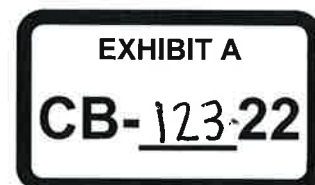


CHIEF AND TRIBAL COUNCIL ELECTION ORDINANCE

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CHIEF AND TRIBAL COUNCIL ELECTION ORDINANCE

ARTICLE I. PURPOSE

SECTION 1. This Chief and Tribal Council Election Ordinance 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 shall 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) "Ballot measure" means an initiative petition proposed by the members or a legislative referendum referred by the Tribal Council for a vote of the members as provided in Article XVI of the Constitution of the Choctaw Nation of Oklahoma;
- (b) "Campaign" means any organized or active work toward a goal of influencing votes including but not limited to, public speaking directed to persons in support of or in opposition to a candidate or prospective candidate, asking for votes or contributions for a candidate or preparing or distributing written or broadcast campaign materials, campaign literature or campaign items of any kind, excluding those relating to an election provided by the Election Board. A campaign shall be deemed to begin on the earlier of the first date that a person accepts a contribution or makes an expenditure or the date of filing a declaration of candidacy, and shall be deemed to end upon the later of the date of certification of the election results or on the last date that a person accepts a contribution or makes an expenditure;
- (c) "Candidate" means a 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 to be an eligible candidate for an elected position for the Choctaw Nation of Oklahoma; provided, for purposes of Article XXVI of this Ordinance, the term "candidate" shall be defined as set forth in Section 2 of such Article;
- (d) "Constitution" means the Constitution of the Choctaw Nation of Oklahoma;
- (e) "Director of Voter Registration" means the individual responsible for the management of the Voter Registration Department as a full-time employee of the Choctaw Nation. The Secretary of the Election Board shall be appointed pursuant to the provisions of Section 2 of Article V of this Ordinance and shall serve as the ex officio Director of Voter Registration;
- (f) "Election Board" means the body charged with oversight and implementation of this Ordinance;
- (g) "Election Cycle" means the period beginning twelve (12) weeks prior to a general election and continuing until three (3) business days after the election results are certified. For a candidate

in a run-off election, the election cycle shall continue until three (3) business days after the run-off election results are certified;

- (h) "Election Day" means a calendar day designated, either constitutionally or as authorized by this Ordinance, for ballots to be cast in an election, excluding any day designated for early voting;
- (i) "Non-resident Voter" means a voter who does not reside within the boundaries of the Choctaw Nation of Oklahoma as defined by Article I, Section 2 of the Constitution;
- (j) "Non-resident Unaffiliated Voter" means a non-resident voter who is not affiliated;
- (k) "Ordinance" means the Chief and Tribal Council Election Ordinance;
- (l) "Residency" means the act of residing 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 a person has a true, fixed and permanent home, and to which whenever absent, the person has the intention to return;
- (m) "Secretary" means the Secretary of the Choctaw Nation of Oklahoma Election Board who shall be the ex officio Director of Voter Registration;
- (n) "Tribal Assets" means property of all kinds belonging to the Choctaw Nation of Oklahoma, including real, personal, and mixed property and tangible and intangible property, subject to the exceptions set forth in Section 1 of Article XIII and Section 1 of Article XXVII of this Ordinance;
- (o) "Voter" means a member of the Choctaw Nation of Oklahoma who has registered to vote in accordance with Article IV of this Ordinance; and
- (p) "Voter Registration Department" means the department of the Choctaw Nation of Oklahoma, led by the Director of Voter Registration, within the executive branch that maintains and protects the Choctaw Nation Voter Database. The department shall also provide support to the Secretary of the Election Board of the Choctaw Nation of Oklahoma as requested.

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 or will have attained the age of eighteen (18) years by the date of any election shall be eligible to register to vote, except as provided in subsection (d) of Section 8 of this Article. Every eligible tribal member shall be required to be registered with the Voter Registration Department to vote in tribal

elections.

SECTION 2. Each eligible tribal member shall complete a Voter Registration Form which shall include a provision for a voter to permit or prohibit the release of his or her address to candidates as provided in Sections 1 and 2 of Article IX of this Ordinance. The information provided on the voter registration form shall be signed under oath. The Voter Registration Form shall be issued by the Voter Registration Department and may be amended from time to time at the discretion of the Department.

SECTION 3. Tribal members residing inside the boundaries of the Choctaw Nation of Oklahoma shall be registered in the district in which they reside.

SECTION 4. A tribal member not residing within the boundaries of the Choctaw Nation of Oklahoma, as defined by Article I, Section 2 of the Constitution, may become affiliated with a district of his or her choice or may opt to be unaffiliated with any district. Once a non-resident voter has affiliated with a district while residing outside the boundaries of the Choctaw Nation of Oklahoma, he or she shall be required to remain affiliated with the chosen district, unless the voter establishes residency in another district within the boundaries of the Choctaw Nation of Oklahoma; provided, in the event that the boundaries of a district are redrawn or are otherwise changed, any non-resident voter affiliated with the district shall be notified and shall be allowed to change his or her district affiliation in accordance with procedures set forth by the Election Board.

SECTION 5. A non-resident voter unaffiliated with a district shall only be eligible to vote in an election for the office of Chief and on any proposed ballot measures.

SECTION 6. The Director of Voter Registration shall be authorized to develop an electronic system of voter registration and may contract with a provider to implement such system. Eligible tribal members may register to vote with the Voter Registration Department at any time during regular business hours except holidays recognized by the Choctaw Nation of Oklahoma. An eligible tribal member who has not previously registered to vote may do so during a general election, or if authorized by the Secretary, during a run-off or special election, at the times and locations provided in Sections 1 through 3 of Article XI of this Ordinance, by completing a voter registration form at the voting location.

SECTION 7. A voter may make any registration changes allowed by this Ordinance by submitting a new voter registration form to the Voter Registration Department, during regular business hours except holidays recognized by the Choctaw Nation of Oklahoma, or during an election as provided in Section 6 of this Article.

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

- (a) A tribal member appears before the Voter Registration Department and executes a written notice stating that he or she no longer desires to be a registered voter of the Choctaw Nation of Oklahoma;
- (b) A member sends a notarized request to the Voter Registration Department stating that he or she no longer desires to be a registered voter of the Choctaw Nation of Oklahoma;
- (c) The Election Board or the 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 such tribe. 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 Voter Registration Department in such event.

ARTICLE V. ELECTION BOARD

SECTION 1. The Election Board shall be established pursuant to Article IX, Section 5 of the Constitution. The Election Board shall perform its duties as authorized by this Ordinance and other applicable laws of the Choctaw Nation without interference from other departments of the Choctaw Nation.

SECTION 2. There shall be three (3) members of the Election Board, designated as Chairperson, Secretary, and Member. Persons appointed to the Election Board shall be members of the Choctaw Nation of Oklahoma and shall meet such other qualifications to hold such office as are set forth in this Article. The Chief shall, with the advice and consent of the Tribal Council, appoint the members of the Election Board. Such appointments shall be made in writing. Following an appointment, the oath of office (see Appendix Form A in this Ordinance) shall be administered. Any vacancy in the membership of the Election Board shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

SECTION 3. The Secretary of the Election Board shall be the ex officio Director of Voter Registration. The Secretary shall:

- (a) Have general administrative authority over the Election Board and serve as one of the three voting members of the Election Board;
- (b) Be responsible for complying with policies and procedures of the Choctaw Nation of Oklahoma;
- (c) Receive a salary and benefits in accordance with Choctaw Nation of Oklahoma Compensation Policy;
- (d) Be responsible for the operational and budgetary procedures for tribal elections ;
- (e) Organize and schedule Election Board activities, including administrative duties relating to personnel and payroll as set forth in this Ordinance or as may be necessary to perform the duties of the Election Board;
- (f) Receive and securely store paperwork, records, documents, and correspondence of the Election Board;
- (g) Accept payments made to the Election Board and deliver payments to the Finance Department;
- (h) Record official meeting minutes;
- (i) Provide public notice of the scheduling of elections, candidate filing, and other activities of interest to the public and submit such notice to media outlets;
- (j) Create and revise the policies and internal procedures of the Election Board;

- (k) Organize and communicate with election support teams comprised of employees from different Choctaw Nation departments including but not limited to, Voter Registration, Membership, Geographic Information Systems, Information Technology, Finance, Surveillance and Security;
- (l) Perform other administrative or operational tasks as specified in this Ordinance;
- (m) Continue to facilitate the Election Board duties as necessary during the non-election cycle;
- (n) Maintain historical data sets obtained from Voter Registration and Election systems, permanently retain certified results of each election by voting location and make continued improvements to functionality;
- (o) Recruit potential Voting Location Board Members and build community goodwill throughout the year; and
- (p) adopt rules in a form deemed appropriate by the Secretary to implement administrative procedures for election administration as set forth in this Ordinance, as provided in the Choctaw Nation Administrative Procedure Act.

