



ELECTION COMMISSION

ABSENTEE SHAWNEE TRIBE OF OKLAHOMA

AST ELECTION COMMISSION

PROCEDURAL MANUAL

AND

POLICIES

ELECTION COMMISSION

Updated October 09, 2018

Approved on December 12, 2018

ELECTION COMMISSION
POLICIES AND PROCEDURES

Revised October 9, 2018

ARTICLE I PURPOSE.

The Election Commission will conduct fair and honest elections.

ARTICLE II AUTHORITY

To provide an Election Ordinance; the Ordinance shall not conflict with the Tribal Constitution.

ARTICLE III DUTIES.

Section 1. Fees

- A. The Election Commission will announce filing fee amounts and positions open for the next Election in the November Tribal Newsletter:
 - 01. Filing fee amounts are established in September.
 - 02. All fees paid by certified check, cashier's check or money order made payable to the Absentee Shawnee Election Commission.
 - 03. Fees will be deposited into an account set up by the Election Commission.
 - 04. All checks written on the account must be pre-approved by the Commissioners and minutes must reflect such and checks must have two (2) signatures, one being that of the Secretary of the Election Commission.
 - 05. The fees shall be used for election expenses only and shall be dispersed solely by the Election Commission. All other expenses will come from the General Fund budget.

- B. Election Commission budget will be set by the Executive Committee or General Council. The current budget is set for \$50,000.00 annually by the General Council in 2015.

Section 2. Bonding

- A. Commission members are to be bonded according to Article XIII, Section 4 of the Tribal Constitution.
- B. The Tribe is to issue the bond in the amount that is set by the Executive Committee.

Section 3. Audit of Fees

- A. An annual audit shall be conducted and presented at General Council during the October Semi-annual meeting. A copy of the bank statement will be given to the Treasurer's office, when requested, to be in compliance with the audit. A copy of the audit will be placed in the General Council book.

- B. A copy of the audit will be available when requested by a tribal member or any Executive Committee member.

Section 4 Alternates

Appointment of a minimum of two (2) alternates shall be made by the Election Commission. Alternates shall attend all meetings and be available to function as members should the need arise. Due to the requirement of alternates attending all meetings; alternates shall be paid a per diem meeting stipend for attendance. Alternates must meet all requirements required of Commissioners

Section 5

- A. Election Commission shall provide prospective candidates with proper forms for filing for office. The Election Commission shall determine the eligibility of candidates who meet the minimum and specific qualifications. (Article XIV, Constitution of the Absentee Shawnee Tribe)
- B. If a prospective candidate is denied candidacy, that person shall be entitled to an Administrative Hearing, within five (5) business days from the date of notification. The Election Commission will notify the prospective candidate of the date, time and place of the hearing.

**ADMINISTRATIVE HEARING PROCEDURES
FOR
PROSPECTIVE CANDIDATES**

1. With regard to the Election Commission's determination for candidacy, a notice shall be sent to the applicant. The notice shall include Date, Location, Right to Counsel and Time of the Administrative Hearing.
2. Election Commissioner will call the hearing to order, read authority of the Election Commission for the record and enter into the record the appearance of those in attendance.*
3. Election Commissioner will advise all persons present on the purpose of the Administrative Hearing with regard to the prospective candidate.
4. Election Commissioner will acknowledge that during and after the arguments and/or statements made by the prospective candidate and/or their representative(s), any Election Commission member may ask questions.
5. Election Commission entertains arguments and/or statements. The Election Commissioner advises the prospective candidate and/or their representative(s)

that the Election Commission will make a final written decision which will be delivered by both regular and certified mail.

6. Nothing in these Administrative Hearing procedures prohibits a prospective candidate from seeking a court remedy.

***Refer to** Election Ordinance, Article III, Section 5, and Article IV, Section 2 Specific/Additional Qualifications of Candidate. Part B provides the purpose for the Administrative Hearing Procedure for Prospective Candidates.

ADMINISTRATIVE HEARING PROCEDURES FOR INCUMBENT / OFFICIAL

1. Upon determination of a violation of the Oath of Office, a notice shall be sent to the incumbent/official. The notice shall include Date, Location, Right to Counsel and the Time for the Administrative Hearing.
2. Election Commissioner will call the hearing to order, read authority of the Election Commission for the record and enter into the record the appearance of those in attendance.*
3. Election Commissioner will advise all present of the purpose of the Administrative Hearing with regard to the incumbent/official.*
4. Election Commissioner will acknowledge that during and after the arguments and/or statements by incumbent/official and/or their representative(s), any Election Commission member may ask questions.
5. Election Commission entertains arguments and/or statements by incumbent/official and/or their representative(s).
6. Upon completion of arguments and/or statements, the Election Commissioner advises the Incumbent/official and/or their representative(s) that the Election Commission will make a final written decision and notify by regular and certified mail.
7. Nothing in these Administrative Hearing procedures prohibits a Incumbent/official from seeking a court remedy.

***Refer to** Election Ordinance, Article III, Section 5, and Article IV Section 2 Specific/Additional Qualifications of Candidates. Part C provides the purpose for the Administrative Hearing Procedure for Incumbent/Official.

Section 6 Article IV

Election Commission shall file charges if an incumbent has violated the Oath of Office. A fine of one thousand dollars (\$1,000.00) can be imposed by the Court.

Section 7 Election Commission Guidelines

1. **Purpose:** The Election Commission is an entity of the Tribe formed by the Constitution of the Absentee Shawnee Tribe. It is the responsibility of the Election Commission to conduct fair and honest tribal elections. There are six (6) kinds of Elections: Primary, Annual/Run-Off, Tribal Referendum, Initiative, Recall, and General Council Election. A Secretarial Election is conducted by the Bureau of Indian Affairs for Constitutional Amendments to the Tribal Constitution.
2. **Authority:** The Election Commission is authorized by the Constitution of the Absentee Shawnee Tribe to provide an Election Ordinance and to draft any amendments to the Election Ordinance to present to the Tribal General Council for approval to send to a referendum vote. The Election Commission is required to follow the Election Ordinance to conduct fair and honest elections, and the Ordinance shall not conflict with the Constitution of the Absentee Shawnee Tribe. The Election Commission is given the authority to draft an Oath of Office, to be included in the Election Ordinance, to be administered to newly elected officers by an Election Commissioner.
3. **Membership:** The Election Commission membership shall be composed of five (5) Commissioners who are enrolled tribal members and “twenty-one (21) years of age or older, who meet the minimum qualifications as stated in Article XIV – Qualifications of Candidates. A minimum of two (2) alternates shall be appointed by the Commission to ensure a full complement body. Alternates must adhere to the same qualifications as the Commissioners.
4. **Officers:** The Election Commission shall be composed of an Election Commissioner, Deputy Election Commissioner, Election Commission Secretary, Commission Member #1 and Commission Member #2 and a minimum of two (2) Alternate Commission members. Commissioners can be removed by a majority vote of the Election Commission for justifiable cause. Commissioners will shift to fill any vacancy of the top two (2) positions with elected commissioners and appoint Alternates to fill the lower positions.

