



# THE ABSENTEE SHAWNEE TRIBE

IS ACCEPTING RESUMES AND LETTERS OF INTENT FOR THE TRIBAL SECRETARY

## MINIMUM QUALIFICATIONS REQUIRED:

- MUST BE 21 YEARS OF AGE
- MUST BE AN ENROLLED MEMBER OF THE ABSENTEE SHAWNEE TRIBE
- MUST PHYSICALLY RESIDE IN THE FOLLOWING OKLAHOMA COUNTIES:  
CLEAVELAND, POTTAWATOMIE, OKLAHOMA, MCCLAIN, GARVIN, PONTOTOC,  
SEMINOLE, LINCOLN, OR OKFUSKEE.
- MUST BE ABLE TO PASS A BACKGROUND CHECK

A FULL LIST OF REQUIREMENTS CAN BE FOUND IN THE ELECTION ORDINANCE  
ARTICLE IV, SECTION 2.

PLEASE SUBMIT ALL INFORMATION TO THE ABSENTEE SHAWNEE TRIBE HUMAN RESOURCE  
DEPARTMENT NO LATER THAN DECEMBER 16TH BY 5PM.

***ABSENTEE SHAWNEE TRIBE  
OF  
OKLAHOMA***

**ELECTION ORDINANCE**

Election Commission  
DEC 15 2007  
Absentee Shawnee Tribe

**Three Additional Qualifications  
June 20, 2015**

# ELECTION ORDINANCE

## TABLE OF CONTENTS

ARTICLE I - Purpose.....	1
ARTICLE II –Authority.....	1
ARTICLE III –Duties of Election Commission Officers.....	1
ARTICLE IV – Qualifications for Office.....	4
ARTICLE V - - Terms of Office.....	6
ARTICLE VI – Elections.....	7
ARTICLE VII – Polling Places.....	7
ARTICLE VIII –Campaigning, Watchman, and Challengers.....	7
ARTICLE IX -- Voters Eligibility.....	8
ARTICLE X -- Balloting and Voting.....	9
ARTICLE XI – Counting of Election Returns.....	12
ARTICLE XII – Ballots and Election Records.....	13
ARTICLE XIII – Installation of Elected Officers.....	14
ARTICLE XIV – Settling of Election Disputes.....	15
ARTICLE XV – Conflict of Interest and Nepotism.....	16
ARTICLE XVI – Recall of Officials.....	17
ARTICLE XVII-Initiative Petitions.....	18
APPROVAL of December 15, 2997.....	20
APPROVAL of June 20, 2015.....	21
APPROVAL of June 20, 2015.....	22

## **ARTICLE I – PURPOSE**

To provide for an ordinance, duly adopted by the General Council of the Absentee Shawnee Tribe of Oklahoma, establishing regulations for Tribal Elections. The Tribal Elections are to be conducted by the Election Commission in accordance with this Election Ordinance.

## **ARTICLE II – AUTHORITY**

This Election Ordinance is authorized by the Constitution of the Absentee Shawnee Tribe, first ratified on December 5, 1938, ARTICLE VI, Section 3 and last amended on August 11, 1988.

## **ARTICLE III – DUTIES OF THE ELECTION COMMISSION OFFICIALS**

### **SECTION 1**

The Election Commission is empowered to receive and disburse the established reasonable fees which shall be required of all those who file as candidates for elective office in accordance with Article VI, Section 4, of the Constitution of the Absentee Shawnee Tribe.

- A) The purpose of fees is to help defray any expenses as may be necessary in conducting an election.
- B) All other expenses shall be paid from the Election Commission budget set by the Executive Committee or General Council.

### **SECTION 2**

The Election Commission shall adopt a procedure for the safe handling of all funds. The Commission Members shall be bonded in the same manner provided for the Treasurer in Article XIII, Section 4, of the Constitution of the Absentee Shawnee Tribe.

### **SECTION 3**

The Election Commission shall have an annual audit of its finances conducted and present a copy of such audit report to the General Council at the October Semi-Annual Meeting. Copies of such audit report shall be provided to the Executive Committee and, upon written request, to any tribal member.

### **SECTION 4**

The Election Commission is empowered to appoint a minimum of two (2) alternates who shall attend all meetings of the Election Commission and be available to function as regular members as the need arises during conflict of interest situations or other absences.