SECTION 4. The Chairperson of the Election Board, hereafter referred to as Chairperson, shall:

- (a) Be a voting member of the Election Board;
- (b) Receive a stipend as compensation based on the number of meetings attended;
- (c) Ensure that all members follow the rules of the Election Board;
- (d) Preside over all meetings and hearings in accordance with the current edition of Robert's Rules of Order; and
- (e) Administer the oath (see Appendix Form A in this Ordinance) to all Voting Location Board members and election workers.

SECTION 5. The Member of the Election Board, hereafter referred to as Member, shall:

- (a) Be a voting member of the Election Board;
- (b) Receive a stipend as compensation based on the number of meetings attended;
- (c) Follow the rules of the Election Board; and
- (d) Provide necessary support to the Secretary and Chairperson as needed.

SECTION 6. The terms of the Election Board members shall be three (3) years for the Chairperson and the Member. The term of the Secretary shall be five (5) years. The terms shall expire on December thirty-first (31st) of every third year for each appointed term for the Chairperson and Member, and on December thirty-first (31st) of every fifth year for the Secretary. Each Election Board member shall be sworn into office no later than the last day of February of the year following the appointment.

SECTION 7. All elections shall be conducted by the Election Board. Subject to the provisions of this Ordinance and the rules adopted by the Secretary, the Election Board may employ such personnel as it deems necessary or may contract with an election service provider to assist with the conduct of elections to the extent determined by the Election Board. The Election Board shall prescribe, designate or amend forms necessary for the implementation of this Ordinance. The Election Board may delegate any duty or function required by the provisions of this Ordinance to be performed by the Election Board or the Secretary to the election service provider as it deems necessary and appropriate. The Election Board may also contract with independent legal counsel for consultation. All decisions related to the use of an election service provider and independent legal counsel shall be determined solely by the Election Board. The Election Board may also use any available technology or any necessary consulting services in order to perform its duties in the most efficient and just method possible.

SECTION 8. No person shall serve on the Election Board:

- (a) For any election in which he or she is a candidate or prospective candidate for office;
- (b) If he or she is an employee of a candidate or prospective candidate for office;
- (c) Except for the Secretary, if he or she is an employee of the Choctaw Nation of Oklahoma or its subsidiaries; or
- (d) If he or she is related within the third degree of consanguinity or affinity, including through adoption, to a candidate or prospective candidate for office, defined as including but not limited to a spouse, parent, step-parent, parent-in-law, sibling, step-sibling, half-sibling, sibling-in-law, grandparent, grandparent-in-law, step-grandparent, child, legal guardian, step-child, grandchild, step-grandchild, uncle, aunt, niece, nephew or first-cousin, or if he or she is in a dating relationship with, or is a member of the same household of any other member of the Election Board or candidate or prospective candidate for office.

SECTION 9. There shall be at least two (2) alternate Election Board members appointed and trained for each election to serve in the absence of an Election Board member or to provide additional assistance when necessary as determined and as directed solely by the Election Board. The Chief shall, with the advice and consent of the Tribal Council, appoint alternate Election Board members for a term coterminous with those of the Chairperson and Member of the Election Board. Such appointments shall be made in writing. Alternate Election Board members shall meet the qualifications for Election Board members and be able to assume the role of Chairperson or Member. They shall subscribe to an oath (see Appendix Form A in this Ordinance) before the Election Board Chairperson obligating them to observe the same rules applicable to other Election Board members.

SECTION 10. The position of Program Manager of Voter Registration is hereby created. If the Secretary is impeded from performing his or her duties, by operation of Section 8 of this article or otherwise, the Program Manager of Voter Registration shall be appointed as acting Secretary for as long as the impediment exists. The Program Manager of Voter Registration shall qualify and be trained for the position of Secretary. The Chief shall, with the advice and consent of the Tribal Council, appoint the Program Manager of Voter Registration as the alternate for Secretary. Such appointment shall be made in writing and shall be made simultaneously with the appointment of the Secretary. Following the appointment, the oath of office (see Appendix Form A in this Ordinance), shall be administered.

SECTION 11. The Election Board office shall be open Monday through Friday, from 8:00 a.m. to 4:30 p.m., during the election cycle and at such other times as may be directed by the Secretary. The Election Board shall convene at the request of the Secretary to enforce the provisions of this Ordinance. The Election Board office shall be closed to observe all holidays recognized by the Choctaw Nation of Oklahoma.

SECTION 12. The minutes of all meetings shall be recorded by the Secretary. A copy of the minutes of each meeting shall be publicly available on the official website of the Choctaw Nation of Oklahoma and upon written request to the Secretary.

SECTION 13. The Election Board shall be responsible for the monitoring, audio and video recording of all hearings related to any election. No other audio or video recorder shall be allowed at any time. There shall be trained security personnel at the Election Board office when deemed necessary by the Secretary or at the Election Board's discretion.

ARTICLE VI. ELECTION DATES

SECTION 1. General elections shall be held every two (2) years. Elections for Chief and six (6) Tribal Council members shall be held during one election and the election for the other six (6) Tribal Council members shall be held two years later. An election for an office shall not be held in the event that any candidate for such elected office fails to draw an opponent or otherwise runs unopposed.

SECTION 2. General elections shall be held on the second Saturday in July in odd-numbered years, with early voting on the Friday preceding Election Day. Run-off elections shall be held on a Saturday in accordance with Article XXI of this Ordinance. If a candidate does not receive more than fifty percent (50%) of the total votes cast for the respective office, 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.

SECTION 3. Special elections shall be held on a Saturday and shall be conducted pursuant to Article XXI of this Ordinance and Article XIV and Article XVI of the Constitution.

ARTICLE VII. FILING QUALIFICATIONS 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 general election. The Secretary shall provide a notice of filing dates and election deadlines, as well as the location of the Election Board office, to be published in various newspapers inside the boundaries of the Choctaw Nation of Oklahoma, including the tribal newspaper, and other media outlets.

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 Forms B & C as applicable) with the Secretary during regular business hours on the designated filing days. At the time a declaration of candidacy is submitted, it shall be accompanied by a non-refundable filing fee of Two Thousand Five Hundred Dollars (\$2,500.00) for the office of Chief or Five Hundred Dollars (\$500.00) for the office of Tribal Council Member. The fee shall be paid in the form

of a certified check, cashier's check or money order payable to the Choctaw Nation of Oklahoma. Personal checks, credit or debit cards, or cash shall not be accepted.

SECTION 4. A candidate for the office of Chief shall:

- (a) Be a tribal member of the Choctaw Nation of Oklahoma;
- (b) Be at least thirty (30) years of age at the time of filing a declaration of candidacy;
- (c) Possess no less than one quarter (1/4) degree of Choctaw Indian blood as certified by an official tribal membership card;
- (d) Have been a resident within the boundaries of the Choctaw Nation of Oklahoma for not less than two (2) years immediately preceding any election for Chief and if elected, shall remain a resident within the boundaries of the Choctaw Nation of Oklahoma during the term of office; and
- (e) Never have been convicted of a felony by a court of competent jurisdiction.

SECTION 5. A candidate for the office of Tribal Council Member shall:

- (a) Be a tribal member of the Choctaw Nation of Oklahoma;
- (b) Be at least twenty-one (21) years of age at the time of filing a declaration of candidacy;
- (c) Possess no less than one quarter (1/4) degree of Choctaw Indian blood as certified by an official tribal membership card;
- (d) Have been a resident in his or her respective district for not less than one (1) year immediately preceding the election and if elected, shall remain a resident of the district from which elected during the term of office; and
- (e) Never have been convicted of a felony by a court of competent jurisdiction.

SECTION 6. Each candidate or prospective candidate for office shall submit proof that he or she meets the residency requirements of and other qualifications for the office being sought. Verification of residence may be shown by not fewer 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 registration; or

- (e) Homestead exemption statement.

Other forms of documentation of residency or other qualifications for the office being sought may be requested by and submitted to the Election Board for purposes of verification of such qualifications. The sufficiency of any such other documentation shall be in the sole and final discretion of the Election Board. The residency time requirements shall be calculated using the date of the election.

SECTION 7. All prospective candidates shall be required to execute a consent and acknowledgment form as prescribed by the Secretary for a background check when they file for an office. A person shall not officially be considered a candidate until the results of the background check indicate the person is eligible to serve in the office sought. 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 cycle and shall be securely maintained at the direction of the Election Board for a period of not less than two (2) years after election results are certified.

SECTION 8. Employees of the Choctaw Nation of Oklahoma and all its entities, including any person who serves as a contract employee or consultant, who meet the qualifications, may seek elective office. Prior to filing for candidacy for any election, such person shall take a leave of absence or resign from the Choctaw Nation of Oklahoma, or if a contract employee or consultant, shall suspend the terms of such contract or consulting agreement, and shall not return to work for the Choctaw Nation of Oklahoma for the duration of the campaign or, if elected, for the term of the office. If the employee wins the election, the employee shall resign as an employee of the Choctaw Nation of Oklahoma, or if a contract employee or consultant, shall terminate the contract or consulting agreement. Documentation of leave of absence, suspension of a contract or consulting agreement, or resignation shall 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 an 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 or she:

- (a) Possesses at least one quarter (1/4) degree of Choctaw Indian blood as certified by an official tribal membership card;
- (b) Is not an employee, contractor or consultant of the tribe or is an employee, contractor, or consultant of the tribe and has resigned, taken a leave of absence, or suspended the terms of any applicable contract or consulting agreement and that he or she understands that should he or she become an active employee, contractor or consultant during the election cycle, he or she shall be automatically disqualified as a candidate;
- (c) Shall not use tribal assets for election or campaign purposes, except as specifically permitted by this Ordinance;
- (d) Meets all qualifications required for the office for which a declaration of candidacy is filed; and
- (e) Shall adhere to all requirements of this Ordinance and not violate any election provision.

