KAW NATION

ELECTION ORDINANCE

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SECTION 1. TITLE

This Ordinance shall be cited as the Kaw Nation Election Ordinance.

SECTION 2. AUTHORITY

This Election Ordinance is enacted by the General Council of the Kaw Nation, pursuant to Article IX of the Constitution of the Kaw Nation, ratified on August 20, 2011, as amended April 29, 2016.

SECTION 3. REPEAL

This Ordinance shall repeal in its entirety and supersede the Kaw Nation Election Ordinance of 2014, as amended and any other election law in effect at the time of passage.

SECTION 4. PURPOSE

The purpose of this Election Ordinance is to establish guidelines, rules, and orderly procedures for tribal elections conducted by the Kaw Nation.

SECTION 5. DEFINITIONS

The following terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

(a) "Commissioner" means Commissioner of the Election Board, except as otherwise specified.

(b) "Constitution" means the Constitution of the Kaw Nation.

(c) "Election" means a process to select a person to serve in a position as identified in the Constitution, or to decide an issue by Qualified Voters.

(d) "Election Board" means a body of persons empowered to conduct the Kaw Nation elections. This body shall be nominated by the Tribal Council and approved individually by a Majority Vote of Kaw Nation citizens present and voting. The persons composing the Election Board may be referred to in this document as members of the Election Board when not being addressed by specific official title as further described in Section 7, below.

(e) "Executive Officer" means the Chair, Vice-Chair, and/or Secretary of the Kaw Nation.

(f) "General Council" means all citizens of the Kaw Nation who are eighteen years of age or older at the time of a General Council meeting, and who have not been previously adjudged mentally incompetent by a court of competent jurisdiction.

(g) "General Election" means the election held on the second (2nd) Sunday of September in even-numbered years.

(h) "Impeachment" means the right or procedures to remove an Executive Officer, Tribal Council member or the Attorney General from office by the members of the General Council or

by the Tribal Council of the Kaw Nation, pursuant to Article XI of the Constitution of the Kaw Nation.

(i) "Initiative Election" means an election to decide an issue by a vote of the General Council after a proper Initiative Petition has been certified by the Election Board of the Kaw Nation.

(j) "Majority Vote" means more than fifty percent (50%) of the valid ballots cast are in favor of the person or issue being decided.

(k) "Petition" means a formal request in writing, and signed by a required number of Qualified Voters to:

1) recall an Executive Officer or a member of the Tribal Council from office pursuant to Article XI, Section 2 of the Constitution of the Kaw Nation,

2) propose an Initiative or Referendum action as defined by Article XII of the Constitution of the Kaw Nation, or,

3) amend the Kaw Constitution as defined by Article XIII of the Kaw Constitution.

(l) "Eligible to Vote" means a citizen of the Kaw Nation who is 18 years of age or older on the date of an election.

(m) "Recall" means the removal of an Executive Officer and Tribal Council member from office by the members of the General Council or the Tribal Council pursuant to Article XI of the Constitution of the Kaw Nation.

(n) "Referendum Election" means an election to decide any resolution or other action of the Tribal Council after either a proper Referendum Petition has been certified by the Election Board or upon a resolution approved by a Majority Vote of the Tribal Council requesting the election.

(o) "Special Election" means any election held that is not on the General Election date. This includes, but is not limited to, initiative elections, referendum elections, run-off elections, and constitutional amendment elections.

(p) "Staggered Term" means members of a body serve the same length of time (i.e. four years), but with the terms beginning and ending on different dates as defined by law.

(q) "Tribal Council" means the body established by the Constitution of the Kaw Nation, and comprised of the following officers: Chair, Vice-Chair, Secretary, and four council members.

(r) "Tribal Court" means the Supreme Court of the Kaw Nation and such inferior Courts as may be established by tribal law.

(s) "Vacancy" means an unoccupied elected position, judicial position or other position created by law.

(t) "Voting" means an expression of preference by a secret ballot.

SECTION 6. ELECTION BOARD

The Kaw Nation Election Board was established by the Constitution and shall have the duties and powers hereinafter cited. The Kaw Nation Election Board shall conduct all tribal elections in compliance with the Constitution of the Kaw Nation and this Ordinance.

COMPENSATION: Election Board members shall be paid as follows:

1) For meetings of the Election Board: Seventy-Five Dollars ($75.00) per meeting.

2) For General Elections where votes are counted by the Election Board: One Hundred and Fifty Dollars ($150.00).

3) For Special Elections where votes are counted by the Election Board: Seventy-Five Dollars ($75.00).

To receive compensation, Election Board members must be present at the meeting or election and participate in the activities being conducted therein.

SECTION 7. ELECTION BOARD COMPOSITION

(a) The Election Board members shall be nominated by the Tribal Council and confirmed individually by a Majority Vote of the General Council members present and voting at a duly-called meeting of the General Council pursuant to the authority provided in Article IX, of the Constitution of the Kaw Nation. It shall consist of five (5) members who shall serve four (4) year staggered terms.

The Election Board shall be composed of: Commissioner, Sergeant at Arms, Clerk, Member, and Teller.

