



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.