SECTION 10. Each person shall comply with Article XXVI of this Ordinance.

SECTION 11. Any candidate may withdraw as a candidate upon the filing of a written notice of withdrawal with the Secretary. Such notice shall be signed by the candidate, a lawfully appointed personal representative of the candidate, or a lawfully appointed special administrator of a deceased candidate, whose signature shall be notarized. A notice of withdrawal from a general election shall be filed with the Secretary on or before 4:30 p.m. on the third business day following the close of the candidate filing period set forth in Section 1 of this Article. A notice of withdrawal from a run-off election shall be filed with the Secretary on or before 4:30 p.m. on the third business day following the certification of election results from the general election. If a candidate withdraws from a run-off election as provided in this Section, the remaining candidate shall be declared the winner of the election. If a notice of withdrawal is filed at any other time, the notice shall not be accepted by the Secretary and the name of the candidate shall appear on the appropriate ballot.

SECTION 12. At 4:30 p.m. on the last day of the filing period, the Secretary 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 official ballot by the Election Board, the Secretary shall release to the public the list of names of all candidates who shall appear on the ballot.

SECTION 13. In the event of the death of one or more of the candidates after the close of the candidate filing period, the Election Board shall have the authority to:

- (a) Proceed with the election with the remaining candidates if more than one candidate remains;
- (b) Certify the remaining candidate as the uncontested winner of the election, if only one candidate remains; or
- (c) Order that a new candidate filing period and new election be held, if no candidates remain.

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 that office sought may contest the candidacy.

SECTION 2. In order to contest the candidacy of a person seeking the office of Chief or the office of Tribal Council Member, the contestant shall file a petition with the Secretary stating the grounds of the contest, including specific reasons the person is not qualified or eligible to hold the office sought. Reasons not appearing on the petition shall not be grounds for a contest and shall not be considered in any hearing initiated as a result of the petition. The candidacy of a person filing for office may only be contested based on the grounds of qualifications for candidacy as listed in Filing Qualifications and Fees (Article VII). The Election Board may also independently initiate an inquiry and set a hearing regarding the qualifications of any person who files as a candidate 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 Contest of Irregularities (Article XIX). These petitions may only be filed, or an Election

Board inquiry initiated, on the Thursday and Friday following the close of the candidacy filing period, unless the background check provided for in Section 7 of Article VII of this Ordinance indicates that a candidate or prospective candidate is not or may not be eligible to serve in the office sought, in which case the Election Board may initiate an inquiry at any time. If a contest is not filed by that time and if the Election Board does not initiate an inquiry, the Candidate's name shall appear on the ballot.

SECTION 3. Once a petition is properly filed with the Secretary or if the Election Board initiates an inquiry, the Election Board shall conduct a hearing, no earlier than three (3) business days but no more than five (5) business 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 shall be required to appear before the Election Board in person or through a representative designated 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 shall be furnished, and shall sign for, a copy of the petition or inquiry letter filed against his or her candidacy, along with the notice of hearing. Failure of the prospective candidate or his or her representative to appear before the Election Board shall 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 XXVIII of this Ordinance unless otherwise provided in this Ordinance.

SECTION 6. If, upon the conclusion of a hearing, it is determined by a majority of the Election Board that the person is not qualified or eligible to hold the office sought, the candidacy shall be stricken. The burden of proof shall be upon the contestant to sustain the allegations in the petition. However, failure of the candidate or prospective candidate to appear or answer thereto shall be deemed to place the candidate or prospective candidate in default and shall constitute an admission of the allegations of the petition, in which event, if the Election Board determines that the factual allegations of the petition constitute appropriate grounds for disqualification, such contestee's candidacy shall be stricken. The Election Board shall issue its decision no later than five (5) business 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 (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 shall be titled "Appeal from Election Board Decision" and shall set forth every ground for review of the Election Board decision. The opposing party may file a response titled "Response to Appeal from Election Board Decision" within five (5) calendar days from the filing of said appeal. The Tribal Court shall have the discretion to conduct a hearing but shall render its written decision within ten (10) calendar days from the date of filing the "Appeal from Election Board Decision."

SECTION 8. In the event of the striking of a candidacy pursuant to the provisions of this Article when only one (1) person has filed for the office, such office shall be deemed to be vacant and a special election shall be called as provided in Article XXV of this Ordinance.

ARTICLE IX. VOTER LIST

SECTION 1. The Secretary shall provide each candidate one (1) paper copy and one (1) electronic copy of the names of voters in the election in which the person is a candidate for office. This list of voters' names shall be provided within three (3) business days after a determination under Article VIII of this Ordinance that such candidate meets all qualifications and requirements. The Secretary is hereby authorized to set a date or range of dates during which a candidate may request an updated list of the names of voters in the election in which the person is a candidate for office, in either or both paper and electronic formats, and require payment of a fee of Twenty-five Dollars (\$25.00) to cover administrative costs. The date or dates set by the Secretary shall be the only dates upon which a candidate may request to receive an updated list of names of voters in the election in which the person is a candidate for office.

SECTION 2. The list provided to a candidate shall contain only the names of voters eligible to vote for that candidate and shall include the addresses of voters only for those voters who have authorized the release of their addresses to candidates at the time of voter registration.

SECTION 3. A candidate may challenge the eligibility of a voter on the list as provided in this section. 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 shall be made in writing and presented in person to the Secretary no later than twelve (12) business days after the voter list is provided to the candidate; provided, if a candidate is provided an updated voter list, a candidate shall not be permitted to challenge the eligibility of a voter as provided in this section unless the voter was not shown on the original list provided to the candidate. No facsimiles shall be accepted. Persons determined to be ineligible to vote shall be notified through certified mail by the Secretary and shall have the right to request a hearing with the Election Board within five (5) business 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 Election Board, prior to each election, shall cause the electronic voting location registry, which shall be used at each voting location, to be prepared using the most recent voter list. At the direction of and subject to requirements set forth by the Election Board, the voting location registry may be prepared by a contractor used by the Election Board to assist with the conduct of elections.

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:

- (a) For any election in which he or she is a candidate or prospective candidate for office;
- (b) If he or she is an employee of a candidate or prospective candidate for office;
- (c) If he or she is an employee of the Choctaw Nation of Oklahoma or its subsidiaries; or
- (d) If he or she is related within the third degree of consanguinity or affinity, including through adoption, to a candidate or prospective candidate for office, , defined as including but not limited

to a spouse, parent, step-parent, parent in-law, sibling, step-sibling, half-sibling, sibling-in-law, grandparent, grandparent-in-law, step-grandparent, child, legal guardian, step-child, grandchild, step-grandchild, uncle, aunt, niece, nephew or first-cousin, or if he or she is in a dating relationship with, or is a member of the same household of any member of the Election Board or candidate or prospective candidate for office.

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

SECTION 4. The Election Board shall supervise and direct all election workers.

ARTICLE XI. VOTING LOCATIONS AND HOURS

SECTION 1. At least one (1) voting location shall be located within the geographical boundaries of each district subject to the impending election. Voting in a tribal election shall be held at a designated Choctaw Nation of Oklahoma Community Center in each district which is subject to the election. In the case of ' an election for Chief, voting shall 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 if requested by a vote of the Tribal Council, subject to the requirement that all locations shall 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 locations designated by the Election Board Secretary shall be held from 8:00 a.m. to 4:30 p.m. on the Friday preceding Election Day. Voting on Election Day at the designated locations shall be held 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. The Secretary shall provide public notice to newspapers available inside the boundaries of the Choctaw Nation of Oklahoma, including the tribal newspaper and other media outlets.

ARTICLE XII. VOTING LOCATION BOARD

SECTION 1. Each voting location shall have one (1) Voting Location Board. The Voting Location Board shall supervise elections at each voting location. The Voting Location Board shall consist of three (3) members with tribal membership with the Choctaw Nation of Oklahoma. Voting Location Board members shall be appointed by the Election Board, designated as one (1) Inspector and two (2) Clerks. There shall be two (2) alternate members appointed by the Election Board and trained for each location, in order to be able to serve as either an Inspector or a Clerk of the Voting Location Board. The Election Board, in its sole discretion, may direct a contractor used to conduct elections for the Choctaw Nation of Oklahoma to assist the Voting Location Board in fulfilling its duties. The Election Board may compensate members of the

Voting Location Board and may set the rate of such compensation, in its sole discretion.

