

TO APPROVE AMENDMENT TO CB-071-13, THE CHIEF AND TRIBAL COUNCIL ELECTION ORDINANCE

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION
THOMAS WILLISTON INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO APPROVE Amending Council Bill CB-71-13, also known as the Council Bill to Approve the Choctaw Nation Election Ordinance.

WHEREAS, the Constitution of the Choctaw Nation of Oklahoma requires the Tribal Council to approve an Election Ordinance for all Choctaw Nation of Oklahoma elections; and

WHEREAS, it is in the best interest of the Nation that the Election Ordinance established in CB-71-13 be amended to effectuate the changes attached and included herein.

THEREFORE BE IT ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma that this Amendment be cited as approval for change to the Election Ordinance as enacted in CB-71-13 and as approval of the provisions as amended and attached herein.

THEREFORE BE IT ENACTED prior to publication of this bill and the amendments hereto in the form of a finalized Election Ordinance all references to page numbers throughout such document shall be updated to accurately reflect all page numbers and references.

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on 02/14/15. I further certify that the foregoing Council Bill CB- 55 -15 was adopted at such meeting by the affirmative vote of eleven (11) members, one (1) negative votes, and zero (0) abstaining.



Delton Cox, Speaker
Choctaw Nation Tribal Council



Thomas Williston, Secretary
Choctaw Nation Tribal Council



Gary Batton, Chief
Choctaw Nation of Oklahoma

Date 2-19-15

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1. AMENDMENT-ARTICLE V. ELECTION DATES; SECTION 1

SECTION 1. Choctaw Nation elections are held every two (2) years, with the offices for Chief and six (6) Council Members being held at one time and the offices for the other six (6) Council Members being held the next. An election for an office would not be held in the event that any standing office holder is to run un-opposed. Elections shall be held on the second Saturday in July.

2. AMENDMENT-ARTICLE VI. FILING AND FEES; SECTION 1

SECTION 1. Filing dates for candidates shall be the Monday, Tuesday and Wednesday of the second full week in May preceding any election. Filing dates will be published in various newspapers inside the boundaries of the Choctaw Nation, including the Biskinik, and/or by television and radio stations.

3. AMENDMENT-ARTICLE VI. FILING AND FEES; SECTION 5

SECTION 5. BACKGROUND CHECK

All potential candidates are required to execute a consent and acknowledgment form as issued by the Election Board for a background check when they file for an office. They are not officially considered a candidate until the results of the background check indicate they are eligible. No person who has been convicted of a felony by a court of competent jurisdiction shall be eligible to hold any elected or appointed office in the Choctaw Nation. The results of the background check shall be kept on file at the Election Board office in Durant for a period of ninety (90) days after election results are final.

4. AMENDMENT-ARTICLE VI. FILING AND FEES; SECTION 6

SECTION 6. EMPLOYEES OF THE NATION

- a) Employees of the Choctaw Nation of Oklahoma and all its entities, including the Housing Authority or anyone who serves as a contract employee, consultant, who meet eligibility requirements, may seek elective office. Prior to filing as candidate for any election, such person must take a leave of absence from the Choctaw Nation of Oklahoma and may not be re-employed by the Nation for the duration of the campaign or tenure of the office, should the employee win the election. Documentation of leave of absence or resignation must be provided to the Election Board at the time of filing. For the purposes of this section, an incumbent serving in an elective office shall not be deemed to be an employee.
- b) Any employee requesting unpaid leave of absence for the purpose of running as a candidate for Tribal Election shall be subject to the Paid and Unpaid Leave of Absence Policy of the Choctaw Nation of Oklahoma (HR 209).

5. AMENDMENT-ARTICLE VI. FILING AND FEES; SECTION 7

SECTION 7. ACKNOWLEDGMENT

Candidates shall certify that they:

- a) Are at least one-fourth degree Choctaw Indian by blood as certified by official Tribal Membership card and/or CDIB;
- b) Are not an employee of the tribe or are an employee of the tribe and have taken a leave of absence and that he/she understands that should he/she become an active employee during the election process, he/she shall be automatically disqualified as a candidate;
- c) Will not use tribal property or equipment for election/campaign purposes during the pendency of their candidacy;
- d) Meet all qualifications required for the office such candidate is running for; and
- e) Will adhere to all requirements of this Election Ordinance and will not violate any election provision.

