. The vacancy shall only be filled no longer than the next annual General Council meeting, at which time an election must be conducted to fill the vacancy for the unexpired term.
SECTION 105: OATH OF OFFICE.
The Oath of Office shall be administered by an appropriate tribal member chosen by the Election Board. The Oath of Office shall be:

'I ______________, do hereby solemnly swear, or affirm, that I will support, protect, and defend the Constitution of the Otoe-Missouria Tribe of Indians of Oklahoma, and will cause the elections of the Otoe-Missouria Tribe to be conducted fairly, impartially, and in accordance with the laws of the Otoe-Missouria Tribe, so help me God!".

SECTION 106: MEETINGS.

(a) A quorum shall consist of three (3) members of the Election Board. No enactment of the Tribal Election Board will have any validity in the absence of a quorum.

(b) Regular Election Board Meeting – There shall be four (4) regular meetings throughout the year, the Chairman of the Election Board shall set the date of the regular meetings.

(c) Special Meetings – Special Meeting may be called at the discretion of the Chairman of the Election Board.

(d) Regular meetings shall be subject to seventy-two (72) hour prior notice. Special meetings shall be subject to a twenty-four (24) hour prior notice. Notices to the election Committee Members shall be in writing and sent via fax or mail or e-mail or hand delivery or by phone communication. Notice to public shall be by posting in a public place.

SECTION 107: RECORDS.
The Election Board shall maintain complete and accurate minutes of its meetings and each record pertaining to an election. A copy of these records shall be filed with the Tribal Secretary’s Office.

SECTION 108: DUTIES.
(a) Chairman: The Election Board Chairman shall be the presiding member and shall be responsible for the overall activities of the Election Board, including safekeeping of the ballots and the ballot box(es).

(b) Secretary: The Secretary shall record and maintain accurate minutes of meeting and records pertaining to an election.

(c) Assistant Secretary: The Assistant Secretary shall assist the Secretary and serve in the Secretary’s absence, and assist in the conduct of the elections.

(d) Marshall: The Marshall shall maintain order at the polls and enforce the election laws. The Marshall shall have these powers from the time the polls open until the declaration of all elections results are final.

(e) It shall be the duty of all members of the Election Board to become thoroughly familiar with the Otoe-Missouria Election Ordinance, to see that it is vigorously followed, and to immediately document and report any violation of this Ordinance, or other laws, to the Election Board. No Member of the Election Board is authorized to take any official action without prior approval by a majority of a quorum at a duly called meeting.

(f) Poll Workers: Poll workers shall assist in the election procedures and shall perform such duties as may be prescribed by the officers of the Election Board. The poll workers shall be reimbursed.

CHAPTER TWO
OTOE-MISSOURIA TRIBAL COUNCIL

SECTION 201: TRIBAL COUNCIL COMPOSITION.
The representative governing body of the Otoe-Missouria Tribe shall be the Tribal Council composed of seven (7) tribal members elected by secret ballot by the qualified voters of the tribe.

The Otoe-Missouria Tribal Council shall consist of the following positions:

(1) Chairman
(2) Vice-Chairman
(3) Secretary
(4) Treasury
(5) 1st Council Member
(6) 2nd Council Member
(7) 3rd Council Member
SECTION 202: OTOE-MISSOURIA TRIBAL COUNCIL ELIGIBILITY.
A prospective candidate for elective office of the Otoe-Missouria Tribal Council must comply with all of the following requirements in accordance with Article VII, Section (5) of the Tribal Constitution:

(a) be an enrolled member of the Otoe-Missouria Tribe;
(b) be at least twenty-five (25) years of age;
(c) be duly registered to vote in this election be an eligible voter of the Otoe-Missouria Tribe (See Section 403 of this Ordinance);
(d) be bondable; and
(e) not have been convicted of a felony by a court of competent jurisdiction.

SECTION 203: TERM OF OFFICE OF THE TRIBAL COUNCIL.
The Chairman, Secretary, 1st Council Member, and 2nd Council Member shall be elected to serve until their successors are installed following the November, 1986, regular election. The Vice-Chairman, Treasurer, and the 3rd Council Member shall be elected to serve until their successors are installed following the first regular election to be held in November, 1985. Thereafter, all terms of office shall be for three (3) years or until successors are duly elected and installed.