Any vacancy in the Election Commission shall be filled pursuant to Article V, Sect. 3 of this Election Ordinance.

The Alternate Election Commission Members shall have no power, authority, or vote unless they are sitting as an alternate in the place of an elected member in the case of a conflict of interest situation or a regular members' absence.

#### **SECTION 5**

The Election Commission shall have the duty and power to determine the eligibility of prospective candidates for tribal office and shall provide the prospective candidates with proper forms for filing with the Election Commission.

**PROVIDED:** Additional minimum qualifications for prospective candidates may be imposed by Tribal Referendum.

In the event that the Election Commission finds that a prospective candidate does not meet the minimum qualifications imposed by law, the prospective candidate will not be allowed to run for tribal office until he or she has met the minimum qualifications.

A person shall be eliminated as a candidate, if it is determined by the Election Commission, that they have not abided by the Absentee Shawnee Tribal Constitution or withheld information or previously violated the Oath of Office.

#### **SECTION 6**

In the event the Election Commission finds that the incumbent has violated the Oath of Office that was administered to the official according to Article XIII Section 4 of this Ordinance, the Election Commission shall file charges accordingly. A fine of One thousand dollars and no cents (\$1,000.00) will be imposed by the Court.

#### **SECTION 7**

The Duties of the Election Commission shall be as follows:

- A) It shall be the duty of the Election Commission Members and the Election Commission Alternates sitting as Election Commission Members to register Tribal Members as voters at the duly appointed time and place.
- B) Specific duties of the Election Commissioner shall be as follows:
  - 1) Call all regularly scheduled meetings and all special meetings as may be necessary to conduct Election Commission business.

- 2) Preside over all Commission Meetings
  - 3) Administer the Oath of Office.
  - 4) Perform any other duties as may be necessary and required by this Election Ordinance, the Constitution, or by the nature of the office of Election Commissioner.
- C) In addition to the duties enumerated in Sections 1 through 6 of this ARTICLE, the duties of the Deputy Election Commissioner shall be follows:
- 1) Assume all duties of the Election Commissioner in case of his/her absence or inability to perform their own duties.
  - 2) Perform all other duties as may be necessary and required by this Election Ordinance, the Constitution, or by the nature of the office of Deputy Election Commissioner.
- D) In addition to the duties enumerated in Section 1 through 6 of this Article, the duties of the Election Commission Secretary shall be as follows:
- 1) Preside over all Commission Meetings in case of the absence of the Deputy Election Commissioner.
  - 2) When sitting as the presiding officer, the Secretary shall appoint alternates to constitute a quorum to conduct business.
  - 3) When sitting as the presiding officer, the Secretary shall appoint a member to assume the Secretary's duties.
  - 4) The Secretary will make available minutes of all Commission Meetings to the Election Commission and any other interested Tribal Members.
  - 5) Perform any and all other duties as may be required by this Ordinance, the Tribal Constitution, or by nature of the office of the Election Commission Secretary.
- E) In addition to the duties enumerated in Sections 1 through 6 of this Article, the members and alternates of the Election Commission will be required to perform any and all other duties and functions as they may be appointed to or volunteer for or as may be required by the nature of holding office on the Election Commission.

## **SECTION 8**

The Election Commission shall establish procedures. These procedures shall be written and be made available at all meetings to the Commission and to any Tribal Member upon request.

## **SECTION 9**

The Election Commission shall have the duty to obey all of the Articles in this Election Ordinance and any other laws and regulations as may be prescribed.

# **ARTICLE IV – QUALIFICATIONS FOR OFFICE**

## **SECTION 1**

Prior to being declared a candidate for an elective office or being appointed to an elective office, the individual must meet the minimum qualifications pursuant to Article XI of the Absentee Shawnee Tribal Constitution.

## **SECTION 2**

### **Qualifications of Candidates**

Before being declared a candidate for any elective office, each prospective candidate must show that the following qualifications have been met:

- A) An enrolled member of the tribe.
- B) An eligible voter for purposes of voting in tribal elections.
- C) Must be twenty-one (21) years of age on the date of the election for which he/she desires to be a candidate.
- D) Physically reside within the following Oklahoma Counties: Cleveland, Pottawatomie, Oklahoma, McClain, Garvin, Pontotoc, Seminole, Lincoln, or Okfuskee.
- E) In cases where a prospective candidate has been convicted of a felony, such person shall not be eligible for consideration as a candidate until at least five (5) years have passed following completion of the penalty for such conviction(s).