6. AMENDMENT-ARTICLE VIII. VOTING LIST; SECTION 1

ARTICLE VIII. VOTING LIST

SECTION 1. A list of eligible voters in an election will be obtained by the Election Board prior to any election. Each eligible candidate will be provided only one copy of this list of eligible registered voters in the election in which said person is a candidate for office. This list will be provided upon validation by the Election Board that such Candidate meets all qualifications and requirements.

7. AMENDMENT-ARTICLE VIII. VOTING LIST; SECTION 2

ARTICLE VIII. VOTING LIST

SECTION 2. The list consists of names only of all eligible registered voters in an election, unless otherwise designated by a Council Bill. It is divided between those living within the boundaries of the Choctaw Nation and those living outside the boundaries who are affiliated with that district. The list will include all voters who have current addresses on file with the Tribal Membership office as well as those whose addresses are marked as "Returned".

8. AMENDMENT-ARTICLE XI. CAMPAIGNING; SECTION 1

ARTICLE XI. CAMPAIGNING

SECTION 1. For the purposes of this Section, the term "Campaign" or "Campaigning" shall include but is not limited to activities such as public speaking, asking for votes and/or donations, holding or distribution of any written materials, campaign literature, campaign items of any kind, excluding those provided by the Election Board. Articles of clothing displaying the name of an individual who is also a candidate shall not be in violation of this section unless such display can be construed by a reasonable person as favoring any candidate or otherwise be an attempt to influence the result of the election.

9. AMENDMENT-ARTICLE XI. CAMPAIGNING; SECTION 2

ARTICLE XI. CAMPAIGNING

SECTION 2. For purposes of this ordinance the term “loiter” or “loitering” means for a person to linger or remain, or to allow personal property owned by or in the control of said person, to linger or remain in a polling place or on the grounds of a polling place at any time while that person is not actively completing his/her voting process. “Polling place” or “grounds of a polling place” shall include, but is not limited to main voting areas, breezeways, porches, patios, gazebos, grassy areas, parking lots, curbsides, and other common areas associated with such polling place.

10. AMENDMENT-ARTICLE XI. CAMPAIGNING; SECTION 3

ARTICLE XI. CAMPAIGNING

SECTION 3. Intentionally and actively campaigning on Choctaw Nation property will not be permitted at any time, unless otherwise approved via Council Bill.

11. AMENDMENT-ARTICLE XI. CAMPAIGNING; SECTION 4

ARTICLE XI. CAMPAIGNING

SECTION 4. No candidate, person, corporation or legal entity shall be allowed to campaign or display political advertisement within 100 yards of a polling place or the Election Board office on Election Day. If a voter shows up at a polling place while wearing clothing used to campaign or with political statements they will be asked to change first or turn the clothing inside out. If the request is refused, Tribal Police will be contacted to escort them from the premises. Any person displaying political advertisements in their yards within 100 yards of the polling place or Election Board office will be asked to take it down.

12. AMENDMENT-ARTICLE XI. CAMPAIGNING; SECTION 5

ARTICLE XI. CAMPAIGNING

SECTION 5. No candidate, person, corporation or legal entity shall be allowed to loiter at any polling place or the Election Board office on Election Day.

13. AMENDMENT-ARTICLE XI. CAMPAIGNING; SECTION 6

ARTICLE XI. CAMPAIGNING

SECTION 6. If, upon the conclusion of a duly conducted hearing, it is determined by a majority of the Election Board that a candidate, other person, corporation or legal entity has violated this Article the following penalties may be imposed:

- i. Upon a first violation, a private reprimand shall be issued to the Candidate in writing. Depending upon the severity of the violation, a public reprimand in writing may be issued to the Candidate and may also be sent to newspapers of general circulation in the Choctaw Nation, including the tribal newspaper, for immediate publication.
- ii. Upon second and subsequent violations, in addition to the penalties described above, the Candidate may be fined up to five hundred dollars (\$500) per violation.
- iii. Failure to pay a fine assessed by the Election Board may result in a winning Candidate not being seated as an elected official until said fines are paid. In such event, the winning Candidate shall be titled "Chief-elect" or "Councilperson-elect" and the office will not be considered to have a vacancy.

