

IOWA TRIBE OF OKLAHOMA  
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ELECTIONS

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ELECTION ORDINANCE

In accordance with the election rules as prescribed in the Constitution and By-Laws of the Iowa Tribe of Oklahoma, ARTICLE VII - Elections and Appointments, the following ordinance is adopted for the purpose of conducting all tribal elections including elections for the following officers:

- |                  |                               |
|------------------|-------------------------------|
| 1. Chairman      | 5. Councilperson              |
| 2. Vice-Chairman | 6. Grievance Committee Member |
| 3. Secretary     | 7. Grievance Committee Member |
| 4. Treasurer     | 8. Grievance Committee Member |

**Section 1.           Voter Registration/Eligible Voters List**

Every person who is a qualified Tribal member, pursuant to ARTICLE II of the Constitution and By-Laws, and is at least eighteen (18) years of age on or before the day of the election, shall be permitted to vote and shall be considered registered. The names of such persons shall appear on the eligible voters list. The Business Committee shall prepare this list for the presentation to the Election Board. Only persons whose names appear on the Eligible voter list shall be allowed to vote. The eligible voters list shall be mailed to all eligible voters not later than sixty (60) days prior to the election date. All cases of dispute of the Election Board shall be final.

No person shall attend an election and cast a ballot provided that person is in an intoxicated condition. In cases of dispute the decision of the Election Board shall be final.

**Section 2.           Election**

The election of the Secretary, Vice Chairperson, and Councilperson was conducted by the Election Committee on Friday, November 25, 1977, and those persons elected shall serve until the next regular General Election in June, 1978 provided incumbent officers shall serve until their successors are duly elected and installed. The positions of Chairperson and Treasurer shall each be filled for two (2) year terms at the first election held November 25, 1977. Thereafter, such positions shall continue to be filled every other year for two (2) year periods. In each case the elected officials shall serve for the specified term or until their successors are duly elected and installed. However, the established

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staggering of term shall be preserved.

The Grievance Committee shall be elected as the first election (November 25, 1977) in the same manner as the Business Committee, and each second year thereafter provided, incumbent officers shall serve until their successors are duly elected and installed.

**Section 3.           Election Board**

There shall be an Election Board consisting of not less than three (3) persons to supervise the Iowa Tribe of Oklahoma Tribal elections. At least sixty(60) days before the first election the Grievance Committee and the Business Committee shall each appoint a responsible adult, twenty - one (21) years of age or older to serve on the Election Board. These two appointees shall appoint one other person to serve on the Board. At least one board member must be a tribal member who qualifies pursuant to ARTICLE II of the Constitution and By-Laws.

No Election Board member shall engage in any form of electioneering for elections pursuant to these procedures.

The Election Board shall be solely responsible for conducting all tribal elections which may be necessary during their term in office which shall expire upon the appointment of a new Election Board pursuant to the Constitution and By-Laws.

The Election Board shall during their first meeting, not more than ten (10) days after their appointment, elect among themselves a judge, a teller, and a clerk. The Election Board shall within five (5) days notify the Tribal Secretary of the Election Board results. The Election Board may be appointed to successive terms and receive compensations for their services. Rates of compensation shall be fifty (50) dollars per calendar year of service. No elected tribal officer or candidate shall be appointed to serve on the Election Board.

The Election Board shall conduct fair and impartial elections.

Vacancies on the Election Board shall be filled by the Committee or Board which originally made the appointment. The duties of the Election Board shall be:

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1. To ascertain that the name of each person offering to cast a ballot for the tribal officers, appears on the eligible voters list, and otherwise ensure that all qualifications for candidacy are met.
2. To see that only one ballot is cast by each voter.
3. To place a check mark on the Eligible Voters list after the name of each voter.
4. To see that the ballot is issued only after the voter signs the poll register.
5. To keep the ballot boxes locked at all times.
6. To see that no unauthorized persons have access to the ballots or ballot boxes at any time and to assure that all voters are cast by secret ballot.
7. To preserve spoiled and mutilated ballots.
8. To account for all ballots.
9. To remain in the polls during the voting hours.
10. To forbid any electioneering on the grounds of the Iowa Veteran's Hall which shall serve as the designated voting site.

In addition the Election Board will take the following actions:

- A. Obtain from the Business Committee a copy of the Eligible Voter list for the polls
- B. Any challenge for the right of a person to vote shall be decided by the Election Board, whose decision shall be final. Identification may be required at the request of the Election Board.
- C. Be concerned with Absentee Ballots to afford every out-of-state eligible voter of the tribe the opportunity to vote for tribal officers. The Board will handle absentee voting in the following manner:

Qualified voters residing outside the State of Oklahoma wishing to vote by

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mail for the election of officers shall notify the Election Clerk not later than thirty (30) days prior to such election. Such notice to be in writing, on the appropriate form, have the correct mailing address of the person making the request, and be notarized.

As soon as the filing period of candidates is closed (40) days before election, the Election Board shall send the special absentee ballot to each qualified voter who has requested an absentee ballot.

An accurate record shall be made of all absentee ballots issued, name and address of voter to whom the ballot was issued, and the date of issuance.

Any voter requesting an absentee ballot must vote on the absentee ballot and shall not be allowed to vote in person.