- F) Not more than one (1) member of an immediate family shall be elected to the same tribal elective body except when running as a candidate for the same elective position. Provisions shall be set forth in the Election Ordinance to deal with such concepts.

**SPECIFIC/ADDITIONAL QUALIFICATIONS** for candidates running for Elective Office may be imposed if approved by tribal referendum.

- A) An elected official has to complete the term of office to which he/she was elected before running for another position on the same elective body unless the position is in the same election year.
- B) In order to ensure the rights of tribal members and potential candidates, the Election Commission may find that a candidate is ineligible for office if it is established by the Election Commission, in accordance with due process procedures that provide for a hearing and an opportunity to be heard, that the potential candidate has previously violated the Oath of Office; and the aforementioned administrative ruling of the Election Commission may be appealed to the Absentee Shawnee Tribal Court or, further, the Election Commission may appeal to Absentee Tribal Court.
- C) In order to ensure the rights of tribal members and elected officials, the Election Commission may find an elected official has violated the Oath of Office if it is established by an administrative ruling of the Election Commission in accordance with due process procedures that provide for a hearing and an opportunity to be heard and such administrative ruling of the Election Commission may be appealed to the Absentee Shawnee Tribal Court or, further, the Election Commission may appeal to the Absentee Shawnee Tribal Court.
- D) If it is has been determined by the Election Commission or a Court of Law, by clear and convincing evidence, that a potential candidate and/or an elected official has violated the Oath of Office, they will be eliminated as a candidate until such time that five (5) years has passed after such determination and all Court orders and obligations are met.
- E) Must have a Valid Oklahoma State Driver's License.
- F) Must have a Negative Result on a Drug and Alcohol test.
- G) Must have a High School Diploma or GED.



### **SECTION 3**

APPOINTMENTS to fill vacancies, shall be filled by persons who meet the qualifications of this Article and any specific qualifications which may be imposed pursuant to Section 2 of this Ordinance.

### **SECTION 4**

Pursuant to Article VI, Section 4 of the Absentee Shawnee Tribal Constitution, the Election Commission is empowered to assess reasonable filing fees for each candidate filing for elective office. The fees will be payable to the Election Commission of the Absentee Shawnee Tribe, by certified check, cashier's check, or money order. The fees shall be used for election expenses and shall be dispensed solely by the Election Commission.

### **SECTION 5**

Any person who wishes to announce their candidacy for an elective position for the Primary Election shall be required to post the appropriate filing fee, along with the Candidacy Filing Packet, with the Election Commission for the period of January 1-10 (excluding weekends and holidays) from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. A person may file for only one (1) elected position on any elective body.

## **ARTICLE V – TERMS OF OFFICE**

### **SECTION 1**

The Terms of Office of the Executive Committee and the Election Commission shall be pursuant to Article IV and VI of the Absentee Shawnee Tribal Constitution.

### **SECTION 2**

If an incumbent on the Election Commission runs for re-election, unopposed, the incumbent will be allowed to continue their duties in their current position in order to keep a full complement body.

### **SECTION 3**

Vacancies of any Elective Office shall be promptly filled by the REMAINING members of the affected body by appointments pursuant to ARTICLE VIII, Section 1 & 2 of the Absentee Shawnee Tribal Constitution.

## **ARTICLE VI – ELECTIONS**

### **SECTION 1**

Primary Election: A Primary Election shall be held on the third Saturday in March pursuant to this Ordinance. In the event that any candidate receives 50 percent (50%) plus one (1) of actual votes for that elective office shall be declared the winner.

Annual Election: The Annual Election shall be held on the third Saturday in June for the candidates receiving the two highest number of votes for each elective office.

### **SECTION 2**

Special Elections shall be conducted by the Election Commission pursuant to Article VI, VII, and IX of the Absentee Shawnee Tribal Constitution.

## **ARTICLE VII – POLLING PLACES**

### **SECTION 1**

The Official polling sites for all Tribal Elections shall be the Tribal Complex in Shawnee, Oklahoma and the Tribal Resource Center at Little Axe, Oklahoma or as otherwise posted. They shall be open from 8:00 a.m. to 6:00 p.m.