(b) At the General Council meeting in which the Election Board members are confirmed the members of the Election Board shall serve staggered terms of office. Three (3) members will serve four (4) year terms, and two (2) members will serve for two (2) year terms. This provision shall only apply to the first set of nominations after the passage of this act. Thereafter, all members of the Election Board shall serve four (4) year terms of office.

(c) The Election Board shall determine which elected member shall serve in each position of the board, by Majority Vote of the Election Board members at the first regular meeting of the Election Board after an election in which one or more members has been replaced. The Election Board shall establish and promulgate policies and procedures that allow the members to change positions on the Election Board. The Election Board shall not change the positions in the one hundred (100) days before any election except in cases of death or resignation.

(d) The Election Board shall prepare or arrange for supplies, printed ballots, tally sheets, lists of voters, site preparation and other materials necessary to conduct an election.

(e) The Tribal Council shall cause a budget to be prepared and sufficient funds to be set to compensate the Election Board members, and other costs of conducting an election, in compliance with the Kaw Nation Budget and Appropriations Act of 2017.

(f) Election Board members shall refrain from any and all partisan activity on behalf of or against any candidate, incumbent, or issue in any election conducted under the procedures of the Constitution and this Ordinance. Election Board members shall have the right to vote as they choose in such elections so long as the vote cast is kept secret and not revealed to any citizen of the Kaw Nation. Election Board members shall be disqualified from office and removed by the Tribal Council, on its own challenge or that of a Qualified Voter, if the member is unable to serve impartially, including, but not limited to, being closely related to the candidate or incumbent; shows partisanship to any candidate, incumbent, or issue; or otherwise fails to perform the duties of an Election Board member in a proper and timely manner. Removal by the Tribal Council is final with no right of appeal to any other body. Removals for partisanship or failure to maintain impartiality shall be for time of the election in question only and the member shall be reseated on the Election Board after completion of the election, including any run-off, recount or election dispute. The Tribal Council shall temporarily fill the vacancy on the Election Board for the election in question.

(g) The Election Board may at its discretion appoint poll workers to assist in the running of any election.

SECTION 8. DUTIES

The individual duties of the Election Board members described in Section 6 of this Ordinance are as follows:

(a) Commissioner shall be the presiding member and shall be responsible for the overall activities of the Election Board, including safekeeping of the ballots and the ballot box(es).

(b) Clerk shall record and maintain accurate minutes of all Election Board meetings and all records pertaining to an election.

(c) Sergeant at Arms shall maintain order at the polls and enforce the election laws. The Sergeant at Arms shall have these powers from the time the polls open until the declarations that all election results are final.

(d) Teller shall assist in the counting of ballots and other election-related duties.

(e) Member shall perform all duties as assigned by the Election Board.

SECTION 9. MEETINGS

(a) Meetings of the Election Board may be called at any time by the Commissioner or at the request of any three (3) Election Board members. If the Election Board Commissioner fails to call a meeting as requested by the three (3) members of the Board, the Election Board may convene upon notification to the Tribal Council.

(b) A quorum shall consist of three (3) members of the Election Board. No enactment or resolutions of the Election Board shall be valid in the absence of a quorum.

(c) All meetings of the Election Board shall be open to citizens of the Kaw Nation.

(d) Notice of Meetings of the Election Board shall be posted on the door of the Headquarters of the Kaw Nation at least five (5) days prior to said meeting.

(e) The Election Board shall only go into Executive Session to discuss confidential issues relating to a candidate's eligibility to run for office.

SECTION 10. RECORDS

The Election Board shall maintain complete and accurate minutes of its meetings, and all records pertaining to an election. A copy of these records shall be filed with the Secretary of the Kaw Nation within five (5) days of the conclusion of any meeting or election. Certified election results shall be maintained as a permanent record of the Kaw Nation. Ballots shall be held at least six (6) months after the election results are certified. Thereafter, they shall be destroyed in accordance with the written policies and procedures of the Election Board. Any citizen of the Kaw Nation will be entitled to a copy of written policies and procedures of the Election Board upon written request submitted to the Secretary of the Kaw Nation

SECTION 11. BALLOT BOX

(a) Each ballot box used for an election shall be affixed with two (2) locks and fitted with only one (1) opening of sufficient size to admit a single folded ballot. There shall be no less than two (2) ballot boxes provided during an election. At least one ballot box shall be located at the polling place for the placement of physical ballots completed at the polling place. At least one additional ballot box shall be located at convenient locations for storage of absentee ballots.

(b) The Commissioner shall deliver the ballot box(es) to the poll, empty of all material, where he/she will close and lock the box in the presence of no less than two (2) poll workers or Election Board members as witnesses.

(c) The Commissioner shall cause a ballot box to be provided to accommodate the absentee ballots.

(d) One key to the ballot boxes shall be maintained by the Commissioner during the election period and one key to the ballot boxes will be maintained by the Kaw Nation Tribal Chief of Police or his designee. The designee must be a commissioned officer of the Kaw Nation Police Department.

(e) In the event the Election Board chooses to hire an outside vendor to assist in the conducting of an election that involves the use of an optic scan ballot, any machine used shall count as a ballot box under this Section and may use alternate methods of securing ballots that are at least as restrictive as the methods described herein.

