ELECTION AND VOTING ORDINANCE

OF

THE OTOE-MISSOURIA TRIBE OF INDIANS

(As Amended Through July ______ 2018)

BE IT ENACTED BY THE OTOE-MISSOURIA TRIBE OF INDIANS:

SEC. I. CITATION.

This Ordinance may be cited as the Otoe-Missouria Election Ordinance of 1984, as amended.

SEC. 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.

SEC. 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").

SEC. IV. DEFINITIONS

These words and phrases shall have the following meanings:

(a) "Adult Member," as used in § 421 means an enrolled member of the Otoe-Missouria Tribe that is at least 18 years of age on the date the person signs a petition.

(b) "Election Board" means the Otoe-Missouria Election Board, which is tasked with conducting all Otoe-Missouria Tribal elections and carrying out the provisions of the Election Ordinance impartially, objectively, and fairly.

(c) "Election Judge" means the impartial person(s) appointed by the Tribal Council in accordance with Article VIII, Section 1, of the Tribal
Constitution to consider and decide appealable issues arising from or under this Election Ordinance.

(d) "Tribal Election" means an election conducted by the Election Board, including:

i. "Regular Election," meaning the procedure to fill positions on the Tribal Council and the Election Board, in accordance with Article VII, Section 2, of the Tribal Constitution.

ii. "Initiative Election," meaning the procedure enabling one hundred fifty (150) or more adult Otoe-Missouria Tribal members to petition the Election Board to call and conduct within 60 days an election at a special meeting of the General Council in accordance with Article X, Section 1, of the Tribal Constitution.

iii. "Recall Election," meaning the procedure enabling three-hundred (300) or more adult Otoe-Missouria Tribal members to petition the Election Board to call and conduct an election at a special meeting of the General Council to remove an Otoe-Missouria elected official from office in accordance with Article VII, Section 10, of the Tribal Constitution.

iv. "Referendum Election," meaning the procedure enabling four (4) or more members of the Tribal Council to pass a resolution directing the Election Board to call and conduct an election on a question identified by the Tribal Council, in accordance with Article X, Section 2, of the Tribal Constitution.

v. "Special Election," means an election to fill a Tribal Council vacancy that occurs in the first two years of the term, in accordance with Article IX, Section 1 of the Tribal Constitution.

(e) "Polling Official" means a person appointed by the Election Board to assist with carrying out a Tribal Election, as directed by the Election Board.

(f) "Qualified Voter" means (a) an enrolled member of the Tribe, (b) who is at least eighteen (18) years of age on the date of the election, and (c) is duly registered to vote in the Tribe’s Voter Registration System.

(g) "Secret Ballot" means a procedure in which the choice of each voter in an election or referendum is anonymous.
CHAPTER ONE
ELECTION BOARD

SEC. 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.

SEC. 102. ELECTION BOARD COMPOSITION.

The Election Board shall consist of four (4) members which shall be composed of the:

(1) Chairperson;
(2) Secretary;
(3) Assistant Secretary; and
(4) Marshal.

SEC. 103. ELECTION BOARD ELIGIBILITY.

To be eligible to serve on the Election Board, a person must meet the following qualifications:

(1) current enrollment as a member of the Otoe-Missouria Tribe;
(2) be at least twenty-five (25) years of age;
(3) be duly registered to vote in the Tribe's Voter Registration System;
(4) not have been convicted of a felony by a court of competent jurisdiction which shall include pleas of guilty receiving a deferred or suspended sentence; and
(5) not be a candidate for or serve on the Tribal Council.

SEC. 104. ELECTION BOARD TERMS OF OFFICE.

The terms of office for the Election Board shall be staggered, four (4) year terms, as described by Article VII, Section 1, of the Tribal Constitution, such that there is an
election for at least one new member at every annual General Council meeting.

All Election Board members shall serve until their successors are duly elected and installed, or upon written resignation to the Election Board and Tribal Council. In accordance with Article IX, Section 1 of the Tribal Constitution, such resignation is not effective until the Tribal Council accepts the resignation by written resolution.

If there is a position vacant, due to 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 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.

SEC. 105. ELECTIONS TO SERVE ON THE ELECTION BOARD.

During the annual General Council meeting, the Election Board shall conduct an election to fill the vacancy on the Election Board created by expiration of a four-year term by secret ballot.

