

CHIEF AND TRIBAL COUNCIL ELECTION ORDINANCE

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CHIEF AND TRIBAL COUNCIL ELECTION ORDINANCE

ARTICLE I. PURPOSE

SECTION 1. This Chief and Tribal Council Election Ordinance (the “Ordinance”) is adopted for the purpose of conducting tribal elections for the Chief and Tribal Council Members of the Choctaw Nation of Oklahoma, as defined by Article I Section 2 of the Constitution of the Choctaw Nation of Oklahoma. Tribal Elections will consist of general, run-off and special elections to fill vacancies.

ARTICLE II. DEFINITIONS

SECTION 1. For the purpose of this Ordinance the following words shall have the meanings respectively ascribed to them in this section unless the context clearly requires otherwise:

- (a) “Campaign/Campaigning” means any organized or active work toward a goal of influencing votes, including but not limited to, public speaking directed to persons in support or in opposition of a Candidate or prospective candidate, asking for votes, and/or donations, holding or distributing written materials, campaign literature, campaign items of any kind, excluding those provided by the Election Board;
- (b) “Candidate” means 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;
- (c) “Constitution” means the Constitution of the Choctaw Nation of Oklahoma;
- (d) “Choctaw Nation of Oklahoma Community Center” means the community centers within the Choctaw Nation of Oklahoma recognized by the Election Board as voting locations during times of election.
- (e) “Non-resident Voter” means a Voter who does not reside within the boundaries of the Choctaw Nation of Oklahoma;
- (f) “Non-resident Unaffiliated Voter” means a Non-resident Voter that does not affiliate with a district.
- (g) “Residency/Resident” means the act of residing or one who resides within the territorial jurisdiction of the Choctaw Nation of Oklahoma as the primary place of domicile and is synonymous with the term domicile or abode and means the place where the Candidate or prospective candidate has a true, fixed and permanent home, and to which whenever absent, the Candidate or prospective candidate has the intention to return.
- (h) “Tribal Assets” means property of all kinds including real, personal and intellectual property;

- (i) "Voter" means a member of the Choctaw Nation of Oklahoma who has registered to vote in accordance with Article IV of this Ordinance

ARTICLE III. AUTHORITY

SECTION 1. The authority for these procedures and regulations for tribal elections is contained in Article IX, Section 5 of the Constitution.

ARTICLE IV. VOTER REGISTRATION

SECTION 1. Any person who has obtained Tribal Membership as defined by Article II of the Constitution and who has attained the age of eighteen (18) by the date of any election shall be eligible to register to vote. Every eligible tribal member must be registered with the Choctaw Nation of Oklahoma Tribal Voter Registration Department to vote in tribal elections.

SECTION 2. Each eligible tribal member must fill out a voter registration form. The information provided on the voter registration form is signed under oath.

SECTION 3. Tribal members living inside the Choctaw Nation of Oklahoma boundaries must be registered in the district in which they reside and may submit an official ballot as provided in Article XV of this Ordinance.

SECTION 4. Non-resident Voters may become affiliated with a district of their choice. Once a Non-resident Voter has affiliated with a district while living outside of the Choctaw Nation of Oklahoma boundaries, he/she must remain in their chosen district. Affiliation may change only when a voter moves back within the boundaries of the Choctaw Nation of Oklahoma. Non-resident Voters may submit an official ballot as provided in this Ordinance.

SECTION 5. Non-resident/Unaffiliated Voters are only eligible to vote in an election for the Chief.

SECTION 6. Eligible tribal members may register to vote with the Choctaw Nation of Oklahoma Tribal Voter Registration Department all year during regular business hours except holidays recognized by the Choctaw Nation of Oklahoma. Registration is also allowed during general elections at the times and locations provided Article XI, Sections 2-3.

SECTION 7. Voters wanting to make any registration changes allowed by this Ordinance must submit a new voter registration form to the Choctaw Nation of Oklahoma Tribal Voter Registration Department. Changes may be submitted to the Choctaw Nation of Oklahoma Tribal Voter Registration Department or during general elections changes may be made with designated staff at the times and locations provided in Article XI, Sections 2-3.

SECTION 8. A Voter's registration may be cancelled for any of the following reasons:

- (a) A tribal member appears before a Choctaw Nation of Oklahoma Tribal Voter Registrar and executes a written notice stating that he/she no longer desires to be a registered Voter of the Choctaw Nation of Oklahoma.
- (b) A member sends a notarized letter to the Choctaw Nation of Oklahoma Tribal Voter

Registration Department stating that he/she no longer desires to be a registered Voter of the Choctaw Nation of Oklahoma.

- (c) The Election Board and/or the Choctaw Nation of Oklahoma Tribal Voter Registration Department receives notification, that may be independently verified, of the death of a Voter; or
- (d) The Tribal Membership Department is notified by another tribe that a member has registered with them. No enrolled tribal member of another tribe or person who votes as a citizen or member of another tribe shall be eligible to vote in elections of the Choctaw Nation of Oklahoma. The Tribal Membership Department shall notify the Choctaw Nation of Oklahoma Tribal Voter Registration Department when such membership is cancelled.

ARTICLE V. ELECTION BOARD

SECTION 1. There are three (3) members of the Election Board and they are designated as chairman, secretary and member (the "Election Board"). The Election Board shall be composed of persons who have tribal membership with the Choctaw Nation of Oklahoma. The Chief shall nominate in writing and, with the advice and consent of the Tribal Council, shall appoint the members of the Election Board. Following the appointment, the oath of office (see Appendix Form A) will be administered by the Speaker of the Tribal Council and signed by each member of the Election Board.

SECTION 2. All elections shall be conducted by the Election Board. The Election Board may hire an election service provider to assist with elections to the extent determined by the Election Board. All decisions related to the hiring and/or use of an election service provider will be determined solely by the Election Board.

SECTION 3. The tenure of terms for the Election Board members shall be three (3) years. This will be a three (3) year commission with the appointed members serving staggered terms. The terms shall expire on December thirty-first (31st) of every third year for each appointed term. Each Election Board member shall be sworn in to office no later than the last day of February of the following year.

SECTION 4. No person shall serve on the Election Board for any election in which he/she is a Candidate or prospective candidate for office, an employee of a Candidate or prospective candidate for office, an employee of the Choctaw Nation of Oklahoma or its subsidiaries, and/or related within the third degree of consanguinity/affinity (including adoption) to a Candidate or prospective candidate for office, defined as a spouse, parent, step-parent, parent-in-law, sibling, step-sibling, sibling-in-law, grandparent, grandparent-in-law, step-grandparent, child, legal guardian, step-child, grandchild, step-grandchild, step-grandchild, uncle, aunt, niece, nephew, first-cousin, in a dating relationship, or are members of the same household of any member of the Election Board.

SECTION 5. There will be at least two (2) alternate Election Board members trained for each election to serve in the absence of an Election Board member or as additional help when necessary as determined solely by the Election Board. The Chief shall nominate in writing and, with the advice and consent of the Tribal Council, shall appoint alternate Election Board members. Alternate Election Board members must be able to step into any role of the Election Board members. They shall subscribe to an oath (see Appendix Form A) before the Election Board Chairman obligating them to observe the same rules prescribed to

Election Board members.

SECTION 6. The Election Board office hours shall be open Monday through Friday, from 8:00 a.m. to 4:30 p.m., not less than twelve (12) weeks prior to an election until three (3) working days after any election results are certified. The Election Board may convene at any time to enforce the provisions of this Election Ordinance. The Election Board office will be closed to observe all holidays recognized by the Choctaw Nation of Oklahoma.

SECTION 7. Once the Election Board is in session for an election, the minutes of all meetings will be recorded by the Election Board Secretary. A copy of the minutes of each meeting shall be available upon written request.

SECTION 8. The Election Board is responsible for the monitoring, videoing and recording of all hearings related to any election. No other recorder, video or camera will be allowed at any time. There will be trained security at the Election Board office when deemed necessary or at the Election Board's discretion.