## **ARTICLE VIII – CAMPAIGNING, WATCHMAN, AND CHALLENGERS**

### **SECTION 1**

The Official Polling sites and adjoining Tribal Grounds are neutral grounds, therefore, there shall be no campaigning or loitering on Election Day by any person. It shall be the duty of the Election Commission to request that tribal police be present at each polling place and be responsible for maintaining order, preventing campaigning, and loitering during the election process.

### **SECTION 2**

The Watchman/Challenger must be a Tribal member eighteen (18) years of age or older and must be clearly identified by a badge, armband, or other appropriate identification to be issued by the Election Commission.

### SECTION 3

A candidate, for an elective office, may appoint a Watchman and that Watchman may be present while ballots are being counted.

- 1) A candidate must file a Letter of Authorization with the Election Commission no later than 5 (five) o'clock p.m. on the day prior to the Election.
- 2) The Watchman's duties shall be limited to observing the official ballot counting.
- 3) The Watchman shall be identified by a badge, armband or other appropriate identification to be issued by the Election Commission.

### SECTION 4

Any candidate has the authority to appoint one (1) challenger for each polling place. Prior to the signing of the Registry Book, the Challenger shall be entitled to question any person who presents himself to vote at the polling place.

The question shall be limited to: Name, Address, and Enrollment Number.

### SECTION 5

Any watchman/challenger in violation of any section of Article XI shall be dismissed by an Election Commissioner.

## **ARTICLE IX – VOTER ELIGIBILITY**

### SECTION 1

In order to vote, a person must:

- A) Be an enrolled member of the Absentee Shawnee Tribe.
- B) Be at least eighteen (18) years of age on the date of the election.
- C) Sign a Registry Book provided at the Polling Places specified in Article VIII, Section 1 of this ordinance. [Correct site, should be Article X, Section 2, 2015]
- D) A member of the Election Commission shall verify the name against a current tribal enrollment list provided by the tribal secretary and mark, check, highlight, or otherwise **VALIDATE** the printed name on the list.

- E) An individual must show either a driver's license, CDIB card, or any valid photo I. D. with date of birth when registering to vote, or when **CHALLENGED**. A CDIB card and a valid photo I.D. must be presented if their name does not appear on the membership list.
- F) The voter shall then be given the necessary ballot.
- G) The procedures in ITEM C through F are required for all elections.

## SECTION 2

- A) The Records of Registry shall be the responsibility of the Secretary of the Election Commission.
- B) The Election Commission shall **CROSS CHECK** the membership lists after the closing of each Polling Place and prior to the counting of the ballots to determine if an individual has voted more than once.
- C) The election shall be declared **VOID** when a person has voted more than once.
- D) When an election has been declared **VOID**, another election shall be held within thirty (30) calendar days of the declaration.
- E) Any person(s) voting more than one time in any election shall be prohibited from voting in tribal elections for a period of **seven (7) years** from the date of the offense and shall be assessed a five thousand dollar (**\$5,000.00**) fine to be paid to the Election Commission.
- F) The Election Commission shall cause a civil/misdemeanor complaint to be filed with the appropriate court against such violator(s).

## **ARTICLE X – BALLOTING AND VOTING**

### SECTION 1

A voting area shall be the type that insures privacy while marking the ballot(s). The voting area shall consist of either voting booths, tables for handicap voters or other means to insure that registered voters can cast their vote.

## **SECTION 2**

The voter shall use only the ballot given at the time of signing the registry book. Signature of each voter must be legible and unassisted, unless the voter is one of the persons identified in Section 3 A, B, or C of this Article. If necessary, an Election Commissioner may print the name next to a signature for clarity.

## **SECTION 3**

There shall be one person in a voting booth at a time. Exceptions:

- A) A physically disabled person may have assistance in marking a ballot.
- B) Visually impaired person may have assistance in marking a ballot.
- C) Non-reading and non-English speaking person may have assistance in marking a ballot.
- D) Any disabled person needing assistance in casting their vote shall notify the Election Commission immediately upon arriving at the polling place and before signing the registry book.

## **SECTION 4**

The voter, after receiving an official ballot, shall immediately proceed to an unoccupied booth or designated area provided.