If the Tribal Council has appointed a person to fill an Election Board vacancy, the Election Board also shall conduct an election by secret ballot to fill the appointed position to serve the remainder of the four-year term.

In accordance with Article VII, Section 1 of the Tribal Constitution, Election Board members shall serve until their successors are duly elected and installed.

SEC. 106. APPOINTMENTS TO THE ELECTION BOARD.

If an Election Board position becomes vacant as a result of a resignation, a lack of a candidates, forfeiture, removal, or disqualification for failing to meet Tribal Constitutional requirements to serve on the Election Board after election at the annual General Council
meeting, the Tribal Council shall appoint a person who qualifies for election to such
position. The appointee to the vacant position shall serve until the next annual meeting of
the General Council, at which time a successor will be elected to fill the remaining term of
the vacant position.

If the annual General Council does not meet for lack of quorum or other reason, and no
election for vacant Election Board seats occurs, the Tribal Council shall appoint Election
Board members to vacant positions.

SEC. 107. DECLARATIONS OF CANDIDACY.

A prospective candidate for a vacant position on the Election Board shall be
deemed to have filed a declaration of candidacy when:

(a) the prospective candidate appears in person at the annual General Council
meeting where the election for the vacant position on the Election Board is
to occur; and

(b) at the time the Election Board calls for Declarations of Candidacy for
Election Board position(s) during the annual General Council meeting, and
prior to the first secret ballot being cast, the prospective candidate expresses
his or her intent to be a candidate for the vacant position on the Election
Board by publicly stating before the body of Qualified Voters in attendance
at the annual General Council meeting that he or she is qualified as a
candidate for the Election Board.

No person shall be a candidate for more than one (1) office at any one time, and no
member of the Election Board shall run for a position on the Tribal Council while a holding
their elected position on the Election Board.

A candidate must be in attendance at the annual General Council meeting when
nominations for candidacy are being accepted, in order to give their declaration of
candidacy, and must also be present during the secret balloting for the Election Board
position.
SEC. 108. ADDITIONAL DOCUMENTATION TO CERTIFY QUALIFICATIONS.

A candidate elected to the Election Board under Section 107 shall provide copies of the following documentation to the Election Board to assist the Election Board in certifying the candidate's qualifications, which must occur before the successful candidate is permitted to take the Oath of Office and be sworn into their Election Board position:

- Tribal Enrollment card;
- Social Security card

The Election Board shall ensure procedures are in place that maintain the confidentiality of the additional documentation submitted by the candidate for, or appointee to an Election Board position.

SEC. 109. ELECTION BOARD CONFLICT OF INTEREST.

In accordance with Article VII, Section 4 of the Tribal Constitution, an Election Board member who is a candidate for reelection to the Election Board shall not serve during such election in order to avoid a conflict of interest. If more than one Election Board member may be considered for reelection or election to an Election Board seat at an annual General Council meeting, the Election Board shall hold separate elections for each Election Board seat at the annual General Council meeting. Family relationship to a candidate or candidates for Tribal Council or Election Board shall not constitute a conflict of interest.

SEC. 110. ELECTION BOARD OATH OF OFFICE

The Election Board shall choose an appropriate Tribal member to administer the Oath of Office to Election Board members. 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!"
SEC. 111. ELECTION BOARD 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) The Election Board shall schedule and conduct as many meetings as necessary throughout the year to carry out the duties of the Election Board.

(c) The Election Board shall provide notice of regular Election Board meetings to Election Board members and the public at least forty-eight (48) hours prior to a regular meeting. The Chairperson of the Election Board shall set the date of the regular meetings.

(d) The Chairperson of the Election Board may call special meetings, so long as notice is provided to Election Board members and the public at least twenty-four (24) hours prior to the special meeting.

(e) Members of the Election Board may call regular or special meetings, so long as:

   i. A majority of the Election Board calls the meeting; and

   ii. Notice of the meeting is provided in accordance with the provisions set forth in this Section of the Election Ordinance.

(f) The Election Board Chairperson shall provide members of the Election Board notice of the time and place of all meetings in writing—via hard copy notice or electronic copy notice, including but not limited to,
emails, text messages, or any other electronic format deemed to be a reliable method to notify each member of the Election Board.

(g) Notice to the public of Election Board meetings shall be posted in a public place at the Otoe-Missouria Tribal Complex in Red Rock, Oklahoma, at a location designated for such purpose, and in any other location or publication format the Election Board deems appropriate.

