RESOLUTION NO. KL-CY-2022-XXX
KIOWA TRIBE ELECTION LAW OF 2022

At a duly called session of the Legislature of the Kiowa Tribe held this XX day of XXXXX, 2022, the following resolution and law were adopted.

WHEREAS, the members of the Kiowa Tribe voted to approve the new Constitution of the Kiowa Tribe (“Constitution”) on April 17, 2017 through a Secretarial Election conducted by the BIA; and,

WHEREAS, Prior to the final approval of the Kiowa Tribe’s new Constitution by the BIA, the Kiowa Business Committee enacted the First Election Law of 2017 to govern the implementation of the New Constitution and the First Election; and,

WHEREAS, The Legislature is vested with the authority to pass laws and resolutions pursuant to Article IV, Section 6(a) of the Constitution of the Kiowa Tribe; and,

WHEREAS, On March 10, 2018, the Kiowa Tribe Legislature determined that it was in the best interest of the Tribe to reaffirm the First Election Law by enacting The First Amendment of the First Election Law of 2017; and,

WHEREAS, Article IX, Section 3(a) of the Constitution states, there shall be an Election Commission vested with the responsibility to conduct all elections in a fair and impartial manner in accordance with the Constitution and laws of the Tribe; and,

WHEREAS, the Legislature has identified that no election laws have been enacted to provide additional guidance to the Election Commission since the First Election laws had been adopted; and,

WHEREAS, the Legislature deemed it necessary and proper to create a new election law to establish rules and regulations in the conduct of the election process.

NOW THEREFORE BE IT RESOLVED, that the Legislature hereby enacts the attached “KIOWA TRIBE ELECTION LAW OF 2022”.

BE IT FURTHER RESOLVED, that this law shall supersede all laws, resolutions, policies, and ordinances that pertain to Kiowa Tribe Elections.
CERTIFICATION

The foregoing resolution KL-CY-2022-xxx was duly voted upon by the Legislature on XXXXX, XX, 2022, at a Legislative Regular Session with a vote of ( ) in favor and ( ) opposed, ( ) abstaining, and ( 0 ) absent, pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

Anita Onco-Johnson
Legislative Secretary

LEGISLATURE - RESOLUTION NO. KL-CY-2022-000X:

SPONSOR: Jessie Svitak, District IV Legislator

<table>
<thead>
<tr>
<th>LEGISLATORS</th>
<th>Hâu</th>
<th>Hâu:né</th>
<th>Háun á</th>
<th>Héŋgyádáu</th>
</tr>
</thead>
<tbody>
<tr>
<td>District I</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District II</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District III</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District IV</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District V</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District VI</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District VII</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DELIVERY OF THE RESOLUTION AND LAW TO THE CHAIRMAN

Resolution No. KL-CY-2022-xxx was presented to the Chairman of the Kiowa Tribe on the ______ day of XXXXX, 2021, pursuant to the Article VI, Section 8(a)(iv) of the Constitution of the Kiowa Tribe, and will become effective after signature by the Chairman or veto override by the Legislature, and as otherwise required by the Constitution.

Anita Onco-Johnson
Legislative Secretary
CHAIRMAN’S ACTION:
[ ] APPROVED
[ ] VETO - RETURNED TO LEGISLATURE WITH EXPLANATION:

On this ____ day of _________, 2022.

Matthew M. Komalty
Chairman of the Kiowa Tribe

Presented by the Chairman to the Legislature on the ____ day of _________, 2022.

LEGISLATURE’S ACTION:
Override of Chairman’s veto:
[ ] YES
[ ] NO

<table>
<thead>
<tr>
<th>LEGISLATORS</th>
<th>Hâu</th>
<th>Hâu:né</th>
<th>Háun á</th>
<th>Héŋgyádàu</th>
</tr>
</thead>
<tbody>
<tr>
<td>District I</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kyle Ataddlety</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District II</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Michael Primus</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District III</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marilyn Bread</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District IV</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jessie Svitak</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District V</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anita Johnson</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District VI</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ben Wolf</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District VII</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacant</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CERTIFICATION

The foregoing resolution KL-CY-2022-000X was duly voted upon by the Legislature on ________________, 2022, at a Legislative Order Session with a vote of _____ in favor and _____ opposed, and _____ abstaining, _____Absent. Pursuant to the authority vested in the Legislature by the Constitution of the Kiowa Tribe.

_____________________________________
Anita Onco-Johnson
Legislative Secretary
Section 1.1 Short Title
This enactment shall be known as the “KIOWA TRIBE ELECTION LAW OF 2022”.

Section 1.2 Purpose
The purpose of the law is to provide guidance and procedures the Kiowa Election Commission to conduct elections in a fair and impartial manner. To clarify, outline and further delineate the authority, duties and responsibilities of the Kiowa Election Commission.

Section 1.3 Findings
The Legislature hereby finds and declares that:

a. The Legislature has identified that no additional election laws have been enacted since the Legislature enacted the First Amendment of the First Election Law of 2017.

b. It is essential for the Kiowa Tribe to have election rules and regulations consistent with the current Constitution of the Kiowa Tribe to provide guidance and direction to conduct fair and impartial elections.

c. The lack of established election procedures has diminished the confidence of the Kiowa voters in the current electoral process.

Section 1.4 Establishment of Kiowa Tribe Election Law of 2022

a. This law shall govern all elections and election related activities consistent with the Constitution.

b. This law shall be immediately effective upon its completion of the Open Legislative Process in accordance with the Constitution, Article VI, § 8 (a).

c. All regulations and procedures will be in accordance with the Constitution of the Kiowa Tribe. When conflicts arise, the Constitution of the Kiowa Tribe shall supersede.

d. All prior election ordinances, laws, amendments and/or regulations or procedures formerly utilized by the Kiowa Tribe and Kiowa Election Commission in the conducting of elections are hereby repealed.

Section 1.5 Amendment
Any subsequent amendments made to this law must be enacted by the Legislature in accordance with an open legislative process as required by the Kiowa Constitution. A statement shall be included in the purposed resolution identifying the specific provision which will be superseded, repealed, or amended.

Section 1.6 Severability
If any provision(s) of this law are declared invalid by the Judicial Branch, the invalid provision(s) shall be severed and the remaining provisions shall continue in full force and effect.
KIOWA TRIBE ELECTION LAW OF 2022

ENACTED BY RESOLUTION: KL-CY-2022-000X

KIOWA TRIBE LEGISLATURE
KIOWA TRIBE ELECTION LAW OF 2022

Table of Contents

PART 1 – GENERAL PROVISIONS .......................................................................................................................... 5
 Section 101. Authority ........................................................................................................................................ 5
 Section 102. Purpose ........................................................................................................................................ 5
 Section 103. Definitions ...................................................................................................................................... 5
 Section 104. Severability .................................................................................................................................. 6
 Section 105. Interpretation and Application of the Law ..................................................................................... 7
 Section 106. Confidentiality ............................................................................................................................. 7
 Section 107. Enactment ..................................................................................................................................... 7
 Section 108. Amendments .................................................................................................................................. 7
 Section 109. Emergency Exceptions .................................................................................................................. 7

PART 2 – KIOWA TRIBE ELECTION COMMISSION ........................................................................................... 8
 Section 201. Establishment ............................................................................................................................... 8
 Section 202. Composition .................................................................................................................................. 8
 Section 203. Nominations and Confirmations .................................................................................................. 8
 Section 204. Oath of Office ............................................................................................................................... 9
 Section 205. Terms ........................................................................................................................................... 9
 Section 206. Qualifications ............................................................................................................................. 10
 Section 207. Duties of Election Commission Members .................................................................................... 10
 Section 208. KIowa Indian Council ................................................................................................................ 11
 Section 209. Limits ........................................................................................................................................... 11
 Section 210. Election Commission Chairman ................................................................................................ 12
 Section 211. Election Commission Office ..................................................................................................... 13
 Section 212. Meetings ....................................................................................................................................... 13
 Section 213. Compensation ............................................................................................................................. 14
 Section 214. Vacancies ..................................................................................................................................... 14
 Section 215. Causes for Removal of an Election Commission Member ............................................................ 15
 Section 216. Removal Process of an Election Commission Member ................................................................. 16

PART 3 – VOTER REGISTRATION AND QUALIFICATIONS .................................................................................... 17
 Section 301. Voters ............................................................................................................................................ 17
 Section 302. Voter Registration ........................................................................................................................ 17
 Section 303. Voter Registration Lists ................................................................................................................ 17

PART 4 – CANDIDATE QUALIFICATIONS AND CANDIDATE FILING .................................................................. 19
 Section 401. General Qualifications ............................................................................................................... 19
KIOWA TRIBE ELECTION LAW OF 2022

Section 402. Special Qualifications for Chairman and Vice-Chairman .......................................................... 19
Section 403. Special Qualification for District Legislators .................................................................................. 19
Section 404. Filing for Candidacy .................................................................................................................... 20
Section 405. Required Documentation for Candidate Filing ........................................................................... 20
Section 406. Declaration of Candidacy Form .................................................................................................... 21
Section 407. Proof of Tribal Membership ....................................................................................................... 21
Section 408. Establishment of Residency ........................................................................................................ 21
Section 409. Consent for Background Check .................................................................................................. 22
Section 410. Proof of Education ....................................................................................................................... 22
Section 411. Consent Form to the Kiowa Finance Department ........................................................................ 22
Section 412. Nomination Petition .................................................................................................................... 22

PART 5 – VERIFICATION OF ELIGIBILITY ..................................................................................................... 24
Section 501. Preliminary List of Candidates .................................................................................................... 24
Section 502. Ineligible Candidacy .................................................................................................................. 24
Section 503. Challenges to Candidacy ........................................................................................................... 25
Section 504. Final Candidate List .................................................................................................................. 25

PART 6 – BALLOTS .......................................................................................................................................... 27
Section 601. Official Ballots .............................................................................................................................. 27
Section 602. Development of Ballot ................................................................................................................ 27
Section 603. Candidate Information .............................................................................................................. 28
Section 604. Tribal Questions on the Ballot ...................................................................................................... 28
Section 605. Absentee Ballot ........................................................................................................................... 28

PART 7 – ELECTIONS ...................................................................................................................................... 30
Section 701. Authority ....................................................................................................................................... 30
Section 702. Notice of Election ....................................................................................................................... 30
Section 703. Absentee Voting Permitted ......................................................................................................... 30
Section 704. Primary Elections ...................................................................................................................... 30
Section 705. General Elections ...................................................................................................................... 31
Section 706. Request for Absentee Ballots ...................................................................................................... 31
Section 707. Absentee Ballot Request Form ................................................................................................... 31
Section 708. Issuing Absentee Ballots ............................................................................................................ 32
Section 709. Marking Absentee Ballots .......................................................................................................... 32
Section 710. Security of a Returned Absentee Ballot Packet .......................................................................... 33
Section 711. Polling Sites ............................................................................................................................... 33
KIOWA TRIBE ELECTION LAW OF 2022

Section 712. Poll Site Officials. .................................................................33
Section 713. Delivery and Account of Ballots. ........................................34
Section 714. Poll Site Voting Procedures. ................................................34
Section 715. Voters Requiring Assistance. .............................................35
Section 716. Spoiled or Mutilated Ballots .............................................35
Section 717. Electioneering and Loitering ............................................36
Section 718. Poll Site Watchers. .........................................................36

PART 8 – CANVASS OF ELECTION RESULTS ......................................37
Section 801. District Polling Sites. ........................................................37
Section 802. Processing of Absentee Ballots. .......................................37
Section 803. Poll Watchers. .................................................................38
Section 804. Summary Election Canvassing. ........................................38
Section 805. Preservation and Sealing of Ballots ..................................39
Section 806. The Unofficial Results .....................................................39

PART 9– CHALLENGES TO ELECTION RESULTS ...............................40
Section 901. Protest of the Election Results ........................................40
Section 902. Burden of Candidate to Provide Evidence ........................40
Section 903. Candidate Recount Request. .........................................40
Section 904. Recount Process. .............................................................40
Section 905. Final Determination. .......................................................41
Section 906. Appeal. ........................................................................41
Section 907. Ties .............................................................................41
Section 908. Official Election Results ...............................................41

PART 10– SPECIAL ELECTIONS ............................................................42
Section 1001. Types of Special Elections. ..........................................42
Section 1002. Vacancies. ..................................................................42
Section 1003. Referendum Election ...................................................42
Section 1004. Initiative Election ..........................................................43
Section 1005. Referendum and Initiative Procedures ..........................43
Section 1006. Constitutional Amendment ..........................................43

PART 11—REMOVAL OF ELECTED OFFICIALS .................................44
Section 1101. Removal of Legislators by Referral to Recall Election .......44
Section 1102. Recall Election ...............................................................44
Section 1103. Written Request and Filing Fee ....................................44
PART 1 — GENERAL PROVISIONS

Section 101. Authority

a) The new Constitution of the Kiowa Tribe was approved on April 17, 2017 by a Secretarial Election held by the United States Department of the Interior, Bureau of Indian Affairs.
b) This law is enacted under the authority granted to the Kiowa Legislature pursuant to the Constitution of the Kiowa Tribe to make laws, and resolutions in accordance with the requirements of the Constitution.\(^1\)
c) All Commissions shall be subject to the laws of the Tribe.\(^2\)

Section 102. Purpose

a) The intent and purpose of this law is to establish a law that ensures the conducting of fair elections and to ensure the secrecy and sanctity of the ballot. All regulations and procedures promulgated toward the implementation of this law shall be written and administered to accomplish this purpose and intent.
b) All regulations and procedures will be in accordance with the Constitution of the Kiowa Tribe. When conflicts arise the Constitution of the Kiowa Tribe shall supersede.