SECTION 204: DECLARATION OF CANDIDACY.
A qualified member who desires to be a candidate for the Tribal Council shall file a declaration of candidacy and certification of eligibility on a form provided for that purpose by the Election Board. Such notice shall be filed in person with the Election Board, Otoe-Missouria Tribe, Red Rock, Oklahoma, 74651, and must file no sooner than one hundred (100) days and no later than eighty (90) days before the election, which is held the first Saturday of November. No person shall be a candidate for more than one (1) office at any one time.

SECTION 205: UNOPPOSED INCUMBENT
An incumbent council member who files for re-election and does not have any qualified Tribal Member file for declaration of candidacy and certification of eligibility within eighty-nine (89) days of a scheduled election, shall be considered an unopposed incumbent. Due to the fact that
the Otoe-Missouria Constitution requires the Election Board to determine the qualification and eligibility of candidates prior to election, there would be no possibility of any other candidate being considered for that position. Therefore, an unopposed incumbent shall not need to participate in the next election and shall be sworn in by proclamation of the Tribal Council and installed for the next term in accordance with the Section 415 herein.

CHAPTER THREE
GENERAL PROVISIONS

SECTION 301: FILING FEE.
There shall be a non-refundable filing fee of Five Hundred dollars ($500.00) for prospective candidates to the Tribal Council. The filing fee shall be paid by cash, certified check, or money order to the Election Board. The filing fee shall be paid on the same date the prospective candidate submits his/her declaration of candidacy. This filing fee shall be used to defray expenses incurred during the election process. There shall be no filing fee for the Election board.

SECTION 302: WITHDRAWALS.
Any candidate for office (Tribal Council) may withdraw by filing a written notice of withdrawal with the Election Board at any time, but not less than thirty (30) days prior to the election. Such notice shall contain the candidates name and the office for which he is a candidate.

SECTION 303: PROCEDURE ON WITHDRAWAL.
If a candidate withdraws, the Election Board shall post notices to that effect at all polling places and within the voting booths, and make line through or otherwise obliterate the candidate name from the ballots. Any votes cast for a withdrawn candidate shall be disregarded.

SECTION 304: TESTING QUALIFICATIONS OF CANDIDATES.
The Election Board shall review all filings for tribal office (Tribal Council), whether challenged or not, to determine that the prospective candidates meet the qualifications set forth in the Otoe-Missouria Tribal Constitution. The Election Board shall make these determinations two (2) weeks before the tribal elections. If the Election Board determines that a person is not eligible to
be a candidate the Election Board shall so notify that person by certified mail, stating the reasons for the decision.

SECTION 305: CHALLENGE OF CANDIDATES.
Any registered voter may challenge the eligibility of any person to be a candidate by filing with the Election Board a written statement setting forth the grounds for the challenge. Any such challenge and a refundable filing fee of one thousand ($1,000.00) dollars paid by a cashier check, if they win a challenge. Any such challenge shall be filed with three (3) business days after the closing of the filing period. Each petition shall state the reason(s) the candidate is not eligible to file for office.

SECTION 306: PROCEDURE FOR HEARING.
Upon receiving a petition pursuant to Section 305 or upon a determination of ineligibility of a candidate pursuant to Section 304, the Election Board shall deliver a copy to the petition or notice of ineligibility to the challenged candidate and set a hearing to decide the contest, within a seventy-two (72) hour period. No formal pleading shall be required.

The Election Board may subpoena witnesses and take testimony under oath. In all cases, the burden of proof shall be on the prospective candidate. The decision of the Election Board may be appealed to the Tribal council, and such appeal shall be heard by the Election Judge as provided in Section 419 of this Ordinance.

SECTION 307: VACANCIES.
In accordance with Article IX, Section (1) of the Tribal Constitution, if a vacancy occurs during the first two (2) years of office for position on the Tribal Council, the Election Board shall hold a special election to fill the position within a period of ninety (90) days after the vacancy occurs. Vacancies occurring in the last year of the elected term shall be filled by the Tribal Council appointing a person who meets the qualifications for election to that position.

SECTION 308: LACK OF CANDIDATES.
In accordance with Article VII, Section (7) of the Tribal Constitution, if there are positions on either the Tribal Council or the Election Board, which are vacant due to a lack of candidates, those positions shall be considered vacant and filled in accordance to Article IX, Section (1) of the Tribal Constitution or as referenced at Section 307 of this Ordinance.

SECTION 309: METHOD OF DETERMINING CANDIDATE ELIGIBILITY.