5. **Meetings:** The Election Commission shall meet monthly on the second Wednesday of the month, but may be changed by a majority vote of its members. The meetings are open to Tribal members. Special meetings may be called by the Election Commissioner or a quorum of the Election Commissioners. Election Commission members, including Alternates, will receive a once monthly meeting per-diem/stipend for meetings attended.
6. **Quorum:** A quorum shall consist of three (3) members at any regular or special meeting. A quorum shall consist of five (5) members to conduct the Election Process. In the election process, the norm is to use the same members in both the March and June election, if possible.
7. **Term of Election Commission Members:** Commissioners will serve three (3) year terms. Election Commissioner and Election Secretary positions are up for election in year rotation #1. Deputy Election Commissioner and Commission Member #1 will run for election in the year rotation #2. The position of Commission Member #2 is up for election in year rotation #3. Therefore, an Election Commission position is up for election in any given year. Alternates are appointed by the Election Commission and must meet all requirements imposed on candidates stated in Article XIV – Qualifications of Candidates in the Constitution. Unexpired terms will be placed on the ballot of the next election.
8. **Duties of the Election Commission:**
 - a. Conduct all tribal elections.
 - b. Certify eligibility of candidates for office (elected/appointed both have to meet requirements as stated in Article XIV – Qualifications of Candidates in the Constitution).
 - c. Determine when a conflict of interest occurs.
 - d. Establish reasonable filing fees for candidates.
 - e. Audit of finances performed every year on fees collected.
 - f. Register all voters for elections, this includes voting by absentee ballot and at General Council.
 - g. Receive petitions (Recall/Initiative) and determine their validity.
 - h. Administer Oath of Office to elected/appointed officials.
 - i. Other duties as delegated.

Section 8. Commission Members Duties and Responsibilities

- A. **Election Commissioner**
 - a. Call all meetings to conduct business.
 - b. Preside over all meetings.
 - c. Perform duties required by the Election Ordinance or Tribal Constitution.
 - d. Other duties as delegated.

1. Regular Meetings

- a. The Election Administrator will draft a standard agenda form the week following regular meetings and include all items that were tabled.
- b. All commissioners will make agenda recommendations to the Election Administrator through Thursday by 4:00 o'clock of the week prior to the regularly scheduled monthly meeting.
- c. Any supporting documents, relating to agenda items, must be submitted to the Election Administrator, Tuesday prior to the regularly scheduled meeting.
- d. The Election Administrator will confirm and finalize the agenda with the Election Commissioner by Thursday the week prior to the regularly scheduled meeting.
- e. All other items can be placed on the agenda the night of the meeting by amending the agenda.

2. Special Meetings

- a. The Election Administrator will attempt to contact each Election Commission member prior to a special meeting to confirm agenda items. (Election Administrator will document contacts)
- b. The Election Administrator will confirm and finalize the agenda with the Election Commissioner prior to posting the meeting information.

NOTE: Each Commissioner must make sure the Election Administrator has the most reliable contact information.

B. Deputy Election Commissioner

1. Assume all duties of the Election Commissioner in his/her absence or inability to perform his/her duties.
2. Perform all duties required in the nature of the office and those duties required by the Election Ordinance or the Constitution of the Absentee Shawnee Tribe.
3. Other duties as delegated.

C. Election Commission Secretary

1. Will preside over meetings in case of the absence of the Election Commissioner and Deputy Commissioner.
2. When sitting as presiding officer, shall appoint alternates to constitute a quorum to conduct business.
3. Shall appoint a member to assume the Secretary's duties.
4. Make available minutes of meetings to the Election Commission and Tribal members.
5. Responsible for election/office records.
6. Primary signature on a bank account; Treasurer's duties.

7. Perform any duties required by the Election Ordinance or the Constitution of the Absentee Shawnee Tribe.
8. Other duties as delegated.

D. Commission Member #1, Commission Member #2 and Alternates

Perform any and all duties required by the Election Ordinance and Constitution of the Absentee Shawnee Tribe in the nature of holding office on the Election Commission, and perform other duties as delegated.

Section 9. Procedures

The Election Commission shall establish procedures and make available to Tribal members upon request.

Section 10. The Election Commission shall obey the Election Ordinance.

ARTICLE IV QUALIFICATIONS FOR OFFICE

Section 1 Qualifications pursuant to Article XIV Constitution of the Absentee Shawnee Tribe.

Section 2 Candidate must meet required (minimum/additional) qualifications

- A. Enrolled tribal member.
- B. An eligible voter for purposes of voting in tribal elections.
- C. Must be 21 years of age on 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. Felony conviction – Five (5) year waiting period following completion of the penalties for the conviction.
- F. Only one (1) member of an immediate family on a board unless for same position.

Specific/Additional Qualifications:

- A. Elected official has to complete the term elected to before seeking another position.
- B. Violation of Oath of Office: If violated by an elected officer, that officer is entitled to an Administrative Hearing. (Refer to Article III, Section 6 of the Election Ordinance)
- C. Due Process Procedure: an Administrative ruling can be appealed to the Absentee Shawnee Tribal Court
- D. Can be eliminated as a candidate until such time that five (5) years have passed and all court obligations have been met.
- E. Must have a valid Oklahoma State Driver's License.
- F. Must have a negative result on a Drug & Alcohol test.
- G. Must have a High School Diploma/GED.