Section 103. Definitions

For the purposes of this law the following definitions shall be apply.

a) **Absentee Ballot** – An official ballot that has been requested by the voter and been mailed in advance of an election to a voter who is unable to be present at the polls.
b) **Absentee Voter** – An eligible voter who is registered in a district and has requested an Absentee Ballot in accordance with the provisions of § 10 of this law.
c) **Calendar Days** – means the timeline consisting of all days, including holidays and weekends with day one (1) of any timeline being the first day of a particular event. As an example, for a document that is received on Monday that provides up to five (5) days to respond, day one (1) would be Monday.
d) **Chairman** – refers to the Chairman of the Kiowa Tribe
e) **Constitution** – means the Constitution of the Kiowa Tribe which was approved on April 17, 2017.
f) **District(s)** – refers to the seven Kiowa Tribal Districts
g) **Election Chairman** – shall refer to the Election Commission member duly selected to serve as the Chairman of the Election Commission
h) **Election Commission** – The commission established by Article IX § 3. (a)(b) of the Constitution vested with the responsibility to conduct all elections of the Kiowa Tribe.
i) **Election Commission Member** – the Tribal member nominated by the Kiowa Tribe Chairman and confirmed by the Kiowa Legislature to represent one of the seven Kiowa

---

\(^1\) Kiowa Constitution, Article VI, § 6(a)
\(^2\) Kiowa Constitution, Article VI, § 6(h)
Tribal Districts and to carry out the responsibilities of the Election Commission for all elections. Only one (1) member from each District shall serve as a commission member.

j) **Election Commission Clerk** – the individual employed by the Election Commission to carry out the day-to-day administrative and business activities of the Election Commission.

k) **Election Notice** – The official notice published by the Election Commission notifying voters that an election will be held on a specific date.

l) **Executive Branch** – means the Chairman and Vice-Chairman and all employees, commissions and departments subordinate to the Chairman and Vice-Chairman.

m) **Immediate Family** – shall refer to mother, father, sister, brother, son, daughter, husband, and wife.

n) **Judicial Branch** - The judicial branch means the Tribal courts and court officials as defined by Article VIII § 1 of the Constitution.

o) **Legislature** – The legislative branch means the representatives elected by the People to represent the seven (7) Districts as the Kiowa Legislature, as defined by Article VI §1 of the Constitution.

p) **Nomination Petition** – A petition filed with the Election Commission by a candidate for an elective office containing at least fifty signatures of Tribal members qualified to vote in their District in accordance with Article IX, Section 4 of the Constitution.

q) **Poll Official** – An official appointed by the Election Commission to oversee the polling site operations.

r) **Polling Sites** – Locations within each of the seven districts designated by the Election Commission for the casting of ballots in accordance with Article IX § 6 of the Constitution.

s) **Qualified Voter** – Any Tribal member who meets the requirements to register in a district in accordance with Article IX, Sections 1 and 2 of the Kiowa Constitution of 2017.

t) **Registered Voter** – An eligible tribal member of the age 18 or more at the time of the election who has registered within the district in which they reside, in accordance with Article IX § 2 of the Constitution.

u) **Rejected Ballot** – A ballot that has been improperly marked in such a way that the intention of the voter cannot be clearly determined by the Poll Officials. A Rejected Ballot shall not be counted, tabulated, or included in the results of the election.

v) **Residence** – occupying a place which is one’s primary legal and permanent address for the purpose of establishing eligibility for voting and for candidacy for office.

w) **Spoiled Ballot** – A ballot that has been marked in error by a voter and that has been returned to the poll officials by the voter to be destroyed and replaced with a new ballot.

x) **Tribe** - The Kiowa Tribe.

**Section 104. Severability.**

If any provision(s) of this law are declared invalid by the Judicial Branch, the invalid provision(s) shall be severed and the remaining provisions shall continue in full force and effect.
Section 105. Interpretation and Application of the Law
The Kiowa Tribe Election Law of 2022 shall govern all elections and election related activities consistent with this Election Law and the Constitution. The Election Commission shall not possess any law-making authority but will retain the ability to interpret this law unless such interpretation or application is found by the Tribal Courts to be contrary to the Kiowa Constitution and laws of the Kiowa Tribe.

Section 106. Confidentiality
Absolute confidentiality must be adhered to by members and staff of the Election Commission at all times. All personal information obtained by the Election Commission to determine the eligibility of candidates, shall only be made available to Commission members for their consideration during official meetings or working session of the Election Commission. Copies of such documents and information shall never be removed from the Election Commission offices by members or staff unless in responding to a court order requiring the production of same.

Section 107. Enactment
This law shall be immediately effective upon its formal approval by the Legislature by law as stated in the Constitution. All prior election ordinances, laws, amendments and/or regulations or procedures formerly utilized by the Kiowa Tribe and Kiowa Election Commission in the conducting of elections not consistent with this law or the Kiowa Tribe Constitution are hereby repealed.

Section 108. Amendments
Any subsequent amendments made to this law must be enacted by the Legislature in accordance with an open legislative process as required by the Kiowa Constitution. A statement shall be included in the purposed resolution identifying the specific provision which will be superseded, repealed, or amended. If any proposed amendment is found to conflicts with the current Kiowa Constitution such proposed provision shall be null and void.

Section 109. Emergency Exceptions.
If the need to use alternative means and/or methods in conducting of any election is necessary to fulfill the requirements of this law as of result of public health emergencies, National emergencies, or local natural disaster emergencies, the Election Commission shall submit a written request to the Legislature with details describing the perceived need and proposed plan to alter any requirements stated within this law. Any modification of the requirements shall only apply for the one specific election for which the request was made. Any temporary relief from the required provisions must be attained by a Legislative resolution which adheres to the Legislative Process in accordance with Article VI, Section 8, of the Constitution. Any modifications of the requirements must remain faithful to the mandates and provisions of the Constitution. Failure to abide by this provision shall invalidate the election results.
PART 2 — KIOWA TRIBE ELECTION COMMISSION

Section 201. Establishment
The Kiowa Election Commission was established at Article IX, § 3 of the Kiowa Tribe Constitution of 2017.

a. The Election Commission is vested with the sole responsibility to conduct all elections in a fair and impartial manner in accordance with the Constitution and laws of the Tribe.

b. Any commission established by the Legislature or by the Constitution shall be located in the Executive Branch of the government therefore the Election Commission shall be located in the Executive Branch.³

Section 202. Composition
The Election Commission shall consist of one Member from each District selected upon nomination by the Chairman and confirmation by the Legislature. Elected officials of the Tribe shall not be eligible to serve on the Election Commission.⁴ In accordance with the Constitution, the seven Kiowa Tribal Districts shall consist of the following:

1. District I: Ah-KawLay/ Anadarko
2. District II: Zoltone/ Carnegie
3. District III: DoHau-doy/ Medicine Bluff
4. District IV: Qop-aydle/ Jimmy Creek
5. District V: P'au-aydle/P'au-gul/ Red River
6. District VI: Qocaui P'au/ Elk Creek
7. District VII: Cauigu/ All Kiowa – At Large

Section 203. Nominations and Confirmations
The selection of Election Commission Members shall abide by the requirements of Article IX, Section 3 and Article XII, Section 11 of the Constitution and the Nomination and Confirmation of Appointees Act of 2017.

a. Prior to making a nomination, the Chairman shall publish a notice announcing a vacancy on the Election Commission.

b. The Chairman shall allow thirty (30) days for Members of the Tribe to submit a letter of interest to the Chairman seeking appointment to the Election Commission.

c. The Chairman shall submit all nominations to the Legislature in writing. The Chairman should include as much information and documentation as necessary to provide the Legislature with a thorough understanding of the qualifications of the nominee.

³ Kiowa Constitution, Article VI, § 6(h)
⁴ Kiowa Constitution, Article IX, § 3(b)
d. The Legislature may, upon reasonable notice, convene to conduct an interview of the nominee to determine whether it will confirm the nominee for appointment to the Election Commission.

e. The Legislature shall have the power to pass Legislative Orders to confirm or deny nominations made by the Chairman. The Legislature shall have the power to convene at any time to consider Legislative Orders. A quorum of four Legislators shall be required to be present in an official session to consider the Legislative Order to confirm or deny the nomination.

f. The Legislature shall notify the Chairman by an official letter with a copy of the Legislative Order indicating if the nominee was confirmed or denied.

g. If the Legislature takes no action on a nomination within thirty days of presentment, then such nominee shall be deemed confirmed.

h. No person may serve in a nominated and confirmed position unless the person is properly nominated in writing by the Chairman, confirmed by the Legislature, and installed into office by the Chairman. No person may serve in an “acting” or other similar capacity in a position requiring the nomination and confirmation process.

i. The Office of the Chairman shall notify the Election Commission nominee of the final result of the confirmation process.

**Section 204. Oath of Office.**

All appointed Election Commission members, shall take the oath of office and pledge to support and defend the Constitution of the Kiowa Tribe prior to assuming the duties of his/her office. The following oath of office shall be administered by a Judge or Justice.

I, _________________________, do hereby solemnly affirm that I will support and defend the Constitution of the Kiowa Tribe 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 interest of the Kiowa Tribe in accordance with the Constitution.

**Section 205. Terms**

In accordance with the Constitution, the terms of office are established as the following:

a. Election Commission Members shall serve four (4) year staggered terms.

b. An Election Commission Member shall be eligible to serve two (2) consecutive terms in accordance with the Kiowa Tribe Constitution. Upon completing the second consecutive term, the Election Commission Member shall not be eligible to serve on the Election Commission until a period of two years has elapsed.

---

5 Kiowa Constitution, Article XI, § 6(c)
6 Kiowa Constitution, Article XII, § 11(a)
7 Kiowa Constitution, Article XV, § 1
c. Prior to the expiration of a Commission members term, the Kiowa Tribe Chairman must be notified by a written notice of a forthcoming vacancy to begin with the nomination and confirmation process.

d. If a Commission member wishes to serve a second term, he or she must re-submit a letter of interest to the Kiowa Tribe Chairman after the notice announcing a vacancy has been published.

e. A partial term of seven-hundred-thirty calendar days or more shall be considered a full term.

Section 206. Qualifications

a. Must be an enrolled Member of the Kiowa Tribe.
b. Must be age eighteen or older.
c. Each Member of the Election Commission shall possess, at a minimum, a high school degree or its equivalent.
d. No person convicted of a felony shall serve as an Election Commission Member.
e. At the time of nomination, the nominee shall physically reside within the District for which he/she is being selected to serve as an Election Commission Member.
f. After the nomination and confirmation process has been completed the Election Commission Member must continue to reside within the district for which they have been selected to represent for the duration of their term or terms.
g. An Election Commission Member who, while in office, moves outside the boundary of his/her district, is convicted of a felony, convicted of a crime involving dishonesty, convicted of violating the election laws, or violates Article XII, § 1 of the Constitution shall forfeit his or her official appointment as an Election Commission member.
h. An official who is successfully recalled from office shall be ineligible to serve as an elected or appointed official of the Tribe until a period of four years has elapsed.8
i. Elected officials of the Tribe shall not be eligible to serve on the Election Commission.9

Section 207. Duties of Election Commission Members

The Election Commission shall have the responsibility of conducting all general and special elections. The Election Commission shall perform its duties as authorized by this law and other applicable laws of the Kiowa Tribe. The Election Commission shall also engage in the following activities in the performance of its responsibilities:

a. Conduct all General and Special Elections in a fair and impartial manner.
b. Ensure that all election activities adhere to the Constitution and laws of the Kiowa Tribe.
c. Conduct official meetings of the Election Commission for all decisions.
d. Members shall be required to attend official Election Commission meetings provided that reasonable notice was given.