14. AMENDMENT-ARTICLE XII. WATCHERS; SECTION 3

ARTICLE XII. WATCHERS

SECTION 3. Any candidate is entitled to commission only one (1) Absentee Vote Watcher to observe the processing of absentee ballots in an election. The Watcher shall receive no compensation for their services. The Watcher must subscribe to an oath administered by a member of the Election Board regarding the duties and obligations of Watchers. Watchers shall take this oath prior to being permitted to observe the collection, opening and/or tabulation of the absentee ballots. The Election Board shall issue a written policy determining the method and timing for administration of the oath and the manner, place, and length requirements for retention of written oaths.

15. AMENDMENT-ARTICLE XII. WATCHERS; SECTION 4

ARTICLE XII. WATCHERS

SECTION 4. Absentee Vote Watchers shall be permitted to observe the collection of the absentee ballots from the post office, the opening of the "Ballot" envelopes containing the absentee ballots and the tabulation process for the absentee ballots. The Election Board shall issue a written policy determining the manner and timing of ballot collection, transportation, opening, tabulation, and storage. The Absentee Vote Watcher must not interfere with the Election Board members' duties. Any type of campaigning by an Absentee Vote Watcher will result in his/her dismissal of duties. The Absentee Vote Watcher may not divulge any information or give any indication as to the result of the absentee vote count prior to the time the Election Board makes the official Election Return for Absentee Ballot count.

16. AMENDMENT-ARTICLE XV. ABSENTEE VOTING; SECTION 1

ARTICLE XV. ABSENTEE VOTING

SECTION 1. The Election Board will issue a written policy determining the manner and timing of ballot collection, transportation, opening, tabulation, recording, storage and posting.

17. AMENDMENT-ARTICLE XV. ABSENTEE VOTING; SECTION 2

ARTICLE XV. ABSENTEE VOTING

SECTION 2. When a district is up for an election, absentee ballots shall be automatically mailed to all registered voters for that election **residing outside** the territorial boundaries of the Choctaw Nation. In the case of a Chief's election, all non-resident voters will receive absentee ballots. Absentee ballots will be mailed to the address shown on the official voter registration list with the Tribal Membership office, providing the address is current. The Election Board will issue a written policy determining the timing of mailings and the method of giving notice of mailings.

18. AMENDMENT-ARTICLE XV. ABSENTEE VOTING; SECTION 3

ARTICLE XV. ABSENTEE VOTING

SECTION 3. A list of eligible voters with returned addresses (Returned Address List) will be maintained by the Election Board during each election session. No ballot will be mailed to a person listed on the Returned Address List. It is the responsibility of the voter to be sure his/her address is current with the Tribal Membership office.

19. AMENDMENT-ARTICLE XV. ABSENTEE VOTING; SECTION 12

ARTICLE XV. ABSENTEE VOTING

SECTION 12. (Reserved)

20. AMENDMENT-ARTICLE XVI. ELECTION RETURNS; SECTION 6

ARTICLE XVI. ELECTION RETURNS

SECTION 6. After the totals have been called in by the Precinct Election Boards, an unofficial Election Return of totals is then made by the Chairman and Secretary of the Election Board. Once the accuracy of the results has been verified, the Election Board prints an Official Election Return report. The return is signed by all members of the Election Board. The Chairman of the Election Board shall certify and post the results of the election immediately and transmit it to the Bureau of Indian Affairs in Muskogee, Oklahoma.

21. AMENDMENT-ARTICLE XIX. WINNER; SECTION 1

ARTICLE XIX. WINNER

SECTION 1. The candidate for the office of Chief receiving more than fifty percent (50%) of the total votes cast, defined as fifty percent (50%) plus one (1) or more votes, in the Primary Election shall be declared the winner, and his/her name shall be transmitted in writing to the Bureau of Indian Affairs office located in Muskogee, Oklahoma.