SECTION 12. TRIBAL COUNCIL

As provided in Article V of the Constitution of the Kaw Nation, a body shall be elected and called the Tribal Council. Pursuant to Article V, Section l(A) of the Constitution of the Kaw Nation, the Tribal Council shall be composed of three (3) officers, and four (4) members elected by Qualified Voters.

The Tribal Council shall consist of the following officers, as set by the Constitution:

Chair	Council Member #2
Vice-Chair	Council Member #3
Secretary	Council Member #4
Council Member #1	

SECTION 13. TRIBAL COUNCIL ELIGIBILITY

A. A prospective candidate for elected office of the Tribal Council must meet the requirements in Article IX, of the Constitution of the Kaw Nation. Those requirements are:

(1) be a member of the Kaw Nation General Council; and

(2) be not less than twenty-five (25) years of age on the date of the election; and

(3) be one-thirty-second (1/32) degree or more of Kaw Indian blood; and

(4) have earned a high school diploma or passed a General Educational Development (GED) test.

B. Disqualification:

(1) Candidates for an elected office of the Tribal Council shall be disqualified if they have been convicted of a felony or other crime involving moral turpitude under the laws of the Kaw Nation, the United States, any Indian tribe, band or nation or any state, territory or possession thereof, by a court of competent jurisdiction, unless pardoned therefor;

(2) Candidates for an elected office of the Tribal Council shall be disqualified if they have been removed or recalled from office on the Kaw Nation Tribal Council within the past seven (7) years;

(3) Candidates for an elected office of the Tribal Council shall be disqualified if they have resigned from holding office on the Kaw Nation Tribal Council while an action to remove him/her was pending within the past seven (7) years; and

(4) No person shall be a candidate for more than one (1) elected office at any election or hold more than one (1) elected office in the Kaw Nation at any one time.

SECTION 14. TENURE OF OFFICE

A. The Tribal Council Members elected prior to passage of this Ordinance shall serve until their prescribed term of office expires and their successors are duly elected and installed, provided they are not recalled, impeached, nor have they resigned.

B. All elected officials covered by this act shall be limited to two (2) consecutive full or partial terms of office and shall not be eligible to seek any elected office in the Kaw Nation for a period of two (2) years after leaving office.

C. Any official serving at the time of ratification shall not be ineligible on account of this section from serving, if re-elected, to one additional term of office consecutive to the term being served at the time of ratification.

SECTION 15. CANDIDATE FOR OFFICE.

A. Any qualified citizen of the Kaw Nation who desires his/her name to be placed on the ballot as a candidate for Tribal Council office shall file a declaration of candidacy with the Election Board. The declaration of candidacy must be in writing, under oath and filed in person at a time and date for each election appropriately announced by the Election Board. The statement must show his/her name and the office for which he/she desires to become a candidate. For every General Election, the filing period for candidates to file for Tribal Council office shall be the third week of June, Monday through Friday at the Kaw Nation Administration Building, during normal business hours.

B. In the event only one (1) candidate files for elected office of the Tribal Council, the candidate must meet the qualifications set forth in this Ordinance and in Article IX, Sections 2 and 3 of the Constitution. If the candidate meets the qualifications, the election will still be held, and the uncontested candidate will be elected by default.

SECTION 16. FILING FEE

A. There shall be a non-refundable filing fee of three hundred dollars ($300.00) for a prospective candidate for an elected position of the Tribal Council. The filing fee shall be paid by certified check or money order payable to the Kaw Nation Election Board. The filing fee shall be paid on the same date the prospective candidate submits his/her declaration of candidacy. This filing fee shall be used to defray expenses incurred during the election.

B. Each candidate shall complete and file with the Election Board, a Final Fund Contributor Disclosure Information Form no later than fourteen (14) days from the close of the election, regardless of the outcome of the election. Candidates may request a copy of this form from the Kaw Nation Election Board. Failure to file this statement shall result in disqualification from office until such time as the candidate submits the required forms, and/or criminal penalties.

SECTION 17. WITHDRAWAL

A candidate for office may withdraw by filing a written notice of withdrawal with the Election Board. Such notice shall contain the candidate's name and the office for which he/she was a candidate. If a person withdraws from any office the filing fee shall not be refunded.

SECTION 18. RESERVED

SECTION 19. CERTIFICATION OF CANDIDATES

The Election Board shall review all filings for Tribal Council office, whether challenged or not, to determine that the prospective candidate meets the qualifications set forth in this Ordinance and Article IX, Sections 2 and 3 of the Constitution. Background checks will be performed on all candidates. The Election Board shall notify all persons who file for office by certified mail,

return receipt requested, of the determination and if the candidate is not certified, the determination shall state the reason(s) for the decision.

SECTION 20. CHALLENGE OF CANDIDATES

Any Qualified Voter may challenge the eligibility of any person to be a candidate by filing, with the Election Board, a written challenge setting forth the grounds for the candidate's ineligibility. Any such challenge shall be filed within eight (8) days after the closing of the filing period. Each challenge must state the reason(s) the candidate is not eligible to file for office.