SEC. 112. ELECTION BOARD RECORDS

(1) The Election Board shall maintain complete and accurate minutes of its meetings, records related to each Tribal Election, and records related to petitions submitted to the Election Board for certification. Election Board records may be maintained in a digital format, so long as the Election Board clearly identifies in writing the method and location of the digital storage used. A copy of these records shall be filed with the Tribal Secretary's Office. A record related to a Tribal Election shall include:

a. Election Board Meeting Minutes;

b. List of Qualified Voters included in the Tribe's Voter Registration System, with notations by the names of those who voted, and delineating whether a Qualified Voter cast an absentee ballot, or cast their ballot at the polling place;

c. Certified results of Tribal Elections;

d. A file for each Tribal Council member, which includes that member's: registration, declaration of candidacy, background check); and

e. Any documentation of removal proceedings.

(2) The Election Board may destroy the original Tribal Election ballots, but
may only do so when:

a. One year has passed from the date the last Tribal Election challenge is finally resolved; or

b. In the event there are no challenges, one year has passed from the date the Tribal Election was certified.

SEC. 113. ELECTION BOARD DUTIES

These duties shall apply to the Election Board:

(a) The Chairperson shall preside over Election Board meetings.

(b) The Secretary shall maintain accurate minutes of meetings, records related to each Tribal Election, and records related to petitions submitted to the Election Board for certification.

(c) The Assistant Secretary shall assist the Secretary and serve in the Secretary's absence.

(d) The Marshal shall have the primary responsibility of maintaining order and enforcing the Election Ordinance, the Tribal Constitution, and other applicable Tribal laws at any Tribal Election. The Marshal shall have these powers from the time the polls open until the certification of all elections results.

(e) All Election Board members shall possess thorough knowledge of the Otoe-Missouria Election Ordinance.

(f) Each Election Board member has the duty to ensure the Election Ordinance is vigorously followed, and shall immediately document and report any violation of the Election Ordinance, or other relevant laws, to the Election Board.

(g) Election Board members must physically attend Election Board meetings, in person at the location noticed, in order to receive a stipend for that meeting.

(h) Polling Officials shall perform such duties related to Tribal Elections as the Election Board may prescribe.
CHAPTER TWO
OTOE-MISSOURIA TRIBAL COUNCIL

SEC. 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) Treasurer
(5) 1st Council Member
(6) 2nd Council Member
(7) 3rd Council Member

SEC. 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;
(d) be bondable; and
(e) not have been convicted of a felony by a court of competent jurisdiction (which shall include pleas of guilty with a deferred or suspended sentence).

SEC. 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 third 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.
SEC. 204. VACANCIES

In accordance with Article IX, Section 1 of the Tribal Constitution, if a vacancy occurs during the first two (2) years of a three-year Tribal Council term, the Election Board shall conduct a Special Election to fill the vacant position within a period of ninety (90) days after the vacancy occurs. If the vacancy occurs in the final year of a three-year Tribal Council term, the Tribal Council shall appoint a person qualified under Section 202 to complete that term of office.

SEC. 205. LACK OF CANDIDATES

Vacancies on the Tribal Council due to a lack of candidates shall be filled by Special Election. The Election Board shall call and conduct this Special Election within 90 days of the election where there was a lack of candidates to fill the Tribal Council office.

SEC. 206. FILING TO RUN FOR TRIBAL COUNCIL

A prospective candidate for Tribal Council shall complete the Election Board’s “Declaration of Candidacy” form and certify on the form that he or she meets the eligibility requirements in Section 202.

A prospective candidate for Tribal Council must file his or her Declarations of Candidacy form in person with the Election Board, or the Election Board Clerk, at the Election Board Office located at the Otoe-Missouria Tribal Complex in Red Rock, Oklahoma. The prospective candidate must sign and date the Declaration of Candidacy the same day it is filed. The prospective candidate also must submit with the Declaration of Candidacy a non-refundable filing fee of five hundred dollars ($500.00) made payable to the Election Board in the form of a cashier’s check or money order. The filing period for Declarations of Candidacy shall open on the first Monday of August and remain open for ten (10)
business days.

No person shall be a candidate for more than one (1) office at any one time, and no member of the Election Board shall run for a position on the Tribal Council while holding their elected position on the Election Board.