ARTICLE VI. ELECTION DATES

SECTION 1. Elections are held every two (2) years. Elections for Chief and six (6) Tribal Council members will be held during one election and the election for the other six (6) Tribal Council members will be held two years later. An election for an office will not be held in the event that any Candidate for such elected office fails to draw an opponent or otherwise runs un-opposed.

SECTION 2. Election day for a general election shall be held on the second Saturday in July. Run-off and special elections shall be held on a Saturday.

SECTION 3. Special Elections shall be held pursuant to Article XIV and Article XVI of the Constitution.

ARTICLE VII. FILING AND FEES

SECTION 1. Filing dates for prospective candidates shall be the three (3) days (Monday, Tuesday and Wednesday) beginning on the twelfth (12th) Monday preceding any election. Filing dates and election deadlines, as well as the location of the Election Board office, will be published in various newspapers inside the boundaries of the Choctaw Nation of Oklahoma, including the tribal newspaper, and/or television and radio stations.

SECTION 2. A person may file for only one (1) elected position in any election.

SECTION 3. A person may become a prospective candidate for an office by filing a notarized Declaration of Candidacy (see Appendix Form B & C as applicable) with the Election Board on the designated filing days. At the time a Declaration of Candidacy is submitted it must be accompanied by a non-refundable filing fee of \$2,500.00 for the office of Chief or \$500.00 for the office of Tribal Council Member. The fee must be paid in the form of a cashier's check or money order. Personal checks or cash are not accepted. The fee shall be made payable to the Choctaw Nation of Oklahoma Trust.

SECTION 4. Qualifications for Chief are as follows:

- (a) Must be a tribal member of the Choctaw Nation of Oklahoma;
- (b) Be at least thirty (30) years of age at the time he/she files for candidacy;
- (c) Possess no less than one quarter (1/4) degree of Choctaw Indian blood as certified by an official Tribal Membership card;
- (d) Must have been a Resident within the boundaries of the Choctaw Nation of Oklahoma for two (2) years or more immediately preceding any election for Chief and if elected must remain a resident within the boundaries of the Choctaw Nation of Oklahoma during the tenure of office;
- (e) Never have been convicted of a felony by a court of competent jurisdiction.

SECTION 5. Qualifications for Tribal Council Member are as follows:

- (a) Must be a tribal member of the Choctaw Nation of Oklahoma;
- (b) Be at least twenty- one (21) years of age at the time he/she files for candidacy;
- (c) Possess no less than one quarter (1/4) degree of Choctaw Indian blood as certified by an official Tribal Membership card;
- (d) Must have been a Resident in their respective districts for one (1) year immediately preceding the election and if elected must remain Residents of the district from which they were elected during the tenure of office;
- (e) Never have been convicted of a felony by a court of competent jurisdiction.

SECTION 6. Each Candidate or prospective candidate for office must submit proof that he/she meets the Residency requirements of the office being sought if such proof is requested by the Election Board. Verification of residence may be shown by not less than three (3) of the following documents, provided that such documents show one or more addresses within the required geographic area for the continuous period of the time required for each elected office:

- (a) Current driver's license;
- (b) Utility bill or bills;
- (c) Income tax returns;
- (d) State or tribal voter's registration;
- (e) Homestead exemption; and
- (f) Other forms of address documentation.

Other forms of address documentation may be submitted to the Election Board for purposes of

verification of address. The sufficiency of any such other documentation shall be in the sole and final discretion of the Election Board. The residency time requirements will be calculated using the date of the election.

SECTION 7. All prospective 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 (see Appendix Form D). They are not officially considered a Candidate until the results of the qualification check indicate they are eligible. The results of the background check and all information regarding each prospective candidate's qualifications shall be kept on file at the Election Board office during the election session and shall be securely maintained at the direction of the Election Board for a period of two (2) years after election results are final.

SECTION 8. Employees of the Choctaw Nation of Oklahoma and all its entities or anyone who serves as a contract employee, consultant, who meet eligibility requirements, may seek elective office. Prior to filing for candidacy for any election, such person must take a leave of absence or resign from the Choctaw Nation of Oklahoma and may not return to work for the Choctaw Nation of Oklahoma for the duration of the campaign or tenure of the office. If the employee wins the election, the employee must resign from the Choctaw Nation of Oklahoma. Documentation of leave of absence and/or resignation must be provided to the Election Board at the time of filing. For the purposes of this Article, an incumbent serving in an elective office shall not be deemed to be an employee. Any employee requesting unpaid leave of absence for the purpose of running for an office in a Tribal Election shall be subject to the Paid and Unpaid Leave of Absence Policy of the Choctaw Nation of Oklahoma (HR 209).

SECTION 9. Each prospective candidate shall attest that he/she:

- (a) Is at least one-fourth degree Choctaw Indian by blood as certified by official Tribal Membership card;
- (b) Is 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 Assets 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 Ordinance and will not violate any election provision.

SECTION 10. Each person must comply with Article XXV of this Ordinance.

SECTION 11. At 4:30 p.m. on the last day of the filing period, the Election Board shall release to the public the list of names of all persons who have filed as a candidate for an elective office of the Choctaw Nation of Oklahoma. Upon final approval of the ballot the Election Board shall release to the public the list of names of all Candidates who will appear on the ballot.

ARTICLE VIII. CONTEST OF CANDIDACY

SECTION 1. Any person who has filed a Declaration of Candidacy may contest the candidacy of any other person who has filed a Declaration of Candidacy seeking the same office. If only one (1) person files for the office of Chief, then any tribal member who is registered to vote may contest the candidacy. If only one (1) person files for an office of Tribal Council Member, then any tribal member who is registered to vote in the district of office sought may contest the candidacy.

SECTION 2. In order to contest the candidacy of someone seeking the office of Chief or the office of Tribal Council Member, a person who has filed for office (or if only one person has filed, a tribal member who is registered to vote), must file a petition with the Election Board stating the grounds of the contest, including specific reasons the contested person is not qualified or eligible for office. Reasons not appearing on the petition shall not be grounds for a contest and will not be considered in any hearing initiated as a result of the petition. Persons filing for office may only be contested based on the grounds of qualifications for candidacy (as listed in Article VII Filing and Fees). At any time during the election process the Election Board may independently initiate an inquiry and set a hearing regarding the qualifications of any person who files for an elected position of the Choctaw Nation of Oklahoma. Issues regarding a person's qualifications for an election office may only be raised under this Article and may not be raised under Article XIX Contest of Irregularities. These petitions may only be filed on the Thursday and Friday following the close of the candidacy filing period. If a contest is not filed by that time and if the Election Board does not initiate an inquiry, the Candidate's name will appear on the ballot.

SECTION 3. Once a petition is properly filed the Secretary of the Election Board or if the Election Board initiates an inquiry, the Election Board shall conduct a hearing, no earlier than three (3) working days but no more than five (5) working days following the close of the contest filing period.

SECTION 4. At 4:00 p.m. on the first Tuesday following the close of the filing period, each person who has filed a Declaration of Candidacy is required to appear before the Election Board in person or through a person they designate in a notarized letter signed by the Candidate or prospective candidate. At this time, any prospective candidate subject to a contest or an inquiry of the Election Board will be furnished, and must sign for, a copy of the petition or inquiry letter filed against their candidacy along with the notice of hearing. Failure of the prospective candidate or his/her designee to appear before the Election Board will be deemed a waiver of right to notice related to the contest or inquiry.

SECTION 5. All hearings shall be conducted in accordance with Article XXVII of this Chief and Tribal Council Election Ordinance unless otherwise provided in this Ordinance.

SECTION 6. The Election board shall deliver their decision no later than five (5) working days after the date of the hearing.

SECTION 7. The decision of the Election Board may be appealed to the Tribal Court established by Article XII Section 1 of the Constitution of the Choctaw Nation of Oklahoma (Constitutional Court). The review by the Tribal Court shall be *de novo*. Any contestant, Candidate or prospective candidate aggrieved by the decision of the Election Board may file an appeal of the Election Board's decision with the Tribal Court within five (5) calendar days of the date of the decision of the Election Board. The appeal will be entitled "Appeal from Election Board Decision" and set forth every ground for review of the Election Board decision. The other party may file a response entitled "Response to Appeal from Election Board Decision" within five (5) calendar days from the filing of said appeal. The Tribal Court has the discretion to conduct a hearing, but must render its written decision within ten (10) calendar days from the date of filing the

“Appeal from Election Board Decision.”