SECTION 21. PROCEDURE FOR HEARING

Upon receiving a petition challenging a candidate, the Election Board Commissioner shall deliver a copy by certified mail, return receipt requested to the challenged candidate within five (5) days setting the matter for hearing within ten (10) days from the receipt of the Petition. No formal pleading shall be required. The Election Board shall hear witnesses and take written testimony under oath pertaining to the candidate's qualifications. In all cases, the burden of proof shall be on the petitioner. The decision of the Election Board shall have the full force of law. Appeals of the decision of the Election Board shall be to the Kaw Nation District Court and shall be final.

SECTION 22. VACANCIES

(A) Vacancies in an Executive Office or Tribal Council

A vacancy in the office of either an Executive Officer or a Tribal Council member, which results from death, resignation, forfeiture, removal, or recall may occur.. A vacancy in those positions shall be filled in accordance with Article IX, Section 4 of the Constitution. A person elected to fill a vacant position on Tribal Council or an executive office shall serve the remainder of the unexpired term or until death, impeachment, recall, resignation or by other circumstances. In the event a person serves a partial term, it shall be counted as a full term when calculating term limits. The Chair of the Tribal Council, or a person who is authorized to act in that capacity, shall declare, no later than ten (10) days after its occurrence, that a vacancy exists and request a special election be held to fill the vacancy by filing the request with the Election Board Commissioner. The Special Election will be held no later than sixty (60) days from the date the vacancy occurs.

(1) If a vacancy occurs with more than eighteen (18) months remaining in the term of office, a Special Election shall be conducted in compliance with the requirements in this Ordinance and the Constitution.

(2) The filing fee due to file for a vacancy shall be one hundred fifty dollars ($150.00). If there is less than eighteen (18) months remaining in the term of the vacancy, the filing fee shall be waived.

(3) The Special Election shall be conducted by the Election Board on a date set for that purpose.

(4) If a vacancy occurs within the final eighteen (18) months of the term of office, the Chair of the Tribal Council shall announce the vacancy within ten (10) days of its occurrence, and an individual shall be elected to fill such vacant positions at the next regular General Council meeting by a Majority Vote of the Kaw Nation citizens present and voting.

(5) Candidates must meet the requirements in Section 12 of this Ordinance and shall be nominated from the floor.

(6) Elections shall be by a secret ballot.

(7) The first nominee receiving a Majority Vote of the votes cast in this election shall fill the vacancy for the unexpired term.

(8) If no person nominated receives a Majority Vote, the Election Board shall remove the nominee receiving the lowest number of votes and have a run-off election. The run-off election in this case shall immediately follow the election at General Council. The Election Board shall repeat this process as many times as is necessary in order to ensure a candidate is elected by a Majority Vote.

(B) Vacancies in the Attorney General's Office

A vacancy in the Attorney General can occur. When the position of Attorney General is vacant, the Tribal Council shall present three (3) candidates for the position to the General Council. The General Council will select one of the candidates. A person elected to fill a vacancy as Attorney General shall serve a three-year term beginning on the date of their election pursuant to Article VII of the Constitution.

(1) Elections shall be by a secret ballot.

(2) The first nominee receiving a Majority Vote of the votes cast in this election shall fill the vacancy and serve a three year term.

(3) If no person nominated receives a Majority Vote, the Election Board shall remove the nominee receiving the lowest number of votes and have a run-off election. The run-off election in this case shall immediately follow the election at General Council. The Election Board shall repeat this process as many times as is necessary in order to ensure a candidate is elected by a Majority Vote.

SECTION 23. ELECTION NOTICE

The Election Board shall prepare an Election Notice. The Election Notice shall be posted in the Kaw Nation Administration Building, the Housing Authority, the Kanza Health Clinic and on the Kaw Nation Website. The Election Notice shall include, but not be limited to, the following information:

(1) Election date;

(2) Purpose of the Election;

(3) Polling places;

(4) When and where the results of the Election will be posted;

(5) Filing period for candidacy and candidacy fees;

(6) Process for obtaining an absentee ballot.

SECTION 24. VOTER QUALIFICATIONS

A Qualified Voter shall be:

(1) An enrolled Citizen of the Kaw Nation;

(2) Who is eighteen (18) years of age or older on the date of election; and

(3) Who has not been adjudged as mentally incompetent by a court of competent jurisdiction.

SECTION 25. VOTER LISTS

A. The Election Board shall review the Kaw Nation Citizenship roll to determine the Qualified Voters. The Election Board shall complete and certify an official list ("the Qualified Voter List") of Qualified Voters in alphabetical order, separating those who have requested Absentee Ballots, and shall post one each of these lists in the Kaw Nation Administration Building, Kaw City, Oklahoma; Kanza Health Clinic, Newkirk Oklahoma; and the Housing Authority at Newkirk, Oklahoma; five (5) days before an election. The certified Qualified Voter List shall only contain the names of persons and no other identifying information. Only those persons whose names appear on the Qualified Voter List shall be permitted to cast ballots in the Kaw Nation election. One copy of the Qualified Voter List shall be posted at each polling area. This procedure will not apply to elections that occur at General Council to fill a vacancy when less than eighteen (18) months remain in the term of office when the vacancy occurs.