Procedures for Background Checks:

All candidates

- A. Will complete candidate packet, which includes Release of Information form. (must be obtained)
- B. Must include on the form any prior conviction of a felony or any crime involving dishonesty
- C. Will secure background check report from the Oklahoma Bureau of Investigation Report (OSBI) and the Federal Bureau of Investigation Report (FBI).
- D. Will be screened via OSBI, Tribal Secretary Enrollment Record (CDIB#), Social Security (Card), and Fingerprints (FBI).
- E. Will be available for any additional clarification the Election Commission may need.
- F. Must have a negative drug/alcohol results.
- G. Must have a valid Oklahoma driver’s license.
- H. Must provide documentation of high school diploma or GED.

Section 3 Appointees to an elective office must meet the same required qualifications as those of candidates. [REFER TO ARTICLE XIV - QUALIFICATIONS OF CANDIDATES]

Section 4 Election Commission establishes filing fees and fees can be raised due to new requirements.

Section 5 The candidate must submit the following when filing for office:

- A. Request a filing packet, in person, from the Election Commission during January 1-10 of the current year (excluding holidays and weekends) during the regular business hours of 8:00 am to 12:00 pm and 1:00 pm to 5:00 pm.
- B. File the candidacy packet, in person, with appropriate filing fee for the appropriate office during January 1-10 of the current year during the regular Election Commission office hours of 8:00 am to 12:00 pm and 1:00 pm to 5:00 pm.

ARTICLE V TERMS OF OFFICE

Section 1 Terms of Office.

- Executive Committee - Two (2) Year Terms
- Election Commission - Three (3) Year Terms

Section 2. Incumbent on Election Commission can continue duties if running unopposed.

Section 3. Vacancies are filled by shifting/appointment.

ARTICLE VI ELECTIONS

Section 1.

- A. **Primary Election** is held on the third (3rd) Saturday of March. Candidate can be declared a winner with 50 percent (50%), plus one (1), of votes, cast.
1. In the event of tied votes, the top two (2) number of votes received for the position will advance to the Annual/Runoff election.
 2. The number of candidates is not an issue. (What about only 2 candidates per position)
 3. All candidates will be placed on the March ballot; if pending records deem a candidate ineligible forfeiture will come into play. [Article VII – REMOVAL, RECALL AND FORFEITURE.]
- B. **Annual/Run-off election is held third (3rd) Saturday of June.**
In the event of a tie for first (1st) place for any position, the Election Commission will:
01. Recount same night with Watchmen present, if they elect to stay.
 02. Re-evaluate all spoiled ballots.
 03. Re-tally all ballots.
 04. If the tie is upheld, then proceed with a special election for the position that has the tie.
 05. Announce that a special election is to be held.
- C. **Special Election**
01. To be held third (3rd) Saturday in August.
 02. All requests for Absentee Ballots will be considered emergency requested ballots and shall be handled as emergency ballots; one exception is that all ballots must be returned by 5:00 p.m. the day before the election by mail or in person.
- D. **Certifying Election Results**
1. If a protest is filed, and a recount is requested, a day and time must be set for a recount within five (5) business days. After the recount, if the election is upheld, proceed with certification and set date and time for the Swearing-In Process.
 2. State the decision that the protest will stand to make the election invalid. An invalid election shall be treated in accordance with Article IX, Section 2 b. of the Election Ordinance. If no protest is filed, certify the election and set day and time for the Swearing-In Process.
 3. All other protests, other than a recount, will be handled in the following manner: a date and time must be set within five (5) business days for a hearing by the Election Commission to determine the validity.
 - a. Date and Time of hearing.
 - b. State the decision that protest stands to make the election invalid.

- c. State the decision that the protest will not stand to make the election valid and proceed with the date for the Swearing-in Ceremony.
- d. All protests must be submitted with a non-refundable filing fee of five hundred (\$500.00) dollars.
- e. It is the responsibility of the protester to include all supporting documentation of the alleged violation when filing a protest.

Section 2 Special Elections can be called according to Article VI, VII, and IX of the Constitution of the Absentee Shawnee Tribe.

- Tribal Referendum (See Article IX of Tribal Constitution)
- Initiative
- Recall
- General Council
- Secretarial Elections conducted by BIA

ARTICLE VII POLLING PLACES

Section 1

- A. The official polling sites for all tribal elections shall be the Tribal Complex and the Resource Center at Little Axe or as otherwise posted.
- B. Sites shall be open from 8:00 a.m. to 6:00 p.m.
- C. The site shall be set up to assure voter privacy during registering and voting.
- D. Accommodations shall be made for the handicapped.
- E. There shall be no loitering at polling site or adjoining tribal grounds.
- F. There shall be no campaigning on the property of the polling site. This includes signs, person to person contact, clothing, or within 200 ft. of the polling site.
- G. Every effort must be made to assure that the polling site is a conducive voting environment.

ARTICLE VIII CAMPAIGNING, WATCHMAN, CHALLENGERS.

Section 1 No campaigning at polling places.

Section 2 Watchman/Challengers:

A. Watchman:

- 1. Tribal Member.
- 2. Eighteen (18) years of age.
- 3. Identification/badge.
- 4. May sit polling places and be present at the counting of ballots

B. Challenger:

- 1. Tribal member
- 2. Eighteen (18) years of age
- 3. Identification/badge
- 4. Can sit only at polling places.

Section 3 Candidate Can Appoint A Watchman To Observe The Counting Of Ballots.

Section 4 Candidate can appoint a challenger for the polls.

- A. Challenger is entitled to challenge a person by asking only for the following information.

Name, Address, and Enrollment Number.

Section 5 Watchman/Challenger can be dismissed by Election Commission and/or Tribal Judge for violation of Article XI. (Counting of Election returns)

ARTICLE IX VOTER ELIGIBILITY

Section 1 Requirements to Vote:

- A. Enrolled Tribal member.
- B. Eighteen (18) years old.
- C. Registered to vote.
- D. Verify name against eligible enrollment list provided by the Enrollment Department; if the names does not appear, contact the Enrollment staff to verify.
- E. Show state-issued driver's license, CDIB card or other valid photo identification.

Section 2

If a voter has voted more than once and the election has to be voided, a Civil/Misdemeanor complaint will be filed against such voter. The voter will be entitled to an Administrative Hearing.

