

## ELECTION ORDINANCE OF THE KIOWA TRIBE

**SECTION 1. Authority** This election ordinance is established by the Election Commission of the Kiowa Tribe under authority delegated to it by Article IX, Sec 3.(a) of the Constitution of the Kiowa Tribe.

**SECTION 2. Purpose** The intent and purpose of this ordinance is to establish procedures for free and fair elections and to ensure the secrecy of the ballot and privacy of the voter in casting their ballot. The regulations and procedures contained in this ordinance shall be administered in such a way as to accomplish this purpose and intent. No mere informality in the manner of carrying out or executing the provisions of this ordinance shall invalidate this Ordinance or any election held under it. Substantial compliance shall be recognized as adequate.

**SECTION 3. Definitions** For the purposes of this Ordinance the following definitions shall be applied to the terms or words found within this Ordinance.

**Absentee Voter** – An eligible voter who has requested an Absentee Ballot in accordance with the provisions of this Ordinance in an election where Absentee balloting is provided.

**Conflict of Interest** – When a member of the Commission or a Poll Official has a legal or familial relationship to a candidate for office. Such relationships are defined as Mother, Grandmother, Father, Grandfather, Sister, Brother, Wife, Husband, and those sharing a domicile or residence including those related by civil union or common law marriage. A conflict of interest shall also exist if a Commissioner or Poll Official is in the employ of a candidate or of a business entity that would be affected by the passage or defeat of any referendum question placed on a ballot.

**Election Commission** – The Election Commission of the Kiowa Tribe as established by Article IX Section 3. (a)(b) of the Kiowa Constitution.

**Election Notice** – The official notice posted, published or otherwise disseminated by the Election Commission notifying voters that an election will be held and including the dates and rules of that election.

**Eligible Voter** – A currently enrolled member of the Kiowa Tribe who is or will be eighteen years of age or older as of the date of any election conducted under the provisions of this Ordinance.

**Inactive Voter** – An eligible tribal member who has had election correspondence returned to the election office for an invalid address. These voters shall not be issued a mail in ballot until an address update is received in the Kiowa Election Commission office.

**Polling Sites** – Locations designated by the Election Commission for the casting of ballots in accordance with Article IX Section 6 of the Kiowa Constitution.

**Poll Official** – An official appointed or hired by the Election Commission to oversee Polling Site operations.

**Registered Voter** – An eligible tribal member age 18 or over at the time of the election who has registered or voted within the district they reside, in accordance Article IX Section 2 of the Kiowa Constitution.

**Rejected Ballot** – A ballot that has been improperly marked in such a way that the intentions of the voter cannot be determined. A Rejected Ballot is not tabulated or included in the results of the election.

**Spoiled Ballot** – A ballot that has been marked in error by a voter and that has been returned to the poll officials by the voter and replaced with a new ballot.

**Tribe**- The Kiowa Tribe.

**Vote by Mail Ballot** – A ballot that has been issued by mail to an Eligible voter under the provisions of this Ordinance and the Right of Kiowa Voters to Vote by Mail Act.

#### **SECTION 4. Election Commission**

##### **4-a. Membership**

In accordance with Article IX, Section 3(a) of Constitution of the Kiowa Tribe, there shall be an Election Commission which shall have responsibility for the conduct of all elections, and the Legislature shall not have executive or administrative authority over the Commission.

The members of the Commission shall consist of one member from each District with a Chairperson elected annually from its membership. Prospective members of the Commission must be eligible voters of the Kiowa Tribe and must be nominated by the Kiowa Tribal Chairman. They must further be confirmed in a formal meeting of the Legislature at which a quorum of the Legislature is in attendance. No elected official of the Tribe shall be eligible to serve on the Commission. Members of the Commission shall be compensated for their duties.

Commission members must, at the time of their nomination;

- (1) be an enrolled member of the Kiowa Tribe and be eligible to vote.
- (2) possess, at minimum, a High School degree or its recognized equivalent and;
- (3) not have been convicted of a felony.

##### **4-b. Terms**

Commission members shall serve 4-year terms. Terms shall be staggered so as to provide for continuity in the operation of the Commission.

Commissioners shall be eligible to serve two (2) consecutive terms and shall be considered reappointed at the conclusion of their first term upon submission of request for reappointment and approval of that request by the Legislature in a formal meeting at which a quorum is in attendance.

Commissioners that have reached the conclusion of their second full term are not eligible for reappointment until two (2) years have passed since the completion of their second term.

A Commissioner serving more than seven hundred thirty (730) calendar days of a term shall be considered as having served a full term. To preserve the stagger of terms, any vacancy created by the failure of a Commissioner to fulfill the entirety of their term for any reason shall be considered a vacancy for the remainder of the unexpired term. Any Commissioner appointed to fill that vacancy shall fill only the remainder of that term. At the conclusion of the unexpired term, the person filling that vacancy shall be eligible to be appointed to two (2) consecutive terms as provided above.

##### **4-c. Internal Procedures of the Election Commission**

In its role in the conduct of elections and the processes contained within this document, the Commission and its members shall hold itself to standards contained within this Ordinance as well applicable standards contained within the Constitution of the Kiowa Tribe. The Commission shall have authority to act regarding discipline up to and including removal of members for violation of Tribal law, provisions of

this Ordinance or conduct deemed to be detrimental to the ability of the Commission to function as the fair and unbiased administrators of the elections of the Kiowa Tribe.

Members shall not have been convicted of a felony. Any potential member of the Commission that has been convicted of a felony shall not be eligible for nomination to the Commission. Any member of the Commission convicted of a felony or other crimes as described in Article X11, Section 1 of the Kiowa Constitution shall automatically have their seat declared vacant upon the date of their conviction. A replacement Commissioner shall be appointed in accordance with the process described in Section 4-a of this Ordinance.