B. Qualified candidates wishing to send election-related letters to tribal citizens shall may use the following procedures:

1. A fee of one hundred fifty dollars ($150.00) will be paid to the Enrollment Office for the purchase of a set of mailing labels. This fee is non-refundable.

2. Candidates shall be responsible for mailing out their own election-related letters and materials to tribal citizens.

SECTION 26. ABSENTEE VOTING

Whenever a Qualified Voter will be absent from a polling place, and upon receipt of a signed written request, the Election Board shall mail an Absentee Ballot to a voter. A voter who requested an Absentee Ballot shall not be permitted to vote in person at any polling place. All requests for Absentee Ballots shall be received by the appointed member of the Election Board, either through personal request delivered to the Kaw Nation Administration Building, Kaw City, Oklahoma, by mail to the appointed member of the Election Board or by fax to the Election Board no later than thirty (30) days prior to the Election date. All requests for Absentee Ballots

must contain the signature of the Qualified Voter to be valid. Signatures on Absentee Ballots received by mail or facsimile shall be compared to signatures on file in tribal enrollment to determine authenticity. Absentee Ballots must be returned by mail on or before the date of the election in order to be valid.

SECTION 27. SECRET BALLOT

All voting conducted under the provisions of the Kaw Nation Election Ordinance shall be by secret ballot.

SECTION 28. POLLING PLACE

All polling places shall be within the jurisdiction of the Kaw Nation at a designated location(s) determined by the Election Board.

SECTION 29. VOTING HOURS

Polls shall open for the placing of votes at 9:00 A.M. on the date of the election. Polls shall close at 5:00 P.M. on the date of the election. All Qualified Voters in line to vote at 5:00 P.M. shall be allowed to complete a ballot.

SECTION 30. METHOD OF VOTING

A. The polling place shall be staffed by no less than two (2) Election Board officials. The voter shall:

(1) state his/her name and address to the election official. Polling place staff may request photo identification may be requested for verification purposes;

(2) sign the voting list;

(3) use the ballot he/she receives from the election official, go to designated voting booth, mark the ballot, and place the ballot in the ballot box;

B. If a voter spoils the ballot given to him/her by the election official, election commission official shall mark "VOID" on the face of the ballot and retain the spoiled ballot. The election official will issue a new ballot to the voter, making a notation on the spoiled ballot stub "Spoiled, replaced by Ballot No. _____". The number of the replacement ballot shall be placed in the blank of this notation;

C. Voter assistance. A physically handicapped voter, upon request, may have another Qualified Voter assist them with voting, but the citizen assisting them shall not suggest or influence the voter in any way, and shall mark the ballot as requested by the handicapped voter.

SECTION 31. COUNTING BALLOTS

The Election Board shall count the ballots cast after the polls have closed.

A. If the Election is conducted with the assistance of electronic voting machines the Election Board Commissioner shall follow the instructions provided by the manufacturer to count the ballots.

B. For all ballots no recorded by use of an electronic voting machine, including all absentee ballots, the following procedure will be used to count the votes:

(1) The Election Board Commissioner and the Kaw Nation Chief of Police or his designee shall unlock and open the ballot box, then the Commissioner shall call out the result of the vote on each ballot.

(2) The Clerk and Teller shall mark the tally sheet as the Commissioner calls it. The tally sheet shall be properly designed to reflect the type of election being held.

(3) Once all ballots from a locked ballot box have been counted, the box shall be turned upside down, and shaken, in full view of all observers in the room, to verify that no ballots remain in the ballot box.

(4) Each candidate, if desired, may select one person, who is not a candidate or incumbent, as his/her representative to serve as an observer to watch the counting of the ballots. Such designation must be presented to the Election Board in writing no less than five (5) days before the election. Observers shall not participate in the counting. Observers may request to see any ballots that are spoiled or voided by the Election Board and all observers will be shown the ballot.

SECTION 32. COUNTING ABSENTEE BALLOTS

All envelopes carrying returned absentee ballots will be checked to determine if the sender is on the Qualified Voter List and requested an absentee ballot. Only one absentee ballot shall be allowed per returned envelope. All envelopes carrying the voter's absentee ballot shall be placed in a locked ballot box as they are received at the Post Office. The ballot box shall be stored in a safe place at the Kaw Nation Administrative Office.

SECTION 33. RUN-OFF ELECTION

In the event there is a Run-Off Election or no candidate wins by a Majority Vote the following steps will take place:

(1) When there is no Majority Vote in the election of Chair, Vice-Chair, or Secretary, the two (2) candidates with the highest vote totals will participate in a Run-Off Election for that elected office.

(2) When there is no Majority Vote in the election of any of the four (4) Tribal Council members, the two (2) candidates with the highest vote totals for each Designated TCM Number will participate in a Run-Off Election for that elected office.

(3) Designated TCM Numbers- In years where the election includes the positions of the Chair and Secretary, the candidates running for Tribal Council shall be designated as TCM1 and TCM3. In years where the election includes the position of the Vice-Chair, the candidates running for Tribal Council shall be designated as TCM2 and TCM4.

