

Election Ordinance of the Caddo Nation of Oklahoma

SECTION 1 – AUTHORITY

This election ordinance is established by the Tribal Council of the Caddo Indian Nation of Oklahoma under authority delegated by Article VII, Section 2, of the Caddo Nation Constitution and By-Laws of the Caddo Nation of Oklahoma.

SECTION 2 – PURPOSE

The intent and purpose of this ordinance is to establish procedures for fair elections and to insure procedures contained in this ordinance shall be administered in a way as to accomplish this purpose and intent.

SECTION 3 – DEFINITIONS

TRIBAL COUNCIL – The Caddo Nation Tribal Council, an eight (8) member representative body established by Article I of the Caddo Nation Constitution.

Constitution – The Constitution and By-Laws of the Caddo Nation of Oklahoma.

ELECTION BOARD – The General Election Board of the Caddo Nation of Oklahoma as established by Article VII of the Constitution.

POLLING PLACES – Locations designated where balloting takes place. These will be located in Anadarko, Binger, Ft. Cobb, and Oklahoma City.

ELECTOR – A member of the Caddo Nation qualified to vote.

REGISTAR – A person designated by the Election Board to accept registration of voters.

ELECTION NOTICES – The official notice that an election will be held on a specific date issued by the election board at least sixty (60) days, but no more than eighty (80) days, before elections of officers and at least thirty (30) days, but no more than fifty (50) days, before elections on issues. The notice shall consist of posting information concerning date, time, and places of election at the Anadarko Area Office and Anadarko Agency of the Bureau of Indian Affairs, at designated polling places, and other various public places. Each local and/or regional newspapers and radio or television station that provides useful coverage of the Indian communities shall be furnished a copy of the notice for carrying as a public service announcement.

DATES OF EVENTS – In determining the dates of any event pertaining to elections, which date is to be fixed by this ordinance as occurring a certain number of days before or after an election, either the day of the election or the day of the event shall be counted.

TRIBE – The Caddo Nation of Oklahoma

SUBMISSION TO THE ELECTION BOARD – All materials which this ordinance provides for submission to the election board may be delivered in person to any member of the election board or may be mailed to the following address:

Caddo Nation General Election Board
P.O. Box 304
Binger, Oklahoma 73009-0304

Qualified voter – A tribal member who is entitled to vote by a reason of his/her being registered

UNQUALIFIED VOTER – Any member of the Caddo Nation eighteen (18) years or older who is not registered to vote.

RESIDENT VOTER – Any member of the tribe as determined by Article II of the constitution who (1) is eighteen (18) years of Age or older, (2) is duly registered at polling places.

NON-RESIDENT VOTER – A qualified voter who lives more than thirty-five (35) miles from the nearest tribal polling place or who has been so designated by the election board.

SECTION 4 – ELECTION OFFICIALS

A. Composition of Election Board – The election board shall be appointed by the Tribal Council, subject to the approval of the Membership, as provided in Article V, Section I, (a) of the Constitution. The appointments shall be made in such a way that the term of one (1) member of the election board shall expire each year and the terms shall be for five (5) years and until their successors are installed in office. To accomplish this, the appointment of five (5) members of the General Election Board made in October of 1982 shall specify the length of terms of office for each member of the election board for a period of one, two, three, four, and five years respectively, from October of 1982.

Thereafter, during its quarterly October meeting, the Tribal Council shall appoint one (1) member of the election board to fill the vacancy occurring each year, subject to the approval of the membership at its quarterly meeting. The election board shall elect annually from its board members, a chairperson and a secretary. Should vacancies occur before the expiration of that election board member's term, the Tribal Council shall make an appointment to fill the vacancy for the remainder of the unexpired term which shall be subject to approval by the membership at its quarterly meeting.

B. The Election Board shall have overall responsibility for the conduct of all elections. These duties shall include, but not be limited to the following:

1. Publications of election notices, at least sixty (60) days, but no more than eighty (80) days before the date of any election issues, a public notice of the calling of elections shall be made by the election board. Notices shall be posted at the office of the Anadarko Area Office and the Anadarko Agency of the Bureau of Indian Affairs, at the polling places, and at various other public places throughout the areas served by the established polling places. Each local and/or regional newspaper and radio or television station that provides useful coverage to Indian communities shall be furnished a copy of the notice for dissemination as a public service announcement.

2. SELECTION OF POLL OFFICIALS – The members of the election board shall serve as the judge for each of the polling places. The judge shall elect a teller and clerk of legal age, eighteen (18) years or older. The judge, clerk, and teller shall be compensated for his/her services set forth in the Constitution, Article III – By-Laws.