Members of the Commission shall not be related to any candidate competing for office. A Commissioner with a familial relationship as described in the Conflict of Interest portion of the Definition Section of this Ordinance to a person filing for office shall immediately disclose that relationship to the Commission and recuse themselves from further participation in that particular election until its conclusion or until the person to whom the Commissioner is related is no longer a candidate in the election. Recusal includes no participation in any processes or decisions of the Commission and no participation in votes taken by the Commission during the course of the recusal. Failure to disclose this type of conflict of interest shall be grounds for disciplinary action up to and including removal from the Commission.

Members of the Commission shall not endorse any candidate or question in any election. They shall not participate in any campaign activities or other forums or venues, including social media, that could be perceived as being in support of or against any candidate or question in an election. Commissioners failing to maintain impartiality in the conduct of their duties and the term of their office shall be subject to disciplinary action up to and including removal from the Commission.

Members of the Commission must be capable of performing the necessary duties of the Commission to ensure that elections are conducted as required. The ability to participate in the meetings of the Commission and to execute its other responsibilities is critical to the election process. Any Commissioner unable to attend the meetings of the Commission or having more than three (3) unexcused absences from Commission meetings or other Election related functions as called by the Commission, shall be subject to disciplinary action up to and including removal from the Commission.

The Commission collects and its members are privy to private and confidential information collected in the process of the execution of the Commission's duties. Such information is to be safeguarded at all times and the maintenance of the confidentiality of that information is the responsibility of the Commission. Disclosure of any confidential information by a Commissioner obtained during the course of their term shall make that Commissioner subject to disciplinary action up to and including removal from the Commission.

#### **4-d. Disciplinary Procedures**

The ability of the Commission to function in its critical role and to maintain its impartiality in the conduct of its duties requires that it have the ability to take corrective action in the event that the actions of a Commissioner or Commissioners threatens to undermine the integrity of the Commission or the election process. Disciplinary action is not to be undertaken lightly and shall be conducted in accordance with the provisions of this Ordinance.

Any allegation of misconduct, lack of performance, or any violation of the Election Ordinance, Constitution or other laws of the Kiowa Tribe regarding the fitness of an Election Commissioner to perform their duties must be submitted in writing to the Election Commission Chairperson at a duly called Commission meeting.

Tangible supporting evidence of the allegation must also be presented at the time of the submission. If the Commissioner(s) identified in the allegation is in attendance at the meeting, they shall be offered the opportunity to address the allegation(s), speak on their own behalf and ask for a period of time to gather and present evidence on their own behalf at a subsequent meeting scheduled by the Chairperson. If that Commissioner is not in attendance due to an excused absence, they shall be offered the opportunity to address the allegations at a subsequent meeting called for that purpose. If the Commissioner is not in attendance due to an unexcused absence, the Commission shall have the ability to render judgement in the presented matter immediately.

Any disciplinary action must be voted on in a duly called meeting of the Commission in which a quorum of the members are present and a majority of the votes cast are in favor of or against the disciplinary action.

All matters discussed regarding conduct, evidence and discipline shall be conducted in executive session during any Commission meeting.

The Election Commission's options for discipline shall be;

**Written Reprimand.** Such reprimand shall be incorporated into the minutes of the Commission meeting at which such reprimand was issued but recorded simply as action taken in Executive Session. The Commission's decision regarding reprimand shall be final.

**Suspension.** The Commission shall have the ability to issue a suspension to any member found to have violated the rules of this Ordinance or the laws of the Kiowa Tribe. The term of the suspension shall be at the discretion of the Commission but shall not exceed ninety (90) days unless that period should conclude during an election cycle, in which case such suspension shall conclude upon final certification of that election. The Commission seat affected by a suspension shall remain open until the conclusion of the suspension. The Commission's decision regarding suspension shall be final.

**Removal.** The Commission shall have the ability to remove any member found to have violated the rules of this Ordinance or the laws of the Kiowa Tribe. Removal of a Commissioner shall result in that Commission seat being declared immediately vacant and the provisions for filling that vacancy shall commence. The Commission's decision regarding removal shall be final.

#### 4-e. Meetings

The Election Commission shall conduct its work in meetings scheduled for that purpose. The Commission shall make all reasonable efforts to conduct such meetings in an open manner and in substantial compliance with the provisions of Roberts Rules of Order with meetings requiring an Agenda and that minutes shall be recorded. At its discretion, the Election Commission may utilize remote meeting technologies to conduct meetings provided that meetings conducted remotely meet the requirements for attendance and quorum as if the meeting were conducted in person.

Meetings of the Election Commission may be called at any time by the Election Commission Chairperson or by request of a majority of the members of the Election Commission. In the event the Election Commission Chairperson should fail to call a meeting as requested by a majority of the other members of the Election Commission, the remaining members of the Election Commission may convene upon proper notification to the other members of the Election Commission and conduct business as required, provided that the attendees of such meeting must constitute and maintain a quorum as prescribed in this Ordinance.

For a meeting of the Election Commission to occur, a quorum must be present. A quorum of the Election Commission shall consist of at least 3 Commission members.

#### 4-f. **Duties**

The duties of the Election Commission shall include, but no be limited to, the following:

- **Publication of Election Notice**

The Election Notice shall be published not less than 45 or more than 60 calendar days prior to the date of any election. Such notice shall be published to the appropriate venue including the tribal website, social media accounts, e-mail, and the tribal newspaper, when applicable. The Election Notice shall be sent by U. S. Mail to all voters eligible to participate in the election, provided the voter has a valid address on file with the Election Commission.

- **Determining Eligibility of Candidates**

The Election Commission shall have the authority to determine and certify the eligibility of the candidates.