(4) The runoff election will be held on the third (3rd) Sunday of October and the absentee ballot provisions will be the same as the process for General Elections.

SECTION 34. RECOUNT

If a recount of the voting results is desired, a request for the recount shall be in writing and filed with the Election Board. A fee of three hundred dollars ($300.00) shall be paid to the Election Board for a recount. If the recount overturns the Election Results the fee shall be returned to the requestor. The request for recount must be received by a member of the Election Board no later than 12:00 noon on the Wednesday following the election date. The results of the recount shall be posted in the Kaw Administration Building and on the Kaw Nation Website.

SECTION 35. CERTIFICATION AND ANNOUNCEMENT OF ELECTION RESULTS

Immediately after all of the ballots are counted, the Election Board shall issue a notice of the election results. This notice shall be labeled "pending certification". These results will be posted at the Administration Building. The Election Board shall not issue a certification of the election results until the protest period expires on Wednesday at 12:00 noon following the Election Day, or after a protest is resolved, whichever is later. The certified results shall be posted at the Kaw Nation Administration Building and on the Kaw Nation website.

SECTION 36. PETITIONING PROCEDURES

A. The following procedures shall govern petitioning for the recall of any elected official of the Tribal Council as provided under Article XI, Section 2 of the Constitution, for an Initiative election, or for a Referendum election under Article XII, Sections 2 & 3 of the Constitution. Any enrolled citizen desiring to initiate a petition, which requires signatures, must be a Qualified Voter and meet the following requirements for the type of petition sought.

B. Recall. The citizen must submit a petition to the Commissioner of the Election Board containing valid signatures equal in number to at least sixty percent (60%) of the number of valid ballots cast in the most recent General Election for Chair.

(1) A petition for recall of an elected official on the Tribal Council may only name one person who is the subject of the proposed recall. The petition may not request recall of more than one person.

(2) The petition for recall must include a statement that the document is a petition for recall of such person with a general statement of the grounds for the recall at the front or top of each page.

(3) Each person who signs the petition must be allowed to read the petition without interruption by the petitioner.

(4) Each signature on the petition must give an address of the person signing and be dated at the time of signing by the person signing the petition. Any signature not dated, or more than sixty (60) days old at the time of filing the petition with the Commissioner of the Election Board of the Kaw Nation, shall be invalid.

(5) The person circulating the petition shall upon his/her oath certify in writing to the authenticity of the signatures and dates on each page of the petition.

(a) The certification must be notarized, and,

(b) The following certification must be used: "I, _____, a person circulating the above Petition for recall of _____, do hereby affirm on oath and certify: That I or my representative witnessed the signature of each person who has signed this petition; I confirm the correct date of that signature; The above signatures are authentic; and each person who affixed his or her signature to this Petition personally represented to me or my representative that they were a member of the Kaw Nation General Council. Each of the above-signed members were allowed to read the Petition without interruption."

(6) The petitioner shall cause the petition to be filed with the Commissioner of the Election Board of the Kaw Nation with notice being given to the Kaw Nation as provided for by the laws of the Kaw Nation.

(7) If the petition is certified as valid by the Election Board of the Kaw Nation, and the person who is the subject of the recall petition does not resign within ten (10) days after the petition is certified, a special election shall be called by the Chair of the Tribal Council to be held within one hundred (100) days from the date the petition is certified by the Election Board;

(8) If the official named in the petition offers to resign, he/she shall submit a written resignation to the Chair of the Tribal Council or if the Chair resigns, then written resignation shall be given to the Attorney General;

(9) The petitioner shall pay to the Election Board a non-refundable fee of three hundred dollars ($300.00) when filing the recall petition, to defray administrative expenses.

(10) A recall election is considered a Special Election and will follow the policies and procedures prescribed for Special Elections.

(11) Once the Recall election is held, the Election Board shall certify the results of the election and provide notice to the Kaw Nation as prescribed by law;

(12) If a Majority Vote of those participating in the recall election vote in favor of recall, the Election Board shall order the officer recalled, and declare the office vacant;

C. Initiative. The citizen shall submit a petition regarding any issue to the Commissioner of the Kaw Nation Election Board containing valid signatures equal in number to at least forty percent (40%) of the number of valid ballots cast in the most recent General Election for Chair.

(1) The petition must include one or more parts each stating the subject or issue of the petition and have a general statement of the issue at the front or top of each part.

(2) The petition may address only one subject at a time.

(3) Each person who signs the petition must be allowed to read the petition without interruption.

(4) Each signature on the petition must give an address of the person signing and be dated at the time of signing by the person signing the petition. Any signature not dated, or more than sixty (60) days old at the time of filing the petition with the Commissioner of the Election Board of the Kaw Nation, shall be invalid.

(5) The person circulating the petition shall upon his/her oath certify in writing to the authenticity of the signatures and dates on each page of the petition.