SEC. 207. ADDITIONAL DOCUMENTATION TO CERTIFY ELECTION BOARD CANDIDATE QUALIFICATIONS

Any candidate for, or appointee to a Tribal Council position shall provide copies of the following documentation to the Election Board to assist the Election Board in certifying the candidate’s qualifications:

- Tribal Enrollment card;
- Social Security card

The Election Board shall ensure the additional documentation submitted by the candidate for, or appointee to a Tribal Council position is kept confidential, accessible only to those responsible for certifying a candidate’s qualifications, which are limited to the Otoe-Missouria Police Chief, the Enrollment Office and the Election Board.

SEC. 208. UNOPPOSED INCUMBENT

Tribal Council member who files for re-election shall be considered an unopposed incumbent when the Election Board certifies that no other qualified Tribal member has filed to run for that Tribal Council member’s seat. The Election Board shall notify the unopposed incumbent in writing that he or she need not participate in the next election, that their name need not appear on the ballot, and that he or she shall be sworn in by proclamation of the Tribal Council and installed for the next term.

In the event the Election Board certifies that no other qualified candidate has filed to run
for the incumbent Tribal Council member’s position, there shall not be a refund of the unopposed incumbent Tribal Council member’s filing fee.

CHAPTER THREE
GENERAL PROVISIONS

SEC. 301. CANDIDATE WITHDRAWAL PRIOR TO ELECTION.

(a) Withdrawal from Tribal Council Election Any candidate for a Tribal Council position may withdraw his or her candidacy by filing a written notice of withdrawal with the Election Board up until the day of the Regular Election for the Tribal Council position.

(b) Withdrawal from Election Board Election Any candidate for an Election Board position may withdraw his or her candidacy by stating that their name be removed from consideration for the Election Board position at any time prior to the vote commencing.

SEC. 302. PROCEDURE ON WITHDRAWAL.

If a prospective candidate or candidate withdraws from the Tribal Council Election, the Election Board shall post notices to that effect at all polling places and within the voting booths. The Election Board shall take reasonable steps to remove the withdrawn candidate from the ballots and shall provide notice in absentee ballot packets that it is the absentee voter’s responsibility to verify that their candidate has not withdrawn from the election prior to casting their absentee vote. Any votes cast for a withdrawn candidate shall be disregarded.

SEC. 303. CERTIFICATION OF QUALIFICATIONS OF CANDIDATE OR APPOINTEES.

It shall be the responsibility of the Election Board, assisted by the Otoe-Missouria Police
Department and Enrollment Committee, to certify that candidates for, or appointees to, the Tribal Council (see Section 202) or Election Board (see Section 103) are qualified to fill such positions. The deadlines for making these certifications are:

(a) Certifying Qualifications for Election Board Candidate(s) or Appointee(s)

The Election Board shall determine whether the winning candidate for an Election Board position, or an appointee to an Election Board position, meets the qualifications in Section 103 prior to the candidate or appointee being sworn into office.

(b) Certifying Qualifications for Tribal Council Candidate(s) or Appointee(s)

(1) Regular Elections: For Regular Elections, the Election Board shall pre-certify whether a candidate meets the qualifications for Tribal Council in Section 202 no later than the first Tuesday in September. The Election Board shall provide written notice to each candidate within two business days its pre-certification decision by certified mail or hand delivery. If the Election Board denies pre-certification of a candidate, the Election Board shall notify the candidate of the reasons for the denial. The Election Board also shall publish the list of pre-certified candidates. If no challenge is brought to a person on the pre-certified list of candidates within two business days of the publication, the Election Board shall publish the certified list of candidates. If a challenge is brought in accordance with Section 307, the Election Board shall wait to publish the certified list of candidates until after the challenges have been finally decided.

(2) Special Elections: For Special Elections, the Election Board shall pre-certify whether a candidate meets qualifications for Tribal Council in Section 202 no later than 60 days prior to the date of the Special Election. The Election Board shall provide written notice to each candidate within two business days its pre-certification decision by certified mail or hand delivery. If the Election Board denies pre-certification of a candidate, the Election Board shall notify the candidate of the reasons for the denial. The Election Board also shall publish the list of pre-certified candidates. If no challenge is brought to a person on the pre-certified list of candidates within two business days of the publication, the Election Board shall publish the certified list of candidates. If a challenge is brought in accordance with Section 307, the Election Board shall wait to publish the certified list of candidates until after the challenges have been finally decided.
(3) Appointments: For appointees to fill vacancies in the last year of a three-year Tribal Council term, the Election Board shall certify whether the appointee meets the qualifications for Tribal Council in Section 202 prior to the appointee taking the Oath of Office and being sworn in. An appointee may challenge the denial of his or her certification in accordance with the process in (b)(1) and (b)(2) of this Section.