SECTION 2. No person shall serve on a Voting Location Board:

- (a) For any election in which he or she is a candidate or prospective candidate for office;
- (b) If he or she is an employee of a candidate or prospective candidate for office;
- (c) If he or she is an employee of the Choctaw Nation of Oklahoma or its subsidiaries; or
- (d) If he or she is related within the third degree of consanguinity or affinity, including through adoption, to a candidate or prospective candidate for office, defined as including but not limited to a spouse, parent, step-parent, parent-in-law, sibling, step-sibling, half-sibling, sibling-in-law, grandparent, grandparent-in-law, step-grandparent, child, legal guardian, step-child, grandchild, step-grandchild, uncle, aunt, niece, nephew or first-cousin, or if he or she is in a dating relationship with, or is a member of the same household of any member of the Election Board or candidate or prospective candidate for office.

SECTION 3. The Voting Location Board members and alternates shall subscribe to an oath (see Appendix Form A in this Ordinance) before the Election Board Chairperson obligating them to observe the same rules applicable to Election Board members. The Election Board Chairperson shall administer the oath to the Voting Location Board members at a time and place designated before all elections. These oaths shall be kept on file at the Election Board office for ninety (90) days after the election results are certified, at which time they shall be shredded.

SECTION 4. The Inspector of the Voting Location Board, hereafter referred to as Inspector, shall:

- (a) Be trained by the Election Board on all election procedures prior to opening a voting location, which shall include but not be limited to, training on the procedures for receipt, security and transportation of ballots and other supplies to be used at the voting location during the election;
- (b) Arrive at the assigned voting location no later than thirty (30) minutes prior to the designated opening hours of operation as set forth in Section 3 of Article XI of this Ordinance, to set up materials;
- (c) Display information for voters at the voting location and erect at least one (1) voting booth with instructions for voters inside the voting location;
- (d) Announce that the polls are open as according to the hours of operation set forth in Article XI of this Ordinance and begin processing voters;
- (e) Remain at the voting location during voting hours and until all voting and other necessary duties are completed each day. In the case of an emergency which requires the extended absence of a Voting Location Board member, the Inspector shall appoint one of the pre-designated alternates to serve in his or her absence;
- (f) At all times, maintain the security of ballots, voting devices and other supplies and equipment

and keep such under surveillance in a manner set forth by the Secretary;

- (g) Verify that each person presenting himself or herself to vote is registered;
- (h) Ensure that only one (1) ballot in each election is cast by each voter and that the voter signs his or her name on the voting location registry;
- (i) Preserve and secure spoiled and mutilated ballots in a specially marked envelope to be returned to the Election Board office;
- (j) Announce that the polls are closed as according to the hours of operation set forth in Article XI of this Ordinance and allow all voters in line at the closing of the polls to complete voting;
- (k) After the polls are closed on Election Day, in the presence of the Clerks, run the report of the counts of total votes cast for each candidate after all the ballots have been processed, which shall constitute the official election return for that voting location. The election return shall be signed by the Voting Location Board Inspector and the two (2) Clerks. The original Election Return shall be delivered to the Election Board office;
- (l) After the polls are closed on Election Day, telephone 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;
- (m) Seal all ballots in the ballot transfer box, including all challenged, spoiled and mutilated ballots, along with a copy of the election return for that voting location. The boxes shall be marked with the name of the voting location and date of the election. Ballot transfer boxes shall remain sealed with tabs, certified plastic tape or locks or other security measures set forth by the Election Board. Ballot transfer boxes may be sealed by a contractor used to conduct Choctaw Nation of Oklahoma elections in the presence of the Inspector; and
- (n) Return all ballot transfer boxes and other election supplies to the Election Board office immediately following the election.

SECTION 5. The Clerk(s) of the Voting Location Board, hereafter referred to as Clerk(s), shall:

- (a) Be trained by the Election Board on all election procedures prior to opening a voting location;
- (b) Arrive at the assigned voting location no later than thirty (30) minutes prior to the designated opening hours of operation as set forth in Section 3 of Article XI of this Ordinance, to set up materials;
- (c) Display information for voters at the voting location and erect at least one (1) voting booth with instructions for voters inside the voting location;
- (d) Remain at the voting location during voting hours and until all voting and other necessary duties are completed each day;
- (e) At all times, maintain the security of ballots, voting devices and other supplies and equipment

and keep such under surveillance in a manner set forth by the Secretary;

- (f) Verify that each person presenting himself or herself to vote is registered;
- (g) Ensure that only one (1) ballot in each election is cast by each voter and that the voter signs his or 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; and
- (i) After the polls are closed on Election Day, observe the Inspector running the report of the counts of total votes cast for each candidate after all the ballots have been processed, which shall constitute the official election return for that voting location, and sign the election return as required in subsection (k) of Section 4 of this Article.

ARTICLE XIII. CAMPAIGNING

SECTION 1. Campaigning on property of the Choctaw Nation of Oklahoma shall not be permitted at any time, except as permitted in accordance with CB-113-96, as amended, and except on property of the Choctaw Nation which is used as residential housing. Any tribal member may report allegations and information of a violation(s) by a 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 any political advertisement within one hundred (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 advocates a specific result in the election for which voting is taking place, the voter shall be asked to leave the premises and remove or alter the clothing in a manner such that no identification of a candidate or advocacy of a specific result in the election is visible. If the request is refused, tribal police shall be contacted to escort such a voter from the premises. Any person displaying political advertisements on his or her own property within one hundred (100) yards of a voting location or Election Board office on any day that voting is taking place shall be asked to remove such advertisements.

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

SECTION 4. No candidate shall be allowed to transport or travel with voters to any designated voting location on any day that voting is taking place.

SECTION 5. All alleged violations shall be in a signed writing and submitted to the Secretary. A candidate or prospective candidate against whom a violation is alleged shall receive written notice and the Election Board may conduct a hearing in accordance with Article XXVIII of this 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, which 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 (\$500.00) per violation; and
- (c) In the event the candidate or prospective candidate fails to pay the fine within thirty (30) days of the date of issuance of a reprimand, 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 may continue to publish the reprimand every thirty (30) days thereafter, until such time as the fine is paid to the Secretary.

SECTION 7. In order to avoid the appearance of impropriety and, out of an abundance of caution, a candidate shall not appear at any voting location on any day that voting is taking place, except to cast his or her own ballot.

ARTICLE XIV. WATCHERS

SECTION 1. Each candidate shall be entitled to commission one (1) watcher per voting location, for each day of voting, to observe the voting process. All watchers shall be commissioned in writing and submitted by the candidate to the Secretary no later than 12:00 noon on the second business day prior to the first day of voting. Every watcher shall subscribe to an oath (see Appendix Form A in this Ordinance) 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 not less than ninety (90) days after the election results are certified. A watcher shall receive no compensation for his or her services.

SECTION 2. Watchers duly authorized under Section 1 of this Article shall be allowed to observe the voting process. They shall have authority to observe the preparation of the election return at the voting location and note and record any objections to the count for all candidates. Objections may be presented to the Voting Location Board Inspector who shall communicate such objection to the Election Board. The Election Board shall document the objection as well as any action taken or direction given to the Voting Location Board. A watcher shall be allowed access to the voting location beginning thirty (30) minutes before voting begins until the location is secured after the election return total is posted. The watcher shall not interfere with the Voting Location Board members' duties and there shall be no interaction between the watchers and voters. Any type of campaigning by a watcher shall result in his or her immediate dismissal and removal from the voting location. The watcher shall 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 shall be entitled to commission one (1) watcher to observe the processing of

mail-in ballots in an election. All such watchers shall be commissioned in writing and submitted by the candidate to the Secretary no later than 12:00 noon on the second business day prior to the first day of voting and shall subscribe to the oath administered to other watchers under the provisions of Section 1 of this Article. They shall have authority to perform such duties as set forth in Section 2 of Article XVIII of this Ordinance and note and record any objections to the count for all candidates. Objections may be presented to the Election Board. The Election Board shall document the objection as well as any action taken.

SECTION 4. The watchers 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. A watcher shall not interfere with the Election Board members' duties. Any type of campaigning by a watcher shall result in his or her immediate dismissal and removal from the tabulation location or any other location in which such duties are performed. The watcher shall 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. A watcher shall not be permitted to place or receive telephone calls while performing the duties of a watcher. Absolutely no cell phones, recording devices or cameras shall be permitted in the voting location or the mail-in ballot tabulation location. Any violations of these regulations shall be grounds for immediate dismissal and removal from the voting location, tabulation location, or any other location in which such duties are performed. Watchers shall not be permitted to leave the voting location or mail-in ballot tabulation location while the polls are open or the ballots are being tabulated. Under no circumstances shall a watcher be allowed to return if he or she leaves the voting location or mail-in ballot tabulation location.

ARTICLE XV. BALLOTS

SECTION 1. The Election Board shall develop and implement a system for the printing of paper ballots. A candidate's name shall appear on the ballot as he or she so designates on the declaration of candidacy filed with the Election Board. The Secretary may provide for a photograph of each candidate to also appear on the ballot in a manner to be determined by the Secretary. The Secretary shall cause all ballots, including mail-in ballots, to be printed in such a manner that the office of Chief and any ballot measures, if such office is to be filled or ballot measure considered at the election, shall appear on all ballots and the office of Tribal Council, if such office is to be filled at the election, shall appear on ballots for the appropriate Tribal Council district. The order of names of candidates on the ballots shall be [determined by the Election Board] [as follows:

- (a) The incumbent, if any, shall be listed first and shall be identified as such on the ballot; and
- (b) The remaining candidates shall be listed in alphabetical order by last name.