## **SECTION 5**

Ballots shall be marked in ink with preference of either an X or ✓ or any distinct mark in spaces provided on the ballot.

## **SECTION 6**

The voter shall remove the numbered section from the ballot prior to placing in the Ballot Box(s).

## **SECTION 7**

If for any reason a ballot(s) becomes spoiled, the voter shall return all ballot(s) to the Election Commission where the ballot(s) will be marked as spoiled. The voter with the spoiled ballot(s) will re-sign the registry book and the registry book will be noted that a spoiled ballot has occurred and a new ballot will be issued.

## SECTION 8

At the closing of the polls, all persons in line at 6:00 p.m.(Central Time Zone) shall be allowed to vote. **NO** others will be allowed to join the line past the closing hour. Verification of time will be by a designated Election Commission Member and the Tribal Police Officer on duty.

## SECTION 9

Absentee ballot(s) shall be made available to voters for all Tribal Elections. Absentee Ballot Requests will only be accepted on the official "**Absentee Ballot**" form.

- A) Voters who will be unable to appear at the polls, must submit an Absentee Ballot request at least twenty (20) days prior to the day of the Election in order to vote by Absentee Ballot.
- B) Absentee Ballot requests made within the twenty (20) days prior to the Election will be handled on an "emergency" basis only and will have to be verified by the Election Commission before being allowed to vote. It will be the sole discretion of the Election Commission to determine the validity status of the request for an "emergency" ballot and all such requests must be in writing.
- C) The Election Commission shall maintain a record of all Absentee Ballot Requests, together with names and addresses of all persons to whom Absentee Ballots were mailed. All pertinent forms shall be clearly stamped "**ABSENTEE BALLOT RECORD**".

## SECTION 10

Information to accompany the Absentee Ballot:

- A) An affidavit stating that the eligible voter has an enrollment number and has personally marked his or her ballot in ink, and has not shown his or her marked ballot to anyone.
- B) The affidavit must be notarized by a notary public.
- C) An instructional sheet will be provided explaining the procedure for returning the Absentee Ballot to the Election Commission.

## SECTION 11

Absentee Ballots shall be received by the Election Commission up to **5:00 p.m. the day before the Election** and must be officially marked as "**ABSENTEE BALLOT**" otherwise the ballot shall be declared invalid and will not be counted.

Upon the return of the Absentee Ballot, an Election Commission Member or designee will place the entire, unopened, returned envelope in a safe and secure place.

On the morning of the election, any person wishing to view the Absentee Ballot process can do so.

## **ARTICLE XI – COUNTING OF ELECTION RETURNS**

### **SECTION 1**

Immediately after the polls are closed, the ballot boxes shall be sealed with tape by the Election Commission and signed by an Election Commission member and Tribal Police. All Ballots shall be returned to the Tribal Complex in Shawnee, Oklahoma where the counting of the Ballots shall commence. There shall be no candidates for election among those counting votes or in the counting room. The official counters shall be Members of the Election Commission or their designated alternate and a member of the Tribal Court. The Election Commission Secretary shall be the official recorder.

Those present at the counting shall be:

- 1) Election Commission
- 2) Tribal Judge
- 3) Watchman

The Election Commissioner and the Tribal Judge will unlock the ballot boxes and the counting of ballots shall proceed. The Election Commissioner will read the ballot, which shall be verified by the Tribal Judge and announce the votes. As the last ballot is tallied the ballot box will be shown to all present that it is empty. When tally sheets are identical and correct in count, each tally sheet will be signed by all Counters, Commissioner, and Tribal Judge. Marked ballots and tally sheets will be re-locked in the ballot box and kept in a safe place until the next election or if there is a challenge of the voting or counting procedure or if the ballots are subject to litigation.

### **SECTION 2**

During the counting of ballots, the Election Commission will determine if a ballot is spoiled. A spoiled ballot must be one of the following and will not be counted:

- A) If more than the specified number of marks appear on a ballot in a category.
- B) If any marks other than the designated mark appears on the ballot.
- C) If a signature or name appears on the ballot or any written remark.

- D) If the number in the perforated corner is not torn off.

The disqualified ballot will be signed by the Tribal Judge and the Election Commissioner and the reason for disqualification noted on the ballot.