- **Provision of Polling Sites**

The Election Commission shall designate polling sites and make such arrangements as necessary to ensure the availability and suitability of such sites for the purpose of conducting the election, The Commission shall also ensure that all necessary election supplies are delivered and accounted for prior to the opening of the polling sites on Election Day.

- **Selection of Poll Officials**

The Election Commission shall appoint or hire any necessary Poll Officials as may be required for an election. The Election Commission shall compensate Poll Officials appointed or hired to serve in this capacity.

### **SECTION 5. Types of Election**

#### 5-a. **Primary Election**

In accordance with the Constitution of the Kiowa Tribe, Art. IX Sec. 10, which states “A Primary Election for the Chairman/ Vice-Chairman Team, and Legislators shall be held on the first Saturday in May in odd numbered years when such terms are set to expire. If three or more candidates for the Office of Chairman/ Vice Chairman, or a Legislator seat are vying for the same office, then the two candidates who receive the highest number of votes in the Primary Election shall proceed to the General Election. If a candidate for the Office of Chairman/Vice-Chairman, or a Legislator seat receives fifty-one percent or more of the votes cast in the Primary Election, then that person or Team shall be declared candidate(s)-elect, shall not be required to run-off in a General Election, and shall be seated at the expiration of the term of the incumbent(s).”, the Election Commission shall conduct a Primary election if 3 or more candidates file and qualify as candidates for any elective office.

#### 5-b. **General Election**

In accordance with the Constitution of the Kiowa Tribe, Art. IX Sec. 11, which states “A General Election for Chairman and Vice-Chairman, and Legislators shall be held on the first Saturday in June in odd numbered years when such terms are set to expire. The candidates receiving the highest number of votes in the General Election shall be seated. Any tie vote in a General Election shall be decided by lottery.”

5-c. **Special Election**

In accordance with the Constitution of the Kiowa Tribe, Art. IX Sec. 12, which states “A Special Election shall be held when called for by the Legislature by law or by this Constitution.”

5-d. **Referendum/Initiative Election**

In accordance with the Constitution of the Kiowa Tribe, Art. XI Sec. 4, which states; “(a) All petitions seeking a Referendum or Initiative vote on a law or budget as permitted by this Constitution shall be submitted to the Election Commission. Upon request, the Election Commission shall prepare and issue a petition form to a Petitioner along with the names and addresses of the eligible voters of the Tribe listed according to Districts including the minimum number of signatures required for a valid petition. The Election Commission shall provide a list of names and addresses within seven days of the request. (b) Any voter may submit a Referendum or Initiative petition to the Election Commission. The Election Commission shall have thirty calendar days to rule on the validity of the signatures on the petition, and if valid, the Election Commission shall submit the law or proposed law to a popular vote in a Special Election which shall be held within forty-five days. (c) The majority of votes cast by the voters in a Special Election shall determine the success or failure of the Referendum or Initiative, and if successful, the results shall be binding on the Tribe; provided, that six hundred or more voters participated in the election.”

**SECTION 6. Voter Qualifications**

6-a. **Eligible Voter**

All enrolled members of the Kiowa Tribe that are 18 years of age or older on the date of an election of the Kiowa Tribe shall be eligible to vote in that election.

6-b. **Registered Voter**

Any eligible voter of the Kiowa Tribe that has completed a Voter Registration Form and submitted it to the Election Commission or has cast a ballot in a previous election shall be considered a Registered Voter and shall have been assigned a Voting District based on that Registration. Any Eligible Voter presenting themselves to vote at a polling site on Election Day shall become a Registered Voter by virtue of completing a Voter Information/Registration form and casting a ballot. The Commission shall provide Voter Information/Registration forms at each polling site to facilitate the registration process.

A Registered Voter’s District may only be changed by filing a new Voter Information/Registration Form with the Election Commission no later than thirty (30) days prior to the date of any election. The basis for District change is solely the Voter’s current verified place of residence. It shall be the responsibility of all Registered Voters to update their physical address with the Election Commission to maintain their proper District affiliation.

The Election Commission shall cause to have designed, produced and shall maintain a supply of Official Voter Information/ Registration forms. The form shall capture all information required to confirm the eligibility and Voters physical address to verify District of residency. The form shall also be available through other outlets and social media as prescribed by the Election Commission. All signed Voter Information/ Registration Forms must be returned and recorded at the Election Commission office to be considered valid.

The Voter Information/ Registration Form shall require a minimum of;

**Name**

**Address for mailing of the ballot, including complete street information and any Apartment or Space number.**

**Kiowa Tribal Enrollment Number**

**Date of Birth**

The Voter Information/Registration Form shall be available at the Election Commission office during normal business hours as well as on-line or through any other outlet deemed appropriate by the Election Commission.

A Voter Information/Registration Form used for requesting an Absentee Ballot may only be submitted by the voter intending to cast the Absentee Ballot.

**6-c. Absentee Voters**

Any Registered Voter may request an Absentee ballot if they expect to be away from the address at which they would normally receive their mail ballot and are unable to cast a ballot in person on Election Day. Such request must be submitted in writing to the Election Commission. Beginning not more than 45 (forty-five) days nor less than 3 (three) days prior to any election governed by this Ordinance, a Registered Voter may request an Absentee Ballot by submitting such request in writing utilizing the Voter Information/Registration Form provided by the Election Commission.

Any Eligible Voter may request an Absentee ballot if they expect to be unable to cast a ballot in person on Election Day. An Eligible Voter may obtain an Absentee Ballot by requesting one in writing from the Election Commission. Such request must be submitted in writing to the Election Commission. Beginning not more than 45 (forty-five) days nor less than 3 (three) days prior to any election governed by this Ordinance, an Eligible Voter may request an Absentee Ballot by submitting such request in writing utilizing the Voter Information/Registration Form provided by the Election Commission.

The Eligible Voter shall become a Registered Voter upon acceptance of Voter Information/Registration Form by the Election Commission.

