

ELECTION ORDINANCE OF THE IOWA TRIBE OF KANSAS AND
NEBRASKA

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ELECTION ORDINANCE IOWA TRIBE OF KANSAS AND NEBRASKA

SECTION 1. AUTHORITY. This Election Ordinance is enacted by the Executive Committee of the Iowa Tribe of Kansas and Nebraska pursuant to Section 2, Article IX — Elections of the Constitution and By Laws of the Iowa Tribe of Kansas and Nebraska.

SECTION 2. PURPOSE. The purpose of this ordinance is to establish uniform procedures for the conduct of the election for Executive Committee Members, and for the conduct of recall, referendum and initiative elections. This ordinance also provides for a uniform procedure for submitting petitions and the handling of election protests.

The election ordinance shall not supersede or be inconsistent with the Constitution and By Laws of the Iowa Tribe of Kansas and Nebraska.

SECTION 3. DEFINITIONS.

Executive Committee - A Chairman, Vice Chairman, Secretary, Treasurer and Member elected at large from the General Council for a four year term of office.

General Council - All enrolled members of the Iowa Tribe of Kansas and Nebraska who are at least eighteen (18) years of age.

Election Board — A subordinate committee which may be established by the Executive Committee under enumerated power of Section 1. g., Article V - Powers of the Constitution and By Laws of the Iowa Tribe of Kansas and Nebraska, having certain responsibilities for the conduct of tribal elections set forth in this ordinance.

Voter - Any member of the Iowa Tribe of Kansas and Nebraska who is 18 years of age or over on date of election.

Voting Place - Only at the place specified in the notice of the meeting. The election of the Executive Committee members shall be held at the General Council meeting on the 3rd Saturday in October.

Candidate - (Executive Committee) any nominee of the tribe 21 years of age or over on date of election who qualifies pursuant to Section 4, Article IX - Elections.

Robert's Rules of Order - As provided in Section 2, a., Article XII - Meetings, all members shall be conducted in accordance with Robert's Rules of Order, as amended, unless otherwise specified in the Constitution and Bylaws.

Quorum - 30 members of General Council present at meeting required to transact business except at the annual election meeting of the General Council.

Sergeant-At-Arms - An officer appointed by the Chairman to keep order in the meeting.

Petition - A request in writing to a person or group in authority. Petitioning provisions are set forth in Section 2, Recall, Section 3, Initiative and Referendum Article VI, Section 1 .b, Article XII - Meetings.

Voting — all voting in tribal elections is by secret ballot and in accordance with established procedures.

Nominee - A person who applies to be a candidate.

SECTION 4. ELECTION BOARD. The Election Board shall consist of three (3) tribal members; a secretary and two (2) members appointed by the Executive Committee pursuant to authority as provided in Section 1(g) Article V - Powers.

The purpose of the Election Board is to serve in an impartial, capacity as provided in this ordinance in all tribal elections held pursuant to the provisions of the Constitution and By Laws.

The term of office of the Election Board shall be for four (4) years, beginning with the board's appointment date. At the end of the present terms of office, reappointments and new appointments will be filled for terms of four (4)years, which terms shall permit the election board members to conduct two elections. It shall be the prerogative of the Executive Committee to reappoint one or more of the Election Board members or to appoint new members at the end of the member's term. When a vacancy occurs in the Election Board, the Executive Committee shall immediately appoint a new member to complete the vacated term. In the temporary absence of a member of the Election Board during a tribal election, the Executive Committee may appoint a substitute member that election only. The Election Board may appoint clerks, counters, or other helpers during the tribal elections, as it deems necessary.

The Election Board shall be composed of members who are impartial in their decisions, available to perform duties and are not prospective candidates for office. Should a member of the Election Board announce his or her proposal to file for office, then that member must resign from the Election Board before officially filing.

The Election Board member shall be paid by the Executive Committee for duties performed and expenses incurred by the Election Board in carrying out tribal elections. The amount the Election Board is to be paid shall be determined by the

Executive Committee. The funds received from filing and recount fees shall be used for election expenses, and if necessary, supplemented by amounts set forth in the tribe's annual operating budget, subject to the availability of tribal funds.

The Election Board is to be appointed immediately after adoption of the election ordinance by the Executive Committee. The Election Board shall meet as soon as possible after appointment and formulate time schedules for noticing the next tribal election, and to set forth any other regulations to be followed by the Election Board not to provide for in the election ordinance.