**Administrative Hearing Procedures
For
Voter**

- 1. Upon determination of a violation as a voter, a notice shall be sent to the voter. The notice shall include Date, Location, Right to Counsel, and the Time for the Administrative Hearing.
- 2. Election Commissioner will call the hearing to order, read authority of the Election Commission for the record and enter into the record the appearance of those in attendance*.
- 3. Election Commissioner will advise all persons present of the purpose of the hearing in regard to the Voter.

4. Election Commissioner will acknowledge that during or after the arguments and/or statements by the voter and/or their representative(s), any Election Commission member may ask questions.
5. Election Commission entertains arguments and/or by the voter and/or their representative(s). Upon completion of arguments and/or statements, the Election Commissioner advises the voter and/or their representative(s) that the Election Commission, will make a final written decision, which will be delivered by both regular and certified mail.
6. Nothing in these Administrative Hearing procedures prohibits a voter from seeking a court remedy.

***Refer to** Election Ordinance Article IX, Section 2, E & F provides the purpose for the Administrative Hearing Procedures for Voter.

ARTICLE X BALLOTING AND VOTING.

Section 1. Privacy In Voting Booth.

- A. Booths will be set up to ensure the flow of voters will best suit the layout of the voting space and the polling site.
- B. Booths shall be placed at a distance far enough away from the Commissioner's table as to ensure Commissioners inability to view the marking of ballots.
- C. Accommodations shall be made to ensure handicapped voters can vote in private.
- D. Any assistance given during the voting process will be done in a manner to ensure privacy and will be recorded on the police log.

Section 2. Signing of Registry Book for ballot.

- A. The voter presents their photo I.D. to commissioner assigned to document tribal enrollment. To ensure privacy one voter at a time is to be present at the registration table. Other voters shall stay in line the designated area. After tribal enrollment is documented, the tribal member will sign the registry book.

NOTE: A Commissioner may print member's name if the signature is not legible.

- B. A ballot is then presented to the tribal member. Verbal instructions are given and include:
 1. Remove number (upper right-hand corner).
 2. No extra marks.
 3. One (1) choice in each category.
 4. Place completed ballot in the ballot box.

After voting, the voter should leave the polling site. If a voter stays at poll more than five (5) minutes, either a Commissioner or Police Officer will ask the voter to exit the premises.

Section 3. Handicap

Accommodations will be made for handicapped voters to have the ability to vote in private; all assisted voter information is recorded in the police log by the officer who is assisting.

- A. **Handicapped Voters** who enter the polling site will registered as designated in Section 2 above, but will vote at a private table instead of a booth.
- B. **Wheelchair-Bound** voters may request to vote in their car.
 - 1. Commissioners are informed of a request to vote in a car.
 - 2. A police officer will go to the car and request a photo I.D (AST Tribal Card or Drivers License). The photo I.D. is presented to an Election Commission member to verified the tribal voter enrollment.
 - 3. The police officer takes the registry and a ballot to the car and requests Tribal Member to sign-in. Upon sign-in of the book, the voter is presented with a ballot. After marking and folding the ballot, the police officer is presented with the ballot, returns it to the polling site and returns the registry book to the commissioner's table and places the ballot in the ballot box.
 - 4. Upon signing of the book, the voter is presented with a ballot. After marking and folding the ballot, the voter presents the ballot to the police officer, who returns it to the polling site and returns the registry book to the commissioner's table. The officer places the ballot in the ballot box for the voter.
- C. **Visually Impaired Voters**
Visually impaired tribal members may request assistance. Tribal members who are visually impaired must register as designated in Section 2 and upon receiving ballot, will enter voter booth, and will be assisted by a Police Officer. The Officer will use his/her own discretion in determining the ability of the voter to mark their ballot.

Officer may:

- 1. Read choices and assist the voter as to where to mark his/her choice.
- 2. Read choices and mark the voter's choice. After the voter is finished with the ballot, the police officer will remove number and place ballot in the ballot box.

D. Alcohol/Drug Impaired

Commissioners working polling site will, in conjunction with the police officer, determine if the voter is too impaired to complete the voting process.

E. Language Impaired

Any tribal member who requests language assistance will be presented with a sample ballot with pictures attached to each name to use as a guide. All language assisted information will be documented in the police log.

F. Other Situations

All other situations including but not limited to eligibility, identification or any unusual situation, etc. will be decided by the Commissioners working the polling site. The police log will reflect the situation and the decision of the Commissioners.

Section 4. Designated Areas For Voting

The official polling sites for all tribal elections shall be the Tribal Complex and the Little Axe Resource Center or as otherwise posted. Polling sites will be identified by signs.

Section 5. Marking Of Ballots

All ballots must be marked in the booth or at handicap accommodations provided. Instructions for marking of ballots will be verbal as the ballot is being presented to the voter and is available in written form at the top of the ballot.

Instructions are mailed with absentee ballots and are included in the envelope with any emergency ballots.

Instructions are available for voters to review on the sample ballot printed in the tribal newsletter the month prior to the election.

The current instructions state that an (X or ✓) be used to designate the voter's choice in each category.

Any other marks will be considered a spoiled ballot, except in situations where the vote is signified by a means other than (X or ✓) and the Commission members vote that "clear intent" is observable.

The Election Commission members will vote that a ballot marked with any mark other than an (X or ✓) is valid or spoiled.

Any ballot that is considered spoiled will be signed by all Commissioners and the Judge with the reason noted on the ballot.

Section 6. Removal Of Numbered (#) Section

The voter will be instructed to remove the numbered section. Any ballot with the number (#) attached will be considered a spoiled ballot.

Section 7. Spoiled Ballots

A spoiled ballot is a ballot that has marks other than X or ✓ (exception – clear intent), more than one (1) mark in a category.

A ballot with a number not removed.

A ballot must be submitted in the ballot box in a manner so that ballot cannot be identified to a specific voter.

1. Folding into shape and showing to others present at polling site will spoil the ballot.
2. Extra marks on the ballot include:

Names, comments, pictures, words, patterns, etc.

No write-in candidates allowed.

A spoiled ballot is determined by the Election Commissioner and Judge during the opening of the ballot process. If a ballot is considered spoiled, the ballot will be circulated for the signature of each Commissioner. Each spoiled ballot must contain the signature of each Commissioner and the Judge with the reason noted.