(a) The certification must be notarized, and,

(b) The following certification must be used: "I, _____, a person circulating the above Initiative Petition regarding the subject of _____, do hereby affirm on oath and certify: That I or my representative witnessed the signature of each person who has signed this petition; I confirm the correct date of that signature; the above signatures are authentic; and each person who affixed his or her signature to this Petition personally represented to me or my representative that they were a member of the Kaw Nation General Council. Each of the above-signed members were allowed to read the Petition without interruption."

(6) The petitioner shall cause the petition to be filed with the Commissioner of the Election Board of the Kaw Nation with notice being given to the Kaw Nation as provided by the laws of the Kaw Nation;

(7) If the petition is certified as valid by the Election Board of the Kaw Nation, an initiative election shall be called by the Chair of the Tribal Council and said initiative election shall held within sixty (60) days of the validation by the Election Board.

(8) The petitioner shall pay to the Election Board a non-refundable fee of three hundred dollars ($300.00) when filing the initiative petition, to defray administrative expenses.

(9) An initiative election may be held with a General Election or be a Special Election. If it is determined to be a Special Election, it will follow the policies and procedures prescribed for Special Elections with any specific procedures or laws addressing Initiative elections controlling.

(10) Upon receiving notification from the Election Board of the Kaw Nation that the initiative petition has been certified as valid, the Chair of the Tribal Council shall set the election date.

(11) Once the initiative election is held, the Election Board shall certify the results and post the results at the Kaw Nation Administration Building and on the Kaw Nation website.

(12) The results of the initiative election shall be conclusive and binding upon the Kaw Nation; provided, that a Majority Vote of the votes cast are in favor of the initiative and at least two-thirds (2/3) of those Eligible to Vote of the Kaw Nation shall have voted in the election. In order to properly determine the number of those Eligible to Vote, registration shall be required in all initiative elections.

(13) No initiative shall serve to abrogate, modify, or amend any properly approved contract or agreement.

E. Referendum: Any enacted or proposed ordinance or resolution or other action of the Tribal Council may be submitted to a popular referendum pursuant to Article XII, Section 3 of the Constitution of the Kaw Nation upon submission of a petition containing valid signatures of those Eligible to Vote equal in number to at least fifty percent (50%) of the number of valid ballots cast in the most recent General Election for Chair or upon request by a Majority Vote of the Tribal Council to the Commissioner of the Election Board.

(1) A referendum petition shall include one or more parts each stating the subject of the petition and have a general statement of the subject at the front or top of each part.

(2) Each referendum petition may only address one subject.

(3) Each person who signs the petition must be allowed to read the petition without interruption.

(4) Each signature on the petition must give an address of the person signing and be dated at the time of signing by the person signing the petition. Any signature not dated, or more than sixty (60) days old at the time of filing the petition with the Commissioner of the Election Board of the Kaw Nation, shall be invalid.

(4) The person circulating the petition shall upon his/her oath certify in writing to the authenticity of the signatures and dates on each page of the petition.

(a) The certification must be notarized; and,

(b) The certification must include the following: I, _____, do hereby affirm on oath and certify: That I or my representative witnessed the signature of each person who has signed this petition; I confirm the correct date of that signature; The above signatures are authentic; and each person who affixed his or her signature to this Petition personally represented to me or my representative that they were a member of the Kaw Nation General Council. Each of the above-signed members were allowed to read the Petition without interruption."

(5) The petitioner shall cause the petition to be filed with the Commissioner of the Election Board of the Kaw Nation with notice being given to the Kaw Nation as provided by the laws of the Kaw Nation.

(6) If the petition is certified as valid by the Election Board of the Kaw Nation, a referendum election shall be called by the Chair of the Tribal Council and said referendum election shall be held within sixty (60) days of the validation by the Election Board.

(7) The petitioner shall pay to the Election Board a non-refundable fee of three hundred dollars ($300.00) when filing the referendum petition, to defray administrative expenses.

(8) The Referendum Election will be held in the same manner as a General Election if held during the same time as the General Election. Otherwise it will be conducted as if it were a Special Election. Any specific procedures or laws governing Referendum Elections will control over the Special Election rules.

(9) Once the referendum election is held, the Election Board shall certify the results and post them at the Kaw Nation Administrative Building and post on the Kaw Nation website.

(10) The results of the referendum election shall be conclusive and binding upon the Kaw Nation provided, that a Majority Vote of the votes cast are in favor of the referendum and at least two-thirds (2/3) of those Eligible to Vote shall have voted in the election. In order to properly determine the number of those Eligible to Vote, registration shall be required in all referendum elections.

(11) No referendum shall serve to abrogate, modify, or amend any properly approved contract or agreement.

F. Proposed Constitutional Amendment. Constitutional Amendments may be proposed by a petition with valid signatures of at least thirty percent (30%) of the General Council, or by Majority Vote of the Tribal Council.

(1) If initiated by petition, the petition shall include one or more parts each stating the subject of the petition and have a general statement of the subject on each page containing signatures.

(2) Each person who signs the petition must be allowed to read the petition without interruption.

