

**ELECTION ORDINANCE**  
**Of**  
**The Pawnee Nation of Oklahoma**

**Section 1.** **Authority:** This Election Ordinance is hereby enacted by the Pawnee Business Council under authority delegated by Article IV, Section 4-I, of the Constitution of the Pawnee Nation of Oklahoma.

**Section 2.** **Purpose:** The intent of the Election Ordinance is to establish procedures for fair elections and to insure the secrecy and sanctity of the ballot. The regulations and procedures contained in this Ordinance will be administered by an Election Commission to accomplish this purpose, provided:

- A. That no more informality in the execution of the following provisions of this Ordinance will invalidate any election; and,
- B. That substantial compliance will be recognized as adequate.

**Section 3.** **Definitions:**

**Business Council** – The Pawnee Business Council, the elected governing body of the Pawnee Nation of Oklahoma established by Article IV, of the Tribal Constitution.

**Constitution** – The Constitution of the Pawnee Nation adopted July 4<sup>th</sup>, 1998.

**Dates of Events** – In determining the date of any event pertaining to elections, neither the day of the election nor the day of the event will be counted.

**Election Commission** – The general Election Commission will be established by the Pawnee Business Council. The Chairman and the Teller will be appointed to serve for 4 years and all others will serve 2 years.

**Election Notice** – The official notice that an election will be held on a specific date issued by the Pawnee Election Commission.

**Section 4.** **Election Officials:**

The Pawnee Business Council will appoint an Election Commission. The Commission will have overall responsibility for the conduct of all elections and its' duties will include, but not limited to, the following:

**(A)Election Commission:** The Election Commission will consist of Chairman, Clerk, Teller, Sergeant-at-Arms, and one alternate, with the Chairman as judge at all meetings.

**(C.)Election Supplies:** The Election Commission will arrange for delivery of election supplies.

**(D.)Rulings of Eligibility of Candidates:** The Election Commission will have the authority to rule upon the eligibility of the candidates, and their decision will be final.

**Section 5. Voter Qualifications:**

**(A)Resident Voters:** Any member of the Pawnee Tribe who is eighteen (18) years of age or over on the date of the election.

**(B)Absentee Voters:** Any member of the Pawnee Tribe who is eighteen (18) years of age or over on the date of the election who expects to be absent from the polling place on the day of election.

**Section 6. Ballots:**

A. **Form of Ballot:** Ballots shall be designed by the Election Commission to be fair to candidates, give reasonably clear directions to voters, discourage voting fraud, and be cost effective.

**Numbering:** Each ballot will be numbered.

**Paper:** The ballot shall be on secure paper.

B. **Number of Ballots:** Ballots will be supplied by the Election Commission in sufficient quantity to assure each voter is provided with a ballot.

C. **Delivery and Receipt of Ballots:** The Chairman of the Election Commission will have all election materials delivered to the polling place. The Clerk will be responsible for all election materials as provided in Section II of this Ordinance.

**Ballot Box:** The Ballot box will be secured with a lock and key. The key to the lock will be given to the Chairman of the polling place.

**Section 7. Voting List:**

**Preparation and Posting List of Registered Voters:** On the day of election, the Clerk of the Election Commission will obtain and post a list of all voters entitled to vote.

**Section 8. Absentee Voting:** Except for elections filling a Council vacancy, Absentee Ballots will be issued for all elections.

**(A) Basis for providing Absentee Ballots:** Whenever a qualified voter expects to be absent for any reason, they can request an absentee ballot for the election provided in subsection (b).

**(B) Requesting and Issuing Absentee Ballots:** All requests for absentee ballots will be made in writing and received by the Election Commission, PO Box 600, Pawnee, Oklahoma 74058, no less than twenty-one (21) days before Election Day. Upon receipt of a valid request, the Election Commission will forward to the voter all

necessary forms to be used in the pending election. Any ballots received after 12:00 noon on the day of the election will not be counted.

The Election Commission Clerk will maintain a file of all requests. The file will consist of the date, named address of all persons mailed absentee ballots. Each ballot will be marked "Absentee Ballot" and the date of issuance.

After issuance of the absentee ballot, the Election Commission will list each person sent an absentee ballot so that individual will not be allowed to vote at the polling place for the election.