If the Election Commissioner and Judge open a ballot with a reason that is not a clear violation, the ballot is then passed around for all Commissioners to view. A vote is then taken to determine if the ballot is valid or spoiled. If valid, then the vote is recorded. If spoiled, then the ballot is signed by all parties with reason noted.

Section 8. Closing Of Polls- 6:00 P.M. (Central Time Zone)

Both sites close at 6:00 p.m. Central Standard Time. Any voter in line at 6:00 p.m. will be allowed to vote. If a line is present, the police officer will mark the last person in line, and no new voters will be allowed to join the line. Official time is determined by the police and commissioners. Clocks and watches are synchronized during the morning process.

Section 9. Absentee Ballot Procedures:

- A. The request must be received twenty (20) days prior to Election Day.
- B. The voter must be eighteen (18) years of age on or before Election Day.
- C. Must be an enrolled member of the Absentee Shawnee Tribe.
- D. Request received within twenty (20) days of the election will be declared void. The voter will be notified via mail that the deadline was missed but he/she can still vote in person at either polling place.
- E. All requests received within twenty (20) days of the election must be submitted as an emergency request and requested in person.
- F. The emergency request must be in writing and state the reason why the voter cannot physically be present to vote.
- G. The letter must contain their name, CDIB#, address, and valid phone/cell/work numbers.
- H. All emergency ballot requests shall be determined by commissioners as the need arises.
- I. The voter will be notified of the decision on the request for an emergency ballot.
- J. A record vote of each commissioner.
- K. Commissioners are called in order of positions, Deputy Commissioner on down.

Section 10. Handling and Processing of Absentee Ballots:

- A. An enrollment printout shall be requested from the Tribal Secretary's office for verification of eligible voters eighteen (18) years or older on or before Election Day.
- B. After verification of information on the Absentee Ballot Request form, and if approved, an absentee ballot will be mailed to the voter.
- C. The following materials will be mailed to the eligible voter:
 - 1. Absentee ballot
 - 2. Absentee Ballot envelope
 - 3. Absentee Ballot voting instructions
 - 4. Absentee ballot Affidavit
 - 5. Self-addressed stamped envelope
- D. If a tribal member's request for an Absentee Ballot misses the specified deadline, a denial letter will be mailed explaining the reason an absentee ballot was not mailed to them.
- E. A record of all Absentee Ballot requests (applications) containing the name, address, date of Birth and CDIB# shall be maintained by the Election Commission. All pertinent records and forms shall be clearly stamped "**ABSENTEE BALLOT RECORD.**"
- F. There shall be a typed list of tribal members who were mailed an Absentee Ballot. The list will be used on Election Day when affidavits are read and verified. Each name will be checked off to ensure that an absentee ballot was received and returned. The voter's name will be highlighted on the enrollment list which contains the date the request was received and the date the ballot was mailed.

Section 11.

- A. Absentee Ballots shall be received by 5:00 p.m. the day before the election and officially stamped. Any Absentee Ballot not received in that time frame shall be declared invalid and not counted.
- B. The unopened Absentee Ballot envelope, when returned, will be stamped and placed in a safe and secure place.
- C. Any tribal member can view the Absentee Ballot process the morning of the election.

ARTICLE XI COUNTING OF ELECTION RETURNS

Section 1.

- A. Those present at counting: Election Commission, Tribal Judge, and Watchman.
- B. A police officer is stationed outside the courtroom.
- C. Instructions given to all present: (must be read out loud by the Election Commissioner)
 - 1. Turn off all cell phones.
 - 2. There will be no talking during the counting process.
 - 3. No entering/exiting room except for anyone excused for failure to follow directions and during the designated break.

4. No recording, other than in written form.
5. The watchman must not approach the table
6. Watchman cannot ask questions.
7. The watchman must not exhibit any behavior that might interfere with the counting process.
8. Watchman may be excused by the Election Commission or the Judge if they exhibit behavior that interferes with the counting process.

ARTICLE XII BALLOTS AND ELECTION RECORDS:

Section 1. Ballots

- A. All are Numbered in the upper right-hand corner and perforated and must be removed by the voter.
- B. Numbered consecutively and bundled as determined annually.
- C. The color of the ballot will be chosen for each election. The same color will not be used for two (2) consecutive elections.
- D. Envelopes for absentee ballots will be coordinated to the color of the ballot.
- E. Affidavit for an absentee ballot will be printed in ivory color.
- F. Instructions for absentee ballot voting will be printed on white paper.
- G. Envelopes for returning the absentee ballots will be printed with blue ink. The words “**ABSENTEE BALLOT**” will be printed on both lower corners of the envelope.

Section 2. Records

- A. All records will be kept either in the Election Commission office as a part of the official election folder or in the ballot box locked and stored in the Election Commission storage space.
- B. Ballots, tally sheets and other records stored in ballot boxes will be destroyed after one (1) year if they are not in litigation.
- C. All election records will become a part of the tribe’s permanent records. Records that are Confidential (filing packets) may not be requested by any tribal member.
- D. Records that are confidential may not be distributed or viewed (except by the person named in the file) or made available to public awareness unless by court order.

Section 3. Storage of Ballots

A. Pre-Election

Ballots are ordered and upon receipt are stored in the Election Commission office in a locked cabinet. Ballots will be examined for accuracy, i.e., make sure they are numbered consecutively, no blank ones and check for proper printing. Any discrepancies will be reported to the Police Department.

The bundle designated for Absentee Ballots will be available for office personnel to mail. The bundle designated for the Little Axe Poll and the Shawnee Poll will remain in the locked cabinet until the evening prior to Election Day.

B. Election Day

Ballots used for casting votes on Election Day will be secured in the ballot box from the site where they were used. Boxes will be secured with a lock and one (1) key held by the Election Commissioner and the second lock with one (1) key held by the Tribal Judge. The locked ballot box will be stored in the locked cage in the tribal warehouse with one (1) key for the Election Commission and one (1) key for the Judge. Ballots will be destroyed after one (1) year if not in litigation.

C. Unused Post Election

All unused ballots will be placed in the designated ballot box at the end of the election process on Election Day. All materials stored in ballot boxes will be destroyed after one (1) year unless in legal litigation.

D. Absentee Ballots

Any ballot returned as completed Absentee, or Emergency Ballot will be date stamped and secured in the locked file cabinet located in the Election Commission office.