3. ELECTION SUPPLIES – The election board shall arrange for all election supplies including printing of all ballots and for the printing or other reproduction of poll list, tally list, lists of electors and shall arrange for delivery of the same to the persons appointed to serve at the polling places before the opening of the polls. All election board supplies at the end of each election shall be return to the Caddo Nation Election Board Office. When an election board members time has expire any and all election board materials shall be returned to the election board office.

4. RULING ON ELIGIBILITY OF VOTERS AND CANDIDATES – The election board, in compliance with the Constitution, shall have the authority to rule upon the eligibility of the candidates as set forth in Section 13 of this ordinance and to determine any claim as to the right of any person listed or not listed on the “Register of Electors.”

C. Internal Procedure of Election Board

1. Quorum – A quorum of the election board shall consist of any three (3) members.
2. Meetings – Meetings shall be called at any time by the chairperson or by request of a majority of the board to the chairperson. In the event the chairperson fails to call a meeting as requested, the other members of the board who request it shall convene upon proper notification to the other members of the board.
3. Compensation – Compensation for Election Board members shall be in compliance with such authority as set forth in the Constitution, Article III, and By-Laws. This amount shall be in accordance with the compensation received by the Tribal Council for regular meeting of that body.

D. QUALIFICATION OF ELECTION BOARD MEMBERS – All members of the Election Board must be registered voters of the Caddo Nation of Oklahoma and not under any court order guardianship due to mental incapacity. No member of the Tribal Council or the Hearing Board or current candidate for election to any tribal elective office shall be eligible to serve as an Election Board Member. The act of filing as a candidate for an elective office by any member of the Election Board shall be an automatic resignation by operation of law from the election board and such automatic resignation shall be duly noted upon the minutes of the Election Board and Tribal Council. Further, no member of the Election Board shall be a brother, sister, parent, or child by direct blood to any candidate.

E. OATH OF OFFICE – Prior to entering into the duties of office, each Election Board Member shall take the following Oath of Office to be administered by a member of the Tribal Council:

“I, _____, do hereby solemnly swear, or affirm, that I will support, protect, and defend the Constitution and By-Laws of the Caddo Nation of Oklahoma and will cause the Elections of the Caddo Nation to be conducted fairly, impartially and in accordance with the laws of the Caddo Nation. I further swear that at any time I either become a candidate or a brother, sister, parent, or child becomes a candidate for tribal elective office, I will resign immediately, from this Election Board, so help me God.”

F. POLL OFFICIALS – It shall be the duty of the poll officials appointed by the General Election Board for each polling place, to see that the balloting and canvassing of election returns are carried out in the manner prescribed in this ordinance.

SECTION 5 – VOTER QUALIFICATIONS

Any member of the Tribe as determined by Article I, Section 2, of the Constitution which states, "Caddo Tribal/Nation Active Membership shall be the governing body of the tribe, composed of all enrolled members at least eighteen (18) years of age or over, who have registered to vote." Also, voter qualification as set forth in Article VII Section I of the Constitution, which states, "All enrolled members of the Caddo Indian Nation, who are eighteen (18) years of age or older and who are registered according to the election ordinance adopted by the Tribal Council, shall be permitted to register for voting in such election if they otherwise qualify."

SECTION 6 – BALLOTS

A. FORM OF THE BALLOT – The ballots shall be printed with a stub so perforated that the ballot will be easily detached there from. Upon the stub shall be printed these words. "If a voter is challenged the clerk shall write "Challenged" in the space provided, then shall follow these words, "If, for any reason the ballot is mutilated, the voter makes a mistake in marking, or the ballot is not voted, the clerk shall print "VOID" in the space provided."

At the upper right hand corner of the stub of each ballot and at the adjacent corner of the ballot, shall be printed or stamped, by a consecutive numbering machining the number of said stub and ballot. The stub shall bear the same number as the ballot, and such numbering shall begin with number "1" in each polling place and continued in consecutive order until each ballot and stub for that polling place is numbered. The top of the ballot on which said number appears shall be so perforated that it will be easily detached. All ballots for general elections shall be upon paper of such thickness as will render it impossible to look at the back of the ballot and tell for whom it is voted. Sample ballots shall be upon thin, inexpensive paper.

B. NUMBER OF BALLOTS – Ballots shall be supplied by the election board to each polling place in sufficient quantity to assure that each voter whose name appears in the "Register of Electors" for that polling place shall receive a ballot.