**6-d. Inactive Voter**

An Eligible or Registered Voter that has had any election correspondence returned to the Election Commission office because of an invalid address shall be flagged as Inactive Voter. These voters shall be removed from the list of Voters being mailed any election materials including Notices of Election and Mail Ballots until an address update is received in the Kiowa Election Commission office or the Voter presents themselves to vote in person at an election at which time their status will be changed to Registered.

**6-e. Voter List Purging**

Voters will be removed from the voter registration list for the following reasons (1) death, (2) relinquishment of Kiowa Tribal membership status, or (3) disenrollment from the Kiowa Tribe.

**SECTION 7. Candidate Qualifications**

**7-a. Eligibility Chairman/ Vice Chairman**

In accordance with the Constitution of the Kiowa Tribe, Art. VII Sec. 3, which states “(a) At the time of filing, each candidate for Chairman and Vice Chairman shall be an enrolled Member of the Tribe, shall have attained the age of least thirty-five (35) years of age or older, and shall each possess at least a Bachelor’s degree from an accredited college or university as determined by law, or in absence of law regarding accreditation, then in accordance with regulations promulgated by the Election Commission. (b) No person convicted of a felony shall be eligible to be a candidate for Chairman or Vice Chairman or serve as a Chairman or Vice Chairman. Each candidate for Chairman or Vice Chairman shall be required to submit to a criminal background check conducted by the Election Commission. (c) At the time of filing a nomination petition, a candidate for Chairman or Vice Chairman shall physically reside in a voting District other than District 7. Verification of residence, such as a driver’s license, a utility bill, or similar documents, shall be filed with the Election Commission at the time of nomination. The Chairman and Vice-Chairman shall be residents of a voting District, other than District 7, for the duration of their terms. (d) At the time of filing, each candidate for Chairman and Vice-Chairman shall submit copies of their Federal income tax returns for the previous five (5) years and provide a written list of all of their personal and real property in excess of ten thousand dollars to the Election Commission. (e) At the time of filing, candidates for Chairman or Vice-Chairman cannot owe any monetary debts to the Tribe if such debts are in arrears or in default.

**7-b. Eligibility Legislators – Districts 1-6**

In accordance with the Constitution of the Kiowa Tribe, Art. V Sec. 4, which states “(a) At the time of filing, each candidate for District Legislator shall be an enrolled Member of the Tribe, shall have attained the age twenty-one (21) years or older, and shall possess a High School degree or its equivalent. (b) No person convicted of a felony shall be eligible to be a candidate for Legislator or serve as a Legislator. Each candidate for Legislator shall be required to submit to a criminal background check conducted by the Election Commission. (c) At the time of filing a nomination petition, a candidate for District Legislator shall physically reside in such District. Verification of residence, such as a driver’s license, a utility bill, or similar documents, shall be filed with the Election Commission at the time of nomination. Each District Legislator shall reside in the District from which they are elected for the duration of the term. Each District Legislator shall be a registered voter in the District from which they are elected. (d) At time of filing, a candidate for District Legislator cannot owe any monetary debts to the Tribe if such debts are in arrears or in default. (e) No Legislator shall be otherwise employed in any governmental capacity. (f) Candidates who run for Districts 1-6 Legislator seats shall be prohibited from running as a candidate in District 7 at the same time.”

**7-c. Eligibility Legislators – District 7**

In accordance with the Constitution of the Kiowa Tribe, Art. VI Sec. 5, which states “(a) At the time of filing for candidacy, each candidate for District 7 Legislator shall be an enrolled Member of the Tribe, shall have attained the age twenty-one (21) years or older, and shall possess a High School degree or its equivalent. (b) No person convicted of a felony shall be eligible to be a candidate for District 7 Legislator. Each candidate for Legislator shall be required to submit to a criminal background check conducted by



the Election Commission. (c) The Legislator from District 7 shall reside outside of the six voting Districts. Only qualified Members who reside outside of the boundaries set for District 1 through 6 shall vote for the District 7 Legislator. Verification of residence, such as a driver's license, a utility bill, or similar documents, shall be filed with the Election Commission at the time of nomination. (d) At time of filing, a candidate for District 7 Legislator cannot owe any monetary debts to the Tribe if such debts are in arrears or in default. (e) No District 7 Legislator shall be otherwise employed in any governmental capacity."

#### **7-d. Filing for Office**

A candidate(s) packet can be requested using the following methods; by appearing at the Election Commission office, by mail, or by fax. Upon receipt of request, a packet will be mailed by end of the following business day. The packet must be returned by close of the candidate registration period and be accompanied by \$150.00 filing fee in form of a cashier's check or money order. No personal checks or cash will be accepted. The candidate registration period shall begin no more than sixty (60) days prior to the election and will end forty-five (45) days prior to the election date, or the following business day. The candidate packet shall contain the following:

#### **Registration Form**

#### **Nomination Petition**

- In accordance with the Constitution of the Kiowa Tribe, Art. IX Sec 4, which states "Each candidate for elective office shall file a nomination petition with the Election Commission. Each nomination petition shall contain at least fifty signatures of Members of the Tribe who are qualified to vote in the respective District."

#### **Request for Confidential Inquiry from the Finance Department**

#### **Release for Background Check**

#### **Checklist of Required Documents**

- Copies of Tax Return Documents (Chairman/Vice-Chairman only)
- Verification of Educational Requirements
- Verification of Residency
- Proof of Tribal Enrollment
- Current Photo ID

At the time of submission, candidate packets will be verified for completeness by the Election Commission staff. Incomplete packets will not be accepted. Only completed packets will be considered by the Election Commission.