All absentee ballots must be marked, notarized, sealed in an inner envelope, and mailed in an outer envelope so as to reach the Election Board before the time for the polls to close on election day and are to counted by the Election Board at the same time all other ballots are counted. Mail shall be picked up at 2:00 p.m. on Election Day. Ballots received by mail after that time shall not be counted. Hand delivered absentee ballots are not acceptable.

Upon receipt, all absentee ballots shall be deposited unopened in a special locked ballot box at the Iowa Veteran's Hall.

At the close of the polls the Election Board will perform the duties listed below:

1. The Committee will obtain the keys to the ballot boxes from the designated keeping place and open them.
2. Each ballot will be examined by more than one person and tallied accurately.
3. Unused ballots will be returned to the judge along with the spoiled and mutilated ballots.
4. Upon completion of the counting, the Election Board will return all the cast ballots to the ballot box, lock, and mark the boxes with the

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name of the voting place and the date, and present to the Bureau of Indian Affairs for safe keeping.

5. The Election Board will make a certified election return and present a copy thereof to the Tribal Secretary and to the Superintendent of the Bureau of Indian Affairs.
6. The Election Board Judge shall announce the results of the election to any gathered assembly which may be present.

**Section 4.           Qualifications**

Any person elected to tribal office shall be not less than twenty-one (21) years of age and an eligible voter of the Iowa Tribe of Oklahoma. Candidates must agree to physically reside within the State of Oklahoma during their term of office. Is a non-resident, such person must establish physical residency within the State no longer than thirty (30) days following the election. Should the candidate fail to fulfill the requirement upon election, such candidate shall not be installed, and such election shall be declared invalid. If an individual has pled guilty, nolo contendere or been found guilty of any felony in any court district, State, or Federal Court, or has been removed from any Tribal Office, the individual shall be determined not qualified to be a candidate for any elective Tribal Office. If at least five (5) years has passed following removal or completion of penalty for the crimes mentioned herein, they shall not serve to disqualify a person from becoming a candidate.

**Section 5.           Notice of Candidacy**

The Tribal Secretary will be responsible for mailing a tribal newsletter containing the name and address of the Election Clerk to each Iowa head of household for which a current address is on file. Such a newsletter shall be mailed not less than sixty (60) days prior to the election.

To be eligible for election, notice of candidacy for an elective office must be filed with the Election Clerk at least forty (40) days prior to the election.

A notice of candidacy shall be valid if filed by a candidate personally upon the petition of ten (10) members of the council. No person shall be a candidate for more than one office at any one election.

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**Section 6.           Requests for Absentee Ballots**

All requests for absentee ballots from out-of-state voters must be received by the Election Board Clerk not later than thirty (30) days prior to the election.

**Section 7.           Voting Place and Time**

Polls for the election of officers of the Iowa Tribe of Oklahoma shall be open at the Iowa Veteran's Hall, West Freeman Avenue in Perkins. Pools open at 9:00 a.m. and close at 4:00 p.m. The regular election of officers shall be held the first Saturday in June of each year.

**Section 8.           Recount and Disputes**

Any candidate desiring a recount of the ballots shall post a non-returnable fee of one hundred dollars (\$100.00) with the Tribal Treasurer to partially reimburse the Tribe the cost of the recount. This fee may be waived by the incumbent Business Committee in cases of hardship or social need provided the candidate submits in writing the need for such waiver.

**Section 9.           Tie Votes**

In the event of a tie vote, a runoff election will be held. However, if the candidates agree, the Judge of the Election Board will decide the contest by a toss of a coin.

**Section 10.          Application of Specified Dates**

In the event any date specified herein falls on a Sunday, the date shall be extended to the next day.

**Section 11.          Initiative, Recall, and Referendum**

Provisions for the referendum, initiative, and recall shall be pursuant to the Constitution and By-Laws.

**Initiative.** The procedure, whereby registered voters may exercise their

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right to present to the voters proposed legislation. Upon receipt of a valid petition signed by at least twenty(20) percent of the registered voters, it shall be the duty of the Election Board to call and conduct such initiative election within sixty(60) days, presenting to the registered voters for their determination such issues or questions which are set fourth in the petition. A majority of those voting shall be required to adopt such measure; provided, at least thirty (30) percent of the registered voters cast ballots in such election. It shall then be binding on the Business Committee and the Tribe and shall remain in force until amended or rescinded by subsequent action of the council, except as it may expire by its own terms.

**Recall.** An action taken by the voters to recall from office any official who holds an elective office. Upon receipt of a valid petition signed by at least thirty (30) percent of the registered voters, it shall be the duty of the Election Board to call and conduct within sixty (60) days, an election for the purpose of recall of an elected tribal office. The election shall be conducted pursuant to the Election Ordinance. No individual shall again be considered for recall for the remainder of his term once a recall election has been held. No more than one (1) member from each elected body shall be considered for recall during a single election. Members of appointive bodies are not subject to recall.

**Referendum.** At the discretion of the Business Committee, any matter within its authority may be referred to the Tribe's registered voters for their decision. A majority of those voting shall be required to adopt such measure; provided, at least thirty (30) percent of the registered voters cast ballots in such election. If the measure is adopted, it shall remain in force until amended or rescinded by subsequent action of the Council, except as it may expire by its own terms. Such action shall be binding on the Business Committee.

The Election Board shall be empowered to deal with and render any decisions concerning any eventuality not covered in these procedures.

This document is valid only with the attached Certifications from the Business Committee and General Council.