C. DELIVERY AND RECEIPT FOR BALLOTS – The Chairperson of the election board shall cause to be delivered to the judge of each polling place the printed blank ballots and other election materials including ballot boxes, each with a lock, fitted with only one opening and of sufficient size to admit a single folded ballot. The key to the lock will be retained by the chairperson of the election board and the judge, clerk, and teller of each polling place will not be issued a duplicate key. The judge of each polling place shall count all ballots delivered from the Chairman of the Election Board or his/her authorized representative, and shall be responsible for an account of all ballots and other election materials until delivered to the Chairman of the Election Board as in Section II of this Ordinance

SECTION 7 – VOTER REGISTRATIONS AND VOTING LIST

A. REGISTRAR – The General Election Board shall designate a registrar for voters. A designated member of the election board shall have custody of all registration books, records, and materials, and shall be responsible for safekeeping and maintenance of such. Any member of the Election Board shall be considered a designated registrar. All new registrations shall be turned in at each meeting or any time prior to close of registration period.

B. REGISTRATION RECORDS – The official registrar for each polling place shall be contained in binders designated as "Register of Electors" arranged alphabetically and designed to record all necessary

information. A duplicate set of registration records shall be maintained by the election board as a, "Central File."

C. HOW TO REGISTER TO VOTE – Any member of the Caddo Nation, otherwise qualified to vote, who desires to become eligible to vote at a polling place, shall register either in person, by mail with the Election Board, with the Enrollment Office, email, or fax. Any member of the Caddo Nation, otherwise qualified to vote, who desires to become eligible to vote by absentee ballot and who lives further than thirty-five (35) miles from a designated polling place, or has permanent physical disabilities shall register either in person, by mail with the Election Board, with the Enrollment Office, email, or by fax. Upon completion of his/her registration, each elector shall use the Caddo Nation roll number for a "Voter's Identification Card," certifying the member is a qualified voter of the Caddo Nation and designating the particular polling place where the voter is eligible to vote.

D. HOW TO TRANSFER REGISTRATION – The registration of any registered voter who desires to change his polling place shall be transferred to the polling place where he wishes to vote upon his written request to the Election Board.

E. REGISTRATION PERIOD – Any member of the Caddo Nation otherwise qualified to vote, shall register between the hours of 8:00 A.M. to 4:30 P.M., Monday thru Friday, five (5) days prior to the day of the election. Registration shall re-open on the next working day following the election.

F. PREPARATION AND POSTING LISTING OF REGISTERED VOTERS – Upon the close of registration the Election Board shall prepare for each polling place a list of all registered voters entitled to vote at that polling place as shown by the official registration records. At least ten (10) days prior to each election, the election board shall post a current list of registered voters at the Caddo Nation Office.

SECTION 8 – ABSENTEE VOTING

Absentee ballots shall be issued for all elections as provided for in Article VII, Section 2 of the Constitution.

A. BASIS FOR PROVIDING ABSENTEE BALLOTS

1. TEMPORARY ABSENTEE – Whenever a qualified resident voter expects to be, on the day of election, absent for any reason, including illness, from the vicinity of their polling place where they are registered to vote, that person shall request in writing, an absentee ballot for the given election in the manner provided in Section 8-d below.
2. PERMANENT ABSENTEE – Any qualified resident with permanent physical limitations, eighteen (18) years of age or older, or any qualified resident who is sixty-five (65) years of age or older, shall be entitled to permanent absentee status. The initial request must be in writing and submitted to the election board, in the manner provided in Section 8. d., below the election board shall determine whether a person is entitled to permanent absentee status.
3. NON RESIDENT ABSENTEE – Registered voters who reside more than thirty-five (35) miles from the nearest polling place may request to be considered non-residents for purposes of participating in tribal elections. As such, they shall be entitled to vote by absentee ballot in all elections unless they change their residence to within thirty-five (35) miles of a polling place. The election board shall determine whether a person is entitled to non-resident status.

B. NOTIFICATION – Non-Resident Absentee and Permanent Absentee voters shall be notified by mail of the calling of elections, the issues and/or candidates to be voted on, and shall be advised of the proper manner of voting.

1. The election board, by mail, will notify as many registered voters as possible of any and all elections and on any and all issues.

C. PROPER ADDRESS – It shall be the duty of all voters to provide a current mailing address to the election board.

D. MANNER OF REQUESTING AND ISSUING ABSENTEE BALLOTS – All requests for absentee ballots should be received not less than seven (7) days before Election Day, so as to allow sufficient time for ballots to be supplied and returned by the election date. Any ballots received following the closing of the polls shall not be counted. Each application for an absentee ballot shall be made individually in writing by the voter who is to cast the ballot. Upon receipt of a valid request the Election Board shall forward to the voter all necessary forms, ballots, and instructions to be used in the pending election. The election board shall maintain a file of all applications received with the date of receipt stamped thereon. Further, the file shall show the names and addresses of all persons to whom absentee ballots are mailed, including the date of mailing. Each such ballot shall be marked with the words, “Absentee Ballot.”