#### **7-e. Verification of Eligibility**

The Election Commission shall meet to review all candidate filings at the close of the filing period to confirm the completeness of the filings. An Unofficial Candidate list will be posted the following business day. The Election Commission will verify financial statements, tribal enrollment, and background checks to confirm eligibility. An Official Candidates List reflecting all candidates determined by the Commission to be eligible to appear on the ballot shall be posted within 5 (five) days of the close of the candidate registration period. If the Election Commission determines that a person is not eligible to be a candidate, the Commission shall promptly notify such person that their candidacy has been denied, providing the reasons for the denial, and informing the person that unless satisfactory proof of eligibility is furnished

within seventy-two (72) hours of notification, they shall be declared ineligible to be a candidate. The Election Commission shall make its final ruling within forty-eight (48) hours of receipt of such satisfactory proof. There shall be no refund of filing fees. In accordance with the Constitution of the Kiowa Tribe, Art. IX Sec 9 (a), which states, "...The Election Commission shall make all determinations regarding the eligibility of candidates." The decision of the Election Commission regarding eligibility shall be final.

**7-f. Challenge of Candidates**

The candidate challenge period shall begin the day after the Official Candidate List has been posted. Any eligible voter may challenge the eligibility of a candidate by filing with the Election Commission, a written statement setting forth the grounds for the challenge. Such Challenge must be filed within seventy-two (72) hours of the posting of the Official Candidate List. Once a challenge is received, the Election Commission shall meet promptly after the challenge period has concluded to determine if any Challenges have been timely filed and to determine the validity of such challenges. If no challenges are filed, the Election Commission shall promptly post the Final Official Candidates List. If the Election Commission determines the challenge to be valid, the Commission shall notify the challenged candidate that his or her candidacy has been challenged and provide the reason(s) for the challenge. The candidate being challenged shall furnish satisfactory proof of eligibility to refute the challenge within seventy-two (72) hours of notification, or they shall be declared ineligible to be a candidate. The Election Commission shall make its final ruling within forty-eight (48) hours of receipt of any challenged candidates' response to a challenge. There shall be no refund of filing fees. In accordance with the Constitution of the Kiowa Tribe Art. IX Sec 9 (a), which states, "...The Election Commission shall make all determinations regarding the eligibility of candidates.", the decision of the Election Commission regarding candidate eligibility shall be final.

**SECTION 8. Ballots**

**8-a. Quantities**

The Election Commission shall cause to be printed a sufficient number of Official Ballots to ensure that all voters presenting themselves on Election Day shall be able to receive a ballot as well as enough ballots to be available in the case of a number of voters spoiling ballots. The Election Commission shall also cause to be printed sufficient Absentee ballots so as to accommodate Absentee Ballot Requests. The Election Commission shall cause an Official Mail In Ballot to be sent via U.S. Mail to each Registered Voter eligible to participate in an election.

**8-b. Form of the Ballot**

Official Ballots for use at Polling Sites on Election Day shall contain the following heading:

**OFFICIAL BALLOT**

**KIOWA TRIBE**

**TITLE OF THE ELECTION**

**DATE OF THE ELECTION**

**DISTRICT NUMBER/NAME**

**NAME OF THE POLLING SITE**

Official Mail In Ballots shall contain the following heading:

**OFFICIAL MAIL IN BALLOT**  
**KIOWA TRIBE**  
**TITLE OF THE ELECTION**  
**DATE OF THE ELECTION**  
**DISTRICT NUMBER/NAME**  
**NAME OF THE POLLING SITE**

Absentee Ballots shall contain the following heading:

**OFFICIAL ABSENTEE BALLOT**  
**KIOWA TRIBE**  
**TITLE OF THE ELECTION**  
**DISTRICT NUMBER/NAME**  
**DATE OF THE ELECTION**

Ballots shall be printed with security features as to prevent copying and should include a watermarked image of the seal of the Kiowa Tribe.

Ballots shall be produced with a perforated, sequentially numbered stub from which the ballot can be detached to ensure the secrecy of the ballot once separated and issued to the voter and to facilitate accountability of each individual ballot. Along with the sequential number printed on the stub shall be text corresponding to the heading printed on the ballot. Ballots shall be numbered beginning with the number 1 starting at each polling site.

In the case of automated tabulation being used, ballots shall be printed and constructed in accordance with the tabulator manufacturers specifications, provided the basic construction shall be as described above.

The Election Commission shall cause to have printed a number of Sample Ballots to be available to voters to review prior to being issued an OFFICIAL BALLOT. The Sample Ballot shall be printed with the word "SAMPLE" imprinted in red across its face.

**8-c. Order of Appearance**

Candidates' names shall appear on the ballot as they are presented to the Election Commission on the Candidates filings. Nicknames, AKAs or professional titles may not be used. Once the Commission has produced the final Certified Candidate List, the Election Commission shall conduct a random drawing of the candidates' names to determine which name shall appear in first position on the ballot and continue the process until each candidate in each contest has been assigned an initial ballot position. Once the initial ballot positions have been established, the Election Commission shall cause ballots to be printed so that candidate's names are rotated on each ballot so as to cause each candidate's name to appear in first position an equal number of times.

**8-d. Delivery and Accounting of Ballots**

Ballots shall be distributed to each polling site and the quantities of ballots at each site shall be confirmed and documented utilizing a Ballot Accounting Form provided for that purpose. The Ballot Accounting Form shall document the quantity of ballots provided to each polling site, the beginning and ending ballot stub numbers of the ballots provided and spaces to record the beginning and ending ballot stub numbers of ballots used at the polling site, the first and last ballot stub numbers of the ballots being returned to the Election Commission as well as a space to record the quantity of ballots that were spoiled at the polling site. The Ballot Accounting Form shall have spaces for signature of polling officials to acknowledge receipt of ballots from the Election Commission as well as spaces for signature of the Election Commission to acknowledge the return of the unused ballots.