Ballots will be removed on the morning of the election and become part of the morning process. These ballots will become a part of the election records stored in the absentee ballot box at the end of the counting process.

Section 4. Number of Ballot Boxes

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

A. Three sets distinguished by:

1. Red tape for Primary Election
2. Yellow tape for Run-Off (Annual) Election
3. Black tape for any other election

B. Sets are to be rotated.

Section 5. Maintaining Ballot Boxes

A. All ballot boxes will be stored in the locked cage for one (1) year and opened when cycled in the rotation.

B. Ballot boxes will be locked with two (2) locks with different keys kept by the Election Commission and the Tribal Judge.

C. Ballot boxes can only be removed from the cage and opened in the presence of an Election Commission Member and a Court Representative.

D. All ballot boxes are stored with the opening secured with tape. The tape will be signed by at least one (1) Commissioner, the Judge, and one (1) Police Officer. The tape will be used throughout the day and be signed at each election step

ABSENTEE BALLOT BOX (signatures)

A.M.	P.M.
Judge Commissioner Police	Judge Commissioner Police

LITTLE AXE AND SHAWNEE BALLOT BOXES (signatures)

A.M.	8 – 6	P.M.
Judge Commissioner Police	1 st voter (a.m.) Last voter if present at 6:00 p.m.	Judge Commissioner Police

Section 6. Opening of Boxes-Election Day

- A. The opening of the ballot box(s) shall be witnessed by the Election Commission and one (1) member from the Tribal Court.
- B. Boxes will be secured from the locked cage in the presence of the Judge, Election Commissioner, as well as, a Police Officer and delivered to the Courtroom.
- C. Boxes will be opened and all materials removed. Boxes will be shown to all people present to assure that they are empty.
- D. The tape will be placed on the opening.
- E. Locks will be placed on the Shawnee, and Little Axe boxes and these boxes will be placed in public view.
- F. The unlocked Absentee Ballot box will be used in the morning process. At the end of the morning process, the absentee ballot box containing the Absentee Ballots will be locked and moved to the Shawnee Poll. The box will be placed in public view until the end of Election Day at which time the box will be returned to the courtroom for the evening process.
- G. The Little Axe box will be transported to the Little Axe poll. The box will be accompanied by one (1) Commissioner and transported in a police vehicle.
- H. The Shawnee box, along with the Absentee Ballot box, will be hand carried to the Shawnee Poll. The boxes will be accompanied by one (1) Commissioner and one (1) police officer.
- I. All ballot boxes must be within the view of one (1) Commissioner throughout the day.
- J. At the closing of the polls at 6:00 p.m., all boxes are transported back to the courtroom.
- K. Boxes are to remain within the view of one (1) Commissioner until the evening counting process begins. After re-convening, Cross Checking of the Little Axe and Shawnee Registry books will be done to make sure that no one has voted more than once; this is done before the counting process begins.
- L. During the evening counting process, one (1) box at a time is opened and tallied. The order is determined by the Commission.
- M. Upon completion of the tallying of each box.
 - 1. The box is shown to all present to make sure that all ballots have been removed and tallied.

2. Tally sheets are compared and checked to ensure that all tally sheets reflect the same number of votes and are signed by all parties.
- N. All pertinent materials are placed into the empty ballot box, and the box is locked and placed in clear view. The tape covered opening remains intact.
1. Spoiled ballots placed in Little Axe Box and Shawnee Box
 2. All ballots used and unused.
 3. Spoiled absentee ballots
 4. Verification list of absentee voters.
 5. Tally sheets
- O. After completing the election counting process, an unofficial election count is announced. All three (3) boxes are transported back to the locked cage for storage. The boxes are transported by an Election Commissioner, the Judge, and the Police.

Section 7. Layout of Ballot

- A. Executive Committee positions listed in order of status.
1. Alternate year election listed together same election year.
Governor and Tribal Secretary
Lieutenant Governor, Tribal Treasurer and Tribal Representative.
- B. Election Commission position listed in order of status: three (3) year rotation.
1. Position listed in same election year.
Election Commissioner and Election Commission Secretary
Deputy Commissioner and Commission Member #1
Commission Member #2
 2. Any referendum voting listed in the order of the passage of the question up for a vote.

Section 8. Candidates

- A. Placement is determined by order of filing.
- B. Name printed as listed on the filing packet.

Section 9. Font

- A. Determined at time of printing and will be based on:
1. A number of positions.
 2. A number of candidates.
 3. Font style will be Times New Roman.

ARTICLE XIII INSTALLATION OF OFFICERS.

Section 1. Protest

- A. Upon receipt of a protest which must be accompanied with a non-refundable filing fee of \$500.00, the office staff will date stamp and notify the Election Commissioner that a protest has been filed. The Election Commissioner will schedule a meeting within five (5) business days to review the protest.

- B. After meeting, the Commission will notify the protestor and all opponents of their decision.
- C. Any tribal member (voter or candidate) may protest any part of an election within five (5) business days of notification of election results.
- D. Election results include the following:
 - 1. Accepting candidates, a protest can be filed on any component of the filing packet.
 - 2. Certification of candidacy.
 - 3. Election Procedures.
 - 4. Election Results.
- E. The protest must be submitted based on Article XIV of the Ordinance.

Section 2. Certification of Election–Posting

- A. Both the unofficial (posted p.m.) election day and the official (posted after certification of election) results will be posted on the back door of Building 3 on the Tribal Complex and on the front door of the Little Axe Resource Center.
- B. Results will remain posted for at least ten (10) business days.
- C. Results will be published in the next issue of the Tribal Newsletter.

Section 3. Installation of Officers

The installation of officers will take place within five (5) business days. The Oath of office will be officially administered at the specified date, time and location to be determined by the Election Commission. In the event of a protest, the installation will cover only the uncontested positions. As soon as the protest process is over, candidate(s) affected by the protest will be notified and will receive the Oath of Office at the discretion of the Election Commission.

Section 4. Oath of Office

- A. The Oath will be administered by an Election Commissioner.
- B. The Oath will be administered individually.
- C. The Oath will be administered in a public venue in a place and date determined by the Election Commission.
- D. The Election Commissioner will ask the officer to raise right hand and repeat the Oath.
- E. The official will be presented with two (2) Oath certificates to sign. The original certificate is given to the Official. The black and white copy will be retained by the Commission for official records.