**(C) Execution and Return of Ballots and Certification:** The voter will mark their ballot and tear off the numbered stub and handle as indicated below:

- (1) Fold the ballot to conceal the markings and place in the provided inner envelope.
- (2) The voter will sign the certification printed on the outer envelope.
- (3) The pre-addressed envelope shall be mailed to the Pawnee Election Commission, at the mailing or physical address designated by the Election Commission, to meet the Deadline of noon, of the Election Day.

**ANY ABSENTEE BALLOT NOT PROPERLY SUBMITTED IN ACCORDANCE WITH THESE INSTRUCTIONS FOR ABSENTEE BALLOTING WILL NOT BE COUNTED.**

- (4) **Absentee Ballots:** Absentee Ballots will remain in a locked box at the Pawnee Nation Reserve Office until 1:00 pm on the day of the election. The Election Commission Clerk will transport the locked absentee box to the election site to the Election Commission.

**NO ABSENTEE BALLOTS WILL BE RECEIVED AT ANY TIME OR BY MEANS OTHER THAN PROVIDED FOR IN THIS SECTION, WHICH IS BY MAIL.** (Note: Absentee ballots cannot be hand carried to polling place.)

**Section 9. Duties of Poll Officials and Voters:**

The duties of the Chairman, Clerk and Teller in the conduct of the balloting will be as follows:

- The Chairman will be in charge of the polling place and responsible for the availability of voting booths.
- The election officials will be present at the polling place on Election Day from 8:00 am to 7:00 pm and until the tally has been recorded and reported. The empty ballot box will be locked and remain locked until time to count the ballot.
- Each voter states their name to the clerk and signs the poll book. The election officials will then determine the voter's eligibility and issue a ballot.

- Upon receipt of a ballot the voter will go to a voting booth and mark their ballot. Only one person will occupy a voting booth at one time except as provided elsewhere in this section.
- The voter must mark their ballot with an X or check mark and deposit their ballot before leaving the polling place. Either mark, to be valid must be identifiable with the appropriate square or place on the ballot. After the ballot is marked, the voter will tear off the stub and deposit the folded ballot in the ballot box. The ballot stubs are to be deposited in a separate box.
- When a voter presents himself/herself for a ballot and states that he/she, because of physical disability or infirmity, is unable to mark their ballot, one of the election officials will have the voter swear the following:
  - “Do you solemnly swear (or affirm) that you are unable to mark your ballot for voting because of physical disability or infirmity?”
- Should the voter so qualify himself/herself, two polling place officials will give the voter the assistance they need. The voter must state, without suggestion from the officials, the way they wish to vote. In no instances will an election official by word, action or expression, attempt to influence the voter as to how they should vote.
- Any person waiting in line to vote at closing time will be permitted to vote, but those presenting themselves after the hour for closing of the polls will not be permitted to vote.

**Section 10. Handling Special Circumstances:**

- (a) **Spoiled Ballot:** If a voter spoils their ballot, they should deposit the spoiled ballot in a special “spoiled ballot” box. The election officials will provide the voter with another ballot and write on the stub of the spoiled ballot “Spoiled.” The official will write on the new ballot “Duplicate of Spoiled Ballot” and the ballot number.
- (b) **Alternates for Polling Officials:** Should an election official of the polling place become ill or have an unforeseen emergency, the Chairman of the election commission will be notified immediately so that an alternate may assume the responsibilities of the vacated position.
- (c) **Electioneering and Loitering:** No person will be allowed to electioneer or loiter within one hundred (100) feet of the election site during voting hours. The Sergeant-at-Arms will maintain order during the election.
- (d) **Ties:** In the event that two or more candidates are tied for a position for the Pawnee Business council they filed for, the Election Commission will conduct a recount of ballots cast in the contest. *Should a tie exist at the completion of the recount, the Election board Chairman in the presence of the Election Commission and the poll watchers, will flip a coin for the two tied candidates; or draw straws for more than two tied candidates, to determine a winner.*

**Section 11. Canvas of Election Results:**

The Chairman, Clerk and Teller will count and record the votes as soon as the polls close and notify the President of the Pawnee Business Council of the results. All marked, unmarked and Absentee Ballots will be turned over to the chairman of the Election Commission after closing the polls. The election Chairman will issue a signed receipt for the ballots and have the ballots locked in the Pawnee Tribe Reserve Office for two (2) years before being destroyed, where they will be available for inspection under the supervision of the Pawnee Business Council.