When an absentee ballot has been issued, the Election Board Secretary shall immediately mark the concerned individual’s record accordingly in order to inform the officials that the voter has received an absentee ballot. Prior to Election Day, records should be adjusted.

E. EXECUTION AND RETURN OF BALLOTS – The absentee voter shall mark and fold the ballot and enclose it in the inner envelope supplied by the election board. He/She shall execute the affidavit supplied which shall be in the following forms:

I, _____, hereby certify that I am a qualified voter of the Caddo Nation of Oklahoma; that I will be eighteen (18) years of age or over/older at the election date and am entitled to vote in the election to be held on _____; and that I cannot appear at the polling place on the date of the election because (indicate one of the following reasons): I am a non-resident voter ____; or I expect to be temporarily absent from the polling districts ____; or because of illness; or physical disability ____; I further certify that I marked the enclosed ballot in secret.

Signed: _____
(Voter’s Signature)

The absentee ballots shall remain in the locked box provided for the purpose in the Binger Post Office until 10:00A.M. on the day of election, at which time the Chairman of the Election Board or an election official designated by the Chairman shall receive the locked box from the Post Office and shall personally transport same to the canvass site where it shall be delivered immediately, still locked, to the main polling place. No absentee ballots will be received at any time or by means other than provided for in this section which is by mail.

SECTION 9 – DUTIES OF POLL OFFICIALS AND VOTERS The duties of the judge, clerk, and teller in the conduct of the balloting shall be as follows:

A. The judge shall be chairman of the polling place election officials. He/She shall be responsible for all arrangements including availability of ballots and other election materials necessary to conduct balloting at this designated polling place. He/She shall also provide sufficient private booths or other places for the voters to mark their ballots in secrecy.

B. The Polling Place – The election officials shall be present at the designated polling place on election day in time to permit voting to begin when the polls open and shall remain until the polls close. The locked ballot box, with marked ballots still in tact, unmarked ballots, register of electors, and list of voters will be turned over for delivery as provided in this ordinance.

C. Before the balloting begins, the judge, clerk, and teller shall open and inspect the ballot box to determine that it is empty. The ballot box shall then be locked and shall remain locked until time to count the ballots. The ballot box will not be opened at the polling place for any reason.

D. After opening of the polling place, each voter upon presenting himself/herself to vote shall announce to the polling officials his/her name and address. Any voter who signs with an “x” or thumb print shall have his/her mark witnessed by two (2) election officials. Each voter must sign the poll book before he/she may receive a ballot. Upon determination of the voter’s eligibility, this polling official shall issue a ballot or ballots to the voter.

E. Upon the receipt of a ballot or ballots, the voter shall retire to one of the private voting booths or other designated place and there in mark his/her ballot or ballots in secrecy. Only one (1) person shall occupy a voting booth at one time except as provided elsewhere in this section. The elector shall mark his/her ballot with either an “X” or a check mark using the instrument provided by the election officials. Either mark, to be valid must be identifiable with the appropriate square or place on the ballot for which it is intended. No other mark shall be recognized as proper. After the ballot or ballots are so marked, the voter shall tear off the stub or stubs and shall fold the ballot or ballots so that the printed sides are completely concealed and deposit the folded ballot or ballots in the ballot box. All stubs shall be deposited in a box provided for that purpose.

F. In the event a voter appears at the polls to vote, with or without a registration card and finds that his/her name does not appear on the official register of electors for that polling place, the polling officials shall determine by telephone contact with the secretary of the election board or chairman, whether that person is, in fact, duly registered. Should he/she be found entitled to vote, he/she shall be permitted to cast a ballot. Should it be determined that he/she is not entitled to vote in that election, such decision shall be final.

G. Voting out of designated polling place – Should a registered voter appear at polling place out of his/her designated polling place and announces that he/she request to vote at that polling place, the election official shall contact by phone the Election Board Secretary or Chairperson requesting information on whether this person has voted in his/her designated polling place. If no ballot or ballots have been cast, then the voter may be issued an “Absentee Ballot.” Voters voting out of his/her designated polling place shall not be permitted to vote for a Caddo Nation Representative from that district.