---

8 Kiowa Constitution, Article XII, § 6(a)
9 Kiowa Constitution, Article IX, § 3 (b)
e. All email correspondence related to the Kiowa Election Commission must be conducted on the official email accounts provided by the Kiowa Tribe Information Technology department. No personal emails will be allowed.

f. All actions by the Election Commission shall be recorded in official minutes and shall be made by a majority vote of the Election Commission members present and permanently maintained and made available to all elected officials of the Kiowa Tribe.

g. A quorum of four shall be required for any official action.

h. The Election Commission shall publish an annual schedule for its regular meetings, establish and publish an agenda for each meeting, approve and maintain complete and accurate minutes of its deliberations, which shall be regularly published on the official Kiowa Tribe website.

i. Shall oversee the registration of voters and continually update current voters lists.

j. The Election Commission shall promote and encourage voter registration and voter participation in all elections.

k. Ensure that all candidates meet the constitutional qualifications for office and verify that all submitted documents are true and accurate.

l. Arrange for background checks to be conducted to determine if a candidate meets the requirements in the Constitution for all elected officials.

m. The Election Commission shall hold a meeting prior to publishing the preliminary list of candidates to certify which candidates are eligible to be an official candidate.

n. Polling sites shall be established by the Election Commission.

o. The Commission will strictly adhere to the requirements for all petition processes.

p. The Commission shall properly account for all official ballots and shall utilize an electronic identification or equivalent system to ensure the integrity of the official ballots.

q. The Commission shall certify all election results with the signatures of a minimum of four (4) commissioners.

r. The Election Commission and office staff shall seek to maintain a neutral and impartial position on all election activities in order to ensure a fair and proper election.

Section 208. Kiowa Indian Council

The Election Commission shall register attendants at KIC meetings and assist the KIC with its election process upon request. The Election Commission shall strictly adhere to the voting process established by the rules of order and procedure of the KIC.

Section 209. Limits

a. No Election Commission Member or staff may actively campaign for the nomination, election, recall or removal of any elected official.

b. No Election Commission Member or staff may be a candidate for an elected office. Prior to the submission of a nomination petition, the Commission Member must submit a written letter of resignation to the Kiowa Tribe Chairman and the Kiowa Election Commission Chairman.
c. Any Election Commission Member shall recuse themselves from all election activities if an immediate family member has initiated the process to be a candidate for an elected official. The Member may resume all duties once the election process has been completed and officially certified.

d. No individual member shall have the authority to speak on behalf of the Election Commission unless specifically authorized in advance by the Election Commission by a majority vote.

e. To maintain the high level of integrity and neutrality of the Election Commission, individual Commission members shall refrain from discussing and sharing information regarding Election Commission business on any social media platform or providing such information to others for that purpose.

f. All confidential information obtained by the Election Commission for use in determining the eligibility of candidates shall not be shared with anyone other than Election Commission members unless required by law or by an order of a court of competent jurisdiction.

g. Election Commission members shall serve no more than two consecutive term limits as mandated by the Constitution.10

h. The Legislature shall have no executive or administrative authority over the Election Commission. 11 The Legislature shall not interfere with the conduct of day-to-day operations of the Election Commission nor intervene while the Election Commission is carrying out the duties and responsibilities of necessary to conduct Elections.

Section 210. Election Commission Chairman

a. The Election Commission shall annually select one of its members to serve as the Chairman of the Election Commission. 12

b. The Chairman of the Election Commission shall be referred to as Election Chairman.

c. Shall be selected by a majority vote of Commission Members with a quorum present.

d. The Chairman shall preside over all meetings of the Commission.

e. In the absence of the Election Chairman from any meeting, the remaining Commission members shall select another member to preside over the meeting.

f. The Chairman shall be a voting member of the Commission.

g. The Chairman shall ensure that all Election Commission members follow the Constitution, the laws of the Kiowa Tribe, and this law.

h. The Chairman will be responsible for providing written notices via email to the Commission members of all official meetings at least forty-eight (48) hours prior to said meetings.

i. The Chairman will include with such notice an agenda for said meeting.

---

10 Kiowa Constitution, Article IX, § 3(e)  
11 Kiowa Constitution, Article IX, § 3(a)  
12 Kiowa Constitution, Article IX, § 3(a)
Section 211. Election Commission Office

a. The Election Commission Office shall be located at the Tribal headquarters and shall maintain sufficient security measures as may be required to safe-guard all election related documents.

b. An Election Commission Clerk shall carry out the day-to-day operation of the Election Commission office and report directly to the Election Commission. The clerk will be hired through the Kiowa Tribe Human Resources hiring process and shall be considered a Kiowa Tribe employee under the supervision of the Election Commission.

c. The Election Commission shall consult with the Kiowa Tribe Human Resources in the development of the position description for the Election Clerk.

d. The Election Clerk duties shall include but not limited to: the scheduling of meetings, provide commission members with all documentation related to election commission business, initiate payment vouchers for all election expenditures, maintain all election documents derived from the day to day operations, and other duties as assigned.

e. As a Kiowa Tribe employee, the clerk will adhere to the Kiowa Tribe Human Resources Policies and Procedures and will be eligible for all benefits allowed to employees.

Section 212. Meetings

The Election Commission will transact all business at official meeting of the Commission. These meetings are to be used for the purposes of reviewing candidate eligibility packets, designating and securing polling sites, registering voters, assisting in day-to-day operations of the Election Commission Office, preparing sufficient election supplies and other miscellaneous duties as required. The Commission may use work sessions to perform administrative duties that require no policy decisions be made by an official vote of the Election Commission.

a. Any Commission member may request for a meeting to be conducted provided that a forty-eight-hour notice is issued to all members via email. The request must state the reason for meeting and that at least four members be in attendance to constitute a quorum.

b. All meetings shall be open to the public unless otherwise stated by law or resolution, other than executive meetings that may be used to discuss pending litigation or litigation strategy, or to review and discuss confidential information pertaining to candidate eligibility in order to ensure their continued confidentiality.

c. A minimum of four Election Commission members must be present to constitute a quorum.

d. All decisions shall be made by a majority vote and shall be recorded with the names and votes of each Election Commission member. All votes shall be recorded as “Yes”, “No”, “Abstain”, or “Absent”.

e. In the event that a tie should occur during a vote of a decision, then the motion fails.

f. All decisions and actions of the Election Commission meetings shall be recorded in minutes for each meeting. This duty shall be delegated to a voting member of the Commission who shall serve as official recording secretary of the Commission.
g. The minutes of the previous official meeting shall be approved by a majority vote of the members present. The minutes must be signed by the Election Chairman and the recording secretary.

h. An agenda will be provided and must be approved by a majority vote before any official business may be conducted. Any voting member may request that additional matters to be placed on the agenda for consideration.

i. A copy of the officially approved minutes of each meeting shall be made publicly available on the official website of the Kiowa Tribe.

j. The Election Commission may be allowed to call for an Executive Session which shall be limited to only Election Commission members and legal counsel if desired. Only discussions of confidential background information or pending litigation or litigation strategy shall be discussed in Executive Session. The Election Commission shall not take any final action or make any final decisions in Executive Session.

k. The use of video conferencing to conduct meetings, other than executive sessions shall be permitted. All Election Commission Members must remain visible at all times during such meetings. Failure to comply shall require that such members shall not count toward establishing a quorum and their vote shall not be counted on any decision made.

l. No telephone conference calls shall be used for the conduct of meetings.

Section 213. Compensation
The Election Commission Members shall receive reasonable compensation as established by law. No increase or decrease in compensation for the Election Commission shall take effect until after the next General Election except for any approved cost of living increases.

a. If the Election Commission is required to meet in person then each Member shall be compensated a meeting fee that shall not exceed $500.00 per meeting.

b. If the Election Commission selects to use video conferencing instead of meeting in person to conduct official meetings, the meeting fee shall be reduced to $150.00 per meeting not to exceed the cumulative amount of $500.00 during any given month.

c. If the Election Commission selects to meet in person all members shall be eligible to claim mileage using the procedures and requirements provided in the Kiowa Tribe Fiscal Policies and Procedures for Personal Vehicle Use.

Section 214. Vacancies
a. The Election Commission shall immediately notify the Kiowa Tribe Chairman of all vacancies on the Commission prior to the end of the term for each Commission member, the death of a Commission member, the resignation of a Commission Member upon receipt of a written resignation by the Chairman and by the Commission Chairman, or upon the removal of a Commission member.

b. A vacancy on the Election Commission shall be filled through the use of the nomination and confirmation process as provided at in Section 203.
c. Prior to making a nomination, the Chairman shall publish a notice announcing a vacancy on the Election Commission. The Chairman shall allow thirty (30) days for Members of the Tribe to submit a letter of interest to the Chairman seeking appointment to the Election Commission.\(^\text{13}\)

**Section 215. Causes for Removal of an Election Commission Member**

Election Commission members shall be removed from office for engaging in egregious ethical misconduct involving commission duties as fair and impartial election commission officials. Election Commission members shall be subject to removal upon a finding of sufficient evidence to prove any one or more of the following acts:

a. Willful neglect of duties prescribed in this law.

b. Deliberate conduct that abuse the limits described in Section 208 of this law.

c. Convicted in any Tribe, State, or federal court of a felony, a crime involving dishonesty, or a misdemeanor involving moral turpitude.\(^\text{14}\)

d. Willfully violates any provision mandated to the Election Commission by the Constitution to conduct elections for the Kiowa Tribe.

e. Deliberate conduct that purposely favors or disfavors any specific candidate.

f. Abuse of authority as an Election Commission member, failure to maintain confidentiality of Election Commission records, or concealing, removing, tampering with, or destroying Tribal records or property.

g. Deliberate conduct that changes or attempts to change the outcome of an election or the recall/removal process of an elected official.

h. Deliberate conduct of a Commission member attempting to influence or coerce a Tribal member to prevent the filing of petitions or the filing of challenges to the election results.

i. Dishonesty, gross misconduct, or incompetence in office.

j. Willful neglect of duty as evidenced by excessive absences from duly convened meetings of the Election Commission.

k. Deliberate conduct of a Commission member involving either tampering with voter registrations, destroying voter registrations, adding fake, forged or fabricated documents to the official records, destroying Election Commission documents or records without prior approval or knowingly influencing voter registrants, or using his/her position on the Election Commission to attempt to change the outcome of any election.

l. An Election Commission member who offers, solicits, or accepts something of value to attempt to influence the qualification or disqualification of candidates or the outcome of any election shall be guilty of bribery.

m. An Election Commission member who by means of coercion or by threat of violence or other unlawful means of persuasion, knowingly attempts to prevent another Election

\(^{13}\) Kiowa Constitution, Article XII § 11(b)

\(^{14}\) Kiowa Constitution, Article XII § 1(b)
Commission member or Kiowa Tribe Member from voting or to encourage such Voter to vote in a particular way shall be guilty of coercion to influence voting.

n. Willfully discriminates against any person based on age, gender, religion, disability, familial status, sexual orientation, or social or economic status.\(^{15}\)

**Section 216. Removal Process of an Election Commission Member**

a. Candidates, elected officials, or an Election Commission member may submit a written and signed statement/complaint that describes the violation of any provision of this law by a member of the Election Commission.

b. The complaint shall contain the name of the Election Commission member against whom the complaint is made, the name of the complainant, the allegation(s) of the violation, and the specific statutory or regulatory provision alleged to have been violated.

c. Article VI, Section 6(h), of the Constitution has established that all regulatory commissions, including Election Commission shall be located in the Executive Branch of government. The Executive power of the Tribe shall be vested in the Chairman. The Chairman shall execute, administer, and enforce laws. \(^{16}\) Therefore, the statement/complaint must be delivered to the Office of the Chairman.

d. The Chairman shall forward the complaint to the Kiowa Tribe Court Prosecutor within ten days of receipt of the complaint. The prosecutor will review the complaint along with the description of any evidence supporting the complaint. If in the best judgement of prosecutor, it is determined that sufficient cause exists to proceed, then he/she shall have the power and authority to recommend the removal of such Commission member by the Chairman, and to take all necessary action to defend such removal before the Kiowa Tribe Courts.

e. The accused may make a timely demand for hearing before the Kiowa Tribe Courts in accordance with the Kiowa Civil Code and the Local Court Rules and Procedures.

f. The accused Election Commission member may be represented by legal counsel in any hearing, provided that the member is personally responsible for the legal fees associated with such legal representation. The legal counsel of the Election Commission shall be prohibited from representing an individual Election Commission member at such hearing.

g. If the Kiowa Tribe Courts find that an Election Commission member has committed an act that would warrant removal, that member shall be removed as a Commission member.