- (A.) **Poll Watchers:** Each candidate is *entitled to choose one person to observe, on this behalf, the counting of ballots.* In elections to vote on issues, the Election Commission may designate two (2) watchers for the side of the question under consideration. On Election Day a Bureau of Indian Affairs official(s) may act as observer at the polls. No watcher will in any way interfere or hinder the election officials in exercising their responsibility.
- (B.) **Counting the Ballots at the Polling Place:** Immediately after closing the polls, the election officials will count the votes cast, in the following manner: As the ballots are opened, the Chairman will verbally announce the choice or choices indicated on the ballot, the clerk, Teller and poll watchers will record such information on tally sheets. *The winning candidates for the Pawnee Business Council will be determined by popular vote with each candidate receiving the highest number of votes for the positions they filed for.* Upon completion of the tally, the Chairman will execute a certification of the voting results and post a copy of such notice. If the number of votes cast in the ballot box is found to exceed the number of names on the voter registration list, the Clerk will note this fact on the tally sheets.
- (C.) **Preparation for Counting Absentee Ballots:** The Election Commission Clerk and one other polling official will count the ballots. Each outer envelope will remain unopened at that point. The Clerk will then determine whether the person whose name is signed to the certification is a registered voter and check said voter against the absentee voting list. The sealed inner envelope will then be dropped into the ballot box and remain there until the count of absentee ballots.
- (D.) **Counting Absentee Ballots:** The Chairman of the Election Commission will open the absentee ballot box, and count the ballots as set forth in Section 11 (B).
- (E.) **Announcing Results of Election:** Immediately upon completion of the count, the Chairman of the Election Commission, will convey to the Pawnee Business Council President and the Superintendent of the Pawnee Agency, the results of the voting.
- (F.) **Return of Election Materials:** The marked ballots, all unused ballots, the tally sheets, and the original of the certificate of results will be placed in the ballot box. The boxes will be locked and

delivered by the Clerk and Teller of the Election Commission to the Pawnee Tribal Reserve Office.

- (G.) **Improperly Marked Ballots:** Should a portion of a ballot be miss-marked, it will not exclude from the tally that part which is correctly executed. Any ballot on which the intent of the voter cannot be determined, will be preserved and filed with the other ballots for safekeeping with the notation placed on the face of the ballot indicating it was not counted.

**Section 12. Contests of Election Results:**

- (a) **Request for Recounts:** Any qualified voter of the tribe may at any time within three business days of the announcement of the result of an election, file with the Chairman of the Election Commission a challenge for the results of the tribal election and request a recount. The request will specify the candidate or position on behalf of which the request is being filed.  
The request for a recount must be in writing with reason given, signed and must be accompanied by a \$300.00 (Certified Check or Money Order) recount fee. If the requestor is successful in the recount, they will be refunded the amount above the actual costs involved in the recount. If the recount is unsuccessful, the requestor forfeits the full recount fee.  
Upon receipt of the request for recount and the recount fee, the Election Commission will conduct a recount of the votes. No challenge will be considered that is not made within the time provided for that purpose. Poll watchers are allowed to be present at all recount proceedings.
- (b) **Protests Not Involving Recounts:** Any qualified voter of the Pawnee Nation may, at any time within three business days of the announcement of the result of an election, file with the Chairman of the Election Commission a written and signed protest or challenge concerning any aspect of the election. The Chairman of the Election Board will respond within one week following the closing of the protest period. All decisions made by the Election Commission on protests are final.

**Section 13. Types of Elections**

**(A). Election of Business Council Members:**

(1) **Election Date:** Elections will be conducted on the first Saturday in May and of each odd numbered year. (Article 4, Section 4, Constitution of the Pawnee Nation of Oklahoma).

**(B)Publication of Election Notice:** At least 60 days before the date of election of members of the Business Council a public notice of the calling of the election will be made and notices will be posted at the offices of the Bureau of Indian Affairs, Pawnee Agency and other sites as designated by the Election Commission. The Pawnee Chief

and the Tribal Newsletter will carry the election notice as a public service announcement.