## **ARTICLE XII – BALLOTS AND ELECTION RECORDS**

### **SECTION 1**

The Election Commission shall have the duty and responsibility to prepare ballots and any other documents that may be necessary to conduct Tribal Elections. This shall include, but is **NOT** limited, to the order of offices, order of name appearing on the ballot, and the posting of sample ballots.

### **SECTION 2**

Election Records shall be maintained by the Election Commission at all times. The results of official voting returns and other pertinent documents shall be stored as official documents of the Absentee Shawnee Tribe and shall be kept in a safe and secure manner.

### **SECTION 3**

Election Ballots shall be MAINTAINED by the Election Commission for a period of one (1) year after an election, providing ballots are not subject to litigation.

### **SECTION 4**

There shall be nine (9) ballot boxes; Three (3) for the Primary Election, three (3) for the Annual Election and three (3) in case of a tie vote.

### **SECTION 5**

- A) The ballot box shall be double locked. During the Election process, one (1) key shall be kept by the Election Commission and one (1) key shall be kept by a member of the Tribal Court.
- B) The ballot boxes shall remain locked at all times except when necessary for the counting of ballots.
- C) The ballot boxes shall be kept in a safe and secure manner as authorized by the Election Commission and can be moved only in the presence of an Election Commission member.



## **SECTION 6**

Prior to the opening of polling place:

- A) Ballots from last election will be removed prior to inserting the new ballots into the ballot box on Election Day. The old ballots will be destroyed prior to the certification of election.
- B) The opening of the ballot box(s) shall be witnessed by the Election Commission and one (1) member from the Tribal Court.

## **ARTICLE XIII – INSTALLATIONS OF ELECTED OFFICERS OF THE ABSENTEE SHAWNEE TRIBE**

### **SECTION 1**

The installation of the newly elected officers of the Absentee Shawnee Tribe shall be the responsibility of the Election Commission:

**PROVIDED:** No petition or protest has been filed within five (5) business days of the election. All newly elected officials will be installed and sworn in according to Article XIII, unless such position is under protest.

### **SECTION 2**

The Official Election Results of the Absentee Shawnee Tribe will be certified and posted on the following weekend after the election except for the position(s) that are under protest.

### **SECTION 3**

The installation and Oath of Office of the elected officers of the Absentee Shawnee Tribe will be held after the annual election in June, within five (5) business days following the certification of the election results at a time and place specified by the Election Commission. The protested position(s) will be certified once the protest(s) has been resolved according to Article XIV.

## **SECTION 4**

The Election Commissioner or other designated Commission Member shall administer the Oath of Office. The Oath of Office shall be as follows:

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the Absentee Shawnee Tribe of Indians of Oklahoma and their traditions and laws and will discharge the duties of my office with fidelity; I will not use my office for private gain for myself or others, particularly with family, business or other personal ties, that I have not paid or contributed either directly or indirectly, any money or other valuable thing to procure my office, except for the necessary and proper expenses expressly authorized by law; that I have not knowingly received directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act of duty pertaining to my office, other than the compensation allowed by law.

## **ARTICLE XIV – SETTLING OF ELECTION DISPUTES**

### **SECTION 1**

In the event that any eligible voter/candidate for Tribal Office wishes to protest any part of an election, the eligible voter/candidate must notify the Election Commissioner, in writing, within five (5) business days, excluding Weekends and Holidays, after notification of the Election results.

- A) The notification must include the following: Name, Address, and Enrollment Number; the contestant must be specific in stating why the election is being protested.
- B) The notification must be accompanied by a non-refundable certified check, cashier's check or money order in the amount of FIVE HUNDRED DOLLARS (\$500.00) made payable to the Election Commission of the Absentee Shawnee Tribe of Indians.
- C) In the event of an Election Protest, the Election Commission shall, within five (5) business days, (excluding Weekends and Holidays), respond to the protest.

## **SECTION 2**

The Election Commission shall:

- A) State the decision that the protest will stand making the election invalid. An invalid election shall be treated in accordance with Article IX, Section 2 b. of this Ordinance.
- B) State the decision that the protest will not stand making the election valid.

## **SECTION 3**

In the event that any person who is filing a protest is not satisfied with the decision made by the Election Commission, the person may appeal the decision in Tribal Court.