ARTICLE XIV SETTLING OF DISPUTES

Section 1. Protest

- A. The protest must be filed by voter or candidate within five (5) business days of election results and follow the Election Ordinance. A non-refundable filing fee of five hundred dollars (\$500.00) is to accompany a protest letter.

- B. Notification:
1. Office staff will notify Election Commissioner that a protest has been filed.
 2. The Commission must respond to protest within five (5) business days.
 3. Fee for filing protest (\$500.00). (Non refundable)
 4. Respond to protest within five (5) business days.

Section 2. Decision of Election Commission

The decision of the Election Commission is sent to the protestor via regular mail, as well as, by certified mail. The decision of the Election Commission is sent to the opponent(s) by regular mail only.

Section 3. Appeal Process

The protestor is notified of the Appeal Process

Section 4 Right to Counsel

The Protestor is advised of Right to Counsel included in the decision letter.

ARTICLE XV CONFLICT OF INTEREST/NEPOTISM

Section 1. Definition of Conflict of Interest/Nepotism

Any person holding elective office in the Absentee Shawnee Tribe shall have the responsibility to disqualify herself or himself in the event of a conflict of interest. A conflict of interest shall include but not be limited to the office holder's ability to decide without any bias, any matter that affects that person's immediate family, personal or business interest.

Section 2. Nepotism

Nepotism shall be prohibited by the Election Ordinance. Nepotism means that no two (2) people from an immediate family will hold positions on any commission, committee, council or board, nor shall any two (2) members of an immediate family be officials on the same elective body.

Section 3 Procedures for Acceptance of Candidates

- A. All candidates must submit a completed packet.
- B. The incumbent has the first option if he/she chooses to run for re-election to the position being held. The immediate family member(s) will be eligible to run for the same position on the same elected body as the incumbent.
- C. If an immediate member is already holding office or is an incumbent in an upcoming election, that person will be given first priority to run.
- D. In the event that two (2) members from an immediate family file for two (2) separate positions on the same body and neither is an incumbent, the family member, who submits a completed filing packet at the earliest date and time, as recorded by the Election Commission, will be accepted. The other family member, who submitted a filing packet for another position, will be given an option to run for the same position

declared by the family member, who submitted first. If the immediate family member chooses not to run for the same position as their immediate family member, the Election Commission will not accept their candidacy packet and will return their filing fee.

- E. It will be the responsibility of the potential candidate to check with the Election Commission's form posted on the door to ensure that they do not have an immediate family member who has submitted a filing packet for a position different than they are filing for.
- F. It will be the responsibility of the potential candidate to determine if he/she has an immediate family member seated on the elective body that he/she chooses to file for.
- G. It will be the responsibility of the Election Commission to post on the Election Commission door during business hours a list of tribal members, who have requested a filing packet.
- H. It will be the responsibility of the Election Commission to post on the Election Commission door during business hours a list of tribal members, who have submitted a filing packet. The list shall include date, time of submission and the declared position.
- I. It will be the responsibility of the tribal member to obtain this information in person, as the information on the form will not be disclosed by phone.
- J. If the filing packet is not accepted, the tribal member will be notified by mail with the reason stated.
- K. The tribal member can request an Administrative Hearing in writing within five (5) business days of notification that their packet has not been accepted.

Section 4. Procedures for Certification of Candidates

- A. The Election Commission will meet and review the completed packets to certify that the candidate meets all requirements.
- B. A checklist will be completed on each candidate ensuring that they have met all requirements. This checklist will include the signature of each commissioner ensuring that all requirements have been met.
- C. A letter will be sent notifying potential candidates that they have met all requirements and have been certified as a candidate and their name will be placed on the ballot.
- D. In the event that a candidate does not meet all requirements, they will be notified by mail as to which requirements have not been met. They will be asked to provide the additional information prior to certification. They will be notified in writing that their name will not be placed on the ballot until all requirements are met.

ARTICLE XVI RECALL OF OFFICIALS

Section 1. Compliance with Articles VI, Section 7 (D) and Article VII, Section 1, 2, and 3 of the Constitution of the Absentee Shawnee Tribe.

Section 2. Recall Petition

Hand delivered by petitioner to the Election Commission office. Within 24 hours, Staff notifies the Election Commissioner that a petition has been received. Within 48 hours, Commission members shall be notified that a petition has been received. A special meeting shall be called within five (5) business days.

Section 3. Recall Petition: Filing Fee

A five hundred dollar (\$500.00), non refundable fee is required.

Section 4. Recall Petition: Conditions for filing a petition.

Thirty percent (30%) of eligible voters must sign the petition. A reason for the recall must be stated in the petition pursuant to Article XVI in the Election Ordinance. Only one person from the same board can be recalled. One (1) registered voting tribal member will act as spokesperson.

ARTICLE XVII INITIATIVE PETITIONS

Section 1. Twenty percent (20%) of all eligible voters must sign the petition.

Section 2. Determine the validity of the petition; hold an election within sixty (60) days.

Section 3. Failure to hold an election in sixty (60) days, petitioner(s) has the option to file with the Tribal Court.

Section 4. Reason stated for the petition.

Section 5. Absentee balloting and secret balloting in Initiative petitions.

POLICIES

ADMINISTRATIVE WORK HOURS FOR COMMISSIONERS

(Adopted July 12, 2012)

It shall be the Policy of the Election Commission to allow Commissioners to work on Administrative pay when the work arises. It shall be the policy of Election Commission to allow Commissioners to work on projects when needed.

1. The project must be approved by the Election Commission. A quorum will suffice.
2. The project must be of the nature that Commissioners' participation is necessary to assure completion of the project.
3. The project is not a duty to be performed by the staff.
4. The project is not a part of the Election process.
5. The project can be performed by one commissioner or the whole commission.