(a) No person shall be denied a place on the ballot for any Otoe-Missouria Tribal Election by the Election Board on the grounds that said person is not a member of the Otoe-Missouria Tribe unless it affirmatively appears that the prospective candidates’ name does not appear on the official tribal roll as of the date such determination of eligibility is made. The term “official tribal roll” means the latest official compilation by the Otoe-Missouria Tribe of a roll showing its members and any resolutions of the Tribal council after the date of such roll which add names to, or delete names from said roll.

(b) No person shall be denied a place on the ballot for any Otoe-Missouria Tribal Election by the Election Board on the grounds that said person is not at least twenty-five years of age, unless it affirmatively appears through a birth certificated, driver’s license, school record, personal knowledge of a witness or other admissible in the Tribal court, that the prospective candidate is less than twenty-five years of age.

(c) No person shall be denied a place on the ballot for any Otoe-Missouria Tribal Election by the Election Board on the grounds that said person is not duly registered to vote in the election unless it affirmatively appears that such person should not have been duly registered in the tribe’s voter registration system for the election in question or is not qualified to vote in the tribe’s voter registration system, pursuant to Section 403 of this Ordinance.

SECTION 310: POLICE CHIEF TO ASSIST ELECTION BOARD.

In reviewing the prospective candidates to determine whether any of them have been convicted of a felony, the Election Board shall transmit the names of all prospective candidates and the fees required for a record check to the Chief of the Otoe-Missouria Tribal Police. The Chief of the Otoe-Missouria Tribal Police shall obtain from tribal, state and federal law enforcement agencies any information available which would show that any of the prospective candidates have been
convicted of a felony and shall certify to the Election board in writing whether a record showing a felony conviction has been found for each prospective candidate, and if so, the date, court, case number and jurisdiction in which a felony judgment and sentence has been entered.

SECTION 311: SUMMARY APPEALS OF ELECTION BOARD ACTIONS.

(a) Any person aggrieved by an action of the Election Board approving or disapproving a prospective candidate from appearing on the ballot or a prospective voter from appearing on the voting list may take a summary appeal from the action of the Election Board to the Election Appeals Judge appointed by the Tribal Council pursuant to Section 419 of this Ordinance.

(b) The summary appeal shall be by written notice to the Tribal Council or Judge with a copy delivered to the Tribal office for the Election Board, within forty-eight (48) hours after notice of the action of the Election Board complained of or after the time for action by the Election Board has expired. No formality shall be required, but the notice shall state the act or failure to act complained of Failure of the Election Board to certify a candidate within the time prescribed shall be deemed a denial and shall give rise to a right of appeal to the Election Appeals Judge.

(c) Within forty-eight (48) hours after receipt of the notice, the Judge shall hear and decide the issues presented by the appeal and make a ruling as to whether a prospective candidate may appear on the ballot and whether a prospective voter can vote in the election.

(d) This section is intended to provide a summary pre-election review of decisions of the Election Board respecting candidate and voter eligibility. Therefore, the decision of the Judge is final and conclusive as to whether a person is entitled to appear as a candidate or to cast a vote in a particular election and the final decision of the Judge shall not be subject to challenge in any other forum prior to the election.

(e) If the forty-eight (48) hour time period mentioned in (b) and (c) expires on a Saturday, Sunday or legal holiday, the time shall be extended until 6:00 p.m. on the next day the Tribal Office is open for business.
THE VOTING PROCESS

SECTION 401: ELECTION NOTICE.
An Election Notice shall be prepared by the Election Board and mailed to the adult enrolled members of the Otoe-Missouria Tribe at his/her last known address, no later than one hundred ten (110) days prior to the tribal election or special elections. The Election Notice shall also be sent to the media for publishing and posted in such places as, the Tribal Complex, the Housing Authority, and the Red Rock Post Office.

The Election Notice shall include, but not be limited to, the following information:
(a) The Election date;
(b) The purpose of the Election;
(c) A deadline date for registration to vote;
(d) Where the Election will be;
(e) When and where the results of the Election will be posted;
(f) A deadline date for filing for candidacy.

SECTION 402: VOTER QUALIFICATIONS.
In order to be a qualified voter, the following requirements must be met:
(a) An enrolled member of the Otoe-Missouria Tribe;
(b) At least eighteen (18) years of age on the date of the election;
(c) Be duly registered to vote in the tribe’s voter registration system, pursuant to Section 403 of this Ordinance.