\(^{15}\) Kiowa Constitution, Article I, § 1(o)

\(^{16}\) Kiowa Constitution, Article VII, § 4(a)
PART 3 — VOTER REGISTRATION AND QUALIFICATIONS

Section 301. Voters.

a. An Eligible Voter is any person who has obtained Tribal Membership as defined by Article IV of the Constitution and has attained the age of eighteen by the date of any election and shall be eligible to register to vote in such election.

b. A Register Voter is a Tribal member who has registered with the Election Commission to vote in a district in which they reside.

Section 302. Voter Registration.

a. All eligible voters shall register to vote in the District in which they reside in accordance with the Constitution.

b. A Member who is properly registered to vote in a District shall not be required to re-register to vote unless the Member establishes his/her primary residency in another District.\(^\text{17}\)

c. Eligible voters who reside outside the six established voting districts established by the Constitution must register as a District VII voter.

d. The Election Commission shall provide a Voter Registration form to be filled out by Tribal Members.

e. The required documentation for registration shall be: a photo identification; evidence of a physical address to prove residency (a P.O. Box address will not be accepted as proof of residency), and proof of Tribal membership.

f. Verification of residency may be proven by a utility bill, drivers license, a state issued identification card, a military issued ID, or a United States passport.

g. The Voter Registration Form shall allow for a different mailing address to be used for the specific purpose of election related correspondence, so long as such different mailing address is not the primary residence.

h. Eligible Tribal members may register to vote with the Election Commission Office during regular business hours or during events held by the Election Commission to increase voter registration and participation.

i. Registration shall be allowed during general elections provided that an Election Commission Member is present to verify that the Tribal member has provided a registration form along with the required documentation previously stated.

Section 303. Voter Registration Lists

a. The Kiowa Tribe Enrollment Department and the Election Commission shall cooperate in the development and maintenance of the list of eligible voters.

b. The Enrollment Department shall provide reports upon request from the Election Commission on all Tribal members. The reports shall include updated information on new

\(^{17}\) Kiowa Constitution, Article IX, § 2(a)(b)
eligible voters who have attained the age of eighteen, recently deceased Tribal members, and/or Tribal member enrollment information.

c. The preliminary list of eligible voters shall be published on the same date the Election Commission opens the candidate filing period.

d. Any Election Commission correspondence to a Tribal member that is returned due to invalid address information shall cause that Tribal member to be considered “inactive” and removed from the registered voter list.

e. Registered voters wishing to change voting districts must submit a new voter registration form along with the required documentation establishing residency.

f. It shall be the responsibility of all registered voters to update their physical addresses with the Election Commission to maintain their proper district affiliation.

g. Any Tribal member may challenge a name on, or the omission of a name from, the preliminary list of eligible voters by filing a protest with the Election Commission.

h. The Election Commission shall publish the final list of eligible voters on the Kiowa Tribe website.

i. Both the preliminary and the final list published for public view shall only contain the legal name of the Tribal member and the District in which the eligible voter resides.
PART 4 — CANDIDATE QUALIFICATIONS AND CANDIDATE FILING

Section 401. General Qualifications.
Each candidate who desires to run for the elective position of Kiowa Tribe Chairman, Kiowa Tribe Vice-Chairman, or District Legislator shall meet the following general eligibility requirements consistent with the Constitution of the Kiowa Tribe, Article VII, Section 3.

a. The candidate shall be an enrolled Member of the Tribe.
b. The candidate shall not have been convicted of a felony.
c. The candidate shall be required to provide verification of current residence with the Election Commission.
d. The candidate cannot owe any money debts to the Tribe if such debts are in arrears or in default.
e. An official who is successfully recalled from office shall be ineligible to serve as an elected official of the Tribe until a period four years has elapsed.18

Section 402. Special Qualifications for Chairman and Vice-Chairman
In addition to the general qualification set forth in Section 401 of this Act, the qualifications for Chairman and Vice-Chairman as set forth in Article VII, Sections 1 and 3, of the Constitution shall be as follows:

a. Age. Each candidate shall have obtained the age of least thirty-five or older.
b. Education. Each candidate shall possess a Bachelor degree from an accredited college or university.
c. Residence. A candidate for Chairman or Vice-Chairman shall physically reside in a voting District other than District VII at the time of filing of the nomination petition and must maintain that residence for the duration of their term.
d. Income Tax. Each candidate shall submit copies of their Federal Income tax returns for the previous five years to the Election Commission.
e. Property. Each candidate shall provide a written list of all personal and real property in excess of ten thousand dollars to the Election Commission.
f. Ballot Requirements. Candidates for Chairman and Vice-Chairman shall seek office as a team and both of their names shall appear on the ballot together.

Section 403. Special Qualification for District Legislators.
In addition to the general qualifications set forth in Section 401 of this Act, the qualifications for Legislators are set forth in Article VI, Section 4 and 5 shall be as follows:

a. Age. Each candidate shall have attained the age twenty-one or older.
b. Education. Each candidate shall possess a High School degree or its equivalent.
c. Residence. A candidate for District Legislator shall physically reside in such District at the time of filing the nomination petition. Each Legislator shall reside in the District from

18 Kiowa Constitution, Article XII, § 6(b)
which they are elected for the duration of the term. The candidate for District 7 shall reside outside of the six voting Districts at the time of filing the nomination petition. If elected, the District 7 legislator shall reside outside of the six voting districts for the duration of the term.

d. Registered Voter. Each District Legislator shall be a registered voter in the District from which they are elected.

e. Prohibited Candidacy. Candidates who run for Districts 1-6 Legislator seats shall be prohibited from running as a candidate in District 7 at the same time.

Section 404. Filing for Candidacy
After a published notice of an election has been made, any qualified Tribal Member shall be given the opportunity to initiate the process to become a candidate for an elected official.

a. The prospective candidate shall submit the filing packet in person to the Election Commission Office located at the Tribal headquarters. No emails, faxes, or delivery by another person will be accepted.

b. The Election Commission Clerk will validate in a written verification form that a completed packet has been submitted. This written verification form shall include: the date and time of submission, a checklist list of submitted documents, a signature line for the Clerk to attest that a document on the checklist has been submitted and received.

c. An additional line shall be included for the prospective candidate verifying that the contents were reviewed by the Election Clerk while the prospective candidate was present.

d. Only completed packets will be considered by the Election Commission.

e. The original verification form shall be placed in the filing packet.

f. The Clerk shall be required to provide the prospective candidate with the following: a copy of the verification form, a copy of this Act, and a schedule of all dates for the Election.

Section 405. Required Documentation for Candidate Filing.
Tribal members who are qualified to run for an elective office shall be responsible for providing all required documentation to the Election Commission office before the established deadline.

1. Declaration of Candidacy Form
2. Proof of Tribal Membership
3. Proof of Residency
4. Consent for Background Check
5. Proof of Education
6. Consent Form to the Kiowa Finance Department
7. Nomination Petition
Section 406. Declaration of Candidacy Form.
All prospective candidates for elective office shall be required to submit a notarized Declaration of Candidacy Form. This form will serve as an application that will contain information about the candidate. The Election Commission shall provide the form which shall include the following:

a. The name of the Tribal Member who wishes to run for office. The name must match the legal name registered with the Enrollment Department.
b. The physical address of the candidate’s place of residence.
c. The mailing address of the candidate if different than the physical address.
d. Contact information: phone number, email address, etc.
e. Name of the office sought.
f. The candidate’s date of birth.
g. The candidate’s Tribal enrollment number.
h. The District where the candidate is registered to vote.
i. Whether or not the candidate has been convicted of a felony under federal, Tribal, state law.
j. An oath wherein the candidate swears or affirms that such candidate agrees to adhere to all requirements of this election law and will not violate any provision of the Kiowa Tribe Election Law. The candidate will also attest or affirm that the documents submitted are true and accurate.
k. The candidate must sign the Declaration of Candidacy form, and the signature must be properly notarized by a notary public.

Section 407. Proof of Tribal Membership.

a. All prospective candidates must provide proof of Tribal Membership
b. A current Kiowa Tribal Identification card will be accepted.
c. A Certificate of Degree of Indian Blood (CDIB) letter from the Enrollment Department issued in his or her name shall also be accepted.
d. The name and date of birth provided at the time of filing must match the legal name registered with the Enrollment Department to be accepted.

Section 408. Establishment of Residency.

a. At the time of filing, candidates shall provide proof of primary residency to meet the requirements stated in the Constitution and this law to qualify as a candidate for Chairman, Vice-Chairman, and District Legislator.
b. Primary residence is synonymous with the term domicile or abode and means a place where the candidate has a true, fixed and permanent home, and to which, whenever absent, the candidate has the intention to return.
j. Proof of the candidate’s primary residence must be provided with the candidate packet with one of the following documents: a utility bill, driver’s license, a state issued identification card, a military issued ID, or a United States passport.
c. The documents submitted must show the physical location/address within the required geographic area required for each elected office. No P.O. Boxes will be accepted.
d. The documents provided must state the prospective candidates name on the document.

**Section 409. Consent for Background Check.**

a. All prospective candidates are required to submit a consent form provided by the Election Commission Office for a background check at the time of filing.
b. They are not officially considered a Candidate until the results of the background check indicate they are eligible.
c. The information from the background check regarding each prospective candidate’s qualifications shall be kept on file at the Election Commission Office during the Election Cycle and shall be securely maintained at the direction of the Election Commission for a period of two years after election results are final.

**Section 410. Proof of Education.**

a. Each prospective candidate for office must submit proof that he/she meets the Education requirements of the office sought.
b. Chairman and Vice-Chairman candidates must provide proof that he/she has obtained a Bachelor Degree from an accredited college or university

c. District Legislators must provide proof that he/she has possessed a high school degree or its equivalent. If a prospective candidate is unable to locate his/her high school degree or its equivalent, a higher education degree such as an associate, bachelor, or master’s degree from an accredited college or university will satisfy this requirement.

**Section 411. Consent Form to the Kiowa Finance Department.**

a. At the time of filing a candidate cannot owe any monetary debts to the Tribe if such debts are in arrears or in default.
b. A notarized form submitted by the prospective candidate that gives consent to the Kiowa Finance Department to release information to the Election Commission.
c. The consent form shall be restricted to the information regarding whether a prospective candidate owes any monetary debt to the Tribe and the status of the repayment of a debt.
d. The reply shall be limited to a “yes” or “no” response and shall only be authorized by signature from the Chief Finance Officer or in his/her absence then the Finance Department Director shall be delegated this duty.
e. The official form shall be provided by the Election Commission Office.

**Section 412. Nomination Petition.**

Each candidate for elective office shall file a nomination petition with the Election Commission as required by Article IX, Section 4.

a. The Election Commission will provide an Official Nomination Petition Form to any eligible person who wishes to be a candidate for elective office.
b. The candidate must request the petition form from the Election Commission Office once the filing period has officially been opened.

c. Only the original Official Nomination Petition Form provided by the Election Commission may be circulated by the prospective candidate. Unauthorized copies of the petition will not be accepted and any signatures contained thereon will not be applied to the minimum required signatures.

d. The Petition Form for a District Legislator candidate must be signed and completed by a minimum of fifty eligible voters from the prospective candidate’s District.

e. A Nomination Petition Form for Chairman and Vice-Chairman may be signed by eligible voters from any of the seven Districts.

f. The eligible voter must sign; provide their full physical address including street number, city, state, and zip code; enrollment number; their district; and the date of signature. Failure to fully complete the petition’s required fields will result in the voter’s name being stricken.

g. Any fraudulent signatures obtained by the candidate and submitted to the Election Commission office will disqualify the candidate from running for office.

h. Incomplete Nomination Petitions will disqualify the prospective candidate.
PART 5 — VERIFICATION OF ELIGIBILITY

The Election Commission shall have the responsibility for the determinations of a candidate’s eligibility pursuant to the qualifications described in Constitution and the procedural requirements imposed by this law. No late submissions of filing packets or its content will be accepted after the filing period has closed.