**Section 9. Manner of Requesting and Issuing Absentee Ballots**

Upon receipt of a valid Voter Information/ Registration Form, the Election Commission shall cause to be issued an Absentee Ballot Packet containing the materials prescribed in Section 7-a below. The Election Commission shall cause to be maintained an Absentee Voter Register or its equivalent to document the mailing, return, and disposition of each Absentee Ballot. This Absentee Voter Register or equivalent system shall be utilized to ensure that there is an audit trail available for each Absentee Ballot transaction.

**9-a. Form of Absentee Ballot and Absentee Ballot Packet**

The Absentee Ballot shall be an exact duplicate of the Official Ballot, with the title "Official Ballot" replaced with the title "Official Absentee Ballot" The Absentee Ballots may be produced with sequentially numbered stubs to provide accountability of the ballots, provided that the stub is removed from the ballot and retained by the Election Commission prior to the ballot being mailed to the Voter so as not to infringe on the secrecy of the ballot.

The Absentee Ballot packet shall consist of,

**Absentee Ballot Mailing Envelope** – The outgoing envelope used to send all necessary Absentee voting materials to the voter.

**Absentee Ballot Return Mailing Envelope** – The envelope used by the voter to return their voted ballot to the Election Commission. This envelope shall be pre-addressed to ensure that Absentee Ballots are returned to the Post Office Box procured by the Election Commission exclusively for the receipt of Absentee Ballots. This envelope shall also bear the following certificate to be signed by the voter.

**CERTIFICATE**

*"I hereby certify that I am a member of the Kiowa Tribe, that I will be at least 18 years of age on the date of this election and that I am entitled to vote in this election.*

*Signed \_\_\_\_\_"*

**Secrecy Envelope** – The envelope used by the voter to seal their ballot prior to inserting the Secrecy Envelope into the Absentee Ballot Return Mailing Envelope.

**9-b. Marking of Absentee Ballot and Return of Absentee Ballot Packet**

The voter shall mark their ballot indicating their choice(s) and then place the folded ballot into the Secrecy Envelope. The Voter shall then place the Secrecy Envelope into the Absentee Ballot Return Mailing Envelope and seal the Envelope.

The Voter shall then sign the Certificate on the reverse side of the Absentee Ballot Return Mailing Envelope. Failure to sign the Certificate shall cause the Absentee Ballot Packet to be marked as “Rejected” at the time of Absentee Ballot tabulation.

Absentee Ballots must be returned by mail to the Post Office Box established by the Election Commission exclusively for the receipt of Absentee Ballots. Absentee Ballot Packets must be received at the Carnegie, Oklahoma Post Office no later than 10:00 A.M. on election day.

**ABSENTEE BALLOT PACKETS MAY NOT BE DELIVERED IN PERSON OR TO ANY OTHER LOCATION.**

**9-c. Form of Mail In Ballot and Mail In Ballot Packet**

The Mail In Ballot shall be an exact duplicate of the Official Ballot, with the title “Official Ballot” replaced with the title “Official Mail In Ballot”.

The Mail In Ballot packet shall consist of,

**Mail In Ballot Mailing Envelope** – The outgoing envelope used to send all necessary Mail In voting materials to the voter.

**Mail In Ballot Return Mailing Envelope** – The envelope used by the voter to return their voted ballot to the Election Commission. This envelope shall be pre-addressed to ensure that Mail In Ballots are returned to the Post Office Box procured by the Election Commission exclusively for the receipt of Mail In Ballots. This envelope shall also bear the following certificate to be signed by the voter.

**CERTIFICATE**

*“I hereby certify that I am a member of the Kiowa Tribe, that I will be at least 18 years of age on the date of this election and that I am entitled to vote in this election.*

*Signed \_\_\_\_\_”*

**Secrecy Envelope** – The envelope used by the voter to seal their ballot prior to inserting the Secrecy Envelope into the Mail In Ballot Return Mailing Envelope.

**9-d. Marking of Mail In Ballot and Return of Mail In Ballot Packet**

The voter shall mark their ballot indicating their choice(s) and then place the folded ballot into the Secrecy Envelope. The Voter shall then place the Secrecy Envelope into the Mail In Ballot Return Mailing Envelope and seal the Envelope.

The Voter shall then sign the Certificate on the reverse side of the Mail In Ballot Return Mailing Envelope. Failure to sign the Certificate shall cause the Mail In Ballot Packet to be marked as “Rejected” at the time of Mail In Ballot tabulation.

Mail In Ballots must be returned by mail to the Post Office Box established by the Election Commission exclusively for the receipt of Absentee and Mail In Ballots. Mail In Ballot Packets must be received at the Carnegie, Oklahoma Post Office no later than 10:00 A.M. on Election Day.

**MAIL IN BALLOT PACKETS MAY NOT BE DELIVERED IN PERSON OR TO ANY OTHER LOCATION.**

**9-e. Security of Absentee and Mail In Ballot Packets**

Absentee and Mail In Ballot Packets shall remain at the Post Office until such time as the Chairman of the Election Commission or their designee and at least two (2) other witnesses, shall retrieve the Absentee and Mail In Ballot Packets from the post office and shall personally and securely transport the Absentee and Mail In Ballot Packets to the tabulation site.

**9-f. Processing and Tabulation of Absentee and Mail In Ballots**

After the receipt of the Absentee and Mail In Ballot Packets, at least two (2) members the Election Commission and any duly assigned Poll Officials as designated by the Election Commission shall prepare the Ballot Packets for tabulation. Each Ballot Packet received shall be logged in the Ballot Register. After Ballot Packets have been logged into the Ballot Register, each outer envelope shall be examined to determine if the Certificate on the Return Mailing Envelope has been properly signed. Unsigned Return Mailing Envelopes shall be marked as "REJECTED" and remain unopened. These REJECTED Ballot Packets shall be logged into the Ballot Register as "REJECTED" and then be secured along with the other Ballot Packet materials and become part of the permanent record of the election. Properly signed Return Mailing Envelopes shall then be opened, and the Secrecy Envelope removed from the Ballot Return Mailing Envelope. The Secrecy Envelope shall remain sealed. The Poll Officials shall confirm that all Return Mailing Envelopes are empty and secure the empty envelopes with the other Ballot Packet materials to become part of the permanent record of the election.