SECTION 403: VOTER REGISTRATION.
The Otoe-Missouria Tribal Voter Registration shall consist of a list of all members of the Otoe-Missouria Tribe confirmed by the official Rolls who are eighteen (18) years of age or older on the date of the election. It shall be the duty of the Tribal Secretary to complete a list of all enrolled members of the Otoe-Missouria Tribe who are or will be at least eighteen years of age on the date of the election and register that list with the Election Board. Upon failure of the
Tribal Secretary to carry out this duty, any other member of the Tribal Council may do so. No further registration shall be required of the individual Otoe-Missouria Tribal Member.

SECTION 404: VOTER LISTS.
The list of eligible voters shall be available for public view at the office of the Otoe-Missouria Election Board, located within the Otoe-Missouria Tribal Complex near Red Rock, Oklahoma, prior to each election.

SECTION 405: ABSENTEE VOTING.

(a) Upon written request, the Election Board shall give or mail an absentee ballot to a registered voter. If a voter is registered to vote by absentee ballot he/she will not be permitted to vote at the poll. However, if a qualified voter who registered to vote at the polling place, but expects to be absent from the polling area because of a change in circumstances and notifies the Election Board, the voter shall be entitled to vote by absentee ballot. All requests for absentee ballot should be received by the Election Board, P.O. Box 293, Red Rock, Oklahoma 74651, no later than thirty (30) days prior to the Election Date.

(b) Accompanying The Absentee Ballot Shall Be:

1. An inner envelope bearing on the outside, the words “Absentee Ballot”,
2. Instructions for completion of the absentee ballot,
3. A pre-addressed outer envelope,
4. A certificate as follows:

   I, ____________________________, hereby certify that I am a qualified voter of the Otoe-Missouria Tribe; that I will be eighteen (18) years of age or older on the Election Date, and am entitled to vote in the following election.

   I further certify that I marked the enclosed ballot in secret.

   Signed ____________________________
(c) The Election Board shall maintain a record of all requests and dates the request were received. The record shall also show the names and addresses of persons who were sent absentee ballots. In order to be counted all absentee ballots must be received by mail no later than the Friday proceeding the day of the election.

(d) If any eligible voter makes the claim that they did not receive an absentee ballot after the Election Board received their request for an absentee ballot, the eligible voter may come to the polling site to receive a ballot to place their vote.

(e) If the eligible voter’s absentee ballot was entered into the ballot system, the voter will not be allowed to submit another ballot, no exception.

SECTION 406: SECRET BALLOT.
All voting shall be by secret ballot.

SECTION 407: POLLING PLACE.
The polling place shall be designated to be at the Otoe-Missouria Senior Citizen’s Building or such other Tribal Complex Building.

SECTION 408: METHOD OF VOTING.
The polling place shall be staffed by two (2) polling officials designated by the Election Board. The registered voter will follow this process to vote:

(1) State name and address to poll official;
(2) Sign in voting list;
(3) Proceed to the designated voting booth, and indicate your selection(s) on the provided ballot.

SECTION 409: ELECTIONEER AND LOITERING.
No person shall be allowed to campaign or allow campaign materials within one hundred (150) feet of the polling place during voting hours. Loitering will not be allowed in the polling place during voting hours. The Election Board shall attain such assistance as may be required to maintain order about the building during hours of the election.
SECTION 410: COUNTING BALLOTS.
Ballots cast at the polling place shall be counted by the Election Board or by poll workers
designated by the Election Board. Such counting may be done by hand or by electronic means
so long as approved by the Election Board. The ballots case shall be counted periodically
throughout the day of the election. No one will be permitted in the room where the counting is
being done except the Election Board or persons designated by the Election Board, provided, that
each candidate for office may choose in writing one (1) person to be their Poll Watcher and all
designated Poll Watchers shall have the right to be present to observe the conduct of the election
at the polls and to observe the collection and counting of the ballots; provided further, that while
the Poll Watchers may watch and keep notes of the events of the election they may not interfere
in the conduct thereof, and the Chief of the Otoe-Missouria Tribal Police shall keep order, and if
necessary, may remove a Poll Watcher who interferes in the conduct of the election, electioneers
at the polls, or violates the election laws of the Otoe-Missouria Tribe.