Section 501. Preliminary List of Candidates.

a. The day after the close of the candidate filing period, the Election Commission shall be required to conduct an official meeting to review all candidate submissions. This meeting shall be required to be conducted in person and with a quorum established.

b. The purpose of this meeting is to review and verify that a candidate’s filing packet contains all the necessary documents and information required to be eligible as a candidate for the elective office the Tribal member is seeking.

c. All actions must be recorded in the official minutes of the meeting.

d. The Election Commission shall evaluate, consider and rule on the contents of each filing packet one at a time.

e. If it is determined that the candidate has submitted the appropriate documentation to satisfy the filing requirements, the Election Commission shall place the candidate on the preliminary list of candidates.

f. All documentation pertaining to background checks and responses to Finance Department inquiries for prospective candidates that are initially deemed eligible to be placed on the preliminary list, subject to further review, shall be scheduled for final Commission review and consideration next business day to determine the eligibility of the candidate.

e. The nomination petitions shall be sent to the Enrollment Department the next business day to verify the information regarding eligible signatures. The Enrollment Department must have the verifications completed within ten days from the date the nomination petitions are received. It is the candidate’s responsibility to have his/her information updated through the Tribes Enrollment Department.

f. A written report shall be required from the Enrollment Department with the final number of valid signatures and the final number of rejected signatures. Under the list explaining the grounds for rejected signatures, it must be limited to the following: unreadable, ineligible, incorrect addresses, names submitted was not legal, or information was incomplete.

g. The Election Commission shall publish the preliminary list of candidates on the Tribal website.

Section 502. Ineligible Candidacy

a. If a filing packet does not contain the appropriate documentation to fulfill all requirements of the Constitution and this Act, then the Election Commission must declare the person to be ineligible to be included on the preliminary list of candidates.
b. The Election Commission shall promptly notify the applicant that his/her candidacy has been denied and describe fully any and all reasons for the denial. A written statement that includes the justification for being declared ineligible shall be required to be sent by certified mail to the applicant.

**Section 503. Challenges to Candidacy.**

a. Any Member of the Tribe may challenge a name on, or the omission of a name from, the preliminary list of candidates by filing a written protest with the Election Commission Office.

b. Any challenges must be submitted within five days of the publishing of the Preliminary List of candidates.

c. The written statement must contain the name of the prospective candidate being challenged, the reason for being challenged, and must be signed by the challenger.

d. Once a challenge is received, the Election Commission shall promptly notify the candidate that his or her candidacy has been challenged, giving the reasons for the challenge.

e. The candidate being challenged shall be given seventy-two hours after notification to furnish satisfactory proof of eligibility. He/she will be given the opportunity to provide a written statement and any evidence to refute the allegations brought forward in the written challenge. If the candidate fails to respond to the allegations in the time allowed, the candidate will be declared ineligible to be a candidate and stricken from the list of candidates.

f. If any challenges have been submitted within the time allowed the Election Commission must convene in an official meeting the day after the challenge period has closed. This meeting shall adhere to all the procedures required in Section 211.

g. In accordance with the Constitution, Article IX, Section 9, the Election Commission shall make all determinations regarding the eligibility of candidates in accordance with the law and Constitution of the Kiowa Tribe. Should the Election Commission fail to abide by the law and Constitution in conducting of any election, their actions may be challenged in the Kiowa Tribal Court but shall be limited to relief on the form of equitable relief if successful. Otherwise, the decisions of the Election Commission shall be final. The final vote which decides the outcome must be recorded in the official minutes.

h. The Election Commission shall promptly notify the challenger and the candidate of their decision. This shall include a written statement which shall be mailed to both parties the following business day.

**Section 504. Final Candidate List.**

a. The Election Commission shall convene in an official meeting to review the findings of all background checks, financial inquiries, and comments of the Enrollment Department.

b. The Commission shall evaluate the results of the inquiries for each prospective candidate and determine if he/she meets the requirements to be a candidate for the office they seek.
c. The Commission will conduct an official vote as to whether a prospective candidate should be placed on the final list of candidates.

d. Any prospective candidates deemed to be ineligible based on the findings will be promptly notified and a written explanation issued to that person with the reasons for the denial included.

e. If at least one member of a Chairman/Vice-Chairman team has been declared ineligible then the other team member shall also be declared ineligible.

f. The Commission shall publish the final list of candidates on the Tribal website.
PART 6—BALLOTS

Section 601. Official Ballots
All elections shall be conducted by secret ballot. The Election Commission shall properly account for all official ballots and shall utilize an electronic identification or equivalent system to ensure the integrity of the official ballots in accordance with Article IX, Section 7, of the Constitution.

a. The Election Commission shall approve an Official Ballot in an official meeting.
b. Once the Official Ballot has been approved by the Election Commission, the ballot may not be changed for any reason.
c. The Election Commission shall cause to be printed a sufficient number of Official Ballots to ensure that all voters presenting themselves on Election Day shall be able to receive a ballot.
d. Enough extra ballots are to be available in case of voters spoiling ballots.
e. The Election Commission shall also cause to be printed sufficient ballots so as to accommodate those sent by mail for absentee voting.
f. Write-in candidates will not be allowed on any official election ballot.

Section 602. Development of Ballot.
The Official Ballot shall be created and shall contain the following:

a. Each ballot shall include: ‘Official Ballot’ and a ballot number, “The Kiowa Tribe”, the Tribal seal, the title of the election, and the date of election.
b. All ballots for primary and general elections must bear the name of the district in which said ballots are to be used. The exception shall be for ballots which were requested by a voter registered in a district to vote by an absentee ballot. This ballot must include the title “Absentee Ballot” as well as the name of the district the voter is registered.
c. Ballots shall be printed on paper of sufficient thickness to prevent any copying and should include a watermarked image of the seal of the Kiowa Tribe.
d. Official Ballots shall be produced with a perforated, sequentially numbered stub from which the ballot can be removed to ensure the secrecy of the ballot once separated and issued to the voter and to facilitate accountability and the counting of each individual ballot.
e. Along with the sequential number printed on the stub there shall be text corresponding to the heading printed on the ballot. Ballots shall be numbered beginning with the number 1 starting at each polling site.
f. In the case of automated tabulation being used, ballots shall be printed and constructed in accordance with the tabulator manufacturers specifications, provided the basic construction and appearance shall be as described above.
g. The Election Commission shall cause to have printed at least 25 Sample Ballots to be available to voters to review prior to being issued an “Official Ballot”. The Sample Ballot shall be printed on yellow paper with the word “Sample” being imprinted in red across its face.
Section 603. Candidate Information.
   a. The legal name of any candidate for office shall be printed in the official ballot. Nicknames or professional titles will not be used.
   b. On all primary and general election ballots, the names of the candidates for each office shall be rotated in such a manner that all names appear in each position on said ballots an equal number of times.
   c. Any candidate who is unopposed in any election shall be deemed to have been elected, and his/her name shall appear on the ballot at any election in which he or she is so unopposed.

Section 604. Tribal Questions on the Ballot.
Tribal Questions shall refer to resolutions, laws or other actions or occurrences that require a vote to approve or disapprove by the voters of the Kiowa Tribe. Ballots for Tribal Questions shall be printed in such a manner as to include the number of the Tribal Question, the ballot title, and the following language “Shall the Proposed (Amendment, Resolution) Be Approved?” followed by the words “Yes” and “No.” In accordance with the Constitution, a Tribal Question shall appear on an official ballot when the following occurs:
   a. KIC Resolutions. All approved resolutions submitted by the Kiowa Indian Council Coordinator to the Election Commission within ten days of passage at the Annual Kiowa Indian Council meeting.
   b. Boundaries. A valid petition is submitted to the Election Commission to propose new boundaries of the District to be decided by the vote of the People.
   c. Legislative Budget. The Legislature passes an annual budget or budget modification pursuant to the Legislative Process, the Election Commission shall promptly place the budget or modification before the voters for approval or disapproval.
   d. Chairman’s Budget. If the Legislature fails to approve an annual budget within sixty days (60) of the timely presentment of a proposed annual budget by the Chairman to the Legislature by February 1st, then the annual budget presented by the Chairman shall be deemed approved for the purpose of placing such budget before the voters for approval or disapproval.

Section 605. Absentee Ballot.
The Absentee Ballot shall be an exact duplicate of the Official Ballot, with the exception that the title “Absentee Ballot” shall be an addition to the name of the district. The Absentee ballots may be produced with sequentially numbered stubs to provide accountability of the ballots, provided that the stub is removed from the ballot prior to mailing and is retained by the Election Commission so as not to infringe on the secrecy of the ballot. The packet shall consist of:
   a. Ballot Mailing Envelope – The outgoing envelope used to send all necessary voting materials to the voter.
   b. Ballot Return Mailing Envelope – The envelope used by the voter to return their completed ballot to the Election Commission. This envelope shall be pre-addressed to ensure that
ballots are returned to the Post Office Box procured by the Election Commission exclusively for the receipt of ballots. This envelope shall also bear the following certificate to be signed by the voter:

CERTIFICATE

“I hereby certify that I am a member of the Kiowa Tribe, that I will be at least 18 years of age on the date of this election and that I am entitled to vote in this election.

Signed ________________________________

“

c. Secrecy Envelope – The envelope used by the voter to seal their ballot prior to inserting the Secrecy Envelope into the Ballot Return Mailing Envelope.
PART 7 - ELECTIONS

Section 701. Authority
The Election Commission shall conduct all elections. The Election Commission may employ the services of an election service provider to assist with elections and hire legal counsel for consultation as needed. The selection of contractual services must be initiated through the Kiowa Tribe by the approved Kiowa Tribe Procurement Policies & Procedures. The final contracts must be approved by the Chairman in accordance with the Constitution.

Section 702. Notice of Election.
It is the duty of the Election Commission to publicize information about every election. The Election Commission will be required to publish an Official Notice of Election on the Tribal website and shall mail the notice to all eligible voters. The notice shall contain the following:

a. Type of Election (Primary, General, Special), and if a Special Election, the issue(s) to be decided in the Special Election.
b. The name of the office if an elective position is set to expire or has become vacant.
c. If the election is to select or remove a District Legislator, then the notice shall specifically indicate which District(s) shall participate in the election.
d. The official date of election(s) and the schedule of all election activities including but not limited to, the process for requesting absentee ballots, the constitutional rights of Tribal members to protest or challenge, and the opening/closing filing dates for candidates if applicable.
e. All established poll sites shall be open between the hours of 9:00 a.m. and 6:00 p.m.
f. Information for voter registration.
g. Location of the polling sites.
h. The names of the current Election Commission members and their contact information.

Section 703. Absentee Voting Permitted.

a. Absentee voting shall be permitted for eligible voters who are registered in a District and who are unable to vote at the polls for reasons established by law in accordance with Article IX, Section 7, of the Constitution and this law.

Section 704. Primary Elections.
There shall be an initial election of candidates for a vote of the Kiowa People, in accordance with Article IX, Section 10 of the Constitution.

a. A Primary Election for the Chairman/ Vice-Chairman Team, and District Legislators shall be held on the first Saturday in May in odd numbered years when such terms are set to expire.
b. This election may also be used for the following purpose of placing resolutions approved by an established quorum of the Kiowa Indian Council to the Election Commission from either the Annual or Special meeting.
c. If three or more candidates for the Office of Chairman/ Vice Chairman, or a Legislator seat are vying for the same office, then the two candidates who receive the highest number of votes in the Primary Election shall proceed to the General Election.

d. If a candidate for the Office of Chairman/Vice-Chairman, or a seat on the Legislature receives fifty-one percent or more of the votes cast in the Primary Election, then that person or Team shall be declared candidate(s)-elect, and run-off in a General Election shall not be required. The candidate(s)-elect shall be seated at the expiration of the term of the incumbent(s).

e. In the event there is no more than one qualified candidate filed for any one elective office, the sole candidate shall be declared a winner by default and a formal election shall be deemed unnecessary for that position.

f. All candidate-elect(s) shall not be sworn in by the Chief Judge until the election process has been completed for all candidate races.

Section 705. General Elections.
There shall be a General election for elective offices such as Chairman, Vice-Chairman, and/or District Legislators. This General election may also be used for the purpose of approving the annual budget by the Kiowa People as required by the Constitution.

b. A General Election for Chairman and Vice-Chairman, and for Legislators shall be held on the first Saturday in June in odd numbered years when such terms are set to expire.

c. The candidates receiving the highest number of votes in the shall be declared the winner.

Section 706. Request for Absentee Ballots.

a. Requests for absentee ballots shall be accepted by the Election Commission beginning on the date the Official Notice of Election has been published on the Tribal website.

b. The absentee ballot request form shall be available at the Election Commission office during normal business hours as well as on the Tribal website.

c. The request form may only be submitted by the voter intending to cast the absentee ballot.

d. No more than one absentee ballot request per individual signature for any election date shall be accepted.

e. Requests forms should be submitted to the Election Office no later that twenty-one days prior to the date of the elections to ensure the timely delivery of the absentee ballot to voters.