Once the empty Return Mailing Envelopes have been secured, the Poll Officials shall open the Secrecy Envelope and remove the Ballots from the Secrecy envelopes. The Poll Officials shall ensure that all Secrecy Envelopes are empty and then secure the empty Secrecy Envelopes with the other Ballot Packet materials to become part of the permanent record of the election.

**9-g. Counting of Mail In and Absentee Ballots**

Once the Ballots have been separated from the Secrecy Envelopes, the Poll Officials shall tabulate the ballots in the manner prescribed by the Election Commission.

**9-h. Improperly Marked Ballots**

If a portion of a ballot is improperly marked, it shall not cause the entire ballot to be voided. Any ballot on which the intent of the voter cannot be determined on the entirety of the ballot shall be marked as "REJECTED" and secured with the other Ballot Packet materials to become part of the permanent record of the election.

**SECTION 10. Duties of Poll Officials and Voters**

There shall be not less than two (2) poll officials assigned to each polling site. The poll officials will be responsible for all arrangements including availability of ballots and other election materials necessary to conduct balloting at their designated polling place. They shall also provide sufficient private booths or other places for the voters to mark their ballots in secrecy. The polling site election officials shall be present at the designated polling place on election day in time to permit voting to begin when the polls open and shall remain until the polls close, all ballots have been counted, the tally properly recorded and reported, and the ballot boxes and the ballots turned over for delivery to the Election Commission as provided in this ordinance.

All elections shall be held on Saturday, and polls shall be open between the hours of 9:00 a.m. and 5:00 p.m.

Before the balloting begins, the poll officials shall open and inspect the ballot box to determine that it is empty.

The ballot box shall then be locked and shall remain locked until time to count the ballots.

After opening of the polling site, each voter, upon presenting themselves to vote, shall announce to the polling officials their name and address, and present valid photo identification. The Poll Officials shall determine if the Voters Name appears on the Signature Roster and that the Voters Status is indicated as "REGISTERED". If the Voters status is indicated as "REGISTERED", the Voter shall sign the Signature Roster next to their printed name. In the case of a voter who signs with an "X" or a thumb print, that Voter shall have their mark witnessed by two election officials. After the Voter has signed the Signature Roster, the Poll Officials shall issue the Voter a ballot. **EACH VOTER MUST SIGN THE SIGNATURE ROSTER BEFORE THEY RECEIVE A BALLOT.**

If a Voters status is found to be "NOT REGISTERED" the Voter must complete a Voter Information/Registration form **before** being allowed to sign the Signature Roster and being issued a ballot .

Upon receipt of a ballot, the voter shall proceed to one of the private voting booths or other designated area to mark their ballot.

Only one person shall occupy a voting booth at one time except as provided elsewhere in this Ordinance.

The voter must mark and deposit the ballot in the designated receptacle before leaving the voting area. The voter shall mark their ballot according to the instructions provided.

In the event a voter appears at the polls to vote, and finds that their name does not appear on the Signature Roster for that election, the Poll Officials shall contact the Election Commission office to determine the eligibility of the Voter. The Election Commission's decision as to Voter eligibility shall be final.

When any Voter presents themselves to vote and states that, because of physical disability or infirmity, they are unable to mark their ballot, the Polling Officials shall complete the Affidavit of Assistance provided for that purpose.

Once the Affidavit of Assistance has been completed, the Poll Officials shall provide the Voter assistance as requested, but in all such instances the Voter must state without suggestions from such officials, the way they wish to vote, and in no instance shall a Poll Official by word, action, or expression attempt to influence the voter as to how they should vote. Such assistance shall be given in privacy and all persons other than the Poll Officials shall be kept sufficiently distant so that they will not hear or know how the Voter executed their ballot.

Any voter needing an interpreter shall furnish their own.

Any persons waiting in line to vote at closing time shall be permitted to vote, but those presenting themselves after the closing of the polls shall not be permitted to vote.

## **SECTION 11. Handling of Special Circumstances**

### **11-a. Spoiled Ballot**

Should any voter spoil their ballot in their effort to vote, they shall fold and return it to the Poll Officials and the Voter shall then, in the presence of the Poll Officials, place the Spoiled Ballot in one of the "SPOILED BALLOT" envelopes provided to the Poll Officials for that purpose. The Poll Officials shall then provide the Voter with a replacement ballot in the same manner that the original ballot was provided. All "SPOILED BALLOT" envelopes containing Spoiled Ballots shall be accounted for on the Ballot Accounting Form and secured with the voted ballots at the closing of the polling site.

### **11-b. Electioneering and Loitering**

No person shall be allowed to campaign or electioneer within 100 feet of the building where and when an election is in progress. Neither will any loitering be permitted in the polling place during voting hours. It shall be the duty of the Poll Officials at the polling site to obtain such assistance as may be required to maintain order during the progress of the election.

## **SECTION 12. Canvass of Election Results**

### **12-a. Polling Sites**

The Poll Officials shall tabulate the votes at each polling site as soon as the last voter has voted either manually utilizing Tally Sheets provided by the Election Commission or electronically if electronic voting machines are used. If in the course of manual tabulation of ballots, a portion of a ballot is found to be improperly marked, only that portion of the improperly marked ballot shall be voided.