The Secretary shall determine the number of mail-in ballots to be printed. The ballot printing system developed and implemented by the Election Board shall provide for the printing of ballots at each voting location. Any candidate who is unopposed in any election shall be deemed to have been elected and his or her name shall not appear on the ballot for that election.

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 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) A plain opaque envelope marked "BALLOT" in which the voted ballot shall be placed by the voter;
- (b) A pre-addressed postage paid affidavit and return envelope. The return envelope shall have the mailing address for the Election Board printed on the front and the affidavit confirming the voter's eligibility to vote, including a signature line, on the back; and
- (c) Instructions for completing the ballot and affidavit and returning both documents by mail to the Election Board.

SECTION 4. Sample ballots shall be printed for every election. Sample ballots shall be exact duplicates of regular issue ballots except that no numbers shall be printed on them and the words "SAMPLE BALLOT" shall be conspicuously printed across the face of the ballot. Sample ballots shall be posted at each voting location on every voting day and shall be 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 or tabulated manually at the sole discretion of the Election Board. At the direction of and subject to the requirements set forth by the Election Board, voting devices may be provided by a contractor and used by the Election Board to conduct the election.

SECTION 2. Voters may cast a ballot during voting hours at any open voting location regardless of the district. The voter shall provide the Voting Location Board with his or her name and address. The voter shall present an identification document issued by the Choctaw Nation of Oklahoma, which may or may not include a photograph of the voter, showing the voter's full name and date of birth or an identification document showing the voter's full name, date of birth and photograph, issued by another governmental entity. A Voting Location Board member shall determine the voter's eligibility by locating his or her name on the voting location electronic registry and verifying that such voter has not previously cast a ballot in the election. Once the person's eligibility is verified, the voter shall be asked to sign the registry. A Voting Location Board member shall then issue the appropriate ballot, provide the voter with a marking pen and direct the voter to a voting booth. No person shall vote any ballot except the ballot issued to him or her by the Voting Location Board, and each ballot cast shall be voted without removing the ballot from the voting location, except as otherwise provided in Section 3 of this Article. When the voter has finished voting, he or she shall 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, may be assisted outside of the election enclosure. In such event, the Voting Location Board Inspector shall stop processing the voters inside the election enclosure. Voters who have already signed the voting location registry shall be permitted to complete voting first. The Voting Location Board Inspector and another Voting Location Member shall approach the disabled voter outside the voting enclosure and provide assistance as may be required. The disabled voter shall subscribe to an oath, called a Request for Assistance Form, that he or she is entitled to the assistance. The voter may mark his

or her own ballot or may choose to be assisted by a person of the voter's choosing, provided that person is not the voter's employer, an agent of the voter's employer, a candidate in the election, or an agent of a candidate in the election. The voter may also choose to be assisted by one of the Voting Location Board members other than the Inspector. At no time shall the ballot box be left unattended.

SECTION 4. A voter who is able to enter the election enclosure but is unable to mark his or her ballot due to illiteracy or an inability to read or write, shall be entitled to request special assistance. In such event, the Voting Location Board Inspector shall stop processing the voters inside the election enclosure. Voters who have already signed the voting location registry shall be permitted to complete voting first. The voter requesting such assistance shall subscribe to an oath, called a Request for Assistance Form, that he or she is entitled to the assistance. The voter shall then indicate whether he or 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, an agent of the employer, a candidate in the election or an agent of a candidate in the election. Assistance in marking ballots shall then be provided in the voting booth. At no time shall the ballot box be left unattended.

SECTION 5. Challenged Ballots:

- (a) In the event of a service outage or other electronic system failure, the Election Board may delegate the authority to the Secretary to authorize the emergency use of Challenged Ballots. In that event, the Secretary shall prescribe the appropriate paper form for challenged ballots which shall include sufficient personal identifying information for the Election Board to determine if the person was entitled to vote in the election where the ballot was cast.
- (b) Each ballot cast under subsection (a) of this section shall be placed in a sealed envelope attached to the prescribed form and shall be considered a "challenged ballot." Challenged ballots shall not be counted at the time the other ballots cast in the election are counted but shall be maintained in a separate box marked "Challenged Ballots." Following the close of the election, all challenged ballots shall be transported to the Election Board which shall determine whether the person who cast the challenged ballot was entitled to vote in the election. If the person was so entitled, the envelope shall be opened, and the ballot shall be counted and returned to the envelope. The envelope shall be marked "counted" and placed in the challenged ballot box. The ballot shall be totaled with other votes before certification of the election results. If the person was not entitled to vote, the envelope shall not be opened, the ballot shall not be counted, and the envelope shall be marked "not counted" prior to being returned to the challenged ballot box.

SECTION 6. If a voter makes a mistake in marking his or her ballot while at the voting location, he or she may return the ballot to the Voting Location Board. Those ballots shall be marked as spoiled, put in a specially marked envelope and secured, and the voter shall be provided a new ballot.

SECTION 7. When the hours designated for voting end each day, any voters who are present in line at the voting location prior to the close of the hours designated in this Ordinance shall be permitted to vote, even if they actually cast their votes after the end of such designated hours. Voters who arrive at the voting location after such time shall 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 at the address provided on the voter registration form upon final approval of the ballot by the Election Board and not less than twenty-one (21) calendar days prior to the election day; provided, however, that mail-in ballots for voters who reside outside of the contiguous forty-eight (48) states shall be mailed using an expedited mail delivery service. All dates and deadlines set forth in this section shall be maintained in strict compliance unless extenuating circumstances arise as determined at the sole discretion of the Election Board. The names and addresses on the outgoing envelopes shall be the same as they appear on the voter registration form.

SECTION 2. If the Election Board receives notification that mail cannot be delivered to a voter at his or her address as shown by the voter registration records, the Secretary shall notify the Voter Registration Department and that person shall be placed on the "Returned Address" list. If a voter's mail-in ballot is not received, the voter may contact the Voter Registration Department to update his or her information and request another mail-in ballot. Voters may contact the Voter Registration Department with any inquiries about their ballots.

SECTION 3. Mail-in ballots shall be marked in ink. After completing the ballot and the affidavit as set forth in Section 3 of Article XV of this Ordinance, the voter shall:

- (a) Place the mail-in ballot into the envelope marked "BALLOT";
- (b) Complete and sign the voter eligibility affidavit printed on the back of the pre-addressed postage paid return envelope;
- (c) Place the "BALLOT" envelope into the pre-addressed postage paid return envelope with the completed and signed affidavit printed on the back; and
- (d) Return it by mail to the Election Board.

SECTION 4. The Election Board may enter into an agreement with the United States Postal Service to have mail-in ballot envelopes retained and secured at the location of the U.S. Postal Service in Durant, Oklahoma, until such time as they are collected by the Election Board as provided in Section 1 of Article XVIII of this Ordinance. Mail-in ballots shall be required to be received and processed by the U.S. Postal Service in Durant, Oklahoma, no later than 4:30 p.m. on the day before the election day in order to be counted. Mail-in ballots delivered after that time and date shall not be counted. The Election Board may not accept mail-in ballots by voters at the Election Board office. In the event that an agreement is not reached with the United States Postal Service as provided in this section or in the event that an agreement is terminated or is not enforceable consistent with the provisions of this section, the Election Board shall be authorized to establish procedures for retention and security of mail-in ballots, subject to the approval of the Tribal Council.

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 forty-eight (48) states shall be mailed using an expedited mail delivery service. Mail-in ballots for voting in a run-off election shall 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 mailing of ballots for the previous general election; and
- (b) Any of the reasons that would cancel a voter's registration as provided in Article IV, Section 8 of this Ordinance.

SECTION 6. A voter may cast a ballot at any open voting location regardless of whether the voter was issued a mail-in ballot so long as it was not completed and returned to the Election Board.

ARTICLE XVIII. ELECTION RETURNS

SECTION 1. Mail-in ballot watchers shall appear at the tabulation location no later than 4:00 p.m. on any day that ballots are to be collected from the post office. Mail-in ballot watchers shall be permitted to observe the collection and return of the mail-in ballots to the tabulation location designated by the Election Board; however, due to seat availability, no more than two (2) watchers shall be permitted to accompany the tribal police escort and the Election Board during the collection and return. All other mail-in ballot watchers shall be responsible for their own transportation to and from the post office. It shall be the responsibility of the watchers to designate no more than two (2) watchers who may accompany the tribal police escort and the Election Board for the collection and return. If no designation is made by the watchers before 4:00 p.m., all watchers shall be responsible for their own transportation.