The duties and procedures of the Election Board include, but are not limited to, the provisions of this ordinance.

The Election Board may establish specific rules and regulations governing tribal elections and special meetings not otherwise included in this election ordinance provided the rules and regulations are consistent with the Tribe's Constitution and By Laws and this ordinance.

SECTION 5. FILING FOR OFFICE.

1. A person qualified pursuant to Section 4, Article IX, Elections, desiring to be a candidate for election as a member of the Executive Committee, must personally file a written notice to the Secretary for the Election Board of his or her nomination for a given position, and state in writing that he or she qualifies Pursuant to the provisions of Section 4, Article IX.

Notice of filing as a prospective candidate must be submitted to the Secretary of the Election Board no later than 30 days prior to the date of the tribal election which shall be held on the third Saturday of October of election year.

Each nominee filing for office must pay a filing fee of \$150.00 payable to the Iowa Tribe of Kansas and Nebraska by money order or a cashier's check. This must be mailed to the Secretary of the Election Board. The said filing fee is non-refundable.

2. It shall be the duty of the Election Board to determine those nominees who qualify to be candidates, upon receipt of a notice of filing for office; the Election Board shall promptly review the qualifications of prospective candidates to determine whether they qualify to be candidates according to Section 4, Article IX - Elections.

If the Election Board determines that the nominee is not qualified to be a candidate, the board shall notify such person, giving its reasons and stating that unless satisfactory proof of qualification is furnished within 10 days after notification he or she shall be declared disqualified to be named as a candidate. If the nominee replies

to the challenge within 10 days, the Election Board shall respond, stating its final ruling. A disqualified nominee may appeal such ruling to the Executive Committee, whose decision shall be final.

3. A nominee may file for only one office in each election. If a member files for more than one office and refuses to withdraw his name as a nominee for one of the offices, he or she shall automatically be disqualified to become a candidate for either office and no refund of filing fee will be allowed.

4. Persons declared to be candidates may withdraw their names at any time prior to the election. The names of candidates who withdraw after the printing of the ballots will remain on the ballots but will be marked off before the election and not counted as a valid candidate. Withdrawals of candidacy must be in writing.

5. Candidates do not have to be present at the annual meeting in order to be elected, if it is otherwise known that he or she has not withdrawn, in writing, as a candidate.

6. The filing fees are not to be reimbursed to unsuccessful candidates, disqualified nominees, or to persons who withdraw their names from nomination.

7. The Secretary of the Election Board shall provide an accounting to the Executive Committee of all funds received and expended by the Election Board.

SECTION 6. NOTICING TRIBAL ELECTION. In conjunction with the Executive Committee, the Election Board shall notify the tribal members of each tribal election and shall determine the method of notching the election, whether by individually mailed notices, by tribal newsletter, public posting or publishing. The notice shall include, but not be limited to, the following information:

1. Date of Election
2. Announcement that election will be by filing nominations for candidacy for the offices of Chairman, Vice Chairman, Secretary, Treasurer, or Member.
3. Method of filing will be by use of prepared nominating form.
4. Qualifications of candidates
5. Filing Period
6. Amount of filing fees
7. Address to which to mail or present notice of filing

SECTION 7. ELECTION OF EXECUTIVE COMMITTEE.

1. The Election Board shall serve as registrars for all tribal elections held pursuant to the provisions of this Constitution and By Laws. At the closing of the polls, all persons in line at the closing hour shall be given an opportunity to cast a ballot. No others will be allowed to join the line past the closing hour. After the polls have officially closed, voting

shall continue as long as necessary to allow all those in line at the time of the closing of the polls to vote.

2. If no candidate filing for a specific office, then nominations can be received from the floor on the date of the election. Also, nominations can be made from the floor in the event a candidate withdraws, in writing, his or her name as a candidate prior to the actual time the vote is taken for that office. This announcement is made only at the time the voting is done for each office.

Nominations cannot be made from the floor as long as there is at least one candidate on the ballot who filed for office during the filing period. If there are no candidates who filed for a specific office during the filing period, and during actual voting on the candidates for each office, any candidate already rendered unsuccessful at the election may be nominated from the floor for the offices for which there were no official filings.

The Election Board secretary shall request each candidate who is nominated from the floor to sign a declaration as to whether he or she qualifies for office pursuant to Section 4, Article IX - Elections. (The qualifications of Section 4, Article IX in the tribal Constitution shall be ready by the Election Board Secretary.)

The declaration must be signed before the nominee can be declared a candidate.