1. Should an absentee voter appear at a polling place and wishes to cast a ballot or ballots, it shall be permitted. The ballot or ballots shall be place in a special envelope marked “Challenged”,

and will be only counted if the voter did not send in an absentee ballot or ballots. Should an absentee voter who

H. When any voter presents him/her for a ballot and states that because of physical disability or infirmity, is unable to mark his/her ballot,-one of the election officials shall cause such voter to be sworn after the following:

“Do you solemnly swear (or affirm) that you are unable to mark your ballot for voting because of a physical disability or infirmity?”

Should the voter so qualify themselves, it shall be the duty of two (2) polling place officials to give the voter such assistance as needed, but in all such instances the voter must state without suggestions from either officials, the way they wish to vote, and in no instance shall an election official by work, action, or expression attempt to influence the voter as to how they should vote. Such assistance shall be given in privacy and all persons other than the election officials shall be kept sufficiently distant so they will not hear or know how such infirm elector voted.

I. All elections shall be held on Saturday, and polls open between the hours of 8:00 A.M. and 6:00 P.M. Any persons waiting in line to vote at closing time shall be permitted to vote, but those presenting themselves after the hour for closing of the polls will not be permitted to vote.

J. Training for polling place workers will be held at least one day prior to the election.

SECTION 10 – HANDLING OF SPECIAL CIRCUMSTANCES

A. VOIDING BALLOTS – Should an elector, (voter), make a mistake in marking a ballot or mutilate it in an effort to vote, it shall be folded and returned to the election official. The elector, in the presence of the election officials, shall then destroy the ruined ballot except for the stub. The stub shall be marked “void” by the election official in the space provided and another ballot issued to the elector, in the same manner as the first ballot. The election official shall not write the name of the elector (voter) on the voided ballot, but shall print the words “duplicate of number ____.” The number placed in the space provided will be the number of the ballot that was marked “void” by the election official.

B. ALTERNATES FOR POLLING OFFICIALS – Should any election official of any of the polling places become ill or have an unforeseen emergency arise, the chairman of the election board shall be notified immediately, so that an alternate shall be prepared to assume the responsibilities of the vacated position.

C. ELECTIONEER AND LOITERING – No person shall be allowed to electioneer within 100 feet of the building where and when the election is in progress. Neither shall any loitering be permitted in the polling place during the voting hours. It shall be the duty of the election officials at the polling place to obtain such assistance as may be required to maintain order about the building during the process of the election.

D. TIES – In the event upon completion of canvass of election results as prescribed in Section 11 of this ordinance, the tally reveals that two or more candidates have received the same number of votes and that this number is higher than the number of votes received by any other candidate in that contest, the election board shall conduct a recount of the ballots cast in the contest. Should a tie exist at the completion of the recount, the election board will conduct a special election limited to the tied

candidates. The same procedure shall be followed in the event that the affirmative and negative voters are tied in an election involving issues, a referendum, or a recall.

E. The chairperson of the election board shall have the only key for each ballot box. On the day of the election, the chairperson shall have one (1) duplicate key made for each ballot box and place such in the post office box of the election board for safe keeping. These keys will remain in the post office box, unless unforeseen circumstances arise.

SECTION 11 – CAVASS OF ELECTION RESULTS

The judge, clerk, and teller, upon closing of the polls, shall notify the chairperson of the election board, that said polls have closed. All locked ballot boxes, with marked ballots still in tact, unmarked ballots, register of electors, lists of voters shall be delivered to the chairperson of the election board within two (2) hours of the closing of the polls, (time limit depending of destination of polling place). The election board chairperson shall issue a signed receipt for the ballot boxes, marked ballots and unmarked ballots, list of voters, and any other election materials. All election materials shall be kept in secured place designated by the election board.

A. POLL WATCHERS – Each candidate for a position of the Tribal Council is entitled to choose one person to observe, on his/her behalf, counting of ballots for each polling place. The candidate shall notify the election officials of the person observing on the behalf. In elections to vote on issues, the election board may designate two (2) watchers for each polling place to observe the counting of the ballots; One (1) to represent each side of the question under consideration No watchers shall in any way interfere or hinder the election officials in exercising their responsibility.