22. AMENDMENT-ARTICLE XIX. WINNER; SECTION 2

ARTICLE XIX. WINNER

SECTION 2. The candidate for an office of the Tribal Council receiving more than fifty percent (50%) of the total votes cast, defined as fifty percent (50%) plus one (1) or more votes, in the Primary Election shall be declared the winner for their respective district, and his/her name shall be transmitted in writing to the Bureau of Indian Affairs office located in Muskogee, Oklahoma.

23. AMENDMENT-ARTICLE XIX. WINNER; SECTION 3

ARTICLE XIX. WINNER

SECTION 3. If a candidate does not receive more than fifty percent (50%) of the total votes cast for the respective office, defined as fifty percent (50%) plus one (1) or more votes, then a Run-off Election between the two (2) candidates receiving the most votes in the Primary Election shall be conducted within four (4) weeks following the Primary Election. The person receiving more than fifty percent (50%) of votes cast, as defined herein, in the Run-off Election for Chief or Tribal Council Member shall be declared winner, and his/her name shall be transmitted in writing to the Bureau of Indian Affairs office located in Muskogee, Oklahoma.

24. AMENDMENT-ARTICLE XXIII. CAMPAIGN CONTRIBUTION REPORTING;
SECTION 1

ARTICLE XXIII. CAMPAIGN CONTRIBUTION REPORTING

SECTION 1. Definitions

“Valid Candidate” shall mean, for the purpose of this Chapter, a qualifying Tribal Member who has filed a Declaration of Candidacy with the Election Board, paid the appropriate fee for such filing and has been determined by the Election Board as an eligible candidate for an elected position for the Choctaw Nation of Oklahoma.

25. AMENDMENT-ARTICLE XXIII. CAMPAIGN CONTRIBUTION REPORTING;
SECTION 2

ARTICLE XXIII. CAMPAIGN CONTRIBUTION REPORTING

SECTION 2. Disclosure of Campaign Contributions.

- a) All candidates for elective office shall file a statement with the Election Board disclosing the source and amount of all monetary contributions, unless otherwise exempted by this Article, regardless of whether such contribution was during the election session.
- b) Any contribution amount less than two hundred fifty dollars (\$250.00) made to either the candidate, a campaign worker or the campaign shall be exempted from disclosure requirements as de minimus.
- c) Any single contributor (excluding Candidates' own personal funds), whether an individual, entity, a business or corporation, is limited to a maximum monetary contribution of \$5,000.00 per calendar year. Any contributions in excess of this limit must be declined or returned immediately.
- d) Each candidate shall be required to accurately report all contributions received for disclosure purposes regardless of when the contribution is made to such candidate.
- e) This requirement of disclosure will be effective as of the date passed and will require disclosure for all future elections and any contributions made therefor. Candidates will be required to disclose the sum balance of funds obtained prior to enactment; however, reporting of amounts of two hundred fifty dollars or more shall only be required for monies received after the enactment date of this section.

26. AMENDMENT-ARTICLE XXIII. CAMPAIGN CONTRIBUTION REPORTING;
SECTION 3

ARTICLE XXIII. CAMPAIGN CONTRIBUTION REPORTING

SECTION 3. Campaign Contribution Disclosure Statements will be filed along with an affidavit by the Candidate swearing to its accuracy.

27. AMENDMENT-ARTICLE XXIII. CAMPAIGN CONTRIBUTION REPORTING;
SECTION 4

ARTICLE XXIII. CAMPAIGN CONTRIBUTION REPORTING

SECTION 4. Campaign Contribution Disclosure Statements shall be filed with the Election Secretary upon declaration of candidacy and updates shall be filed at the end of every month during the election session until the election(s) for said Candidate is completed. It shall be filed on a form provided by the Election Board which will reflect the above information.