ARTICLE IX. VOTING LIST

SECTION 1. The Election Board will provide each Candidate one (1) paper copy and one (1) electronic copy of the names of Voters in the election in which said person is a Candidate for office. This list of Voter’s names will be provided within three (3) working days after validation by the Election Board that such Candidate meets all qualifications and requirements.

SECTION 2. The list provided to Candidates will contain only the names of Voters in an election unless otherwise designated by a Council Bill.

SECTION 3. A decision of the Election Board on the eligibility of a voter shall be based upon Article II and Article III of the Constitution. Challenges by Candidates concerning eligibility of Voters on the voter lists must be made in writing and presented in person to the Election Board no later than fifteen (15) working days after any appellate decision is rendered pursuant to Article VIII, Section 7 of this Ordinance. **No facsimiles will be accepted.** Those persons determined to be ineligible to vote shall be notified through certified mail by the Election Board. He/she has the right to request a hearing with the Election Board within five (5) working days of receipt of notification. A list of those persons determined to be ineligible to vote shall be kept on file at the Election Board office for referral during elections.

SECTION 4. The decision by the Election Board shall be final and non-appealable.

ARTICLE X. ELECTION WORKERS

SECTION 1. The Election Board shall have the authority to hire contract workers to facilitate any election (“Election Workers”).

SECTION 2. No person shall serve as an Election Worker during any election in which he/she is a Candidate or prospective candidate for office, an employee of a Candidate or prospective candidate for office, is related within the third degree of consanguinity/affinity (including adoption) to a Candidate or prospective candidate for office, or is an employee of the Choctaw Nation of Oklahoma or its subsidiaries. No person shall serve as an Election Worker if they are a spouse, parent, step-parent, parent in-law, sibling, step-sibling, sibling in-law, grandparent, grandparent in-law, step-grandparent, child, legal guardian, step-child, grandchild, step-grandchild, uncle, aunt, niece, nephew, first-cousin, in a dating relationship, or are members of the same household of any member of the Election Board.

SECTION 3. All Election Workers shall subscribe to an oath (see Appendix Form A) before the Election Board Chairman obligating them to observe the same rules prescribed to Election Board members. The Election Board Chairman shall administer the oath to the Election Workers at a time and place designated before all elections. These oaths will be kept on file at the Election Board office for ninety (90) days after the election results are final, at which time they will be shredded.

SECTION 4. The Election Board shall supervise and direct all Election Workers.

ARTICLE XI. VOTING LOCATION

SECTION 1. At least one (1) voting location must be located within the geographical boundaries of each District subject to the impending election. Voting in a tribal election will be held at a designated Choctaw Nation of Oklahoma Community Center in each District which is subject to the election; in the case of a Chief's election, voting will be held at a designated Choctaw Nation of Oklahoma Community Center in each District.

SECTION 2. Additional voting locations may be designated by the Secretary of the Election Board if requested by vote of the Tribal Council, subject to the requirement that all locations must be equipped with adequate internet access, video monitoring and the same or better security as the designated Choctaw Nation of Oklahoma Community Center in that District.

SECTION 3. Early voting at the designated locations will be held from 8:00 a.m. to 4:30 p.m. on the Wednesday, Thursday and Friday preceding the election day. Voting at the designated election day locations will be from 7:00 a.m. to 7:00 p.m.

SECTION 4. Notices of the voting locations for each election and hours of operation as prescribed in this Article shall be made public as soon as all Candidates in each election have been validated and again two (2) weeks prior to any election. Notice will be provided in newspapers available inside the boundaries of the Choctaw Nation of Oklahoma, including the tribal newspaper, and/or television and radio stations.

ARTICLE XII. VOTING LOCATION BOARD

SECTION 1. Each voting location shall have one (1) Voting Location Board. The Voting Location Board shall consist of three (3) persons with Tribal Membership with the Choctaw Nation of Oklahoma. Voting Location Board members are appointed by the Election Board. They are designated as Inspector, Judge, and Clerk. There will be two (2) alternate workers trained for each location. The alternates must be able to step into any role of the Voting Location Board members. The Election Board, in its sole discretion may direct the company hired to conduct Choctaw Nation of Oklahoma election to assist the Voting Location Board in fulfilling their duties.

SECTION 2. No person shall serve on a Voting Location Board in any election in which he/she is a Candidate or prospective candidate for office, an employee of a Candidate or prospective candidate for office, an employee of the Choctaw Nation of Oklahoma or its subsidiaries and/or related within the third degree of consanguinity/affinity (including adoption) to a Candidate or prospective candidate for office, defined as a spouse, parent, step-parent, parent-in-law, sibling, step-sibling, sibling-in-law, grandparent, grandparent-in-law, step-grandparent, child, legal guardian, step-child, grandchild, step-grandchild, step-grandchild, uncle, aunt, niece, nephew, first-cousin, in a dated relationship, or are members of the same household of any member of the Election Board.

Section 3. The Voting Location Board members and alternates shall subscribe to an oath (see Appendix Form A) before the Election Board Chairman obligating them to observe the same rules prescribed for Election Board members. The Election Board Chairman shall administer the oath to the Voting Location Board members at a time and place designated before all elections. These oaths will be kept on file at the Election Board office until 90 days after the election results are final, at which time they will be shredded.

SECTION 4. The Voting Location Board shall supervise elections at each voting location. Each Voting Location Board shall have the following specific duties and abide by the requirements as outlined below:

- (a) Train with the Election Board on all election procedures prior to opening a voting location. (They will receive all supplies for the election at this time.)
- (b) Arrive at their assigned voting location no later than thirty (30) minutes prior to the designated opening hours of operation as set forth in Article XI, Section 2 to set up materials. Display information for voters at the voting location and erect at least one (1) voting booth with instructions for Voters inside the voting location.
- (c) Announce that the polls are open and begin processing voters.
- (d) Remain at the voting location during voting hours and until all work is completed each day. In the case of an emergency which requires the extended absence of a Voting Location Board member, the remaining board members shall appoint one of the pre-designated alternates to serve in his/her absence.
- (e) Keep the ballot boxes secured and under surveillance at all times.
- (f) Ascertain that the name of each person offering to vote is registered.
- (g) See that only one (1) ballot in each election is cast by each Voter and that the Voter signs his/her name on the voting location registry.
- (h) Preserve and secure spoiled and mutilated ballots in a specially marked envelope to be returned to the Election Board office.
- (i) Announce that the polls are closed at 4:30 p.m. on the Wednesday, Thursday and Friday prior to an election day and at 7:00 p.m. on election day (this shall be done by the Inspector), and allow all Voters in line at 7:00 p.m. to complete voting.
- (j) After the polls are closed on election day, run the report of the counts of total votes cast for each Candidate after all the ballots have been processed to constitute the official Election Return for that voting location. The Election Return must be signed by the Voting Location Board Inspector, Judge and Clerk. The **original** Election Return is to be delivered to the Election Board office.
- (k) After the polls are closed on election day, call the Election Board office with the totals and post a **copy** of the Election Return for that voting location on the main entrance door of the voting location.
- (l) Seal in the ballot transfer box all ballots as well as all challenged, spoiled and mutilated ballots, along with a **copy** of the Election Return for that voting location. The boxes will be marked with the name of the voting location and date of the election. Ballot boxes remain sealed with tabs, certified plastic tape or locks installed by the company hired to conduct Choctaw Nation of Oklahoma elections.

- (m) Return all boxes to the Election Board office promptly following the election.

ARTICLE XIII. CAMPAIGNING

SECTION 1. Campaigning on Choctaw Nation of Oklahoma property will not be permitted at any time, except as permitted in accordance with CB-113-96, as amended. Any Tribal Member may report allegations and information of a violation(s) of another Candidate or prospective candidate under this Article to the Election Board. The Election Board may independently initiate an inquiry into possible violations of this Article.