B. COUNTING THE BALLOTS – Immediately after closing the polls, the election officials at each polling place shall exercise the following:

1. The judge of the polling place, in the presence of the clerk and teller, shall announce the polling place is closed and no others ballots can be cast.
2. The judge, clerk, and teller shall gather all election material and deliver to the Binger polling place to be counted.
3. The judge, clerk, and teller of each polling place shall deliver the unlocked ballot boxes, with marked ballots still in tact, unmarked ballots and all other election material to the chairperson of the election board, at the Binger polling place. The chairperson, in the presence of the judge, clerk, teller, and other election board officials, shall count all unmarked ballots, inspect the ballot boxes, and list of voters, making sure the numbers correspond. Then, the chairperson of the election board will certify receipt of such.
4. The chairperson of the election board shall unlock the ballot boxes, in the presence of the election board officials, judge, teller, and clerk of each polling place, and any poll watchers designated, to count each ballot. The chairperson shall verbally announce the choice or choices indicated on the ballot. The election board officials shall record such information on tally sheets provided for such purpose.

5. If the number of votes cast in the ballot box is found to exceed the number of names on the tally sheets by the election board officials.

C. PREPARATION FOR COUNTING ABSENTEE BALLOTS – After the receipt of the absentee ballots as provided in Section 8.e., the election board secretary and other election board officials in the presence of the poll watchers shall open the outer envelopes, but leave the inner envelope unopened at this point. The secretary shall then determine whether the person whose name is signed to the affidavit is a duly registered voter and check said voter against the absentee voting list. The sealed inner envelope shall then be dropped into the official ballot box and remain there until the actual count of all absentee ballots is started. Any ballots not properly submitted in accordance with the instructions in Section 8 for absentee balloting shall not be counted.

D. HANDLING OVERNIGHT ENVELOPES – Overnight envelopes shall be inspected making sure the envelope is intact. After opening the overnight envelope, the contents should be in the sealed outer envelope and then handled in the same manner as in Section 11. Overnight absentee ballots shall be counted.

E. COUNTING ABSENTEE BALLOTS – When everything is in readiness, the Chairman of the Election Board shall open the absentee ballot box, after which the count shall be made by the election board. A list of the names of all absentee voters and their marked ballots shall be deposited in an appropriate container and kept at the registrar's office.

F. IMPROPERLY MARKED BALLOTS – Should a portion of a ballot be improperly marked, it shall not exclude from the tally that part which is correctly executed. Any ballot on which the intent of the voter cannot be determined shall be preserved and filed with ballots submitted for safekeeping with the notation placed on the face of the ballot indicating it was not counted.

G. ANNOUNCEMENT OF RESULTS – Upon completion of the tally, the election board officials shall execute a certification of the voting results for each polling place and thereafter will post a copy of such notice at each polling place. Notice shall be posted no later than the Sunday following the Election Day.

SECTION 12 – CONTEST OF ELECTION RESULTS

A. Any qualified voter of the Caddo Nation may at any time before 12:00 noon on the Friday immediately following the Saturday election, file with the election board, a challenge of the correctness of the announced results of the tribal election and request a recount of the ballots. The request shall specify the candidate or position on behalf of which the request is being filed.

The request for a recount must be in writing, signed, and accompanied by a \$100.00 recount fee. If a requester is successful in the recount, i.e., the candidate or position on behalf of which the request was filed, is determined the winner at the end of the recount, one-half, (1/2), of the fee (which is \$50.00) shall be returned. If the recount is unsuccessful in regard to the requester i.e., the candidate or position on behalf of which the request was filed, is not determined the winner at the end of the recount, the requester forfeits the full \$100.00 recount fee.

This recount fee shall be made with a money order or cashier's check. No cash or personal checks will be accepted.

B. PROTEST NOT INVOLVING RECOUNTS – Any qualified voter of the Caddo Nation may at any time before 12:00 noon on the Friday immediately following the Saturday election, file with the election board, a protest or challenge concerning any aspect of the election. Such protest or challenge must be made in writing, signed by the protester, and accompanied by a \$275.00 protest fee. The election board will respond, in writing, to such proper protest or challenge not later than 12:00 noon on the first Wednesday following the closing of the protest period.

Should the protest or challenge be found to be a legitimate claim, a full refund of \$275.00 shall be returned to the protester.

The protest fee of \$275.00 shall be made with a cashier's check or money order. No cash or personal checks will be accepted.

Pursuant to Article IV, Section 2, of the Constitution, decision of the Election Board shall be final.

C. CONTEST PETITION – A candidate or registered voter contesting tribal election shall, by 12:00 noon on Friday, six (6) days after completion of the tally of the election and declaration of the results, file with the election board a statement in writing setting forth their particular grounds for the contest. Which contest statement must be accompanied by a deposit of \$275.00.

This deposit shall be made with a cashier's check or money order. No cash or personal checks will be accepted.

D. The statement shall be verified by an affidavit of the contestor(s) attesting that the matters contained therein are accurate and true.