28. AMENDMENT-ARTICLE XXIII. CAMPAIGN CONTRIBUTION REPORTING;
SECTION 5

ARTICLE XXIII. CAMPAIGN CONTRIBUTION REPORTING

SECTION 5. The Election Board shall be responsible for collecting all records related to Campaign Contributions. Such records shall be available, upon reasonable request, for public inspection and copying through the four (4) year term that the requested candidate would have served. In the event the Election Board is unavailable to fulfill a request for copies of records the Registered Voter Department shall be responsible for fulfilling such request. Copies of any candidate's records will be released within a reasonable amount of time, but not longer than ten (10) business days, and upon remittance of payment in the amount of twenty-five dollars (\$25.00) per candidate to the Election Board.

29. AMENDMENT-ARTICLE XXIV. MISCELLANEOUS ELECTION REGULATIONS; SECTION 1

ARTICLE XXIV. MISCELLANEOUS ELECTION REGULATIONS

SECTION 1. USE OF TRIBAL ASSETS.

- a) Candidates are responsible for their campaigns. Candidates for elective office are strictly prohibited from the willful use of any Tribal Assets of any kind for campaign purposes.
- b) A Candidate may file a written complaint regarding another Candidate using Tribal Assets for campaign purposes with the Election Board. The complaint must specify the Candidate and the office running for and stating the cause of the complaint. Such complaints may be filed up to the date of counting of the ballots in such election. The complainant shall be responsible for sending a copy of the complaint to the Candidate who is the subject of the complaint. The copy of the complaint shall be sent to the challenged Candidate by certified mail, return receipt requested.
- c) The Candidate who is the subject of the complaint shall have three (3) working days from the day of receipt of notice of the complaint to file a response to the complaint; provided, however, that other time frames for filing of complaints and responses may be stipulated by the Election Board for run-off elections or by Tribal Council for special elections. The Election Board may, upon the hearing of testimony or other reliable evidence, recognize a defense of ignorance on the part of the Candidate to the actions of his campaign workers, or misfeasance or malfeasance of campaign workers.

30. AMENDMENT-ARTICLE XXIV. MISCELLANEOUS ELECTION REGULATIONS; SECTION 2

ARTICLE XXIV. MISCELLANEOUS ELECTION REGULATIONS

SECTION 2. PENALTIES; ENFORCEMENT.

If, upon the conclusion of a duly conducted hearing, it is determined by a majority of the Election Board that a Candidate failed to file campaign contribution reports in a timely manner or willfully filed inaccurate reports, the following penalties may be imposed:

- iv. Upon a first violation, a private reprimand shall be issued to the Candidate in writing. Depending upon the severity of the violation, a public reprimand in writing may be issued to the Candidate and may also be sent to newspapers of general circulation in the Choctaw Nation, including the tribal newspaper, for immediate publication.
- v. Upon second and subsequent violations, in addition to the penalties described above, the Candidate may be fined up to five hundred dollars (\$500) per violation.
- vi. Failure to pay a fine assessed by the Election Board may result in a winning Candidate not being seated as an elected official until said fines are paid. In such event, the winning Candidate shall be titled "Chief-elect" or "Councilperson-elect" and the office will not be considered to have a vacancy.

31. AMENDMENT-ARTICLE XXIV. MISCELLANEOUS ELECTION
REGULATIONS; SECTION 3

ARTICLE XXIV. MISCELLANEOUS ELECTION REGULATIONS

SECTION 3. ADMINISTRATIVE APPEALS COMMITTEE

The Administrative Appeals Committee shall composed of the judges sitting on The Court of Appeals of the Choctaw Nation, with the presiding judge of the District Court of the Choctaw Nation as alternate in the event of a vacancy or conflict of interest.