SEC. 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 thirty (30) calendar days 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 reason for that decision.

SEC. 305. POLICE CHIEF TO ASSIST ELECTION BOARD

In determining whether any prospective candidates have been convicted of a felony by a court of competent jurisdiction, the Election Board shall transmit the names of all prospective candidates, along with 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 or entered a plea of guilty of a felony. For each prospective candidate, the Chief shall certify to the Election Board, in writing, whether any records showing a felony conviction have been located, and if so, the date, court, case number and jurisdiction in which a felony conviction has been entered.
SEC. 306. PRE-ELECTION CHALLENGE OF ELECTION BOARD DECISIONS ON CANDIDATE AND VOTER ELIGIBILITY.

(a) Any Qualified Voter, including a candidate or prospective candidate, may challenge an Election Board decision to disapprove a candidacy for Tribal Council. Failure of the Election Board to certify a candidate within the time prescribed shall be deemed a disapproval subject to a Qualified Voter’s challenge.

(b) Such challenge must be filed with the Election Board within two business days of the Election Board’s publication of the pre-certified list of candidates.

(c) The challenge must be in writing and state the grounds for the challenge, along with supporting evidence, if any.

(d) The challenge must include a thousand dollar ($1000.00) filing fee—paid by cashier’s check or money order to the Otoe-Missouria Election Board—which shall only be refunded in the event the Election Board decides in favor of the Qualified Voter asserting the challenge, or if the Qualified Voter asserting the challenge is successful on appeal to the Election Judge.

(e) Within two business days after receipt of the challenge, the Election Board shall schedule a hearing on the challenge, if the challenger or the person being challenged specifically requests a hearing. If neither the challenger nor the person being challenged specifically requests a hearing,
the Election Board may decide the challenge based upon the written filing.

(f) Any hearing on the challenge must be held within one week of the date of the filing of the challenge. Any party to the challenge may be represented by legal counsel. The Election Board may subpoena witnesses and take testimony under oath.

(g) After holding a hearing, the Election Board will make a decision on the challenge within three business days of the hearing.

(h) If a challenger disagrees with the decision of the Election Board, or wishes to challenge the Election Board’s failure to render a decision within three business days, the challenger may file an appeal in accordance with § 424 herein with the Election Judge within two business days of the Election Board decision, or within two business days following the Election Board’s failure to act.

(i) The Election judge will decide the appeal of the Election Board decision based on the Election Board record and without a hearing within three business days of receiving the appeal. A non-decision of the Election Judge within three days shall constitute a denial of the appeal.

(j) A prospective voter whose name is not included on the Qualified Voter list may challenge the Election Board decision under the same process as a challenger to an Election Board decision on candidacy in this Section.
CHAPTER FOUR
THE VOTING PROCESS

SEC. 401. ELECTION NOTICE.

(k) For all Tribal Elections, the Election Board shall prepare an election notice and distribute the election notice to the Qualified Voters. An election notice shall include, but not be limited to, the following information:

(1) The election date;
(2) The purpose of the election;
(3) A statement that all Qualified Voters shall be automatically registered to vote in that Tribal Election;
(4) The location of the Polling Place for the Election;
(5) When and where the results of the Election will be posted;
(6) The filing period and deadline date for filing a Declaration of Candidacy and payment of filing fees, if applicable.

(l) The deadlines to mail election notices depend on the type of Tribal Election, and are as follows:

(1) Regular Elections for Tribal Council. The Election Board shall mail election notices to all Qualified Voters prior to the third Monday of July in any year a Regular Election for a Tribal Council position is scheduled.

(2) Special Elections. The Election Board shall mail election notices regarding a Special Election no later than ninety (90) days prior to the Special Election.

(c) The Election Board shall also send the election notice to the media for publishing, and post the Election Notice in places such as the Tribal Complex, the Housing Authority and any other location designated for sharing information with Otoe-Missouria Tribal members.
SEC. 402. VOTER QUALIFICATIONS.