- (2) **Term in Office:** for the first regular election after the adoption of the new Constitution, May 1999, the President, Treasurer, and the First and Second Council Members will be elected to a four year term. The Vice-President, Secretary, and the Third and Fourth Council Members will be elected to a two-year term.
- (3) **Eligibility:** All members of the Pawnee Nation of Oklahoma who have reached the age of 25 (twenty-five) years, are eligible to file their candidacy for Pawnee Business Council, except those persons previously convicted in a court of competent jurisdiction of a felony or those persons receiving a dishonorable discharge from military service, "See Candidate Form." Any member of the Pawnee Nation filing for office, will not be eligible if they are indebted to the Pawnee Nation for any amount. (Note: In the event the debt is paid, that member will be eligible to file.)
- (4) **Filing for Office:** A qualified person seeking election as a member of the Pawnee Business Council, must personally file a written notice, accompanied by a waiver and a filing fee of \$200.00 (two hundred dollars non-refundable money order or cashiers check) with the Pawnee Election Commission. Eligible candidates can only file for one position. Filing fees will be used for election expenses. No personal checks will be accepted and no refunds for filing or challengers.
- (5) **Testing Eligibility of Candidates:** The Pawnee Tribal Election Commission will promptly review all filings for the Business Council, whether challenged or not, to test the eligibility of each person. If the Election Commission determines that a person is not eligible, the Election Commission will notify such person that their candidacy is being challenged, giving the reasons for the challenge, and that unless satisfactory proof of eligibility is furnished within two (2) days after notification, he will be declared ineligible. The decision on eligibility made by the Pawnee Nation Election Commission will be final.
- (6) **Challenge of Candidates:** Any voter may challenge the eligibility of any person to be a

candidate by filing with the Pawnee Nation Election Commission a written statement setting forth the grounds for the challenge. The challenge must be filed within five (5) days of the posting of the list of candidates. The Pawnee Nation Election Commission will promptly notify the would-be candidates in writing stating the basis for the challenge and the person making the challenge will furnish proof that he is ineligible to be a candidate. The Pawnee Nation Election Commission will rule on each challenge and each person will be notified by certified mail of their decision. There will be a non-refundable \$50.00 filing fee for challenges of candidate. **THERE WILL BE NO REFUND OF CHALLENGES OR FILING FEES.**

- (7) **Appeal to Tribal Court:** Any person who aggrieved by order of the Election Commission on eligibility may appeal that decision to the Pawnee Tribal Court. The court will use expedient proceedings or in the determination of the cases prior to the deadline for receipt of request for Absentee Ballots.

**(B). Constitutional Amendments**

- (1) An election proposed under Constitution Article X shall be held by the Election Commission within sixty (60) days of the Business Council vote to propose, or the receipt of a petition proposing the amendment - *Unless the body proposing the amendment asks for a time extension.*
- (2) The Election Commission shall set a date for the election and give public notice at least sixty (60) days before.
- (3) The ballot shall allow a vote on at least each Article that is proposed to be amended, added, or deleted.
- (4) The Business Council resolution or the petition proposing the vote shall indicate a yes or no vote on any one or more provisions as a group.
- (5) The proposal may request a vote on two or more options.

**(C). Special Elections**

- (1) An election to fill a vacancy under Article IV. I. shall follow the rules of this section. The Election Commission shall follow other applicable provisions of this ordinance to the extent practical given the priority of meeting the Constitutional deadline. Matters not

addressed in this section are subject to the sole discretion of the Election Commission.

- (2) The Special Election may be held by mail only balloting using the Enrollment Office address list. To mitigate the possibility that an eligible voter is unable to vote because of a wrong address or postal service problem causing an eligible voter to not receive a ballot, if a by mail only election is used, the Election Commission shall make provision for persons whose ballot was returned by the postal service as undelivered to have the ballot delivered or given to them upon proof of identity and a correct mailing address. If a ballot was sent but not received or returned, an eligible voter shall be allowed to submit a challenge ballot. Neither the Election Commission or the Business Council will be responsible for the inability to of a member to vote because of a wrong address for the member or error by the postal service.