Once all ballots have been tabulated, the tabulation results shall be communicated directly to the Election Commission office. Poll Officials shall not disseminate the results of the tabulation in any fashion other than as instructed by the Election Commission including; verbally, telephonically or through any type of social media. Upon completion of tabulation and communication of the results to the Election Commission, the Poll Officials shall sign the certification of results as provided by the Election Commission.

The Poll Officials shall secure all marked and unmarked ballots as well as any other election materials in the secured containers provided by the Election Commission and return with the containers to the Election Commission office immediately.

### **12-b. Poll Watchers**

All tribal members, including candidates are entitled to observe the tabulation process. No watcher shall in any way interfere with or hinder the Poll Officials in performance of their duties.

### **12-c. Summary Election Canvassing**

Upon the closing of the polls, the Election Commission shall collect the election results from each polling site and compile and prepare the report of Unofficial Election Results to be posted as soon as practical. The Unofficial Election Results shall contain the following information;

Election Title

Election Date

Election Results by Polling Site



Election Results for Absentee Precinct

Accumulated Vote Totals and Percentages

Count of Spoiled Ballots

Count of Rejected Ballots

Count of Total Ballots Cast

**12-d. Ties**

In the event of a tie vote in an election in which such tie remains unresolved after any challenge, recount or protest proceedings have been completed the following resolution methods shall be applied by the Election Commission:

- a. Primary Election - In the event of a tie between the second and third place finishers in the election, both candidates will proceed to the General Election.
- b. General Election - In the event of a tie, the winning candidate will be determined by lottery, in accordance with Article IX Section 11 of the Constitution of the Kiowa Tribe.
- c. Resolution/Budget Election - In the event of a tie the Results of the Election shall be declared null and void and a Special Election will be called.

**12-e. Official Election Results**

After all challenges, recounts, protests or tie votes have been resolved, the Election Commission shall cause to be generated the Official Election Results. The Official Election Results shall substantially reflect the Unofficial Election Results, but shall include the following statement:

“We, the undersigned members of the Kiowa Election Commission, do hereby certify the above to be a true and accurate abstract of the votes cast in the election herein. We further certify that said election was conducted in accordance with Constitution of the Kiowa Tribe and the Kiowa Tribal Election Ordinance.”

The Official Election Results shall be posted in public places as determined by the Election Commission, as well the web site of the Tribe and any other social media and information outlets as to be determined.

**SECTION 13. Contest of Election Results**

**13-a. Requests for Recounts**

Within 72 hours of the posting of the Unofficial Results, any Registered Voter of the Tribe may request a recount of the ballots be conducted by the Election Commission. The request shall specify the candidate or position on behalf of which the request is being filed. The request for a recount must be in writing, signed, and must be accompanied by a \$500.00 recount fee to be submitted by Cashier’s Check or Money Order. Personal checks or cash will not be accepted.

Upon receipt of the written request for recount and the recount fee, the Election Commission shall proceed to conduct a recount of the votes in the challenged contest. No request for a recount shall be considered that is not made within the time period provided in this Ordinance.

If the Requestor is successful in the recount, i.e. the candidate or position on behalf of which the request was filed is determined to be the winner at the end of the recount, the Requestor shall have

returned to them any amount above the actual costs involved in the conduct of the recount. If the recount is unsuccessful, i.e. the candidate or position on behalf of which the request was filed is not determined to be the winner at the end of the recount, the Requestor shall forfeit the entire fee.

#### **13-b. Protest Alleging Fraud or Other Irregularities**

Within 72 hours of the posting of the Unofficial Results, any Registered Voter of the Tribe may file a written protest alleging fraud, the correctness of announced results, or other irregularities. The written protest must be accompanied by a Cashier's Check or Money Order in the amount of \$500.00. Personal checks or cash will not be accepted. In such a protest, the Challenger must allege that fraud, or irregularities occurred in the voting process and that results of the election were materially affected by such fraud or irregularities. The Challenger must further allege where such fraudulent or irregular incidents or activities occurred, the specific act constituting such alleged fraud or irregularities and the names of the alleged perpetrators of such fraud or irregularities. If such allegations are not made with supporting information or if proper filing and submittal procedures are not followed, the protest shall be deemed frivolous by the Election Commission and shall be dismissed.

If such protest is filed in the manner herein provided, the Election Commission shall hear and determine said issue not later than forty-eight (48) hours following the closing of the protest period. The Election Commission shall render a final determination in writing on any protest or challenge within forty-eight (48) hours of the hearing. If the Election Commission fails to render a final determination on any protest or challenge within forty-eight hours, the original certification of the election results shall be deemed final for purpose of judicial review in accordance with Article IX Section 14 of the Constitution of the Kiowa Tribe.

#### **13-c. Appeals**

An appeal of a final determination made by the Election Commission on any protest or challenge to the results of the election may be filed directly with the Supreme Court of the Kiowa Tribe; provided, that a non-refundable fee of one thousand dollars (\$1,000.00) in the form of a Cashier's Check or Money Order is filed with the appeal. Personal checks or cash will not be accepted. The Supreme Court of the Kiowa Tribe shall hear and decide all election appeals within thirty (30) calendar days: provided that if the Supreme Court of the Kiowa Tribe fails to decide such appeals within thirty (30) calendar days, then the decision of the Election Commission shall be final and no subsequent judicial review shall be permitted in accordance with Article IX Section 14 of the Constitution of the Kiowa Tribe. In any case where fraud is proven on the part of any candidate for office, that individual shall be declared ineligible for the office for which they were a candidate in accordance with Article IX Section 14 of the Constitution of the Kiowa Tribe.

#### **SECTION 14. Amendments**

Amendments to this Ordinance may be made in a duly called meeting of the Election Commission at which a quorum of the Commission is in attendance and a majority of those in attendance vote for the proposed amendment(s). No Amendments to this Ordinance shall be enacted less than one hundred and eighty (180) days prior to any Election governed by this Ordinance.