A Qualified Voter is not required to register to vote for each election.

SEC. 403. VOTER REGISTRATION.

The Otoe-Missouria Tribal Voter Registration System shall consist of a list of all members of the Otoe-Missouria Tribe confirmed by the official Tribal Rolls who are eighteen years of age or older on the date of the election. It shall be the duty of the Tribal Secretary to compile 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.

SEC. 404. POSTING VOTER REGISTRATION LIST.

The list of Qualified 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. The list shall contain the names of all Qualified Voters but shall not include any other information about the Qualified Voter, such as their address or telephone number.

SEC. 405. ACCESS TO VOTER INFORMATION; CAMPAIGNING.

In order to protect personal information of all Qualified Voters, candidates for elective office shall not have access to Qualified Voters’ addresses or phone numbers. Candidates for elective office shall have the following avenues available for communication with Qualified Voters:

(a) Election Newsletter – The Election Board shall coordinate with the appropriate Tribal Departments or mailing company to create and disseminate to all Otoe-Missouria households that currently receive the
Tribal newsletter, an election newsletter at no charge to candidates. Each candidate shall be entitled to equal space in the election newsletter, as determined by the Election Board each election cycle, for each candidate to provide a campaign message; and

(b) Mailers at Candidates’ Expense - The Election Board shall contract with a mailing company to provide design and mailing services to candidates who wish to send additional campaign materials to Qualified Voters at their own expense. A candidate will sub-contract with the mailing company to pay for design, if needed, and for the mailing company to mail a candidate’s campaign materials to Qualified Voters. The mailing company shall not disclose Qualified Voters’ addresses or any other personal information to candidates. Any Qualified Voter not wishing to receive additional campaign materials from candidates may opt out of such mailings by sending such request to the Election Board in writing.

SEC. 406. ABSENTEE VOTING.

(a) All Qualified Voters are eligible to vote by absentee ballot in the following Tribal Elections:
(1) Regular Election for Tribal Council;
(2) Recall Election; and
(3) Special Election.

(b) To vote by absentee ballot, a Qualified Voter must complete an Absentee Ballot Request Form provided by the Election Board and mail the completed form to the Election Board or hand deliver to the Election Board Clerk. All Absentee Ballot Request Forms must be received by the Election Board by the deadlines established for the Tribal Elections in which absentee voting is permitted. The Election Board shall mail an absentee ballot to the Qualified Voter who has submitted an absent ballot request form by the absentee ballot request deadline.

(c) An Absentee Ballot Packet shall include:
(1) An inner envelope bearing on the outside, the words “Absentee Ballot”
(2) A notice that a candidate appearing on the absentee ballot may withdraw their candidacy up to the day of the election, and any vote cast for a withdrawn candidate shall not count but shall not void any other votes made by the absentee voter.
(3) Instructions for completion of the absentee ballot,
(4) A pre-addressed envelope,
(5) A certificate as follows:

I, ____________________________, hereby certify that I am a member of the Otoe-Missouria Tribe; that I will be eighteen (18) years of age or older on the Election Date and I am
entitled to vote in the following election. I further certify that I marked the enclosed ballot in secret.
Signed __________________________

(d) 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 Qualified Voters who received absentee ballot packets by mail.

(e) All absentee ballots must be returned by mail and delivered to the Election Board Post Office Box no later than the Friday preceding the day of the election.

(f) A Qualified Voter who requested to vote by absentee ballot may vote at the polling site by submitting their absentee ballot in person at the polling site, or by casting a vote at the polling place, so long as the record of returned absentee ballots does not indicate an absentee ballot was returned in the Qualified Voter’s name. If the Qualified Voter’s absentee ballot was returned to the Election Board, and subsequently entered into the ballot system, the voter shall not be allowed to submit another ballot.

SEC 407. SECRET BALLOT

All voting shall be by secret ballot.

SEC. 408. POLLING PLACE.

The Election Board shall designate an appropriate Tribal complex building in Red Rock, Oklahoma, as the polling place for each Tribal Election.

SEC. 409. METHOD OF VOTING.

The Election Board may staff the polling place with Polling Officials. The Qualified Voter shall follow this process to vote:

(1) State name and address to polling official;

(2) Sign voting list;

(3) Proceed to the designated voting booth, and indicate the selection(s) on the ballot provided by the Election Board;

(4) Submit the ballot for counting as instructed by the Election Board.
SEC. 410. CAMPAIGNING AND LOITERING.