## **SECTION 4**

Nothing in this article shall preclude a person(s) from having the right to have counsel represent them in any administrative hearing or Tribal Court Proceeding, and shall be at their own expense.

## **ARTICLE XV – CONFLICT OF INTEREST AND NEPOTISM**

### **SECTION 1**

A conflict of interest shall include but not be limited to the office holder's ability to decide without bias any matter which affects that person's immediate family, personal, or business interest.

### **SECTION 2**

Nepotism means that no two (2) people from the same immediate family will hold a position on an elective body. A person's immediate family shall be defined to mean: husband, wife, son, daughter, father, mother, brother, sister, half-brother, half-sister, step-brother, step-sister, and grandparents or any other legal dependant

- A) Two (2) members of the same immediate family can run for the same elective position, but cannot run for a different position on the same elective body.
- B) Members of an immediate family cannot be a candidate if an immediate family member is already seated on said elective body.

- C) If an immediate family member is already holding office or is an incumbent in an upcoming election, that person will be given first opportunity to run.

## **ARTICLE XVI – RECALL OF OFFICIALS**

### **SECTION 1**

This article shall be effective upon all Elected Tribal Officials and shall be in compliance with ARTICLE VI, Section 7, (D) and ARTICLE VII, Section 1, 2, and 3 of the Tribal Constitution. Request for interpretations of the aforementioned Articles shall be by Judicial Review of the Tribal Court.

### **SECTION 2**

A Recall petition, as described in Article VII, Section 2 of the Constitution, shall be hand-delivered to the Election Commission, who will, in the presence of the petitioner, counter sign and date the Petition as evidence of the receipt of said Petition. The Election Commissioner shall be informed within twenty-four (24) hours, of the receipt of a Recall Petition excluding Weekends and Holidays.

### **SECTION 3**

Upon receipt of the Recall Petition as described in ARTICLE VII, Section 2 of the Absentee Shawnee Tribal Constitution and a non-refundable fee of FIVE HUNDRED DOLLARS (\$500.00) in the form of a cashier's check or money order, each member of the Election Commission shall be notified within forty-eight (48) hours, that a Recall Petition has been filed and shall call a special meeting within five (5) business days, excluding Weekends and Holidays, to determine the validity of said Petition.

### **SECTION 4**

A Recall Petition shall be declared valid by the Election Commission when the following conditions are met.

- A) The recall petition must be signed by at least thirty percent (30%) of the eligible voters and names will be verified from the eligible voter list maintained by the Tribal Secretary Office. Deceased Tribal member names appearing on said petition shall not be counted in the thirty percent (30%).

- B) The Recall Petition shall include a complete and exact clarification of reasons, charges or intentions at the beginning of each sheet of said Petition and shall designate the name of one Registered Voting Member of the Tribe to act as spokesman empowered to clarify said Petition. Failure to comply with this requirement shall be cause for voiding said Petition.
- C) The Recall Petition shall contain the name of the Elected Tribal Official and his office under consideration for Recall on each sheet of the Petition. Only one (1) member of an elected body under Recall shall be considered for Recall, however; one member from each elected body may be under consideration for Recall as described in Article VII, Section 2, of the Tribal Constitution.
- D) In the event the Recall Petition is declared invalid, the same Petition may be resubmitted to the Election Commission within thirty (30) days for validation. If a Petition is declared invalid a second time, the Petition shall not be resubmitted.

## **ARTICLE XVII – INITIATIVE PETITIONS**

### **SECTION 1**

Any member of the Absentee Shawnee Tribe who is an eligible voter has the right to conduct an initiative petition in order to decide issues of major importance or to enact legislations that will be binding on the Executive Committee and the Tribe;

**PROVIDED:** That as least twenty percent (20%) of the eligible voters shall sign the petition and such petition shall be at his or her own expense.

### **SECTION 2**

It shall be the duty of the Election Commission to determine the validity of all initiative petitions filed with the Election Commission. Once a decision has been rendered, it shall be the duty of the Election Commissioner to call and conduct such initiative election within sixty (60) days. The eligible voters shall determine issues or questions set forth in the petition. The decision of the voters shall be binding on the Tribe.