32. AMENDMENT-FILING FORMS-CANDIDATE FOR CHIEF OF THE CHOCTAW NATION OF OKLAHOMA

Previous form shall be replaced in its entirety with the following:

CANDIDATE FOR CHIEF OF THE CHOCTAW NATION OF OKLAHOMA

"For the purpose of having my name placed on the official election ballot as a candidate for Chief of the Choctaw Nation of Oklahoma, I, _____, do solemnly swear (or affirm) that I now reside and have resided in the Choctaw Nation of Oklahoma for two (2) years or more immediately preceding this election: I now reside at:

ADDRESS: _____
 CITY/STATE/ZIP: _____
 TELEPHONE: _____
 OCCUPATION: _____
 HEIGHT: _____ WEIGHT: _____
 COLOR OF HAIR: _____ DOB: _____

I hereby certify that I am at least one-fourth (1/4) degree Choctaw Indian by blood as certified by an official Tribal Membership Card and/or a Certificate of Degree of Indian Blood (CDIB) (attached); that (circle one) I am not an employee of the tribe/ I am an employee and have taken a leave of absence and if I become an active employee I will rescind my candidate filing; that I will not use tribal property or equipment for election/campaign purposes during the pendency of my candidacy; and that I meet all qualifications required for said office. Furthermore, I hereby agree to adhere to all requirements of the Election Ordinance of the Choctaw Nation of Oklahoma and I will not violate any election provision, including but not limited to, defining or relating to corrupt and fraudulent practice in campaigns of elections in the Choctaw Nation, the definition of campaigning and use of tribal property during the pendency of an election. Choctaw Nation Tribal Membership has certified that my documents are genuine.

 Signature

State of (_____)
) SS:
 County of (_____)

Before me, the undersigned Notary Public in and for said county and state, on this _____ day of _____, 20____, personally appeared _____, who subscribed the above statement and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed for the purpose therein set forth. Witness my hand and official seal the day and year above written.

 Notary Public

SEAL
 My Commission Expires: _____

FOR USE BY CHOCTAW NATION MEMBERSHIP DEPARTMENT ONLY		
I hereby certify that the above is a member of the Choctaw Nation of Oklahoma and fulfills all Constitutional requirements necessary to hold the above stated office of the Choctaw Nation of Oklahoma.		
_____ Print	_____ Sign	_____ Date

33. AMENDMENT-FILING FORMS-CANDIDATE FOR TRIBAL COUNCIL OF THE CHOCTAW NATION OF OKLAHOMA

Previous form shall be replaced in its entirety with the following:

CANDIDATE FOR TRIBAL COUNCIL MEMBER OF THE CHOCTAW NATION OF OKLAHOMA

"For the purpose of having my name placed on the official election ballot as a candidate for Tribal Council Member for the District #____, I, _____, do solemnly swear (or affirm) that I now reside and have resided in the District for which I seek office one (1) year or more immediately preceding this election: I now reside at:

ADDRESS: _____
 CITY/STATE/ZIP: _____
 TELEPHONE: _____
 OCCUPATION: _____
 HEIGHT: _____ WEIGHT: _____
 COLOR OF HAIR: _____ DOB: _____

I hereby certify that I am at least one-fourth (1/4) degree Choctaw Indian by blood as certified by an official Tribal Membership Card and/or a Certificate of Degree of Indian Blood (CDIB) (attached); that (circle one) I am not an employee of the tribe/I am an employee and have taken a leave of absence and if I become an active employee I will rescind my candidate filing; that I will not use tribal property or equipment for election/campaign purposes during the pendency of my candidacy; and that I meet all qualifications required for said office. Furthermore, I hereby agree to adhere to all requirements of the Election Ordinance of the Choctaw Nation of Oklahoma and I will not violate any election provision, including but not limited to, defining or relating to corrupt and fraudulent practice in campaigns of elections in the Choctaw Nation, the definition of campaigning and use of tribal property during the pendency of an election. Choctaw Nation Tribal Membership has certified that my documents are genuine.

State of (_____) _____
) SS: Signature
 County of (_____)

Before me, the undersigned Notary Public in and for said county and state, on this _____ day of _____, 20____, personally appeared _____, who subscribed the above statement and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed for the purpose therein set forth. Witness my hand and official seal the day and year above written.

 Notary Public

SEAL
 My Commission Expires: _____

FOR USE BY CHOCTAW NATION MEMBERSHIP DEPARTMENT ONLY		
I hereby certify that the above is a member of the Choctaw Nation of Oklahoma and fulfills all Constitutional requirements necessary to hold the above stated office of the Choctaw Nation of Oklahoma.		
_____	_____	_____
Print	Sign	Date