Possible work situations list, but not limited to:

1. Revise Ordinance
2. Set up Computer Program
3. Set up the office (environment)
4. Set up a filing system
5. Write Policies and Procedures
6. Research on pertinent data
7. Prepare for the General Council
8. Prepare and conduct community meetings to educate tribal members on the Ordinance and the Election Process
9. Prepare for any legal actions
10. Revise, draft or compile forms, necessary for documentation of Election Commission duties

Commissioners shall be paid at the rate of the Administrative Assistant. Pay should be charged to the Tribal budget and should not be more than hours budgeted. Any special project, not included in the day to day operations of the Election Commission, shall be performed and pay to be budgeted as additional money in the budget. This is either money applied to existing budget or incorporated with another budget, i.e., as part of the Constitutional Revision Committee budget. The same is so with co-projects with other tribal entities.

SAFETY POLICY
(Adopted May 9, 2013)

To assure the safety of people at the polling sites on Election Day, the authority to assure the safety of all people present will be placed with the Police Department.

The Police Department will follow their standard operating procedures for any situation that arises. Any safety issue does not need the input of the Election Commission.

Any situation that arises will be logged in the police log for the poll site, as minutes are not taken at the polls during the election process. Depending on the situation, the log may or may not become a part of the election records. This decision rests solely on the recommendation of the police department.

GENERAL COUNCIL REGISTRATION POLICY

(Approved October 8, 2015)

Amended June 9, 2016

The Election Commission retains oversight over registration at General Council meetings in order to qualify the Tribal members, who sign in, as registered voters.

The staff of the Executive Committee Secretary's Office will provide the computer runs of eligible voters, sign-in sheets, General Council Books, voter/guest stickers and any other materials provided for handouts.

The Election Commission will assure that the following are followed:

1. Each tribal member will show a valid ID (CDIB, valid Driver's License or valid State I.D.) prior to signing in.
2. Each tribal member will be issued one "VOTER" identification sticker at the time of signing in. **No replacements for lost stickers.**
3. Each tribal member must sign-in and receive their sticker in person.
4. The Secretary's staff will be responsible for the set up of the meeting space, and assignment of tables and all activities associated with the Tribal Secretary's responsibility.

This policy is to assure that any voting at a General Council meeting meets the standard of a "fair and honest" vote.

ELECTION DAY POLICY
SEVERE WEATHER, THUNDERSTORM AND LIGHTNING SAFETY
(Adopted June 9, 2016)

Tribal Police Dept. - Shawnee

1. Shelter in Place
2. There is no safe room in the police department building, shelter in the bathrooms
3. Stay away from windows and doors
4. Alternatives are the basement of Court Building and Building Blocks safe room.
The alternative is the Multi-Purpose/Storm Shelter center.

Resource Center –Little Axe

1. Shelter in place
2. Shelter in the designated safe room on the south side of the building
3. Stay away from windows and doors

Other Precautions

1. If there is lightning, avoid contact with corded phones and devices plugged in.
2. Cordless and wireless phones not connected to outlets are ok to use
3. Avoid contact with electrical equipment or cords
4. Do not lie on concrete floors and do not lean against concrete walls

Commissioner's Responsibilities:

1. Collect all paper work-(register book, ballots)
2. Ballot box
3. All these items are to be taken to the safe area with you.

POLICY: ACQUIRING LEGAL REPRESENTATION

Policy: May 11, 2016

Original Date March 15, 2006

In acquiring legal representation, the following steps need to be followed.

1. Contact the Attorney General of the Tribe who is authorized to represent any entity of the Tribe.
2. After discussing the case with the Attorney General, the Commission will be advised on what further steps will need to be taken.
3. If a conflict of interest should arise with the Attorney General and the Election Commission concerning a case, an outside attorney will be retained after approval from the Executive Committee.
4. If these steps are not followed, or a contract with an attorney is not approved by the Executive Committee before retaining the attorney, the Election Commission will be responsible for the payment of the attorney.

MEDIA PUBLICATIONS
[Adopted July 12, 2012]
Revised September 11, 2014

It shall be the policy of the Election Commission to publicize pertinent election information in the Tribal Newsletter and to place the information on the Tribal website.

Information will be provided to the Media Department by the designated deadline dates. Press ready publications are to be provided. Submissions (Articles or Publications) can be submitted to the Media Department by mail, e-mail or fax.

It will be the responsibility of the Election Commission to pre-approve all Media releases, and it will be the responsibility of the Administrative Assistant to provide those to the Media Department by the designated deadline. The Administrative Assistant will file a paper trail to document that transmittals are done in a timely manner.

The following monthly publications will be submitted, but do not constitute a final publication list as the Election Commission reserves the right to publish any additional information if any special need arises ex. (special elections, protest information, ordinance revisions, etc.)

JANUARY

1. List positions open, qualifications, fees.
2. Absentee Ballot Request Form.

FEBRUARY

1. List People who filed candidacy packets
2. Absentee Ballot Request Form.

MARCH

1. Sample ballots
2. Poll Locations
3. Voting Times
4. Article on Poll behavior

APRIL

1. Unofficial results submitted April Newsletter
2. Absentee Ballot Request (for June Election)

MAY

1. Official results submitted May Newsletter
2. Absentee Ballot Request form (June Election)

JUNE

1. Sample Ballot
2. Poll Location
3. Voting Times
4. Article on Poll behavior
5. Oath ceremony information-website and employee e-mail only.

JULY

1. Official Election Result

AUGUST Open

SEPTEMBER Open

OCTOBER

1. **Audit Report for General Council book (not for newsletter)**

NOVEMBER

1. Positions open for the next Election Cycle.
2. Qualifications
3. Fees

DECEMBER

1. Positions open for next Election cycle
2. Filing period must file January 1st through 10th.
3. Prospective Candidates should consult Election Ordinance for all procedures.

The Election Commission is not responsible for publicizing any information on behalf of any individual candidate.

ALTERNATE POLICY
(Approved May 11, 2017)

Alternates must meet all requirements of candidacy.

Alternates will be re-evaluated every three (3) years.

Alternates will be identified by listing on a spreadsheet located on the wall in the Election Commission Office.

If they meet all the qualifications—we re-certify. No oath is given since the prior oath is still in effect.

Alternates are called up for service as needed. Inactivity does not result in loss of alternate status.

Alternates remain on the active list until:

1. A letter of resignation is submitted. Failure to meet qualifications, which leads to disqualification and removal from the list.
2. Alternates are bound by rules of Forfeiture. (Absentee Shawnee Tribal Constitution-Article VII-Section 3)
3. They sign and acknowledge the confidentiality statement.