SECTION 2. No Candidate, person, corporation or legal entity shall be allowed to campaign or display political advertisement within 100 yards of a voting location or the Election Board office on any day that voting is taking place. 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, Tribal Police will be contacted to escort them from the premises. Any person displaying political advertisements in their yards within 100 yards of a voting location or Election Board office on any day that voting is taking place will be asked to take it down.

SECTION 3. No Candidate or person shall be allowed to loiter at any voting location or the Election Board office on any day when voting is taking place.

SECTION 4. If a violation committed by a Candidate, a prospective candidate, or at the direction of a Candidate or prospective candidate is reported to the Election Board, or witnessed by an Election Board member, the Candidate or prospective candidate will receive written notice and the Election Board will conduct a hearing in accordance with Article XXVII of this Chief and Tribal Council Election Ordinance. If it is determined by a majority of the Election Board that a Candidate or prospective candidate has violated this Article the following penalties may be imposed:

- (a) Upon a first violation, a private reprimand shall be issued to the Candidate or prospective candidate in writing. Depending upon the severity of the violation, a public reprimand in writing may be issued to the Candidate or prospective candidate and may also be sent to newspapers available inside the boundaries of the Choctaw Nation of Oklahoma, including the tribal newspaper, for immediate publication.
- (b) Upon second and subsequent violations, in addition to the penalties described above, the Candidate or prospective candidate may be fined up to five hundred dollars (\$500) per violation.
- (c) In the event the Candidate or prospective candidate fails to pay the fine within thirty (30) days of the date of issuance, the Election Board shall issue a public reprimand for failure to pay the fine to the Candidate or prospective candidate and shall also publish such reprimand in one or more newspapers available inside the boundaries of the Choctaw Nation, including the tribal newspaper. The Election Board will continue to publish a reprimand every thirty (30) days thereafter, until such time as the fine is paid.

SECTION 5. The decision by the Election Board shall be final and non-appealable.

SECTION 6. In order to avoid the appearance of impropriety and, out of an abundance of caution, Tribal Council Members and the Chief will not appear at any voting location during any voting period, except to cast their own ballot.

ARTICLE XIV. WATCHERS

SECTION 1. Each Candidate is entitled to commission one (1) watcher per voting location for each day of voting to observe the voting process. All watchers must be commissioned in writing and submitted by the Candidate to the Secretary of the Election Board no later than 12:00 noon, two (2) working days prior to the first day of voting. Every watcher must subscribe to an oath (see Appendix Form A) administered by a member of the Election Board or the Voting Location Board Inspector regarding the duties and obligations of watchers prior to performing any duties of a watcher. Watchers may take this oath prior to the election but no later than fifteen (15) minutes prior to opening of the voting location each day. The oaths shall be kept on file at the Election Board office for a period of ninety (90) days after the election results are final. The watcher shall receive no compensation for their services.

SECTION 2. Watchers who are authorized under Section 1 of this Article shall be allowed to observe the voting process. They shall have authority to note and record any objections to the count for all candidates. Objections may be presented to the Voting Location Board Inspector who will communicate such objection to the Election Board. The Election Board will document the objection as well as any action taken or direction given to the Voting Location Board. The watcher will be allowed access to the voting location beginning 30 minutes before voting begins until the location is secured at the close of the polls. The watcher must not interfere with the Voting Location Board members' duties and there is to be no interaction between the watchers and Voters. Any type of campaigning by a watcher will result in his/her dismissal of duties. The watcher may not divulge any information or give any indication as to the result of the voting count prior to the time the Voting Location Board Inspector posts a copy of the election return totals on the door of the voting location.

SECTION 3. Any Candidate is entitled to commission only one (1) watcher to observe the processing of mail-in ballots in an election. They shall have authority to note and record any objections to the count for all candidates. Objections may be presented to the Election Board. The Election Board will document the objection as well as any action taken.

SECTION 4. The watchers who are authorized under Section 3 of this Article shall be permitted to observe the collection of the mail-in ballots from the post office, the opening of the "Ballot" envelopes containing the mail-in ballots and the tabulation process for the mail-in ballots. The watcher must not interfere with the Election Board members' duties. Any type of campaigning by a watcher will result in his/her dismissal of duties. The watcher may not divulge any information or give any indication as to the result of the mail vote count prior to the time the Election Board makes the official Election Return for Mail Ballot count.

SECTION 5. Watchers are not permitted to place or receive telephone calls. **Absolutely no cell phones, recording devices or cameras will be permitted in the voting location or the mail-in ballot tabulation location.** Any violations of these regulations will be grounds for immediate dismissal. Watchers are not permitted to leave the voting location or mail-in ballot tabulation location while the polls are open and/or the ballots are being tabulated. Under no circumstances will a watcher be allowed to return once they leave the voting location or mail-in ballot tabulation location.

ARTICLE XV. BALLOTS

SECTION 1. Ballots will consist of Candidate's names or names with pictures, also known as pictorial ballots. A Candidate's name will appear on the ballot as he/she so designates on the Declaration of Candidacy filed with the Election Board. If a seat is uncontested, no ballots will be issued for that seat.

SECTION 2. Each ballot, except mail-in ballots, shall be coded with a unique number in a way that can identify the voting location from which the ballot was issued.

SECTION 3. Mail-in ballots shall be identical to the regular ballots but shall be stamped "MAIL-IN BALLOT" and the date of the issuance shown thereon. The ballots, when mailed to the voter, shall be accompanied by a plain opaque envelope marked "BALLOT", and a pre-addressed postage paid affidavit envelope for Voters' convenience. The return envelope will have the mailing address for the Election Board on it.

SECTION 4. Sample ballots are printed for every election. Sample ballots are exact duplicates of regular issue ballots except that no numbers are printed on them and "SAMPLE BALLOT" is printed across the face of the ballot. Sample ballots are posted at each voting location on every voting day and are available in the Election Board office.

ARTICLE XVI. IN-PERSON VOTING

SECTION 1. Voting, whether in-person or by mail, shall be by secret ballot. Ballots shall be tabulated by electronic voting machine and/or done manually. Voting machines will be provided by the company hired to conduct the elections.

SECTION 2. Voters may cast a ballot during hours of operation at any voting location regardless of the district. The Voter will provide the Voting Location Board with his/her name and address. The Voter must present an ID issued by the Choctaw Nation of Oklahoma (photo or non-photo) showing full name and date of birth or a photo ID issued by another government. The Voting Location Board Judge determines the person's eligibility by locating his/her name on the registry and verifying that such voter has not previously cast a ballot in the impending election. Once the person's eligibility is proven, the Voter is asked to sign the registry. The Voting Location Board Clerk then issues the appropriate ballot. The Voting Location Board Inspector provides the Voter a marking pen and directs the Voter to a voting booth. When the Voter has finished voting, he/she must promptly leave the voting location.

SECTION 3. A Voter who is able to reach the voting location, but because of a physical disability or infirmity is unable to come inside, can be assisted outside of the election enclosure. The Voting Location Board Inspector will stop processing the Voters inside the election enclosure. Voters who have already signed the registry will be permitted to complete voting first. The Voting Location Board Inspector and another Voting Location Member will approach the disabled voter outside the voting enclosure and provide whatever assistance is required. The disabled Voter must subscribe to an oath, called an Request for Assistance Form (see Appendix Form E), that he/she is entitled to the assistance. The Voter may mark his/her own ballot or he/she may choose to be assisted by a person of his/her choosing, provided that person is not the Voter's employer or an agent of the employer. The Voter may also choose to be assisted by one of the Voting Location Board members other than the Inspector. **At no time should the ballot box be left unattended.**

SECTION 4. A Voter who is able to enter the election enclosure but is unable to mark his/her ballot because of a physical or visual disability/infirmity or is illiterate and cannot read and/or write, is entitled to special assistance. The Voting Location Board Inspector will stop processing the Voters inside the election enclosure. Voters who have already signed the registry will be permitted to complete voting first. The disabled Voter must subscribe to an oath, called a Request for Assistance Form (see Appendix Form E), that he/she is entitled to the assistance. The Voter then indicates whether he/she wishes to be assisted by one of the Voting Location Board members or by a person of the Voter's choosing, provided that person is not the Voter's employer or an agent of the employer. Assistance in marking ballots is then provided in the voting booth. **At no time should the ballot box be left unattended.**