(3) Each individual signing the petition must also print their name, provide an address and date their signature;

(4) The person circulating the petition shall upon his/her oath certify in writing to the authenticity of the signatures and dates on each page of the petition;

(a) The certification shall be notarized; and

(b) The following certification provision shall be used: "I, _____, a person circulating the above Petition for Constitutional Amendment on the subject of _____,do hereby affirm on oath and certify: That I

or my representative witnessed the signature of each person who has signed this petition; I confirm the correct date of that signature; The above signatures are authentic; and each person who affixed his or her signature to this Petition personally represented to me or my representative that they were a member of the Kaw Nation General Council. Each of the above-signed members were allowed to read the Petition without interruption."

(5) The petitioner shall cause the petition to be filed with the Commissioner of the Election Board.

(6) The Election Board, within seven (7) days, shall certify the petition as valid or invalid.

(7) If the petition is certified as valid by the Election Board, the Election Board Commissioner will notify the Chair and an election shall be called by the Chair within five (5) days of the notification and said election shall be held within one hundred (100) days of the validation by the Election Board.

(8) If, by Majority Vote, the Tribal Council proposes a Constitutional amendment, an election shall be called by the Chair to be held within one hundred (100) days from the date the resolution is approved.

(9) The results of the election shall be conclusive and binding upon the Kaw Nation; provided, that a Majority Vote of the votes cast in the election are in favor of the constitutional amendment and at least thirty percent (30%) of those Eligible to Vote shall have cast ballots in such election.

(10) Only registered voters will be entitled to vote in any election to ratify a Constitutional amendment. All determinations of the sufficiency of the number of ballots cast will be based upon the number of registered voters. The Election Board shall notify by regular mail all citizens of the Kaw Nation who to its knowledge are Eligible to Vote pursuant to the Constitution of the need to register if they intend to vote. Each notice addressed to a tribal citizen shall be accompanied by a preaddressed registration form which shall set forth the following information:

(a) Blanks to fill in the name, address and tribal member number of the person desiring to register;

(b) A statement with a signature line attesting that the individual is a tribal citizen and will be at least 18 years of age on Election Day;

(c) The three following statements:

i. "Completion of and return of this registration form is necessary if you desire to become qualified to vote in the forthcoming election."

ii. "This form, upon completion and return to the Election Board, shall be the basis for determining whether you qualify to have your name placed upon the list of registered voters and receive a ballot"; and,

iii. "Completion and return of this form is voluntary."

(d) An application to vote by absentee ballot.

(e) A date by which registration must be completed, which will be no less than thirty (30) days prior to the election.

(11) The following records shall be kept for all notices:

(a) Names and addresses of persons to whom notices are mailed;

(b) Date of mailing; and,

(c) A copy of each return registration request (including from whom received and date and time of receipt).

G. Voting on Recalls, Initiatives, Referendums and Constitutional Amendments shall be in accordance with Sections 22 through 35 of this Ordinance.

SECTION 37. SPECIAL ELECTION

Special elections shall be conducted in accordance with Article IX of the Constitution and this Ordinance and said policies and procedures as set by the Kaw Nation Election Board.

SECTION 38. ELECTION DISPUTES

A candidate or Qualified Voter who finds fault in the election procedures may challenge a tribal election no later than noon on Wednesday following the completion of the election and declaration of the results. A challenger may file with the Election Board a statement in writing setting forth his/her particular grounds for the challenge, together with substantiating evidence. After the statement is filed, the Election Board shall set a time for a hearing of the challenge no later than three (3) business days after the date on which the challenge was filed. The Election Board shall convene a hearing at the Kaw Nation Administration Building for the purpose of reviewing the grounds for the challenge. The Election Board shall promulgate and issue rules and regulations regarding the procedures for a challenge hearing. The Election Board shall consider the allegations, evidence, and arguments of the challenger and the candidates. After consideration of the presentations of each side, the Election Board shall have authority to pronounce their judgment. At the time of filing a challenge, a fee of Three Hundred Dollars ($300.00) shall be paid to the Election Board to cover administrative costs.

SECTION 39. APPEALS

Upon conclusion of a hearing as described in Section 38 of this Ordinance, a party to a contest hearing may appeal to the Kaw Nation District Court within five (5) days of the receipt of the Election Board's judgment. The Kaw Nation District Court shall hear and render a decision based

on the facts of the case and the laws of the Kaw Nation. Any fees associated with the filing of a court petition shall be paid by the petitioner.

SECTION 40. INSTALLATION OF ELECTED OFFICIALS

The elected officials shall be installed in office upon administration of an oath by a Judge or Justice of the Kaw Nation. The installation shall take place by noon of the fourth (4th) Wednesday following certification of the election; provided that no contest or challenge of the results is filed.

SECTION 41. AMENDMENTS

Amendments to this Ordinance may be proposed by a Majority Vote of the Kaw Nation Tribal Council and shall be submitted to a vote at a General Council meeting and shall become effective upon receiving a Majority Vote of those present and voting on the amendment.

The Election Ordinance of the Kaw Nation with proposed Amendments was submitted to the General Council of the Kaw Nation on April 8th, 2018 and was ratified by a vote of 45 votes in favor, 0 votes against, and 3 abstentions in accordance with the Election Ordinance.

Commissioner, Election Board

Election Board Member

Election Board Member