SECTION 411: COUNTING ABSENTEE BALLOTS.
All envelopes carrying returned absentee ballots will be checked to determine if the sender is on
the registered voter list. There shall be only one (1) absentee ballot allowed per returned
envelope. In the event that two (2) absentee ballots are returned in the same envelope both
absentee ballots will be deemed void and will not count in the tallying of votes for the election.
All envelopes carrying valid registered voter’s absentee ballots shall be placed in a box and
locked until the day of the election. The locked absentee ballot box shall be stored in a safe
place at the Otoe-Missouria Tribal Complex, to be opened only to place more envelopes carrying
registered voter’s absentee ballots. On Election Day, the locked box of absentee ballots will be
opened and the absentee ballots shall be counted with the ballots cast at the polling place.

SECTION 412: TIE VOTES.
In the event two (2) or more candidates for any Tribal Office (Tribal Council) receive the highest
number of votes and receive the same number of votes, the Election board shall conduct a
recount of the ballots cast in that contest. Should there be a tie vote, after the recount, the
Election Board shall conduct a special election limited to the tied candidates within sixty (60) days after the Tribal Election.

**SECTION 413: RECOUNT.**

In the event that any registered voter wishes for the Election Board to conduct a recount of an election that person may file in writing no more than three (3) business days after the posting of the preliminary results with the election Board their request which can be filed by hand delivery or certified U.S. Mail, provided that there shall be a non-refundable fee of two hundred ($200.00) dollars paid by cashier check to the Election Board for a recount, if there is not a tie vote.

**SECTION 414: CERTIFICATION, ANNOUNCEMENT OF ELECTION RESULTS.**

Following the counting of all ballots, the Election Board shall issue a preliminary report within five (5) days after the election of the election results. The election board shall then make publicly known, the uncertified election results, by posting them at the Otoe-Missouria Tribal Administration Building. The Election Board shall also publish the results by release of that information to the appropriate news media.

After a period of no more than sixty (60) calendar days from the date of election and allowing sufficient time for any and all challenges to the election to be processed in the manner so prescribed by Section 418 and 419 of this Ordinance the Election Board shall then certify the election results as being final.

**SECTION 415: INSTALLATION OF ELECTED OFFICIALS.**

In accordance with Article VII, Section (9) of the Tribal constitution, the duly elected Tribal Council members and members of the Election board shall be installed in office at a meeting to be held as soon as possible following the election. The Oath of Office shall be administered by an appropriate tribal member chosen by the election Board.

**SECTION 416: SPECIAL ELECTIONS.**
The Election Board shall conduct all Special Elections in accordance with the Tribal Constitution.

(a) In accordance with Article X, Section (1) of the Tribal constitution, Initiative – upon receipt of a valid petition signed by at least one hundred fifty (150) adult enrolled tribal members, it shall be the duty of the election board to call and conduct within sixty (60) days, an initiative election to be conducted at a special meeting of the General Council. Such meeting shall be for the purpose of presenting to the qualified voters for their determination any issue or question, except recall and as otherwise provided by this Constitution. A decision by the majority of those voting shall be binding on the Tribal council until it expires by its own terms or is otherwise changed by action of the voters and rejected, that same issue shall not again be considered for such action for at least six (6) months.

(b) In accordance with Article VII, Section (10) of the tribal constitution, Recall – Upon receipt of a valid petition signed by at least three-hundred (300) adult members, it shall be the duty of the Election Board to call and conduct, within thirty (30) days, a special meeting of the General Council to vote by secret ballot on the recall of any elected official. Before voting on that issue, such official shall be given a written statement of the charges against him/her at least ten (10) days before the recall meeting. Such meeting shall be subject to the quorum provisions set forth in article XI, Section 1(a). An elected official shall be subjected to recall proceedings only once during any term of office. Only one (1) official shall be considered for recall at any given recall meeting.

(c) In accordance with Article X, Section (2) of the Tribal Constitution, Referendum – Upon receipt of a valid resolution supported by an affirmative vote of at least sour (4) members of the Tribal council, the election Board shall refer to the voters for their determination, such issue requested by Tribal Council. The referendum may be conducted at an annual or special meeting of the General Council. Except for special meetings called for referendum purposes, it shall not be necessary to give prior notice
of the matter being referred to the voters. A majority of those who vote shall decide the issue and such decision shall be binding on the Tribal council until otherwise changed by the voters; provided, a quorum is present. The Tribal Council’s request for a referendum election may include decisions related to those powers reserved to the General Council set forth in Section 2 (a) 1 and 2 of Article VIII.