SECTION 5. Challenged Ballots:

- (a) If the Voter list does not contain a person's name, or if a Voting Location Board member should challenge the person's right to vote for other reasons, said person shall only be allowed to vote if the person completes a voter registration form (see Appendix F) for a residence address within the district or as an affiliated voter of that district and signs a statement swearing and affirming that he/she is currently eligible to vote in said election and has not already cast a regular or mail-in ballot for said election. The Choctaw Nation of Oklahoma Tribal Voter Registration Department shall have the authority to amend Appendix F.
- (b) Each ballot cast under subsection (a) of this section shall be placed in an envelope attached to the voter registration form and statement executed by the person. "Challenged Ballots" shall not be counted at the time the other ballots are cast, but shall be maintained in a separate box/envelope marked "Challenged Ballots." Following the close of the election, all Challenged Ballots shall be transported to the Election Board who shall determine whether the person who cast the Challenged Ballot was entitled to vote in the election. If the person was entitled, the ballot will be opened, counted, marked as counted, returned to the challenged envelope and placed in the Challenged Ballot box and totaled with other votes before certification of the election. If the person was not entitled to vote, the ballot will not be counted and shall be marked not counted prior to being returned to the Challenged Ballot box/envelope.

SECTION 6. If a Voter makes a mistake in marking his/her ballot(s) while at the voting location, he/she may return the ballot(s) to the Voting Location Board. Those ballots will be marked as spoiled, put in a specially marked envelope and secured. After that, the Voter will be provided a new ballot.

SECTION 7. When the voting locations close each day, any Voters who are present in line at the voting location prior to the close of the hours of operation designated in this Ordinance are permitted to vote, even if they actually cast their votes after the designated closing time. Voters who arrive at the voting location after the designated closing time will not be allowed to vote.

ARTICLE XVII. BALLOT MAILING TO VOTERS

SECTION 1. Mail-in ballots for a general election shall be mailed to each Voter upon final approval of the ballot by the Election Board and not less than twenty-one (21) calendar days prior to an election day; provided, however, that mail-in ballots for Voters who reside outside of the contiguous 48 states shall be mailed using an expedited mail delivery service. All dates and deadlines found in this section shall be maintained in strict compliance unless extenuating circumstances arise as determined in the sole

discretion of the Election Board. The names and address on the outgoing envelopes shall be the same as they appear on the voter registration form.

SECTION 2. Should the Choctaw Nation of Oklahoma Tribal Voter Registration Department 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. If a Voter's mail-in ballot is not received they can contact the Choctaw Nation of Oklahoma Tribal Voter Registration Department to update their information and request another mail-in ballot. Voters should contact the Choctaw Nation of Oklahoma Tribal Voter Registration Department with any inquiries about their ballots.

SECTION 3. Mail-in ballots must be marked in ink. Voters then place the mail-in ballot into the envelope marked "BALLOT". Next, the "BALLOT" envelope is placed into the pre-addressed postage paid affidavit envelope and signed and mailed to the Election Board. All affidavits must be signed in order for a vote to be counted.

SECTION 4. Mail-in ballots must be received in Durant, Oklahoma by U.S. Postal Service no later than 4:30 p.m. on the day before an election day in order to be counted. Mail-in ballots delivered after that time and date will not be counted.

SECTION 5. In the case of a run-off election, mail-in ballots shall be mailed not less than twenty-one (21) calendar days prior to the run-off election. Mail-in ballots for Voters who reside outside of the contiguous 48 states shall be mail using an expedited mail delivery service. Mail-in ballots for voting in a run-off election will be mailed to all Voters who were sent mail-in ballots for the general election with the following exceptions:

- (a) Voters added to the Returned Address list since the first mailing of ballots for that election session.
- (b) Any of the reasons that would cancel a Voter's registration as provided in Article IV. Section 8 of this Ordinance.

SECTION 6. Voters may cast their ballot at any voting location regardless of whether they were issued a mail-in ballot.

ARTICLE XVIII. ELECTION RETURNS

SECTION 1. The Choctaw Nation of Oklahoma Tribal Voter Registration Department will examine all returned mail-in ballots to ensure the affidavit envelopes have been signed. If there are any affidavit envelopes without a signature or there is a question regarding any signature, the Election Board shall examine the affidavit envelope and/or signature and make a final determination whether it is a valid ballot. If the ballot is determined to be invalid, the envelopes will be secured in the "invalid" ballot box and not counted.

SECTION 2. The Election Board members may begin to remove the outer affidavit envelopes of the mail-in ballots at any time after 7:00 a.m. on an election day. The unopened envelopes containing the mail-in ballots will be placed inside an empty ballot box. Both envelopes shall remain secured. At 7:00 p.m. or when all mail-in ballots have been tabulated, whichever is later, the Election Board shall run the report

of the counts of total mail-in ballots cast for each Candidate to constitute the official election return for mail-in ballots. The election return must be signed by the Election Board and the Secretary shall post a copy of the Election Return for the mail-in ballots on the door of the mail-in ballot tabulation location.

SECTION 3. The Election Board will pick up all mail-in ballots on the Friday preceding an election day at 4:30 p.m. from the Post Office located in Durant, OK. The Election Board shall be escorted by not less than one Tribal Police Officer for the pickup.

SECTION 4. Mail-in ballot watchers shall appear at the Election Board office no later than 4:00 p.m. before the pickup. Mail-in ballot watchers are permitted to watch the pickup and return of the mail-in ballots to the tabulation place; however, due to seat availability, no more than two watchers will be permitted to ride with Tribal Police and/or the Election Board during the pickup and return. All other mail-in ballot watchers will be responsible for their own transportation to the post office and their return to the tabulation location. It is the responsibility of the watchers to designate who will ride with Tribal Police and/or the Election Board for the pickup and return. If no decision of who will ride with Tribal Police and/or the Election Board can be made by the watchers before 4:00p.m., all watchers shall be responsible for their own transportation.

SECTION 5. Upon completion of the mail count and envelope scan, all mail-in ballots shall be placed in a location in plain view of surveillance and shall not be touched or otherwise moved until 7:00 a.m. on an election day.

SECTION 6. Mail-in ballots shall be considered invalid for any of the following reasons: (1) the mail-in ballot is received after the deadline of 4:30 p.m. on 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 mail-in ballot is not marked; (4) the mail-in ballot is marked incorrectly; (5) the mail-in ballot is too soiled or defaced to read; or (6) more than one (1) mail-in ballot is returned in the official envelope. The Election Board has the final authority to determine whether a mail-in ballot is valid or invalid.

SECTION 7. The ballots at the voting location shall be tallied by the Voting Location Board members only after the closing of the polls at 7:00 p.m. on an election day. If the tallies for the mail-in ballot count do not match the voter count, then the mail-in ballots will be promptly secured and transported to the Election Board office where they will be recounted.

SECTION 8. Election return totals from the voting locations will be called in to the Election Board office immediately upon completion of voting. A copy of the return totals for each voting location shall be posted at the voting location after the Voting Location Board members call the Election Board office. Once all results have been entered, all ballots, including unused, challenged, spoiled, or mutilated ballots shall be secured and marked with the name of the voting location and the date of election. After all election night procedures are completed at the voting location, the Voting Location Board Inspectors shall deliver the original return totals, secured voting boxes and all other materials to the Election Board office. This shall be done promptly following election night procedures.

SECTION 9. After the totals have been called in by the Voting Location 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 Official Election 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 promptly and transmit it to the Bureau of Indian Affairs in

Muskogee, Oklahoma.

SECTION 10. The Election Board shall store all ballots, affidavits, oaths and any other materials pertaining to the election in a secured location for a period of ninety (90) days after election results are final, at which point they will be destroyed.

