

In the Supreme Court of the Kiowa Tribe
Carnegie, Oklahoma



Tammara Bazor,)
)
Petitioner,)
v.)
)
Kiowa Tribe Election)
Commission,)
)
Respondent.)

Case No. SC-2026-01



ORDER ON MOTION FOR IN PAUPERIS RELIEF

Petitioner Tammara Bazor was a candidate in the primary election of the Kiowa Tribe for the position of vice-chairperson. After the primary election, Petitioner filed a protest with the Election Commission alleging various irregularities and violations of law by other candidates and tribal officials in the election campaign process. The Election Commission denied Petitioner's protest. Petitioner appealed to the Supreme Court. As a part of her appeal, Petitioner filed a motion for *in forma pauperis* relief to waive the prescribed \$1,000.00 filing fee based on financial hardship. We consider whether the Supreme Court may waive the \$1,000.00 filing fee.

Filing fees established by court rule or a legislature serve a twofold purpose. First, filing fees are implemented to supplement appropriated public funds for court operations. Second, and more importantly, filing fees serve as a deterrent for frivolous filings that could overburden courts with caseloads that would potentially deny or delay justice to litigants with meritorious cases. Thus, court filing fees carry out a reasonable and legitimate public purpose by supporting and ensuring the efficient and effective administration of justice.

Courts have long exercised their authority and discretion under common law or statute to grant *in forma pauperis* relief to indigent litigants in the interests of justice. This practice supports access to the judicial system for persons who otherwise cannot afford to prepay filing fees prescribed by statute or court rule. In the case before us, however, the \$1,000.00 filing fee for appeals from determinations of the Election Commission is not established by Kiowa legislative law or by court rule. Instead, the prescribed filing fee is spelled out

in the text of the Kiowa constitution. We therefore analyze whether the constitutional basis of the filing fee precludes the Supreme Court from granting *in forma pauperis* relief to the Petitioner in this type of appeal.

The constitution adopted by the Kiowa Tribe in 2017 is an enduring document declaring the fundamental laws and general principles that serve as the foundation and framework of the government for the Kiowa tribe. The fundamental laws and general principles preserved in the constitution are permanent and unalterable except through amendment by the Kiowa people in accordance with the amendment process in Article XIV of the constitution. Among the fundamental laws in the constitution is the fee at issue in this case. Specifically, Article IX, Section 14 of the Kiowa constitution provides in pertinent part as follows:

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; provided, that a non-refundable fee of one thousand dollars in the form of a cashier's check or money order is filed with the appeal.

The amount of the filing fee prescribed in Section 14 for a Supreme Court appeal is unquestionably substantial in comparison to other fees in Kiowa court cases. The explanation for this difference rests on the pre-constitution history of election challenges and appeals that reportedly were frequent and often not meritorious. So, to address these burdensome filings, the intention of the framers of the constitution in setting a high fee on Election Commission case appeals is unmistakable. The text in Section 14 is clear and unambiguous that the framers took a purposeful step to protect against non-meritorious or frivolous appeals to the Supreme Court from Election Commission determinations of election challenges. The framers thus carried out their intent and purpose by expressly requiring a "non-refundable fee of one thousand dollars" as a constitutional condition for pursuing Supreme Court appeals.

Section 14 in Article IX is a permanent and specific law in the Kiowa constitution and the fee amount or any other condition in Section 14 cannot be altered by common law or statute. We therefore conclude that the Supreme Court therefore lacks the authority to grant *in forma pauperis* relief on the constitutional filing fee when a litigant files an appeal to the Supreme Court from a determination of the Election Commission.

Notwithstanding our conclusion in this matter, we make it clear that under common law the Kiowa Trial Court has the discretion to continue to grant *in forma pauperis* relief to indigent litigants in civil and criminal cases and the Supreme Court has the discretion to

grant *in forma pauperis* relief to indigent defendants in appeals in civil and criminal cases since the fees in those type of cases are established by court rule or legislation and not by the constitution.

Accordingly, based on the text, structure, and context for the \$1,000.00 fee requirement set forth in the constitution, we hold that the Supreme Court lacks the authority to grant *in forma pauperis* relief on the \$1,000.00 filing fee requirement in Article IX, Section 14 of the Kiowa constitution.

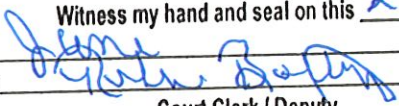
NOW, THEREFORE, IT IS ORDERED that the Petitioner's motion for *in forma pauperis* relief in this case is denied and Petitioner's appeal is hereby dismissed.



Eldridge Onco
Chief Justice
Kiowa Supreme Court

This Order joined by Associate Justice Jerilyn DeCoteau; Associate Justice Melissa Holds the Enemy; Associate Justice Albert Ghezzi; and Associate Justice Deanna Hartley-Kelso.

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE, CORRECT
AND COMPLETE COPY OF THE INSTRUMENT HEREWITH
OUT AS IT APPEARS ON RECORD IN THE OFFICE OF THE COURT
CLERK, KIOWA TRIBAL COURT.

Witness my hand and seal on this 2nd Day
By:  , 2026
Court Clerk / Deputy