After the statement is filed and the deposit paid, the election board shall set a time for a hearing of the contest, no later than five (5) days after the date on which the statement of contest was filed. Written notice of such hearing shall be mailed or delivered to each candidate for the office contested.

After hearing the proofs and allegations of the contestant(s), the election board shall make their judgment either setting aside or confirming the election. The decision of the election board shall be rendered within two (2) days after the hearing of the contest by the election board. Such decision is final.

E. Any persons desiring to pursue matters further, i.e., through tribal court, etc., if said person is unsuccessful in their bid to change the decision of the election board, then any and all legal fees that are incurred by the election board shall be borne by said person.

TYPES OF ELECTIONS

A. ELECTION OF TRIBAL COUNCIL MEMBERS

- A. ELECTION DATE – Regular Caddo Nation Council elections shall be conducted on the second Saturday in July to fill vacancies which occur.
- B. TERM OF OFFICE – (Article IV Section 3 of the Constitution) The term of office of a member of the Council shall be for a period of four (4) years or until a successor is duly elected and installed in office except for the first election held under this constitution. At the first election, the Tribal Chairman and Treasurer and the District Representatives of Oklahoma City and Binger shall

serve two (2) years. The Vice-Chairman, Secretary, and District Representatives from Anadarko and Fort Cobb shall serve (1) year. Thereafter, all terms will be four (4) years. The Tribal Chairman shall be eligible to be elected to serve three (3) consecutive terms as provided for in Article IV, Section 3 of the Constitution. At the completion of his/her third consecutive term of office, he/she shall not be eligible for reelection or appointment to fill a vacancy on the council until a period of two (2) years has elapsed. In each of the above instances, the term of office shall be for the specified time, unless the incumbent is earlier removed or recalled, dies, or resigns.

- C. QUALIFICATIONS OF CANDIDATES AND OFFICERS – All members of the Caddo Nation who will have reached the age of twenty-one (21) years or over by the date of the election shall be eligible to become candidates for election to membership on the Tribal Council except those persons convicted in court of felony, within two (2) years immediately preceding the election or when in office or any Caddo Member who is indebted delinquent to the Caddo Nation in excess of two (2) years. Candidates for a position as District Representatives must physically reside within the district they represent. Candidates for positions of Tribal Chairman, Vice-Chairman, Secretary and Treasurer must be residents of Southwestern Oklahoma which is defined as all counties touched by a sixty-five (65) mile radius whose beginning point is Anadarko, Oklahoma. Residency within the prescribed area must be maintained during the tenure in office by District Representatives and Officers. (Article IV, Section 4).
- D. FILING FOR OFFICE – A person qualified pursuant to Article IV, Section 4, seeking election as a member of the council must personally file written notice of his/her candidacy for a given position. Such notice shall be accompanied by a filing fee as listed below, and filed with the Election Board.

CHAIRPERSON: \$150.00

VICE-CHAIRPERSON: \$100.00

SECRETARY: \$75.00

TREASURER: \$75.00

DISTRICT REPRESENTATIVE: \$65.00

(This fee shall be deposited in a special account to help defray costs of conducting elections.)

Persons desiring to become candidates shall file a statement to that effect during a period beginning approximately 60 days prior to the election. The candidate filing period shall be for 5 days which shall be calendar working days, Monday, Tuesday, Wednesday, Thursday, and Friday. Proper notice and information shall be available and publicly announced as to the days candidates may file. Any challenges as provided in Section 13-a (6)-shall be submitted to the Election Board within five (5) calendar working days following the close of the filing period.

5. TESTING ELIGIBILITY OF CANDIDATES – The election board shall promptly review all filing for membership on the Council, whether challenged or not to test the eligibility of each person to be a candidate. If the election board determines that a person is not eligible to be a candidate, the board shall notify such person that his/her candidacy is being challenged, giving the reasons for the challenge, and that unless satisfactory proof of eligibility is furnished within five (5) days after notification, he/she

shall be declared ineligible to be a candidate. There shall be no refund of filing fees. The election board shall make its final ruling at least thirty (30) days before Election Day. The election board shall decide all issues of eligibility of a person to be a candidate.

6. CHALLENGE OF CANDIDATES – Any qualified 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 challenge, within five (5) days after the list of candidates is posted. The election board shall promptly notify the would be candidate in writing stating the basis for the challenge and shall request that person to furnish, within five (5) days after notice, satisfactory proof that he/she is eligible to be a candidate for the position which he/she seeks. The election board shall rule on each challenge at least thirty (30) days before Election Day, and notify such person in writing of the reasons for its decision. Notification shall be given by certified mail, return receipt requested. There shall be no refund of filing fees.