ARTICLE XIX. CONTEST OF IRREGULARITIES, DEATH OR FRAUD

SECTION 1. An irregularity is a conduct, pattern of conduct or occurrence which does or is an attempt to manipulate the election process or the result of an election. Campaigning By or At the Direction of a Candidate or Prospective Candidate (Article XIII), Contest of Candidacy (Article XXVI), Violation of Campaign Contributions (Article XXV), and Prohibiting Use of Tribal Assets (Article XXVI) shall not be considered an irregularity under this Article and shall be dealt with as provided in the Article addressing the respective issue.

SECTION 2. After a general, run-off or special election, any candidate whose name appeared on the ballot may contest the results of the election for an irregularity. A Candidate must file a petition describing the alleged irregularity in detail with the Election Board no later than three (3) working days following the election to contest the results of an election. No Facsimiles will be accepted. The Election Board may also independently initiate an inquiry and set a hearing to review possible violations of this Article. Once a petition or inquiry is properly filed, the Secretary of the Election Board will issue an order setting a hearing no earlier than three (3) working days, and no more than five (5) working days, after the contest of irregularities filing period closes.

SECTION 3. A non-refundable fee in the amount of one hundred fifty dollars (\$150.00) must accompany the petition. The fee must be in the form of a cashier's check or money order, made payable to the Choctaw Nation of Oklahoma Trust. Cash or personal checks are not accepted.

SECTION 4. At 4:00 p.m. on the first Thursday following an election day, all Candidates that appeared on the ballot will be required to appear before the Election Board in person, or through a person they designate in a notarized letter signed by the Candidate. At this time, any Candidate subject to a contest or an inquiry of the Election Board will be furnished, and must sign for, a copy of the petition or inquiry letter filed along with the notice of a hearing. Failure of a Candidate or his/her designee to appear before the Election Board will be deemed a waiver of right to notice related to the petition or inquiry.

SECTION 5. Unless otherwise provided in this Ordinance, all hearings shall be conducted in accordance with Article XXVII of this Chief and Tribal Council Election Ordinance.

SECTION 6. In the event the Election Board should find an irregularity, it shall have the power to:

- (a) Issue a finding that the irregularity is not serious enough to require the imposition of any penalty;
- (b) Issue a private or public reprimand;
- (c) Impose a financial penalty against the individual or organization of up to \$10,000 if the irregularity is the result of the conduct of an individual or organization;

- (d) Declare that the irregularity is of such magnitude that the Tribal Council should decide on whether a new election should be held with identical candidates;
- (e) Declare that it is impossible to determine who should be certified as the winner, at which time the Tribal Council should decide on whether a new election should be held with identical candidates;

SECTION 7. In the event the Election Board should find a fraud has occurred by one or more of the candidates, or someone acting on behalf of a candidate, the Tribal Council shall have the authority to (1) order a new election without the candidate(s) who committed the fraudulent action or (2) order that the non-fraudulent candidate be certified the winner.

SECTION 8. In the event of the death of one or more of the candidates after the close of the candidate filing period, the Tribal Council shall have the authority to (1) proceed with the remaining candidates if more than one candidate remains, (2) declare the remaining candidate the uncontested winner of the election, if only one remains, or (3) order a new candidate filing period and new election.

SECTION 9. The decision of the Election Board may be appealed to the Tribal Court established by Article XII Section 1 of the Constitution of the Choctaw Nation of Oklahoma (Constitutional Court). The review by the Tribal Court shall be de novo. Any Candidate aggrieved by the decision of the Election Board may file an appeal of the Election Board's decision with the Tribal Court within five (5) calendar days of the date of the decision of the Election Board. The appeal will be entitled "Appeal from Election Board Decision" and set forth every ground for review of the Election Board decision. The other party may file a response entitled "Response to Appeal from Election Board Decision" within five (5) calendar days from the filing of said appeal. The Tribal Court has the discretion to conduct a hearing, but must render its written decision within ten (10) calendar days from the date of filing the "Appeal from Election Board Decision."

ARTICLE XX. RECOUNT

SECTION 1. A Candidate for office may ask for a recount. The time limit for requesting a recount from the Election Board in a general, run-off election or special election shall be within three (3) working days following the posting of the results. The request must be in writing and presented in person. **No facsimiles will be accepted.** Ballots will be recounted at the discretion of the Election Board. The request must indicate which voting location he/she wishes to have recounted and whether the Candidate wants the mail-in ballots to be recounted. The Candidate must indicate in the petition requesting the recount that the candidate desires to have the ballots recounted manually. Failure by the Candidate to state such preference for a manual recount in the petition shall result in a recount by electronic voting devices. A non-refundable fee of two hundred dollars (\$200.00) per voting location and/or a non-refundable fee of four hundred dollars (\$400.00) for mail-in ballot recount is charged. The fee must be in the form of a cashier's check or money order made payable to the Choctaw Nation of Oklahoma Trust. Cash or personal checks are not accepted.

SECTION 2. The recount is an administrative procedure conducted by the Election Board. The Election Board may be assisted by Election Workers and/or the company hired to assist with the election.

However, the Election Board is the final authority for determining how all ballots, whether or not disputed, will be counted and all decisions by the Election Board shall be final and non-appealable. A recount will not occur until there is a final non-appealable decision regarding any contest of irregularities which has been initiated under Article XIX.

SECTION 3. Each Candidate is entitled to have a watcher present at any place where ballots are being recounted. The watcher must be commissioned in writing to the Secretary of the Election Board by 7:00 a.m. on the day of the recount. The watcher must adhere to the same rules as outlined in Article XIV Watchers. The watcher(s) can be the same person(s) used in the general election but must be re-commissioned and sworn in. When the recount is complete the Election Board will re-tabulate and certify the results.

SECTION 4. All of the ballots cast at the voting locations and all mail-in ballots initially counted must be included in the certification of the recount. For example, if the request is for three (3) voting locations then three (3) voting locations must be certified together with the initial results of the remaining voting locations and all mail-in ballots. Only the specified locations will be recounted. If the petition does not specify all the voting locations, then only those specified will be recounted, and the original results from the others will be tabulated with the recounted voting locations to certify the results. Only entire voting locations may be recounted. In no event can a recount be stopped in the middle of counting votes for a voting location.

ARTICLE XXI. 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 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.

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 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.

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 general election shall be conducted on the fourth (4th) Saturday following the general 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 the winner, and his/her name shall be transmitted in writing to the Bureau of Indian Affairs office located in Muskogee, Oklahoma.

ARTICLE XXII. TERMS OF OFFICE

SECTION 1. The Chief shall be elected for a term of four (4) years, which shall commence at 12:00 noon on the first Monday in September following the election.

SECTION 2. A Tribal Council Member shall be elected for a term of four (4) years, which shall commence

at 12:00 noon on the first Monday in September following the election.

ARTICLE XXIII. INSTALLATION

SECTION 1. The certified winners of a general or run-off election shall be installed at the Choctaw Nation of Oklahoma Council House Grounds at Tushka Homma on the first Monday of September after an election. The oath of office shall be administered by the presiding Judge of the Choctaw Nation of Oklahoma Tribal Court.

SECTION 2. The certified winner of a special election shall be installed three (3) working days after the election. An uncontested Candidate of a special election shall be installed following the two (2) day contest period provided in Article VIII. The oath of office shall be administered by the presiding Judge of the Choctaw Nation of Oklahoma Tribal Court.

SECTION 3. When there is only one (1) uncontested Candidate for the Office of Chief of the Choctaw Nation of Oklahoma or Tribal Council Member of the Choctaw Nation of Oklahoma, said individual shall be duly certified as elected by the Election Board to such office after the two (2) day contest period as provided in Article VII.

ARTICLE XXIV. VACANCY

SECTION 1. In the event of the death, resignation or removal of a Tribal Council member that occurs with more than one (1) year remaining on the member's term, the Chief shall call for a special election to fill the vacancy. If such a vacancy occurs with one (1) year or less remaining on the member's term, the Chief may appoint a tribal member to fill the vacancy for the remainder of the unexpired term, call for a special election to fill the vacancy, or neither. Any appointment must meet all of the qualifications and requirements of the vacated office.