SECTION 2. The Election Board shall collect all properly returned mail-in ballots on the Friday preceding election day at 4:30 p.m. from the post office located in Durant, Oklahoma, or at such other times as specified in the agreement with the Election Board and the United States Postal Services pursuant to the provisions of Section 4 of Article XVII of this Ordinance. The Election Board shall be escorted by not less than one tribal police officer for the ballot collection. Upon completion of the collection of the mail-in ballots, all mail-in ballots shall be placed in a secure location in plain view of surveillance, in a manner set forth by the Secretary.

SECTION 3. The Voter Registration Department shall examine all returned mail-in ballots to ensure the affidavit envelopes have been signed as required in this Ordinance. If there is any affidavit envelope without a signature, or there is a question regarding any signature, the Election Board shall examine the affidavit envelope and signature and make a final determination whether the ballot was validly cast. If the ballot is determined to be invalid, the ballot, affidavit and envelopes shall be secured in the "invalid" ballot box and the ballot shall not be counted.

SECTION 4. The Election Board may begin to remove the outer affidavit envelopes of the mail-in ballots at any time. The unopened envelopes containing the mail-in ballots shall be placed inside an empty ballot box. All materials, including the envelopes, shall remain secured. Mail-in ballot watchers shall be permitted to observe the removal of such envelopes.

SECTION 5. Upon completion of the removal of the outer envelopes and signature verification, 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 election day.

SECTION 6. Mail-in ballots shall be considered invalid for any of the following reasons:

- (a) The mail-in ballot is received after the deadline of 4:30 p.m. on the day before the election;
- (b) The signature is not identifiable as that of the voter's signature which appears on the voter registration form;
- (c) The mail-in ballot is not marked;
- (d) The mail-in ballot is marked incorrectly;
- (e) The mail-in ballot is too soiled or defaced to read;
- (f) More than one (1) mail-in ballot is returned in the official envelope; or
- (g) The affidavit is not properly completed and signed.

The Election Board shall have the final authority to determine whether a mail-in ballot is valid or invalid.

SECTION 7. At any time after 7:00 a.m. on election day, the Election Board may open the ballot envelopes and tabulate the mail-in ballots. At 7:00 p.m. on election day 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 election return for mail-in ballots. The election return shall be signed by each Election Board member and the Secretary shall post a copy on the door of the mail-in ballot tabulation location. Mail-in ballot watchers shall appear at the Election Board office no later than 6:30 p.m. on election day and shall be permitted to observe the preparation and posting of the election return for mail-in ballots.

SECTION 8. The ballots at the voting location shall be tabulated by the Voting Location Board members only after the closing of the polls at 7:00 p.m. on election day. If the tabulation for the ballot count does not match the voter count, then the ballots shall be promptly secured and transported to the Election Board office where they shall be re-tabulated.

SECTION 9. Election return totals from each voting shall be communicated by telephone to the Election Board office by the Voting Location Board members immediately upon tabulation. A copy of the return totals for each voting location shall be posted at the voting location after the Voting Location Board members communicate such to the Election Board office. Once the return totals have been posted, 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 the election. After all election night procedures have been completed at the voting location, the Voting Location Board Inspector shall immediately deliver the original return totals, secured voting boxes and all other materials to the Election Board office.

SECTION 10. After the totals have been communicated to the Election Board and all original return totals have been returned to the Election Board by the Voting Location Boards, an unofficial election return of totals shall then made by the Chairperson and Secretary by comparing the information communicated by telephone by the Voting Location Board members with the original return totals which have been returned to the Election Board. If the information communicated by telephone is not consistent with the original return totals, the Election Board shall re-tabulate the original return totals. If the re-tabulation is not consistent with the original return totals, the Election Board shall cause the ballots to be counted manually. Once the accuracy of the results has been verified, the Election Board shall print

an official election return report, which shall be signed by all members of the Election Board. The Secretary shall certify and post the results of the election promptly.

SECTION 11. The Secretary 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 certified, at which time they shall be destroyed.

ARTICLE XIX. CONTEST OF IRREGULARITIES OR FRAUD

SECTION 1. "Fraud" shall be defined as any unlawful activity knowingly committed with the intent to alter or affect the results of an election. "Irregularity" shall be defined as any activity other than fraud which results in, or may result in, the casting of ineligible votes in an election. Campaigning by or at the direction of a candidate or prospective candidate (Article XIII), Contest of Candidacy (Article VIII), Violation of Campaign Contributions (Article XXVI), and Prohibiting Use of Tribal Assets (Article XXVII) shall not be considered an irregularity or fraud 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 irregularities or fraud. Such candidate shall file a petition describing the alleged irregularity or fraud in detail with the Secretary no later than three (3) business days following the election to contest the results of an election. In the event a recount is requested, as provided in Article XX of this Ordinance, the petition describing the alleged irregularity or fraud in detail shall be filed with the Secretary no later than three (3) business days following the completion of the recount. No facsimiles shall be accepted. The Election Board may also independently initiate an inquiry and set a hearing to review possible irregularities or fraud. A petition contesting the results of the election for irregularities or fraud shall be required to allege a sufficient number of irregularities or fraud of such a nature as to either prove that the contestant is lawfully entitled to be issued a certificate of election or to be a candidate in a run-off election, or prove that it is impossible to determine with mathematical certainty which candidate is so entitled. A petition contesting the results of the election for fraud shall further be required to allege that fraud occurred in certain voting locations or with respect to mail-in ballots, and shall specify such voting locations, the specific act constituting such alleged fraud and the names of the alleged perpetrators of such fraud. Once a petition or inquiry is properly filed, the Secretary shall issue an order setting a hearing no earlier than three (3) business days, and no more than five (5) business days, after the contest period closes.

SECTION 3. A non-refundable fee in the amount of One Hundred Fifty Dollars (\$150.00) shall accompany the petition alleging irregularities or fraud. The fee shall be in the form of a certified check, cashier's check or money order payable to the Choctaw Nation of Oklahoma. Cash, credit or debit cards, or personal checks shall not be accepted.

SECTION 4. At 4:00 p.m. on the first Thursday following an election day or, if applicable, at 4:00 p.m. on the third business day following the completion of a recount, all candidates that appeared on the ballot shall 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 shall be furnished, and shall sign for, a copy of the petition or inquiry letter filed along with the notice of a hearing. Failure of a candidate or his or her designee to appear before the Election Board shall 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 XXVIII of this Ordinance.

SECTION 6. After conducting a hearing on a petition alleging irregularities, the Election Board shall determine if the petition is sufficient or insufficient. If the petition is determined to be insufficient, the Election Board shall deny the petition and the results of the election shall remain unchanged. If the petition is determined to be sufficient, the Election Board shall:

- (a) Certify that the contestant is lawfully entitled to be issued a certificate of election or be a candidate in a run-off election; or
- (b) Find that it is impossible to determine which candidate received a majority of lawfully cast ballots and call a new election with the same candidates.

SECTION 7. After conducting a hearing on a petition alleging fraud, the Election Board shall determine if the petition is sufficient or insufficient. If the petition is found to be insufficient, the Election Board shall deny the petition and the results of the election shall remain unchanged. If the petition is found to be sufficient, the Election Board shall notify the Tribal Council which shall have the authority to do any or all of the following, upon a vote of no fewer than eight members:

- (a) Impose a civil penalty against the responsible individual or organization of up to Ten Thousand Dollars (\$10,000.00), to be deposited to the General Fund of the Choctaw Nation, if the fraud is found to be the result of the conduct of an individual or organization; or
- (b) Take other appropriate action consistent with the findings of the Election Board, including but not limited to:
 - (1) Ordering that a new election be held without the candidate(s) who committed the fraudulent action or upon whose behalf the fraudulent action was committed,
 - (2) Ordering that a new candidate filing period and a new election be held, or
 - (3) Ordering that another candidate be certified the winner.

SECTION 8. The decision of the Election Board may be appealed to the Tribal Court established by Article XII, Section 1 of the Constitution (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 shall be titled "Appeal from Election Board Decision" and set forth every ground for review of the Election Board decision. The appeal shall be properly served on the Election Board and any other affected candidate. The Election Board or any other affected candidate may file a response titled "Response to Appeal from Election Board Decision" within five (5) calendar days from the filing of said appeal. The Tribal Court shall have the discretion to conduct a hearing but shall be required to render its written decision within fifteen (15) calendar days from the date of filing the "Appeal from Election Board Decision."

ARTICLE XX. RECOUNT

SECTION 1. A candidate may request a recount for a general, run-off, or special election within three (3) business days following the posting of the results. The request shall be in writing and presented to the Secretary in person. No facsimiles shall be accepted. Ballots shall be recounted by the Election Board. The request shall indicate which voting location or locations he or she wishes to have recounted and whether the candidate requests that the mail-in ballots be recounted. The candidate shall indicate in the petition requesting the recount if 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. The petition shall be accompanied by a non-refundable fee of Five Hundred Dollars (\$500.00) per voting location and a non-refundable fee of One Thousand Dollars (\$1,000.00) if a recount of mail-in ballots is requested. The fee shall be in the form of a certified check, cashier's check, or money order payable to the Choctaw Nation of Oklahoma. Cash, credit or debit cards, or personal checks shall not be accepted.