Section 707. Absentee Ballot Request Form.
A Voter may request an absentee ballot by utilizing the form provided by the Election Commission. The request form shall contain the following information:

a. Legal name of voter

b. Date of Birth

c. Physical Address
d. Mailing Address if different than physical address  
e. Tribal Enrollment Number  
f. Handwritten Signature  

**Section 708. Issuing Absentee Ballots.**  
The Election Commission office shall use diligent efforts to send out Absentee Ballots in a timely manner to each voter who has submitted an Absentee Ballot Request Form.  

a. The Election Commission office shall send the Absentee Ballot Packet to said voter after verification of the requesting voter’s registration.  
b. The Election Commission shall maintain a Voter Register or its equivalent to document the mailing, return, and disposition of each Absentee Ballot. The Voter Register, or an equivalent system, shall be utilized to ensure that there is an audit trail available for each mailed ballot transaction.  
c. Should the Election Commission office receive notification that mail cannot be delivered to a Voter at his/her address as shown by the voter registration records that person will be placed on the "Returned Address" list.  
d. It is the responsibility of the voter to update their address with the Kiowa Election Commission and the Kiowa Enrollment Office. 

**Section 709. Marking Absentee Ballots.**  
Absentee ballots shall include proper instructions to the Voter regarding the marking and sealing of the ballot. The Voter shall mark and seal the ballot in accordance with the instructions provided with the mail ballot.  

a. The voter shall mark their ballot indicating their choice(s) and then place the folded ballot into the Secrecy Envelope. The Voter shall then place the Secrecy Envelope into the Ballot Return Mailing Envelope and seal the Envelope.  
b. The Voter shall then sign the Certificate on the reverse side of the ballot Return Mailing Envelope. Failure to sign the Certificate shall cause the Absentee Ballot Packet to be marked as “Rejected” at the time of Absentee Ballot tabulation.  
c. Absentee Ballots must be returned to the Post Office Box established by the Election Commission exclusively for the receipt of Absentee Ballots. Absentee Ballot Packets must be received at the Post Office no later than 10:00 A.M. on election day.  
d. Absentee ballot packets will not be accepted at any location other than the United States Post Office in Carnegie, Oklahoma.  
e. Absentee ballot packets may not be delivered to a polling site or to the Kiowa Tribal Complex.
Section 710. Security of a Returned Absentee Ballot Packet
To protect the integrity of the voting process and ensure the confidence of the voters and candidates, the Absentee Ballot Packets shall not be retrieved and delivered to the Kiowa Complex until the following requirements are implemented:

a. All returned Absentee Ballot Packets shall remain at the United States Post Office in Carnegie, Oklahoma until Election Day and will be picked up between the hours of 10:00 a.m. and 12:00 p.m. The absentee ballots may not be retrieved at any other time.
b. The retrieval of the Absentee Ballot Packets must be made by: the designated Election Commission member(s), a designated Poll Official, and at least two members of the Kiowa Complex Security personnel.
c. Each person that participates in the retrieval and transportation of ballots shall sign documentation attesting that no other ballots have been added or that no tampering of ballots has occurred. This documentation shall be retained by the Election Commission office.
d. Upon delivery to the Kiowa Tribe Complex, the Absentee Ballot Packets shall be guarded by the two Kiowa Complex Security personnel until the processing officially begins.

Section 711. Polling Sites.
Polling sites shall be established by the Election Commission in accordance with Article IX, Section 6, of the Constitution.

a. All votes shall be cast at a District polling site, with the exception of Absentee Ballots.
b. There shall be at least one but no more than three polling sites in each District.
c. The Election Commission shall designate polling sites and make such arrangements as are necessary to ensure the availability, safety, and suitability of sites for the purpose of conducting the election.
d. The designated polling sites must be established prior to the Election Notice being published.
e. If a Polling Site is moved at any time prior to the election, the Election Commission office shall publish a notice of such change on the Tribe’s website of the new location.
f. All necessary election supplies shall be distributed prior to the opening of the polling sites on Election Day.
g. Each polling site shall display information for voters and erect at least one (1) voting booth with instructions for voters inside the voting location

Section 712. Poll Site Officials.
The Election Commission shall appoint Poll Officials as required for each District polling site to aid the Election Commission member in carrying out the election duties for that District.

a. The Election Commission shall compensate Poll Officials appointed to this task.
b. Each polling site shall have not less than two Poll Officials.
c. The Poll official must be a registered voter of the District in which they serve.
d. No person shall serve as a Poll Official during an election in which he/she is a candidate for office, an employee of a candidate, or has an immediate family member who is a candidate.
e. Polling Officials will be trained by the Election Commission on all election procedures prior to opening a voting location.
f. The polling 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, all ballots have been counted, the tally properly recorded and reported, and the ballot boxes and the ballots turned over for delivery to the Election Commission.
g. All ballot boxes or counting devices secured and under surveillance at all times.
h. Ensure the identity each person offering to vote in a District and that they are properly registered.
i. Before the balloting begins, the poll officials shall open and inspect the ballot box to determine that it is empty.
j. The ballot box shall then be locked and shall remain locked until the ballots are counted.
If counting devices are used, ensure that said devices are not subject to tampering.
k. All Poll Officials shall be required to report any activity deemed to be suspicious that may compromise the Election or endanger the voters.

Section 713. Delivery and Account of Ballots.
Ballots shall be distributed to each polling site and all ballots distributed to each site shall be accounted for, confirmed and documented utilizing a Ballot Accounting Form provided for that purpose.

a. The Ballot Accounting Form shall document the quantity of ballots provided to each polling site.
b. The beginning and ending ballot stub numbers of the ballots provided and spaces to record the numbers of ballots used at the polling site.
c. The first and last ballot stub numbers of the ballots being returned to the Election Commission as well as a space to record the quantity of ballots that were spoiled at the polling site.
d. The Ballot Accounting Form shall have spaces for signature of polling officials to acknowledge the receipt of ballots from the Election Commission as well as spaces for signature of the Election Commission to acknowledge the return of the unused ballots.

Section 714. Poll Site Voting Procedures.
a. After the opening of the polling site, a voter may vote by appearing at his/her designated District poll site and present his/her photo identification.
b. The voter shall be required to sign the signature roster next to their printed name.
c. In the event a voter appears at the polls to vote, and finds that their name does not appear on the Signature Roster for that election, the Poll Officials shall contact the Election Commission office to determine the eligibility of the Voter.

d. The Election Commissions decision as to Voter eligibility shall be final.

e. After a poll official has verified the voter to be eligible to vote at the District poll site, the voter shall be given an official ballot.

f. If the voter is not registered but eligible to vote then the Poll Official shall provide the voter with a registration form to be completed prior to receiving a ballot.

g. The voter shall mark the ballot with their choice according to the instructions provided and deposit the ballot in the ballot box or the counting device before leaving the designated voting area.

h. After casting their vote, the voter must immediately leave the polling site.

Section 715. Voters Requiring Assistance.

If a Voter presents themselves at a polling site and declares their inability to mark their ballot or enter the building to vote due to a physical disability or infirmity, one of the Poll Site officials shall present the vote with an Affidavit of Assistance form.

a. Should the voter so qualify themselves, it shall be the duty of the Poll Officials to give the Voter such assistance as is requested, but in all such instances the Voter must state without suggestions from such officials, the way they wish to vote, and in no instance shall a Poll Official by word, action, or expression attempt to influence the voter.

b. Such assistance shall be given in privacy and all persons other than the Poll Officials shall be kept sufficiently distant so that they will not hear or know how the Voter executed their ballot.

c. Any voter who shall have need of an interpreter shall furnish their own.

d. Any persons waiting in line to vote at closing time shall be permitted to vote, but those presenting themselves after the hour of closing of the polls shall not be permitted to vote.

Section 716. Spoiled or Mutilated Ballots.

a. Should any voter spoil or mutilate their ballot in their effort to vote, they shall fold and return it to the Poll Officials.

b. The voter shall then, in the presence of the Poll Officials, secure the Spoiled Ballot in one of the “Spoiled Ballot” envelopes provided by the Poll Officials for that purpose.

c. The Poll Officials shall then provide the Voter with a replacement ballot in the same manner that the first one was provided.

d. All “Spoiled Ballot” envelopes shall be accounted for on the Ballot Accounting Form and secured with the voted ballots at the closing of the polling site.
Section 717. Electioneering and Loitering.

Electioneering is the act of campaigning to influence the result of an election in favor of a particular candidate or party. Loitering is the act of remaining in a particular public place for a prolonged amount of time without any apparent purpose.

a. No person shall be allowed to electioneer within 100 feet of the building where a polling site is located while an election is in progress.
b. No loitering be permitted in the polling place during voting hours.
c. Candidates and elected officials shall only be allowed at a polling site to cast their vote but must immediately leave upon submitting their official ballots.
d. It shall be the duty of the Poll Officials at the polling site to obtain such assistance as may be required to maintain order during the progress of the election.

Section 718. Poll Site Watchers.

Candidates for elective offices shall be entitled to designate poll site watchers for Election Day who may observe the process on their behalf.

a. A District Legislative candidate shall be allowed to designate one poll watcher for each polling site in that District. The candidate shall also designate one watcher that shall be allowed to observe the entire processing of absentee ballots. This shall include the retrieval of ballots from the post office to the tallying of results.
b. Each Chairman and Vice-Chairman candidate shall be allowed to designate one poll watcher for each polling site in every District. Each candidate shall also designate a watcher that shall be allowed to observe the entire processing of absentee ballots. This shall include the retrieval of ballots from the post office to the tallying of results.
c. The candidate must submit the name of their designated poll site watcher(s) to the Election Commission no later than 48 hours prior to the date of the Election.
d. The candidate’s designated watcher shall not be him/herself.
e. Watchers shall be barred from any direct communication or contact with any Voter, Poll Official or designated worker at the Election Day Polling Site.
f. Watchers must arrive at the polling site prior to the opening of the voting. Watchers arriving after the designated time shall not be allowed into the Polling Site.
g. Once the Watchers are within the Polling Site, they may not leave the Polling Site and then return.
h. Watchers may take written notes while observing the process, but cellular telephones or other communication devices are not allowed within the Polling Site.
i. Candidates may not substitute designated Watchers.
j. No Watcher shall be entitled to be compensated by the Kiowa Tribe.
PART 8 — CANVASS OF ELECTION RESULTS

Section 801. District Polling Sites.
The election commission member and/or poll site officials shall close the polling site at the established time mandated by this law.

a. After the closure of the polling site, the Election Commission member and/or poll site officials shall cause the voting machine to print the tape totals to be placed into an envelope then sealed. This envelope shall then be signed by all Commission members and/or poll site officials assigned to that polling site.

b. All ballots inserted into the machine by voters shall not be removed until all commission members and officials assigned to that specific polling site are all present.

c. The commission members and/or poll officials shall secure all marked and unmarked ballots along with the signed and sealed envelope in the secured containers provided by the Election Commission for immediate transport to the Kiowa Tribe Complex.

d. Poll officials shall not disseminate the results of the tabulation in any fashion, including verbally, telephonically or through any type of social media.

e. The sealed envelopes shall not be opened until the Election Commission has convened into an official meeting with all commissioner’s present.

Section 802. Processing of Absentee Ballots.
The Election Commission shall convene in an official meeting with all Election Commission members present before the processing of absentee ballots commences.

a. All Election Commission members and any duly assigned poll officials shall prepare the ballot packets for tabulation.

b. Each absentee ballot packet received shall be logged in the Absentee Ballot Register.

c. After the absentee ballot packets have been logged into the Register, each outer envelope shall be examined to determine if the certificate on the Return Mailing Envelope has been properly signed.

d. Unsigned ballot return mailing envelopes shall be marked as “Rejected” and remain unopened.

e. These rejected ballot packets shall be logged into the Ballot Register as “Rejected” and shall then be secured along with the other balloting materials and become part of the permanent record of the election.

f. Properly signed ballot return mailing envelopes shall then be opened and the secrecy envelope removed from the ballot return mailing envelope.

g. The Secrecy Envelope shall remain sealed.

h. The commission members shall confirm that all ballot return mailing envelopes are empty and secure the empty envelopes with the other election materials to become part of the permanent record of the election.
I. Once the empty ballot return mailing envelopes have been secured, the commission members shall open the secrecy envelope and remove the ballot from the secrecy envelope.

J. The commission members shall ensure that all of the secrecy envelopes are empty and secure the empty envelopes with the other election materials to become part of the permanent record of the election.