ARTICLE XXV. CAMPAIGN CONTRIBUTION REPORTING

SECTION 1. All Candidates and prospective candidates must comply with the following:

- (a) All Candidates and prospective 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 made during the election session.
- (b) Any contribution amount less than two hundred fifty dollars (\$250.00) made to either the Candidate, prospective candidate, a campaign worker or the campaign shall be exempted from disclosure requirements as de minimus.
- (c) Any single contributor (excluding Candidates' or prospective candidate's own personal funds), whether an individual, entity, a business or corporation, is limited to a maximum monetary contribution of five thousand dollars (\$5,000.00) per calendar year. Any contributions in excess of this limit must be declined or returned immediately.

- (d) Each Candidate or prospective candidate shall be required to accurately report all contributions received for disclosure purposes regardless of when the contribution is made to such Candidate or prospective candidate.
- (e) Pursuant to CB-55-15, this requirement of disclosure is effective as of February 14, 2015, and will require disclosure for all future elections and any contributions received thereafter. Candidates and prospective candidates will be required to disclose the sum balance of funds obtained prior to February 14, 2015; however, reporting contributions of two hundred fifty dollars (\$250.00) or more shall only be required for monies received after the enactment date of this Ordinance.

SECTION 2. Campaign Contribution Disclosure Statements will be filed along with an affidavit by the Candidate or prospective candidate swearing/affirming to its accuracy.

SECTION 3. 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 or prospective candidate is completed. It shall be filed on a form provided by the Election Board which will reflect the above information.

SECTION 4. 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 or prospective candidate would have served. In the event the Election Board is unavailable to fulfill a request for copies of records, the Tribal Voter Registration Department shall be responsible for fulfilling such request. Copies of any Candidate's or prospective candidate's records will be released within a reasonable amount of time, but not longer than ten (10) working days, and upon remittance of payment in the amount of twenty-five dollars (\$25.00) per individual to the Election Board. The fee must be paid in the form of a cashier's check or money order. Personal checks or cash are not accepted. The fee shall be made payable to the Choctaw Nation of Oklahoma Trust.

SECTION 5. A Candidate or prospective candidate may file a complaint, or an Election Board Member may initiate an inquiry into a Candidate or prospective candidate in the event of any of the following:

- (a) If a Candidate or prospective candidate fails to file a campaign contribution report within five (5) days after the end of the month;
- (b) If an Election Board member has reason to believe that a Candidate or prospective candidate has willfully filed an inaccurate report; or
- (c) A Candidate or prospective candidate has reason to believe that a Candidate or prospective candidate has willfully filed an inaccurate report.

The complaint must specify the Candidate or prospective candidate and the district, if applicable.

SECTION 6. The Election Secretary shall send a copy of the complaint or inquiry letter to the Candidate or prospective candidate who is the subject of the complaint or inquiry letter by certified mail, return receipt requested. The Candidate or prospective candidate who is the subject of the complaint or inquiry shall have five (5) working days from the day of receipt of notice of the complaint or inquiry to file a response

with the Election Board.

SECTION 7. The Election Board may order a hearing on any complaint or inquiry regarding Campaign Contribution Reporting. The decision by the Election Board shall be final and non-appealable. If, upon the conclusion of a hearing conducted in accordance with Article XXVII of this Chief and Tribal Council Election Ordinance, it is determined by a majority of the Election Board that a Candidate or prospective candidate failed to comply with any provision of this Article , the following penalties may be imposed:

- (a) Upon a first violation, a private reprimand may be issued to the Candidate or prospective candidate in writing. Depending upon the severity of the violation, a public reprimand in writing may be issued to the Candidate or prospective candidate and may also be sent to various newspapers published inside the boundaries of the Choctaw Nation of Oklahoma, including the tribal newspaper, for immediate publication;
- (b) Upon second and subsequent violations, in addition to the penalties described above, the Candidate or prospective candidate may be fined up to five hundred dollars (\$500) per violation;
- (c) In the event the Candidate or prospective candidate fails to pay the fine within thirty (30) days of the date of issuance, the Election board shall issue a public reprimand for failure to pay the fine to the Candidate or prospective candidate and shall also publish such reprimand in one or more newspapers published inside the boundaries the Choctaw Nation of Oklahoma, including the tribal newspaper. The Election board will continue to publish a reprimand every thirty (30) days thereafter, until such time as the fine is paid;

ARTICLE XXVI. USE OF TRIBAL ASSETS PROHIBITED

SECTION 1. Candidates and prospective candidates are responsible for their campaigns. Candidates or prospective candidates for elective office are strictly prohibited from the willful use of any Tribal Assets of any kind for campaign purposes.

SECTION 2. Any Tribal Member may file a written complaint regarding a Candidate's or prospective candidate's use of Tribal Assets for campaign purposes with the Election Board. The complaint must specify the Candidate or prospective candidate, the office such Candidate or prospective candidate is running for and the cause of the complaint. Such complaints may be filed up to the date of counting of the ballots in the impending election. The Tribal Member filing the complaint shall be responsible for sending a copy of the complaint to the Candidate or prospective candidate who is the subject of the complaint by certified mail, return receipt requested.

SECTION 3. The Election Board may independently initiate an inquiry and set a hearing for review into possible violations of this Article regarding any Candidate or prospective candidate who files for an elected position of the Choctaw Nation of Oklahoma. The Election Board will notify the Candidate or prospective candidate of the complaint or inquiry in writing by certified mail, return receipt requested. The Candidate or prospective candidate who is the subject of the complaint or inquiry shall have three (3) working days from the day of receipt of notice of the complaint or inquiry to file a response; provided, however, that other time frames for filing of complaints, inquiries 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 or prospective candidate to the actions of his campaign workers, or misfeasance or malfeasance of campaign workers.

SECTION 4. If, upon written notice and hearing conducted by the Election Board in accordance with Article XXVII of this Chief and Tribal Council Election Ordinance, it is determined by a majority of the Election Board that Tribal Assets have been used for campaign purposes, the following penalties may be imposed:

- (a) Upon a first violation, a private reprimand may be issued to the Candidate or prospective candidate in writing. Depending upon the severity of the violation, a public reprimand in writing may be issued to the Candidate or prospective candidate and may also be sent to newspapers of general circulation in the Choctaw Nation of Oklahoma, including the tribal newspaper, for immediate publication;
- (b) Upon second and subsequent violations, in addition to the penalties described above, the Candidate or prospective candidate may be fined up to five hundred dollars (\$500) per violation;
- (c) In the event the Candidate or prospective candidate fails to pay the fine within thirty (30) days of the date of issuance, the Election board may issue a public reprimand for failure to pay the fine to the Candidate or prospective candidate and shall also publish such reprimand in one or more newspapers of general circulation in the Choctaw Nation of Oklahoma, including the tribal newspaper. The Election board will continue to publish a reprimand every thirty (30) days thereafter, until such time as the fine is paid.

SECTION 5. The decision by the Election Board shall be final and non-appealable.

ARTICLE XXVII. ELECTION BOARD HEARING PROCEDURES

SECTION 1. All hearings before the Election Board shall be closed to the public. Election Board members, the candidate or prospective candidate being contested, the person, candidate or prospective candidate who filed the contest, if any, may be in the hearing room throughout the hearing. In addition, an attorney representing a candidate or prospective candidate and General Counsel of the Choctaw Nation of Oklahoma, or his/her designee will be allowed to remain in the room throughout the hearing.

SECTION 2. A witness, and his/her attorney, will be permitted in the hearing room only while the witness is providing testimony.

SECTION 3. The Election Board must preserve all evidence presented at the hearing and arrange for a record to be made of all hearings by a certified court reporter. Candidates, prospective candidates, witnesses or attorneys are not permitted to video or otherwise record the hearing.

SECTION 4. All decisions and findings of hearings shall be reduced to writing by the Election Board.

ARTICLE XXVIII. SEVERABILITY

SECTION 1. Every provision contained in this Ordinance is intended to be several. If any term or provision

hereof is declared invalid, illegal, unenforceable or unconstitutional, that declaration shall not affect the remainder of the Ordinance.