SECTION 2. The recount shall be an administrative procedure conducted by the Election Board. The Election Board may request the assistance of election workers or a contractor used by the Election Board to assist with the election. However, the Election Board shall be the final authority for determining how all ballots, whether or not disputed, shall be counted and all decisions by the Election Board shall be final and non-appealable.

SECTION 3. Each candidate shall be entitled to have a watcher present at any location at which ballots are being recounted. The watcher shall be commissioned in writing by the candidate to the Secretary no later than 7:00 a.m. on the day of the recount. A watcher shall adhere to the same rules and shall subscribe to the oath as outlined in Article XIV of this Ordinance. A watcher may be the same person used as a watcher in the general election but shall be re-commissioned and sworn in. When the recount is complete, the Election Board shall re-tabulate and certify the results.

SECTION 4. If the petition does not specify all of the voting locations, then only the ballots from those specified voting locations shall be recounted, and the original results from the other voting locations shall be tabulated with the recounted results from the specified voting locations in the certification of the results. Only entire voting locations may be recounted. In no event shall a recount be stopped prior to recounting all votes for a voting location. Should any candidate other than the candidate originally requesting the recount desire that the recount be extended to additional voting locations after the cessation of the recount of the ballots in the voting locations specified in the original petition, such candidate may so petition the Election Board in writing at the time of the announcement of the results of the recount. Such petition shall be filed immediately and shall be accompanied by a fee as required in Section 1 of this Article. In such event, the recount shall continue until such time as all ballots in such additional voting locations have been recounted.

ARTICLE XXI. SPECIAL AND RUN-OFF ELECTIONS

SECTION 1. All rules, regulations and procedures shall be applicable to special and run-off elections in the same manner as applicable to general elections.

SECTION 2. The Secretary shall designate the voting locations for the special and run-off elections.

SECTION 3. The Secretary shall designate the dates for special elections, including the date of the election which shall be on a Saturday and the filing period which shall be the three (3) days (Monday, Tuesday and Wednesday) beginning on the twelfth (12th) Monday preceding the election, and provide sufficient notice to voters. Run-off elections shall be conducted on the fourth (4th) Saturday following the general election. Early voting for special and run-off elections at the locations designated by the Secretary shall be held from 8:00 a.m. to 4:30 p.m. on the Friday preceding Election Day. Voting on special and run-off Election Days shall be held from 7:00 a.m. to 7:00 p.m.

ARTICLE XXII. WINNER

SECTION 1. The candidate for the office of Chief receiving more than fifty percent (50%) of the total votes cast in the election shall be declared the winner.

SECTION 2. The candidate for an office of the Tribal Council receiving more than fifty percent (50%) of the total votes cast in the election for the Tribal Council district shall be declared the winner for the district.

SECTION 3. 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.

SECTION 4. In the event of a tie vote as specified in this section, the ballots shall be recounted by the Election Board at no cost to the candidates. Should the recount also result in a tie vote, the winner shall be determined by a coin toss to be conducted by the Election Board. The candidate whose name appeared first on the ballot shall make the call for the coin toss. The candidate selecting the side of the coin that lands face up shall be declared the winner. The provisions of this section shall apply in the event of:

- (a) A tie vote in a general election in which there are only two candidates;
- (b) A tie vote in a run-off election; or
- (c) A tie vote in a general election in which there are more than two candidates if a determination of the winner is necessary to determine which candidates shall appear on the ballot for a run-off election.

SECTION 5. At the end of the period for the filing of a contest or requesting a recount, if no such contest is filed or recount requested, or upon the conclusion of all proceedings and appeals set forth in this Article relating to the outcome of an election, the Election Board shall certify and post the final results of the election and declare the names of the persons elected to each office. Such results shall be transmitted to the office of the Bureau of Indian Affairs in Muskogee, Oklahoma.

ARTICLE XXIII. 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 XXIV. 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 or on such other date and at such other location as may be determined and publicly announced by the Chief of the Choctaw Nation of Oklahoma. 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) business days after the election. An uncontested candidate in a special election shall be installed following the two (2) day contest period provided in Article VIII of this Ordinance. 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 VIII of this Ordinance.

ARTICLE XXV. 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 in 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 in 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 appointee shall meet all of the qualifications and requirements for the vacated office.

ARTICLE XXVI. CAMPAIGN CONTRIBUTION REPORTING

SECTION 1. All candidates and prospective candidates for elective office shall comply with the following:

- (a) All candidates and prospective candidates for elective office shall file a Campaign Financial Disclosure Statement with the Election Board disclosing the source and amount of all monetary contributions, unless otherwise exempted by this Article, regardless of whether such contributions were made during the election cycle;
- (b) Any contribution of less than Two Hundred Fifty Dollars (\$250.00) in the aggregate shall be exempted from disclosure requirements as *de minimis*;
- (c) Any single contributor, excluding a candidate or prospective candidate contributing his or her personal funds to his or her own campaign, whether an individual, entity, a business or corporation, shall be limited to a maximum monetary contribution of Five Thousand Dollars

(\$5,000.00) per calendar year. Any contributions in excess of this limit shall be declined or returned immediately to the contributor;

- (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 shall be effective as of February 14, 2015 and shall require disclosure for all future elections and any contributions received thereafter. Candidates and prospective candidates shall 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 in the aggregate shall only be required for contributions received after February 14, 2015.

SECTION 2. Campaign Financial Disclosure Statements shall be filed along with an affidavit by the candidate or prospective candidate swearing or affirming to its accuracy.

SECTION 3. Campaign Financial Disclosure Statements shall be filed with the Secretary upon the filing of a declaration of candidacy and updates shall be filed at the end of every month during and throughout the election cycle. The statement shall be filed on a form provided by the Election Board which shall reflect the information required in this Article.

SECTION 4. The Secretary shall be responsible for collecting all Campaign Financial Disclosure Statements. Such Statements shall be available, upon reasonable request, for public inspection and copying, throughout the term for the office sought. In the event the Secretary is unavailable to fulfill a request for copies of Statements, the Voter Registration Department shall be responsible for fulfilling such request. Copies of any candidate's or prospective candidate's Statements shall be released within a reasonable amount of time, but not longer than ten (10) business days after the request is made, and upon remittance of payment in the amount of Twenty-Five Dollars (\$25.00) per candidate whose Statements are requested. The fee shall be paid to the Secretary in the form of a certified check, cashier's check or money order payable to the Choctaw Nation of Oklahoma. Personal checks, credit or debit cards or cash are not accepted.

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

- (a) If a candidate or prospective candidate fails to file a Campaign Financial Disclosure Statement within five (5) days after the last day 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 or member of the Election Board has reason to believe that another candidate or prospective candidate has willfully filed an inaccurate report.

SECTION 6. The complaint or inquiry shall be submitted on a form prescribed by the Secretary. The

complaint or inquiry shall specify the candidate or prospective candidate and the district, if applicable, and shall describe in detail the conduct which is the grounds for the complaint or inquiry. A complaint must include the signature and printed name of the petitioner, and the petitioner must certify that he or she has personal knowledge of the facts alleged. Any complaints without signatures will not be considered by the Secretary. A member of the Election Board may initiate an inquiry by specifying the information that has caused him or her to believe that a candidate or prospective candidate has violated any provision of this Ordinance as set forth in Section 5 of this Article.

SECTION 7. It shall be a violation of this Article for any person to willfully and without sufficient information make a false complaint alleging a violation of this Article. A frivolous complaint shall be deemed to be a violation of this Article by the person making the complaint. A frivolous complaint means the complaint was knowingly asserted in bad faith, was unsupported by any credible evidence, was not grounded in fact, personal knowledge, or was unwarranted by existing law.

SECTION 8. The Secretary shall review the complaint or inquiry and ensure the complaint or inquiry: (1) contains sufficient facts and/or evidence that, if true, would amount to a violation of this Article; (2) is properly filed as required in Section 6 of this Article; and (3) is within the Election Board's jurisdiction. In making this examination, the Secretary may conduct a preliminary inquiry into the allegations. If the Secretary finds that the complaint or inquiry does not satisfy these requirements, the Secretary shall make a finding that the complaint or inquiry should be dismissed. The Secretary shall provide all complaints or inquiries, along with his or her findings of the preliminary inquiry, to the Election Board. The Election Board may uphold or overrule the findings of the Secretary or may request further inquiry.

SECTION 9. If the Election Board determines that there is sufficient information, based on the facts and/or evidence, to believe that the person or persons named in the complaint or inquiry have violated this Article, the Election Board may authorize a formal investigation. The Secretary shall cause a unique number to be assigned to identify each formal investigation. When the Election Board authorizes a formal investigation, the Secretary is authorized to exercise subpoena power of documents related to the allegations made in the complaint or inquiry.

SECTION 10. Upon the opening of a formal investigation, the Secretary shall send a copy of the complaint or inquiry to the candidate or prospective candidate who is the subject of the complaint or inquiry by certified mail, return receipt requested. The candidate or prospective candidate who is the subject of the complaint or inquiry shall have five (5) business days from the day of receipt of notice of the complaint or inquiry to file a response with the Secretary. The response must be signed by the candidate or prospective candidate to be considered.