No person shall be allowed to campaign or allow campaign materials within one hundred fifty (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.

SEC. 411. COUNTING BALLOTS.

(a) The Election Board or its Polling Officials shall count or oversee the counting of ballots. Ballot counting may be completed by hand or by electronic means, so long as the method is one that has been authorized by the Election Board.

(b) The ballots cast by Qualified Voters may be counted periodically throughout the day of an election in a room designated for such purpose. No person shall be permitted in the room where the ballot counting occurs, except:

(1) the Election Board;

(2) Polling Officials appointed and directed by the Election Board to be present in the ballot counting room,

(3) One designated Poll Watcher for each candidate.

(c) Each candidate for office may designate 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. Furthermore, designated Poll Watchers may watch and keep notes of the events surrounding the Tribal
Election, but 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 Tribal Election, electioneers at the polls, or violates the election laws of the Otoe-Missouria Tribe.

SEC. 412. COUNTING ABSENTEE BALLOTS.

(a) All envelopes carrying returned absentee ballots will be checked to determine if the sender is on the Qualified Voter list. Only one (1) absentee ballot shall be allowed per returned envelope. If two (2) or more absentee ballots are returned in the same envelope, all absentee ballots in such envelope shall be deemed void and shall not be included in the final ballot count for the Tribal Election.

(b) All envelopes carrying valid Qualified Voters’ 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, and opened only for the purpose of adding envelopes carrying Qualified Voters’ absentee ballots, as they are received by the Election Board. On day of the Tribal Election, the locked box of absentee ballots shall be opened by authorized individual(s), and the absentee ballots shall be counted with the ballots cast at the polling place.

SEC. 413. RECOUNT.

In the event two (2) or more candidates for any Tribal Council position 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. If there is a tie vote after the recount, the Election Board shall conduct a Special Election, limited to the tied candidates, within 60 days of the recount certifying the tie vote.

SEC. 414. RECOUNT.

If a candidate wants to initiate a recount of a Tribal Election, a candidate must:

(a) File a written request to recount election ballots with the Election Board—by hand delivery or U.S. Certified Mail—no more than three (3) business days after the preliminary election results are posted; and

(b) Submit a One Thousand Dollar ($1,000) non-refundable fee, paid by cashier’s check to the Election Board, at the same time the Qualified Voter files the written request to recount.

SEC. 415. CERTIFICATION, ANNOUNCEMENT AND ELECTION RESULTS.

(a) Preliminary Results. Once all ballots have been counted, the Election Board shall issue a preliminary report with the uncertified election results within five (5) days after the Tribal Election. Once the preliminary report is completed, the Election Board shall then post the uncertified election results at the Otoe-Missouria Tribal Administration Building for public view. The Election Board shall also publish the results in the appropriate news media.

(b) Certified Results. The Election Board shall certify the election results as final within sixty (60) calendar days from the date of the election.

SEC. 416. INSTALLATION.

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.
SEC. 417. INITIATIVE ELECTION.

In accordance with Article X, Section 1 of the Tribal Constitution, upon the Election Board’s receipt of a valid petition signed by at least one hundred fifty (150) adult enrolled Tribal members, the Election Board shall 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 the Tribal 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.

SEC. 418. RECALL ELECTION.

In accordance with Article VII, Section 10 of the Tribal Constitution, upon the Election Board’s 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) that requires at least 100 Qualified Voters to attend. 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.
SEC. 419. REFERENDUM ELECTION.
In accordance with Article X, Section 2, of the Tribal Constitution, upon the Election Board's receipt of a valid resolution supported by an affirmative vote of at least four (4) members of the Tribal Council, the Election Board shall refer to the voters for their determination such issue requested by the Tribal Council. The Referendum Election may be conducted at an annual or special meeting of the General Council. Except for special meetings called for Referendum Election 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.