APPENDIX

Appendix Form A

**CHOCTAW NATION OF OKLAHOMA ELECTION BOARD MEMBER,
VOTING LOCATION BOARD MEMBER AND WATCHER OATH**

I, _____, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the Choctaw Nation of Oklahoma, the State of Oklahoma, and the United States of America, and will discharge the duties of my office with fidelity. I have read and will subscribe to the election rules adopted by the Tribal Council of the Choctaw Nation of Oklahoma on _____
_____."

Name: _____

Signed: _____

Date: _____

DECLARATION OF CANDIDACY 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 (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 automatically be disqualified as a candidate; 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 of Oklahoma, the definition of campaigning and use of tribal property during the pendency of an election. Choctaw Nation of Oklahoma 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

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

My Commission Expires: _____

CONSENT AND ACKNOWLEDGMENT FOR BACKGROUND CHECK

First Middle Last Maiden

FULL NAME _____

DATE OF BIRTH _____ SOCIAL SECURITY # _____

OK DRIVER'S LICENSE # _____ HEIGHT _____

WEIGHT _____

EYE COLOR _____ ALIASES (AKA'S) _____

ADDRESS _____

PLACE OF BIRTH _____

EMPLOYMENT _____

HAVE YOU EVER COMMITTED A FELONY? _____ YES _____ NO IF YES, WHAT STATE? _____ WHEN? _____

SIGNATURE OF CANDIDATE: _____

I HAVE SUBSCRIBED TO THE ABOVE STATEMENT AND ACKNOWLEDGED THAT I EXECUTED THE SAME FREE AND VOLUNTARY ACT AND DEED FOR THE PURPOSE THEREIN SET FORTH. WITNESS MY HAND AND OFFICIAL SEAL THIS DAY AND YEAR ABOVE WRITTEN.

Notary Public Seal

My Commission Expires _____

Choctaw Nation of Oklahoma Election Board Request for Assistance Form

Instructions

Any registered voter who has a temporary illness or disability or who is not proficient in reading the English language may request assistance from another person in applying for, marking or returning the voter's ballot. This request must be completed by the person rendering assistance to the voter. No person assisting a voter pursuant to this form shall exercise undue influence on the voting decision of the voter.

1 Person Providing Assistance

Last Name

First Name

Middle Name

Residential Address

City

Zip

2 Advance Voter Information

Last Name

First Name

Middle Name

Residential Address

City

Zip

3 Signature of Person Providing Assistance

I hereby declare under penalty of perjury that I have been requested to provide assistance in marking and/or transmitting the enclosed ballot of the above named voter. I further declare that I have not exercised undue influence and have marked the ballot as instructed by the voter to whom the ballot was issued.

sign in this box

Date ____/____/____



Voter Registration Form

CHOCTAW NATION OF OKLAHOMA
 PO Box 1210 Durant, OK 74702
 Phone: (580) 924-8280 or (800) 522-6170, ext. 2289, 2410, 5190
 Email: voterregistration@choctawnation.com

 First Name (please print) Middle Last/Suffix Maiden

 Birth Date Last 4 Digits of Social Security Number Phone Number Email

 Street or 911 Address City State Zip Code County
 OR, Provide Physical Directions to your home from the nearest town/city or major highway
 (A physical address must be provided in order to register)

 Mailing Address (if different than above) City State Zip Code

DISTRICT AFFILIATION

NON-RESIDENTS ONLY: If you live outside of the Choctaw Nation boundaries, you may affiliate with ONE of the districts below, however, it is not required. If you affiliate with a district, you will be mailed a ballot when there is a Tribal Council Member election for that district. *Once you affiliate you must remain in the district you have chosen, unless you move within the Choctaw Nation boundaries.* If you choose not to affiliate, you will only be mailed a ballot when there is an election for Chief of the Choctaw Nation.

PLEASE CHECK THE DISTRICT YOU WOULD LIKE TO AFFILIATE WITH OR if you prefer "NOT TO AFFILIATE" with a particular district, then you may check this box instead: I choose not to affiliate at this time

<input type="checkbox"/> District 1	<input type="checkbox"/> District 2	<input type="checkbox"/> District 3	<input type="checkbox"/> District 4	<input type="checkbox"/> District 5	<input type="checkbox"/> District 6
<input type="checkbox"/> District 7	<input type="checkbox"/> District 8	<input type="checkbox"/> District 9	<input type="checkbox"/> District 10	<input type="checkbox"/> District 11	<input type="checkbox"/> District 12

RESIDENTS: Residents of the Choctaw Nation 10 ½ county service area (below) will be assigned to vote in the district in which they reside.

ADDRESS RELEASE AUTHORIZATION

Would you like your name and address released to candidates who run for Choctaw Nation Chief and Tribal Council?

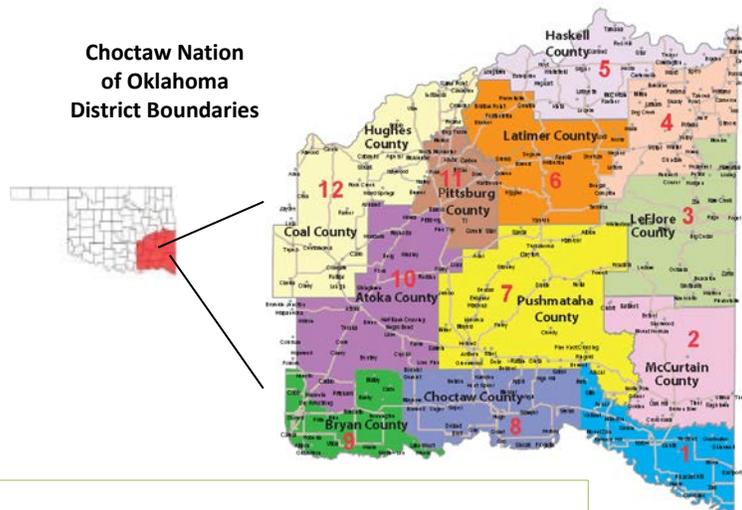
- YES (I want my name and address released) NO (I do not want my name and address released)

I certify that the information given on this application is true. I am eligible to be a registered voter of the Choctaw Nation as stated in the Constitution of the Choctaw Nation of Oklahoma. I understand that false or erroneous information can cause loss of voting privileges. I am not a member of another tribe, nor am I registered to vote with another tribe.

Date: ____/____/____

Sign Here

Signature of Applicant - **Forms without signature will not be processed**



FOR DEPARTMENT USE ONLY

Record ID: _____ Date Processed/Initials: _____ District Assigned: _____ Date Scanned/Initials: _____

General Instructions

Use Blue or Black Ink to Complete This Form.

When to Use the Voter Registration Form

- ✓ 1st time registration for Choctaw Nation Tribal Elections.
- ✓ Update a Phone Number or Email.
- ✓ Update a physical address and/or mailing address.
- ✓ Update an Address Release Authorization.

Eligibility Checklist for Voter Registration

- You are a Tribal Member of the Choctaw Nation of Oklahoma.
- You are or will be 18 years of age or older on the day of the next tribal election.
- You have fully completed your Voter Registration Form, with emphasis in the following areas:
 - ✓ You provided your physical address. (Please see guidelines below)
 - If you have a street address or 911 address, this is your physical address.
 - A rural route, highway contract, or a post office box is NOT a physical address.
 - If you do not have a street address or 911 address, you may write directions to your home from the nearest city/town or major highway.
 - ✓ You signed your form.

How to Submit the Voter Registration Form

- Deliver in person to the Voter Registration Department. Our hours of operation are Monday through Friday, excluding tribal holidays, from 8am to 4:30pm.
- Email to VoterRegistration@choctawnation.com.
- Mail to following address:
Choctaw Nation of Oklahoma
Attn: Voter Registration
PO Box 1210
Durant, OK 74702

What to Expect After You Submit Your Voter Registration Form

You will be mailed a Voter Registration Certificate once your form has been processed. You may retain the Certificate for your records or use the back of the Certificate to update your voter registration.

Voter information is not shared with other service programs of the Choctaw Nation of Oklahoma.

WEBSITE: WWW.CHOCTAWNATION.COM/VOTE