SECTION 417: PETITIONING PROCEDURES.
Any enrolled tribal member of the Otoe-Missouria Tribe may exercise the right or power of petition in accordance with the following requirements:

(a) Any person(s) desiring to initiate a petition which require signatures must register his/her intent with the Election Board.

(b) Upon registration, the Election Board shall issue the person(s) a petition form.

(c) A non-refundable fee of fifty dollars ($50.00), to defray administration expense, shall be paid to the Election Board at the time of registration.

(d) The petition shall state in specific terms, the issue to be determined or resolved.

(e) Only one question, issue or reason shall be addressed in each petition.

(f) At the top of each page of the petition shall be the statement of cause, followed by the spokesperson’s signature.

(g) An adult enrolled tribal member of the Otoe-Missouria Tribe of Indians shall have sixty (60) days to circulate a petition to obtain the required one hundred fifty (150) adult enrolled tribal member signatures and file it with the election board.
(h) Upon receipt of a petition, the Election Board shall immediately date the petition and issue a receipt to the spokesperson(s) signifying date of receipt of the petition.

(i) The Election Board shall then determine the validity of the petition.

(j) If the election board finds the petition to be invalid, the Election Board shall notify the spokesperson(s) of its decision, by registered mail, stating the reason(s) for the invalidation.

(k) The spokesperson(s) shall have the right to appeal within thirty (30) days after receipt of the notification by the Election Board, in accordance with Section 419 of this Ordinance.

(l) Any person(s) found guilty of misrepresentation, fraudulent activities, or falsification of signatures in regard to a petition shall be fined not less that fifty dollars ($50.00) nor more than five-hundred dollars ($500.00) by the Election Board.

SECTION 418: ELECTION DISPUTES.

In the event any registered voter desires to challenge the election process or results, such may be done by such person filing with the Election Board a written statement setting forth the grounds of the challenge and a refundable filing fee of $500.00 paid by cashier's check which shall be refunded to such individual if, and only if, they are successful on such challenge. And such challenge shall be filed within five (5) days thereafter; the Election Board shall conduct a hearing.

The Election Board may subpoena witnesses and take testimony under oath. In all cases, the burden of proof shall be on the petitioner. The Election Board shall have authority to pronounce its decision.
SECTION 419: APPEALS.
A contestee not completely satisfied with the findings and decision of the Election Board, may appeal to the Tribal Council and pay a five thousand ($5,000.00) dollar refundable fee, paid by cashier’s check which shall be refunded to such individual if, and only if, they are successful on such appeal. The Tribal council by and through the Election Judge shall render the final decision based on documentation of proofs and allegations of the contestee. The decision of the Election Judge shall be final.

The Election Judge shall render a written decision within thirty (30) days after receipt of the proofs and allegations, or if a hearing is held, within thirty (30) days after the hearing date.

SECTION 419 A: OTHER APPEALABLE MATTERS.
Any action of the Election Board and any failure of the Election Board to act within a time set by law for action may be appealed to the Election Judge as provided in Section 419 of this Ordinance.

SECTION 419 B: ACTION ON APPEALS.
(a) The Election Judge in any appeal authorized by this ordinance may affirm, reverse, or modify any action of the Election Board, compel action of the Election Board unlawfully withheld, and enter such orders as shall be necessary. The orders and writs of the Election Judge shall be enforceable by the Tribal Police to the same extent as orders and writs issued by Judges and the Tribal Court.
(b) The Election Judge shall be responsible for maintaining an accurate record of each case, and shall make decisions on the record or hear the evidence de novo as may be appropriate.
(c) Decisions of the Election Judge shall be final and conclusive and not subject to appeal or review in any other forum except by the Tribal council.
(d) The Election Judge shall secure to all parties, to the greatest extent practical, their rights under the Indian Civil Rights Act, the Tribal Constitution, and the laws of the Otoe-Missouria Tribe.
SECTION 420: AMENDMENTS.

The Otoe-Missouria Tribal Council may amend this Ordinance by a majority vote of a quorum at any meeting of that body.
CERTIFICATION

We, the undersign, Chairman and Secretary, of the Otoe-Missouria Tribal Council, do hereby certify by signature that the foregoing revision of the Otoe-Missouria Tribal Election and Voting Ordinance of the Otoe-Missouria Tribe of Indians was approved by the Otoe-Missouria Tribal Council, by Resolution OMTC#0708085.