SEC. 420. SECRETARIAL ELECTION TO AMEND THE TRIBAL CONSTITUTION
In accordance with Article XV of the Tribal Constitution, amendments to the Tribal Constitution shall be conducted by Secretarial Election. An Adult Member may initiate the Secretarial Election process by proposing a petition signed by at least three hundred (300) Qualified Voters. The Election Board shall review the petition and determine whether to certify that at least 300 Qualified Voters signed the petition. If the Election Board certifies the petition, it will submit the petition, the signatures, and the certification to the Secretary of the Interior for approval. The Department of the Interior shall conduct the Secretarial Election in accordance with its Secretarial Election procedures. A majority of the voters in the Secretarial Election must vote for ratification of the proposed amendment, and at least thirty percent (30%) of those entitled to vote must cast ballots in such election.

SEC. 421. PETITIONING PROCEDURES
Any Adult Member may exercise the right of petition, the process of collecting signatures
of Adult Members to initiate an Initiative Election, Recall Election, Referendum Election, or Secretarial Election. Such petitioning must be in accordance with the following requirements:

(a) To initiate a petition, an Adult Member Spokesperson(s) must register his or her name(s), the type of petition proposed (Initiative Election, Recall Election, Secretarial Amendment, or request the calling of a special General Council meeting), and pay a non-refundable fee of One Hundred Dollars ($100) to the Election Board. The Spokesperson must also submit the language proposed for use on the petition for approval by the Election Board. The proposed petition language shall state in specific terms the issue or question to be determined or discussed by the General Council.

(b) After the Spokesperson(s) has initiated a petition and paid the filing fee, the Election Board shall have 5 business days to review the proposed language to determine by majority vote whether only one question or issue is raised in an initiative petition, only one person is the subject of a recall petition, or that only one issue, business item, or question is raised for purposes of discussion (no vote) in a petition for a special meeting of the General Council. If the proposed language contains more than one issue or question to be determined or discussed by the General Council or has more than one person subject to recall, the Election Board shall deny the petition request and return the proposed language with comments to the Spokesperson(s) for amendment. The Spokesperson(s) will have five (5) days to resubmit the amended language to the Election Board for approval to appear on a petition without paying another filing fee.

(c) Upon approval of the proposed petition language, the Election Board shall issue to the Spokesperson(s) an approved petition form with the pre-approved language at the top of the form. This approved petition form, or copies, must be used to collect Adult Members’ names, signatures, and date of signing to show support for calling a special meeting of the General Council to determine or discuss the issue presented at the top of the form.

(d) A Spokesperson(s) shall have sixty (60) days from receipt of the Election Board’s approved petition form to obtain the minimum required number of Adult Member names, signatures, and dates thereof to file the completed petition forms with the Election Board.

(e) The Election Board shall provide the Spokesperson(s) with a date stamped receipt upon submission of the competed petition signature forms.

(f) Within ten (10) business days of receipt of the signed petition forms,
the Election Board shall determine whether the signed petition forms contain the minimum number of Adult Member names and signatures required for a petition to valid. The Election Board shall notify the Spokesperson(s) of its decision by US Registered Mail, return receipt requested, and/or electronic transmission (e.g., email, text, fax, etc).

(g) If the Election Board is unable to validate the petition, the Election Board’s findings will be included in the letter to the Spokesperson(s) stating the reason(s) for not validating the petition.

(h) Any person(s) found guilty of misrepresentation, fraudulent activities, or falsification of signatures relating to a petition shall be fined not less than fifty dollars ($50.00) or more than five-hundred dollars ($500.00) by the Election Board.

SEC. 422. REFERENDUM ELECTION
In accordance with Article X, Section 2, of the Tribal Constitution, upon the Election Board’s receipt of a valid resolution supported by an affirmative vote of at least four (4) members of the Tribal Council, the Election Board shall refer to the voters for their determination such issues requested by the Tribal Council. The Referendum Election may be conducted at an annual or special meeting of the General Council. Except for special meeting called for Referendum Election 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.

SEC. 423. ELECTION DISPUTES.
In the event any candidate desires to challenge the election process or results, such may be done by such candidate filing with the Election Board a written statement setting forth the grounds of the challenge and a refundable filing fee of $1,000 paid by cashier’s check which shall be refunded to such individual if, and only if, they are successful on such challenge. Any such challenge shall be filed within five (5) days after the posting of the preliminary report. Within fifteen (15) 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 pronounce its decision within five (5) days of such hearing.

SEC. 424. 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 30 days after receipt of the proofs and allegations, or if a hearing is held, within 30 days after the hearing date.

SEC. 425. 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.

SEC. 426. 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 of 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.

SEC. 427. AMENDMENTS.

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