K. Once the absentee ballots have been separated from the secrecy envelopes, the absentee ballots shall be inserted into the tabulation machines.

L. Once all the valid absentee ballots have been inserted into the counting machine, no other ballots shall be allowed to be entered into the machine.

M. Returned absentee ballots shall be considered invalid and will be considered as rejected ballots for any of the following reasons:
   1. The ballot is received after the deadline of the day before the election.
   2. The signature is not identifiable as that of the voter’s signature which appears on the Voter Registration Form.
   3. The ballot is not marked.
   4. The absentee ballot is marked incorrectly.
   5. The ballot is too soiled or defaced to read.
   6. The ballot is not returned in the official envelope.
   7. The Election Commission has the final authority to determine whether a ballot is valid or invalid.
   8. The rejected ballots shall be placed in a container specifically identified for rejected ballots.

Section 803. Poll Watchers.
All tribal members, including candidates are entitled to observe the tabulation process. No watcher shall in any way interfere with or hinder the commission members and/or poll officials in the performance of their duties.

Section 804. Summary Election Canvassing.
In preparation of tabulations of the election results, the Election Commission shall collect the sealed envelopes containing the tape totals from each polling site as well as the tape totals from the absentee ballots.

   a. The tabulation process shall begin with presentation of the sealed envelope from each polling site. The names and signatures of the commission members and/or poll site officials assigned to the specific poll site shall be read out loud and verified.
   b. The results from the totals tape from each poll site shall be read aloud then entered into the tabulation sheet.
Section 805. Preservation and Sealing of Ballots
The Election Commission shall prescribe methods of sealing all ballots, all certificates of vote, and all other materials used in recording the count of the ballots in such a manner that any tampering with or altering after the sealing can be detected.

a. The Election Commission shall keep all ballots from the Election locked in containers until the recount period has expired.
b. After the counting of all ballots and the passing of the recount period, all ballots shall be placed in sealed containers marked with the date of the election.
c. All unused, spoiled or rejected ballots shall be labeled and placed in the same sealed containers. The sealed containers containing all ballots shall be immediately returned to the secured location.

Section 806. The Unofficial Results
The Election Commission shall convene in an official meeting to confirm and verify that all procedures have been followed.

a. The Election Commission shall certify the results of such election for Elective Offices and any Tribal questions by vote and record the results in the minutes of the meeting.
b. The election results must have the signatures of all Election Commission members to be valid.
c. The Election Commission shall publish the results on the Tribal website at the conclusion of the meeting.
d. The Unofficial Election Results shall contain the following information:
   a. Election title.
   b. Election date.
   c. Election results by polling site.
   d. Election results for absentee ballots.
   e. Accumulated vote totals and percentages.
   f. Count of spoiled ballots.
   g. Count of rejected ballots.
   h. Count of total ballots cast
KIOWA TRIBE ELECTION LAW OF 2022

PART 9—CHALLENGES TO ELECTION RESULTS

Section 901. Protest of the Election Results.
All protests and challenges to the results of an election shall be initially filed with the Election Commission pursuant to Article IX, Section 14, of the Constitution.

a. All protests or challenges to the election results must be initially filed in person with the Election Commission office. No facsimiles or electronic mail (e-mail) will be accepted.
b. All protests and challenges to the election results shall be filed in a written request which describes the alleged irregularity in detail. The challenger must also include the remedy they are seeking in the written request.
c. Upon receipt of any protest and challenge, the Election Commission may seek the advice of legal counsel in the review and consideration of the written request.
d. The Election Commission shall set a hearing to allow the challenger the opportunity to appear and provide evidence to sustain or rebut the protest or challenge.
e. The challenger who have submitted the official protest or challenge shall be allowed to be represented by legal counsel present at their own expense.
f. The Election Commission shall deliberate in a closed executive session but shall return to open session to officially cast votes for their final determination.

Section 902. Burden of Candidate to Provide Evidence
a. Anyone challenging the election results shall have the burden of proving that the Election Commission or other candidates violated one or more provisions of this law or otherwise conducted the election in a manner that severely prejudiced the candidate’s ability to win.
b. The challenger must also provide proof that the outcome of the election would have been in favor of another candidate but for the violation of this law.

Section 903. Candidate Recount Request.
a. Only an official candidate may request a recount of the election results.
b. The request of a recount of the election results must be filed with a written request to the Election Commission within forty-eight (48) hours of the publication of the Unofficial Election Results.
c. A non-refundable fee of one thousand dollars ($1,000) in the form of a cashier’s check or money order made out to the Kiowa Tribe must be submitted with the written request.

Section 904. Recount Process.
a. Recount procedures shall mirror the procedures used for the election being recounted with the same privileges of challenge.
b. The Election Commission shall conduct the recount in an open session via video/audio recording.
c. Once a recount has been requested and established, the date shall be furnished to all Candidates and watchers shall be notified by the Election Commission.
a. Each candidate in the specific election that is the subject of the recount has the option to appoint a watcher to monitor the recount on that candidate’s behalf.
b. All ballots of any recount shall be returned and preserved in the same manner as required for the securing and preserving of all other ballots.

Section 905. Final Determination.
If the Election Commission fails to render a final determination on any protest or challenge within forty-eight (48) hours, the original certification of the election results shall be deemed final for purposes of any judicial review in accordance with Article IX, Section 14, of the Constitution.

Section 906. Appeal.
An appeal of a final determination made by the Election Commission on any protest or challenge to the results of the election may be filed directly with the Kiowa Supreme Court; provided, that

a. A non-refundable fee of one thousand dollars ($1,000) in the form of a cashier’s check or money order must be filed with the appeal.
b. The Kiowa Supreme Court shall hear and decide all election appeals within thirty (30) calendar days.
c. If the Kiowa Supreme Court fails to decide such appeals within thirty (30) calendar days, then the decision of the Election Commission shall be final and no subsequent judicial review shall be permitted.

Section 907. Ties
In the event of a tie vote in an election in which such tie remains unresolved after any change that may result from a recount or challenge has been resolved, the Election Commission shall use the following means of determining the election result.

a. Primary Election – In the event of a tie between the second and third place finishers in the election, both candidates will proceed to the General Election.
b. General Election – In the event of a tie, the winning candidate will be determined by lottery, in accordance with Article IX, Section 11 of the Constitution.
c. Tribal Question Election – In the event of a tie, the Results of the Election shall be that the Question proposed for a vote of the people is defeated.

Section 908. Official Election Results.
After all challenges, recounts, protests or tie votes have been resolved, the Election Commission shall publish Official Election Results on the Tribal website. The Official Election Results shall include the following statement along with the signatures of all election commissioners:

We, the undersigned members of the Kiowa Election Commission, do hereby certify the above to be true and accurate abstract of the votes cast in the election herein. We further certify that said election was conducted in accordance with the Constitution of the Kiowa Tribe and the Kiowa Tribe Election Law of 2022.
PART 10—SPECIAL ELECTIONS

Section 1001. Types of Special Elections.
This shall refer to all other elections other than the Primary Election or the General Election. This election shall be held when called for by the Legislature by law or by the Constitution in accordance with Article IX, Section 12 of the Constitution for the following purposes:

1. Vacancies (Article IX, Sections 7, 8, and 9).
2. Referendum Election (Article XI, Section 2).
3. Initiative Election (Article XI, Section 3).
4. Referral Recall Election (Article XII, Section 2).
5. Recall of an Elected Official (Article XII, Section 5).
6. Constitutional Amendments (Article XIV, Sections 1 and 2).

Section 1002. Vacancies.
Whenever a vacancy shall occur in the Office of the Legislator, the vacancy shall be filled in accordance with Article XII, Sections 7, of the Constitution.

a. A vacancy shall be declared following the death of a Legislator, a resignation of the Legislator, or the removal by recall from office.
b. The Legislature shall conduct an official Session to declare a vacancy by a Legislative Order after five days of notification of vacancy but not to exceed beyond ten days.
c. A copy shall be delivered to the Office of the Chairman if less than six months remain of the term. The Chairman shall appoint a qualified person, subject to confirmation by the Legislature, to serve until the next General Election.
d. A copy shall be delivered to the Election Commission if more than six months remain in the term. The Election Commission shall conduct a Special Election to fill the vacancy within forty-five days of the vacancy.

Section 1003. Referendum Election.
The citizens of the Tribe reserve the right to require a popular vote on any enacted law by binding Referendum to invalidate an enacted law in accordance with Article XI, Section 2 of the Constitution.

a. A Referendum Election requires a valid petition signed by at least four hundred (400) qualified voters protesting an enacted law.
b. The majority of the votes cast in such an election shall be conclusive and binding.
c. A minimum of at least four hundred votes must be cast for the results to be valid.
d. If such a law is rejected by such a vote, then that enactment shall be null and void as of the date of the referendum.
Section 1004. Initiative Election.
The citizens of the Tribe reserve the right to enact legislation by popular vote in accordance with Article XI, Section 3 of the Constitution. Initiatives on spending and budgets are prohibited.

   a. An Initiative Election requires a valid petition of at least four hundred (400) signatures of eligible voters.
   b. In any conflict between an election initiated by petition of the voters and an election called by the Council, the results of the election called by the Council shall govern.

Section 1005. Referendum and Initiative Procedures.
All petitions seeking a Referendum or Initiative vote on a law as authorized by the Constitution of the Kiowa Tribe shall be submitted to the Election Commission. A majority of votes cast by the voters in a Special Election shall determine the success or failure of a Referendum or Initiative.

   a. Upon request, the Election Commission shall prepare and issue a petition form to a Petitioner along with the names and addresses of the eligible voters of the Tribe listed according to Districts including the minimum number of signatures required for a valid petition.
   b. The Election Commission shall provide a list of names and addresses within seven (7) days of the request.
   c. Any voter may submit a Referendum or Initiative petition to the Election Commission.
   d. The Election Commission shall have thirty (30) calendar days to rule on the validity of the signatures on the petition.
   e. If valid, the Election Commission shall submit the law to a popular vote in a Special Election which shall be held within (45) forty-five days.
   f. If successful, the results shall be binding on the Tribe; provided, that six hundred (600) or more voters participated in the election.

Section 1006. Constitutional Amendment.
The Election Commission shall call and hold a Special Election to amend the Constitution within ninety (90) days of receipt of a valid request from the Council or the Legislature.

   a. The Council may initiate the process to amend the Constitution by voting to take such action at a valid Council Meeting where the matter has been properly placed on the agenda.
   b. The Legislature may initiate the process to amend the Constitution by a unanimous vote calling a Special Election by law.
   c. The Constitution may be amended by a majority vote of the voters who vote in the Special Election; provided, that at least thirty (30) percent of the voters cast a vote in the Special Election. Amendments approved by the voters shall become effective immediately unless otherwise indicated in the amendment.
PART 11—REMOVAL OF ELECTED OFFICIALS

Section 1101. Removal of Legislators by Referral to Recall Election.

A District Legislator shall be subject to removal from the Legislature in accordance with Article XII, Section 2 of the Constitution.

  a. The Legislature shall conduct the process to remove a Legislator from office upon unanimous vote of the remaining members in accordance with the Constitution.
  b. The Election Commission shall proceed with a Special Election for the removal of the Legislator upon referral from the Legislature.
  c. The Legislature must submit an official written notification request with a Legislative Order directing the Election Commission to proceed with a Special Election.
  d. No more than one (1) Legislator shall be subject to removal by referral to a Special Election at the same time.
  e. No more than one (1) attempt to remove a Legislator by referral to a Special Election shall be permitted during any term.

Section 1102. Recall Election.

Elected Officials shall be subject to removal from office by a recall vote in a Special Election in accordance with the Article XII, Section 5 of the Constitution.

  a. A Chairman or Vice-Chairman shall be removable by recall vote in a Special Election called by petition of at least thirty (30) percent of the number of registered voters in the Tribe.
  b. A Legislator shall be subject to a recall vote in a Special Election called by petition of at least thirty (30) percent of the number of registered voters in their respective District. If approved for a recall vote, only registered voters within the Legislator’s District shall participate in the recall election.
  c. Any voter of the Kiowa Tribe is entitled to seek the recall of the Chairman or Vice-Chairman of the Tribe. If a voter seeks to recall a District Legislator, the voter must be a register voter of the District the Legislator represents.
  d. The recall of any elected official requires the voter to collect the required number of signatures of registered voters for the specific office for which the voter seeks to initiate the recall.