SECTION 11. After receipt of the candidate or prospective candidate's response, the Election Board may either: (1) dismiss the complaint or inquiry and close the formal investigation; (2) order a hearing on the complaint or inquiry; or (3) impose a civil penalty pursuant to Section 12 of this Article if the allegations of the complaint or inquiry are admitted.

SECTION 12. Any hearing ordered by the Election Board shall be conducted in accordance with Article XXVIII of this Ordinance. If, upon the conclusion of a hearing, 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 by clear and convincing evidence, 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 subject to a civil penalty of up to Five Hundred Dollars (\$500.00) per violation; and
- (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 may also publish such reprimand in one or more newspapers published inside the boundaries of the Choctaw Nation of Oklahoma including the tribal newspaper. The Election Board may continue to publish a reprimand every thirty (30) days thereafter, until such time as the fine is paid to the Secretary.

ARTICLE XXVII. USE OF TRIBAL ASSETS PROHIBITED

SECTION 1. Candidates and prospective candidates for elective office shall be strictly prohibited from the willful use of any tribal assets for campaign purposes, except as otherwise permitted by law. Candidates and prospective candidates shall be liable under the provisions of this Article for their own actions, as well as the actions of other persons acting upon their direction or authority. As used in this section, the use of tribal assets for campaign purposes shall include the use of tribal funds, property, or time to engage in activities designed to influence the results of an election for tribal office, or to solicit, accept or receive contributions or make expenditures as defined in Section 1 of Article XXVI of this Ordinance, except as otherwise permitted by law. The provisions of this section shall not operate to restrict the use of the Great Seal of the Choctaw Nation of Oklahoma on printed or broadcast material for use in a campaign, nor shall it prohibit campaigning on property of the Choctaw Nation of Oklahoma which is used as residential housing as provided in Section 1 of Article XIII of this Ordinance.

SECTION 2. Any tribal member may file a written complaint with the Secretary regarding a candidate's or prospective candidate's use or alleged use of tribal assets for campaign purposes. The complaint shall be submitted on a form prescribed by the Secretary and shall: (1) specify the candidate or prospective candidate and the district, if applicable; (2) describe in detail the conduct which is the grounds for the complaint; (3) be signed and certify that he or she has personal knowledge of the facts alleged. Any person who files a written complaint shall, by doing so, submit to the jurisdiction of the Election Board for purposes of this Article. Any complaints without signatures will not be considered by the Secretary. A member of the Election Board may initiate an inquiry by specifying the information that has caused him or her to believe that a candidate or prospective candidate has violated any provision of this Ordinance as set forth in this Article.

SECTION 3. It shall be a violation of this Article for any person to willfully and without sufficient information make a false complaint alleging a violation of this Article. A frivolous complaint shall be deemed to be a violation of this Article by the person making the complaint. A frivolous complaint means the complaint was knowingly asserted in bad faith, was unsupported by any credible evidence, was not grounded in fact, or was unwarranted by existing law. The Secretary, in their sole discretion, may determine whether a complaint or inquiry is deemed to be frivolous.

SECTION 4. A complaint or inquiry may be filed as provided in this Article, up to the date of final certification of the results of the election, or within thirty (30) days after discovery of the conduct which is the grounds for the complaint, whichever is later; 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 the Tribal Council for special elections.

SECTION 5. The Secretary shall review the complaint or inquiry to ensure the complaint or inquiry: (1) contains sufficient facts that, if true, would amount to a violation of this Article, (2) is properly filed as required in Section 2 of this Article; and (3) is within the Election Board's jurisdiction. In making this examination, the Secretary may conduct a preliminary inquiry into the allegations.

SECTION 6. If the Election Board determines that there is sufficient information to believe that the person or persons named in the complaint or inquiry have violated this Article, the Election Board may authorize a formal investigation. The Secretary shall cause a unique number to be assigned to identify each formal investigation. When the Election Board authorizes a formal investigation, the Secretary is authorized to exercise subpoena power of documents related to the allegations made in the complaint or inquiry.

SECTION 7. Upon the opening of a formal investigation, the Secretary shall send a copy of the complaint or inquiry to the candidate or prospective candidate who is the subject of the complaint or inquiry by certified mail, return receipt requested. The candidate or prospective candidate who is the subject of the complaint or inquiry shall have five (5) business days from the day of receipt of notice of the complaint or inquiry to file a response with the Secretary. The response must be signed by the candidate or prospective candidate to be considered.

SECTION 8. After receipt of the candidate or prospective candidate's response, the Election Board may either: (1) dismiss the complaint or inquiry and close the formal investigation; (2) order a hearing on the complaint or inquiry; or (3) impose a civil penalty pursuant to Section 10 of this Article if the allegations of the complaint or inquiry are admitted.

SECTION 9. At any time during the course of a formal investigation or hearing, the Election Board may, at its sole discretion, recognize a defense of ignorance on the part of the candidate or prospective candidate with respect to the actions of another person acting upon the candidate's direction or authority, or misfeasance or malfeasance of such a person. If the Election Board determines the defense of ignorance applies, the Election Board may privately reprimand the candidate or prospective candidate.

SECTION 10. Any hearing ordered by the Election Board shall be conducted in accordance with Article XXVIII of this Ordinance. If, upon the conclusion of a hearing, 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 by clear and convincing evidence, 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 (\$500.00) per violation; and
- (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 may 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 may continue to publish a reprimand every thirty (30) days thereafter, until such time as the fine is paid to the Secretary.

ARTICLE XXVIII. ELECTION BOARD HEARING PROCEDURES

SECTION 1. All hearings before the Election Board shall be conducted in accordance with the Choctaw Nation Administrative Procedure Act and shall be open to the public. The following persons shall be entitled to be present during the hearing:

- (a) Election Board members and staff designated by the Election Board;
- (b) The candidate or prospective candidate who is the subject of the complaint or contest (the "Respondent");
- (c) The candidate or prospective candidate filing the contest or complaint, if any (the "Petitioner");
- (d) An attorney representing a party to the hearing;
- (e) A witness or attorney representing a witness, subject to the provisions of Section 2 of this Article;
- (f) The General Counsel of the Choctaw Nation of Oklahoma or his or her designee;
- (g) Legal counsel representing the Election Board; and
- (h) Any member of the general public or community.

SECTION 2. A witness and his or her attorney, shall be permitted in the hearing room only while the witness is providing testimony. This provision shall not apply to a candidate or prospective candidate who is the subject of the complaint, inquiry or contest or who filed the complaint, inquiry or contest.

SECTION 3. The Election Board shall preserve all evidence presented at the hearing and arrange for a record to be made of all hearings by a certified court reporter. Such record may be made available to the public at the option of the Election Board. However, no other person, party or attendee shall be permitted to video or otherwise record the hearing. Candidates and prospective candidates for elective office shall be strictly prohibited from the use of any videos or recordings of an Election Board hearing for campaign purposes.

SECTION 4. During the course of the hearing, the Respondent and Petitioner shall be entitled to:

- (a) Present witnesses and produce evidence and arguments pertaining only to the issues involved in the hearing as may be necessary and proper;
- (b) Cross-examine witnesses and respond to or challenge evidence and arguments presented by an opposing party;
- (c) Present opening and closing statements not to exceed five (5) minutes for each statement for each party; and
- (d) Have legal counsel present and have legal counsel appear and act for and on behalf of the party represented.

SECTION 5. Each party shall file a pre-hearing summary with the Secretary at least forty-eight (48) hours prior to the hearing. The pre-hearing summary shall include: (1) a proposed witness list and description of each witness' intended testimony, and (2) a list of the evidence and a copy of any documentary evidence the party intends to introduce at the hearing. The pre-hearing summary shall also include a copy of any formal motion a party intends to file with the Election Board at the hearing. Evidence, witnesses, or formal motions not identified in the pre-hearing summary will not be admissible or permitted to be introduced at the hearing. The Secretary shall transmit a copy of each party's pre-hearing summary to the parties and the Election Board at least twenty-four (24) hours prior to the hearing. The Election Board, in its sole discretion, may determine which witnesses and evidence may be admitted.

SECTION 6. The Election Board is authorized to develop additional policies and procedures related to the proper administration of Election Board hearings.

SECTION 7. All decisions and findings of hearings conducted by the Election Board shall be in writing and posted publicly on the Choctaw Nation of Oklahoma website and may also, at the Election Board's sole discretion, be published in one or more newspapers of general circulation in the Choctaw Nation of Oklahoma, including the tribal newspaper.

ARTICLE XXIX. SEVERABILITY

SECTION 1. Every provision contained in this Ordinance is intended to be severable. 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, WORKER, 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, contract employee or consultant of the tribe/I am an employee, contract employee or consultant and have taken a leave of absence or suspended the terms of the contract or consulting agreement, and if I become an active employee, contract employee or consultant 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

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

**DECLARATION OF CANDIDACY 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 (attached); that (circle one) I am not an employee, contract employee or consultant of the tribe/I am an employee, contract employee or consultant and have taken a leave of absence or suspended the terms of the contract or consulting agreement, and if I become an active employee, contract employee or consultant I will 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

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