### **SECTION 3**

If the Election Commission fails to act within the sixty (60) days allowed as stated in Section 2 above to conduct an election, and the decision is in favor of the person submitting the petition, the petitioner may, within five (5) days excluding Weekends and Holidays, file for a hearing in Tribal Court with the Tribal Court Clerk who shall set a time, date and place for a hearing under such rules and regulations as the judicial branch may prescribe.

**SECTION 4**

The petitioner(s) shall state on the face of the petition and on each page, the specific reason why they are filing the petition.

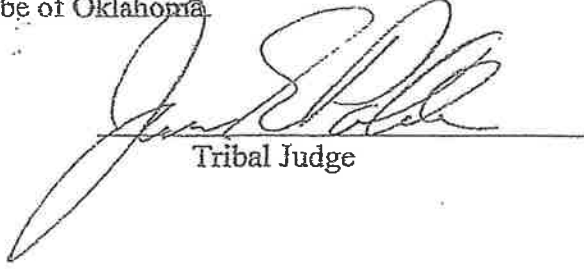
**SECTION 5**

Secret balloting and absentee balloting shall be provided in Tribal Initiative Elections pursuant to this Election Ordinance.

APPROVAL

Pursuant to Article VI, Section 3 of the Constitution of the Absentee Shawnee Tribe of Oklahoma, the foregoing Ordinance was submitted for ratification to the registered voters of the Absentee Shawnee Tribe of Indians of Oklahoma and was approved by referendum on 15th day of December, 2007, duly ratified by a vote of 76 for and 49 against, in an election in which a majority of 127 Registered Voters cast their ballots pursuant to Article VI, Section 7-(B) of the Constitution of the Absentee Shawnee Tribe of Oklahoma.

Diana Pankalla  
(Acting) Election Commissioner


  
Tribal Judge

Meredith Wahpenoche  
Attested by Election Secretary

Article IV Section 2 Specific Additional Qualifications.  
Must Have a Valid Oklahoma State Driver's License.

**APPROVAL**

Pursuant to Article VI, Section 3 of the Constitution of the Absentee Shawnee Tribe of Oklahoma, the foregoing amendment to the Ordinance was submitted for ratification of the registered voters of the Absentee Shawnee Tribe of Indians of Oklahoma and was approved by referendum on 20<sup>th</sup> day of June, 2015, duly ratified by a vote of **441 Yes** and **73 No** in an election in which a majority of **545** Registered Voters cast their ballots pursuant to Article VI, Section 7 (B) of the Constitution of the Absentee Shawnee Tribe of Oklahoma.



---

Election Commissioner



---

Attested by Election Secretary



---

Tribal Judge

Article IV Section 2 Specific Additional Qualifications.  
Must Have a Negative Result on A Drug and Alcohol Test.

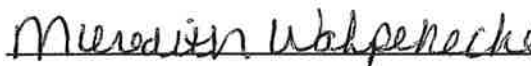
**APPROVAL**

Pursuant to Article VI, Section 3 of the Constitution of the Absentee Shawnee Tribe of Oklahoma, the foregoing amendment to the Ordinance was submitted for ratification of the registered voters of the Absentee Shawnee Tribe of Indians of Oklahoma and was approved by referendum on 20<sup>th</sup> day of June, 2015, duly ratified by a vote of **445 Yes** and **68 No** in an election in which a majority of **545** Registered Voters cast their ballots pursuant to Article VI, Section 7 (B) of the Constitution of the Absentee Shawnee Tribe of Oklahoma.



---

Election Commissioner



---

Attested by Election Secretary



---

Tribal Judge



Article IV Section 2 Specific Additional Qualifications.

Must Have A High School Diploma or GED.

**APPROVAL**

Pursuant to Article VI, Section 3 of the Constitution of the Absentee Shawnee Tribe of Oklahoma, the foregoing amendment to the Ordinance was submitted for ratification of the registered voters of the Absentee Shawnee Tribe of Indians of Oklahoma and was approved by referendum on 20<sup>th</sup> day of June, 2015, duly ratified by a vote of **437 Yes** and **78 No** in an election in which a majority of **545** Registered Voters cast their ballots pursuant to Article VI, Section 7 (B) of the Constitution of the Absentee Shawnee Tribe of Oklahoma.

  
\_\_\_\_\_  
Election Commissioner

  
\_\_\_\_\_  
Tribal Judge

  
\_\_\_\_\_  
Attested by Election Secretary