Section 1103. Written Request and Filing Fee.

  a. A voter seeking the recall of an elected official of the Tribe shall submit a written request for a Recall Petition specific to the office and individual that the voter is seeking to have recalled.
  b. In addition to the written request, a nonrefundable Recall Fee of one thousand dollars ($1,000) must be submitted to the Election Commission. The Recall Fee must be submitted
in the form of a cashier’s check or money order made payable to the Kiowa Tribe. Personal checks or cash will not be accepted.

Section 1104. Official Recall Petition Forms.

a. Upon receipt of the written request for a petition and the required fee, the Election Commission shall issue the Official Recall Petition Forms. The Petitioner shall only use the original Official Petition Form prescribed and provided by the Election Commission for the purpose of collecting signatures for the identified office and the specific elected official that the voter is seeking to recall. Copies of the petition forms shall not be accepted.

b. The Official Petition Forms shall be signed and dated by two Election Commissioners as well as by the Petitioner.

c. At no time will an Official Recall Petition Form be issued unless the simultaneous signing and dating of the form(s) has been accomplished.

d. The Petitioner shall have ninety (90) days from the date of issuance indicated on the Official Recall Petition Form(s) to collect the required number of signatures.

e. The deadline for the return of the Official Recall Petition Form(s) cannot be altered or extended under any circumstances.

Section 1105. Voters List.

a. In the case of a potential recall of the Chairman or Vice-Chairman, the Election Commission shall provide the Petitioner with an Official Voters list containing the names and addresses of all Eligible Voters listed according to Districts.

b. In the case of a potential recall of a District Legislator, the Election Commission shall provide the Petitioner with an voter list containing the names and addresses for all eligible voters within the District represented by the Legislator that may be subject to recall.

c. The Kiowa Election Commission shall inform the Petitioner that only signatures of Registered Voters shall be considered valid in determining the sufficiency of the Petitioner’s Official Recall Petition Form(s).

Section 1106. Notice.

a. After the Official Petition Forms have been issued to the Petitioner, the Election Commission shall inform the elected official subject to a recall that a petition has been initiated by certified letter. The letter shall include but not limited to the information regarding the required number of signatures, specific deadlines, processes for verification, validation and challenging of petition signatures, and the election process should a Special Recall Election come to pass.

b. As soon as is practical after issuance of an Official Recall Petition Form(s), Election Commission shall issue a Recall Notice to all Eligible Voters of the Tribe in the case of a potential Tribal Chairman or Vice Chairman recall or to all Eligible Voters within a District in the case of a potential Legislator’s recall.
c. The Recall Notice shall include but not be limited to information regarding the required number of signatures on an Official Petition Form, specific deadlines, processes for verification, validation and challenging of petition signatures, and the election process should a Special Recall Election come to pass.

**Section 1107. Submission of Recall Petitions.**

a. Upon return submission of the Official Recall Petition Forms(s) to the Election Commission office by the Petitioner, the Election Commission Clerk, shall immediately date and time stamp the Official Recall Petition Form(s).

b. The Clerk shall issue a receipt and copies of the forms submitted to the Petitioner. The Election Commission shall retain the original copies of the Official Recall Election Petition Forms for their permanent records.

c. The Clerk shall immediately notify the members of the Election Commission that a Recall Petition has been submitted to the Election Commission office.

**Section 1108. Validation of Deadline Requirements.**

a. The Election Commission shall convene a meeting within three days of receipt of the Official Recall Petition Form(s) for the purpose of determining if the Official Recall Petition Forms have been submitted timely.

b. If Petitioner failed to submit the signed Official Recall Petition Form(s) within the prescribed time period, the Election Commission shall inform the Petitioner of that finding and further inform the Petitioner that no further action will be taken.

c. If the Petitioner has met the submission deadline requirements of this law, the Election Commission shall inform the Petitioner of that finding and notify the petitioner of the Election Commissions required verification/validation process commencement.

**Section 1109. Signature Verification.**

a. The Petitioner shall also be informed of the requirement that the Election Commission complete the signature verification process within thirty days of the issuance of its finding of timely submission.

b. Signatures submitted shall be verified by the Election Commission according to voter information contained within the Election Commission voter database.

c. In the case of potential recall of a Kiowa Tribal Legislator, only the signatures of Registered Voters within that Legislators’ district shall be considered valid.

d. An Official Recall Petition shall only be considered sufficient if the number of signatures verified by the Election Commission is equal to or greater than thirty (30) percent of the count of Registered Voters within the specified District at the time of the issuance of the Official Recall Petition Form(s).

e. In the case of potential recall of the Chairman or Vice Chairman, only signatures of Registered Voters shall be considered valid. An Recall Petition shall only be considered sufficient if the number of signatures verified by the Election Commission is equal to or
greater than thirty (30) percent of the count of Registered Voters of the Tribe at the time of
the issuance of the Official Recall Petition Form(s).

f. If the verification process is determined to have met the sufficiency requirements stated
herein, the Petitioner shall be informed of its findings by a Certified Letter and notify the
Petitioner of the rights of the elected official subject to recall to view and potentially
challenge the validity of signatures contained in the Recall Petition.

g. If the verification process is determined to have failed to meet the sufficiency requirements,
the Petitioner shall be informed of its findings by a Certified Letter and no further action
will be taken.

h. A copy of this notification shall also be delivered by a Certified Letter to the elected official
that is the subject of the Recall Petition.

Section 1110. Challenge of Signatures.

a. The elected official subject to recall may request an opportunity to view and challenge
verified signatures contained within the petition by submitting such request in writing to
the Election Commission office no later than five days after issuance of its notice indicating
a finding of sufficiency.

b. Within three days of receipt of a request for review of the Recall Petition by the elected
official, the Election Commission shall schedule a date and time for the review/challenge
process to occur.

c. The elected official may review the Recall Petition Form(s) in the presence of at least two
members of the Election Commission at a location designated for this purpose.

d. The elected official shall be allowed to review the names and signature on the recall petition
while in possession of the eligible and registered voters list. No copies of the Official Recall
Petition or the supplied Voters list shall be made or allowed to leave the room in which the
review is conducted.

e. Signatures may be declared invalid based the elected official providing substantial
evidence of improper residency, death, duplication, or forgery.

f. Signatures of Tribal Members qualified to sign the Recall Petition shall not be invalidated
by their death in the period between their signing of the Recall Petition and the review
process described herein.

h. At the conclusion of the review/challenge process, the elected official may submit their list
of signatures being challenged, the reason for the challenge and any evidence supporting
the challenge to the Election Commission. The Election Commission shall review each
challenge individually and rule on each challenge before proceeding to the next.

Section 1111. Calculations after Challenge of Signatures

a. At the conclusion of the review/challenge process, the Election Commission shall calculate
the number of valid signatures remaining after any exclusions are determined.

b. If the Recall Petition signature count fails to meet the sufficiency requirement, the Election
Commission shall submit a written Notice, to both the Petitioner and the elected official
verifying the Official Recall Petition has been found to be insufficient and that no further action will be taken.

c. If the Election Commission finds that the signature count meets the sufficiency requirement, the Election Commission shall submit a written Notice to both the Petitioner and the elected official verifying that the Official Recall Petition was found to be sufficient and that the Election Commission is required to hold a Recall Election within sixty days of the finding of sufficiency.

Section 1112. Election Notice.

a. The Election Commission shall issue an Official Election Notice to be forwarded to the Executive Branch and the Public Relations Office for the publication to Tribal website.
b. The Official Election Notice shall contain the same information specified in Section 702.
c. The recall election shall occur within sixty days from the date the public notice was issued.
d. The Election Commission shall begin accepting absentee ballot requests for registered voters the recall election affects.
e. The Election Commission shall publish preliminary list of eligible voters to allow for Tribal members to register to vote on the same day of the publication of the notice of election.
f. The final list of eligible voters shall be published thirty days prior to the recall election.
g. The ballot shall pose a question as to whether or not the elected official identified should be recalled. Voters are to be presented with ability to choose a “Yes” or “No” response.

Section 1113. Election

a. The results of the majority of responses of the total votes cast in the election shall determine the elected official is recalled or retains the office to which they were elected.
b. The total number of votes cast in support of the recall must be equal to or greater than the number of votes that the candidate received when they were elected to office.
c. If the results of the recall election are in the affirmative, the Election Commission shall declare the seat vacant.
d. If the results of the recall election are in the negative, the Election Commission shall notify the Executive Branch and the elected official subject to the recall of the results, indicating that no further action is to be taken.
PART 12. ELECTION OFFENSES.

Section 1201. Prohibited Campaigning Activities.
Candidates are responsible for their campaigns. Candidates for elective office are strictly prohibited from the use of any Tribal Assets of any kind for campaign purposes.

a. Campaigning on property owned, leased, or rented by the Kiowa Tribe shall be prohibited.
b. If a Voter appears at a voting location wearing clothing that identifies a Candidate, or political position, or with political statements, they will be asked to change or turn the clothing inside out. If the request is refused, Law Enforcement will be contacted to escort them from the premises.
c. Elected official(s) may not actively campaign for an upcoming election while performing the duties or obligations of their currently seated elective office. Prohibited activities include but not limited to: distributing campaign material, announcements of candidacy, endorsement of other candidates for office, etc.
d. The official Kiowa Tribe seal may be used for candidacy announcements but shall be prohibited to display on advertisements to raise funds for financing candidate campaigns.

Section 1202. Illegal Election Acts.
Any persons who has committed one or more of the following violations shall be subject to an investigation. Criminal charges may be filed in the Kiowa Tribal Courts and if found guilty of violations shall be subject to any judgements or penalties deemed necessary by the Tribal Courts.

a. Bribery to Influence a Vote. Any person who offers, solicits or accepts something of value intended to influence the vote of the person soliciting or accepting same.
b. Bribery to Withdraw Candidacy. Any person who shall offer or give to another anything of value to induce or cause such other person to withdraw from a political contest as a candidate for any office at any election, or any person who shall solicit or accept from another anything of value for withdrawing from any political contest as a candidate for any office at any election.
c. Coercion to Influence a Vote. Any person who, by means of coercion or any threat of violence or other unlawful conduct, knowingly attempts to prevent an adult Kiowa Tribal member from voting or to encourage such voter to vote a particular way.
d. Electioneering. Any person who campaigns for any candidate or proposal within three hundred (300) feet of any ballot box while an election is in progress, or any person except election officials and other persons authorized by law who remains within fifty (50) feet of any ballot box while an election is in progress.
e. Interference with Conduct of Election. Any person(s) who interferes with an adult Kiowa Tribal member who is attempting to vote. Any person(s) who attempts to influence the vote of another by means of force or intimidation. Any person(s) who interferes with the orderly and lawful conduct of an election.
f. **Voting Illegally.** Any person who votes more than once at any election, who votes under someone else’s name, or who, knowing that he or she is not eligible to vote at an election, willfully votes at said election.

g. **Voting Disclosure.** Any election official who discloses how any voter may have voted, or any voter who, within the election enclosure, discloses to any other person how he/she voted.

h. **Unlawful Balloting.** Any person, except an Election Official, who removes an Official Ballot from the polling place or who carries any ballot into a polling place.

i. **Possession of Unlawful Ballots.** Any person who causes to be printed, or who has in his/her possession ballots not authorized by the Election Office.

j. **Tampering with Voting Device.** Any person who defaces a voting device, breaks, tampers with, impairs, impedes or otherwise interferes with the maintenance, adjustment, delivery, use or operation of any voting device or part thereof.

k. **Intoxicating Liquor or Any Illegal Substances.** Any person who takes intoxicating liquors or illegal substances of any kind or quantity to within three hundred feet of any polling place on an election day.

**Section 1203. Reporting of any Violations.**

Any Tribal Member may file a written complaint regarding any activities that violate any provisions stated in Sections 1201 or 1202.

- a. The complaint must be initiated with the Election Commission Office.
- b. The complaint must specify the person(s) engaged in the prohibited or illegal conduct, the specific violation, and convincing evidence of a violation. The complainant must also identify themselves in the complaint.
- c. Upon receipt of the complaint, the Election Commission shall be required to promptly forward the complaint to the Chairman or Vice-Chairman.
- d. The failure of any Commission Member possessing such information to forward the complaint may be cause for his/her removal from the Election Commission.
- e. The Chairman or Vice-Chairman shall be required to send the complaint to the Kiowa Court Prosecutor for review.
- f. If the prosecutor determines that sufficient cause exists to proceed, then he or she shall have the power and authority to sign, file, and present any all complaints, subpoenas, affidavits, motions, processes, and papers of any kind and to appear before all Courts.
- g. Any proceedings shall be conducted in accordance with the Tribal Courts Rules and Procedures.