7. INSTALLATION – After the certification of election has been issued, the election board shall set a date as near to August 6 as possible on which newly elected members of the Tribal Council shall be installed. At such ceremony, the following oath of office shall be administered by the Chairman of the Election Board as provided in Article 1. Section I of the By-Laws:

“I, _____, do hereby solemnly affirm that I will support and defend the Constitution of the United States against all enemies, and will carry out faithfully and impartially the duties of my office to the best of my ability and will promote and protect the best interests of the Caddo Nation in accordance with the Tribal Constitution and By- Laws.

B. FILING OF VACANCIES OF TRIBAL COUNCIL – In the event a vacancy occurs in the office of Tribal Chairman and less than one (1) year remains of his/her term of office, the office shall be filled by the Vice-Chairman of the Tribal Council who shall serve for the remainder of the unexpired term of office in the position of Chairman unless earlier removed or recalled. During the period which the Vice-Chairman serves a Chairman under these circumstances, the Vice-Chairman’s office shall not be considered vacant and he/she shall return to serve the unexpired portion of his/her own term of office upon election and installation of a Chairman. If a vacancy occurs in the office of Tribal Chairman and more than a year remains of his/her term of office, the Tribal Council shall within sixty (60) days of the vacancy cause to be held a special election in which all qualified voters of the Caddo Nation of Oklahoma may participate for the purpose of filling the vacancy.

If a vacancy occurs in the office of Vice-Chairman, Secretary, Treasurer, or District Representative the vacancy will be filled by the tribal council within sixty (60) days. The Appointee will serve until the next regular election of the tribe. Appointee must meet the same qualifications for office as a candidate in accordance with Article IV, Section 4. In the event the vacancy occurs in the office of Secretary or Treasurer, the council shall select one of its members to perform the duties of the vacant office until such vacancy is filled. (Article VIII, Section 1 & 2). In the event of an election, the election shall be held in the manner set forth in Section 13. a., of this ordinance where it does not conflict with provisions of the section

B. Initiative Elections – The members of the Caddo Nation shall have the power to establish policy or enact ordinances consistent with the Constitution by Petition to the Tribal Council bearing the language of the proposed policy or ordinance and the signatures of at least fifty (50) of the registered voters of the Tribe, provided that, in an election, which must be called by the Tribal Council and conducted within

sixty (60) days of the receipt of valid petition, a majority of the voters who cast ballots in such election, so demand. Notice of such petition election shall be given to the registered voters at least fifteen (15) days prior to such an election. The Tribal Council shall be bound by the results of such election for at least one (1) year from date of that election.

The members of the Caddo Indian Nation shall have the power to reject any action of the Tribal Council by petition to the Tribal Council bearing the language of the action sought to be rejected and the signatures of at least fifty (50) of the registered voters of the tribe provided that, in an election which must be called by the Tribal Council and conducted within sixty (60) days of the receipt of a valid petition a majority of the voters voting who cast ballots demand. Notice of such petition election shall be given to registered voters at least fifteen (15) days prior to such election. The Tribal Council shall be bound by the results of such election for at least one (1) year from date of that election. (Article IX, Sections 1 & 2)

It shall be the duty of the Election Board to call and conduct Initiative elections pursuant to the above provision using the procedures established elsewhere in this ordinance for regular elections provided such provisions do not conflict with constitutional requirements for Initiative elections.

D. RECALL ELECTIONS – Grounds for Recall – It shall be the responsibility of the Hearing Board pursuant to Article IV. HEARING BOARD, SECTION 6, of the Caddo Nation Constitution and By-Laws to decide whether a proposal to recall a Tribal Official shall be denied or submitted to the Election Board which shall conduct a recall election. (Article XII. Section 2)

The petition must be submitted to the Tribal Chairman or in his/her absence his/her designated representative, according to Article VI. Section 3 & 4, of the Tribal Constitution the Chairman or his/her designated representative will in turn submit the petition to the Election Board for their validation and subsequent call of election.

It shall be the duty of the Election Board to call and conduct recall elections pursuant to the above provision using the procedures established elsewhere in this ordinance for regular elections provided such provisions do not conflict with constitutional requirements for recall elections.

SECTION 14 – ELECTION EXPENSE ACCOUNT

An expense account shall be set up on behalf of the Caddo Nation General Election Board by the Caddo Nation Finance Department and managed by the finance department.

SECTION 15 – POLICIES AND PROCEDURES

Policies and procedures for the election board shall be upheld under this ordinance.

SECTION 16 – AMENDMENTS

The Tribal Council may amend this ordinance by a majority vote of a quorum at any meeting of that body.