If there are nominations made from the floor the Election Board Secretary shall call the name of each nominee, or list on a blackboard, the names of those nominees declared to the candidates.

3. The voting for Executive Committee members shall be by secret ballot only.

The Election Board shall prepare separate ballots for each office containing the names of the candidates beginning with the office of Chairman, then for each of the offices in descending rank. The ballots shall be prepared prior to the annual meeting.

4. The Election Board secretary declares the floor open for voting, for one office at a time, for the Chairman, Vice Chairman, Secretary, Treasurer and Member. If nominations are made from the floor and the nominations have ceased the Election Board secretary declared the nominations closed.

5. Voting is allowed only during the time the Election Board Secretary declares the meeting in order for the election of the Executive Committee. There is no voting for a candidate until the Election Board Secretary announces the voting for each candidate. On day of election polls will open at 10:00 A.M. and polls will close at 1:30 P.M.

6. The voters shall vote for the candidate of their choice by using ink to mark the ballot according to instructions and each voter puts their ballot in the ballot box.
7. There shall be no public electioneering by any candidate during the annual meeting, either inside the meeting room or within 100 feet of the building in which the meeting is held.
8. Pursuant to Section 2, Article IX - of the Constitution and By Laws (Elections), there shall be no write-in votes or absentee balloting accepted.
9. As provided in Article XII of the Constitution Meetings, Section 1. e., the Chairman shall not vote except in the events of a tie, this is not intended to apply to the casting of secret ballots for election of officers, only for the conduct of business.
10. The Election Board shall count each ballot after the vote of each office and the results of the voting are to be read to those present at the election meeting. The Election Board Secretary shall announce the winner, which is the candidate receiving the most votes cast for that office.
11. In lieu of a tie vote, after the runoff ballots have been developed, the Chairman of the Election board will announce that the polls are open and will close in one (1) hour and thirty (30) minutes. Only member that voted in the original election are eligible to vote in the runoff.
12. The Election Board shall certify the results of the election to the Executive Committee at the conclusion of counting votes.
13. The successful candidate shall be installed in office at the first succeeding regular meeting of the Executive Committee following the election upon taking the oath of Office administered by such person as may be designated by resolution of the Executive Committee. (Article X, Section 1)
14. Used ballots in any tribal election shall be safe guarded by the Election Board and disposed of at the Boards discretion. The used ballots shall be kept by the Election Board for the period of six (6) months after an election. Ballots will then be shredded.

SECTION 8. ELECTION PROTESTS.

1. Protests on the election of the Executive Committee must be presented to the Election Board in writing by 4:00pm on the third day following the date the election results are certified. The Election Board shall respond to the protests within 2 days following the deadline for filing protests. The decision of the Election Board on the election protests may be appealed to the Executive Committee. The decision of the Executive Committee which was in office at the time of the election shall be final.

The Executive Committee member(s) involved in the protest are excluded from voting on the appeal.

2. If the Election Board decides there was a discrepancy in counting the ballots, they shall be immediately recounted. Any request for a recount shall be accompanied by a fee of \$250.00 cash only. The request for recount will be received only at the time of election. If the recount changes the results of the election, the election board shall immediately issue ballots for another vote involving the same candidates for that office.

3. The Election Board shall be responsible for handling protests resulting from other tribal elections as provided in Recall, Initiative, Referendum, and Vacancies. The decision of the Election Board on protests received in these elections or meetings may be appealed to the Executive Committee. The decision of the Executive Committee shall be final. If the protest involves and Executive Committee member that member shall be excluded from voting on the appeal.

SECTION 9. PETITIONING. The petitions presented for purpose of recall, initiative, referendum, or for a special meeting as provided in the Constitution and By Laws, shall include a typed or printed heading on each sheet of signatures, stating the purpose of the petition and under what constitution provision it is presented.

The petition shall be certified by the spokesman for the petitioners that it is valid pursuant to the constitution provisions under which it is presented and that it contains the required number of signatures of tribal voters as required in the respective constitutional provision under which it is submitted. The names shall be in numbered sequence and have identification of each signature such as birth date, address, roll number, etc.

The petition shall be subject to further validation by the Executive Committee. The Executive Committee may delegate the validation to the Election Board if it is appropriate. There shall be written acknowledgement of each petition and action shall be taken promptly upon its validation.

SECTION 10. RECALL. Recall action against a member of the Executive Committee shall be subject to the provisions of Sec. 2, Article VI of the constitution which reads:

"Sec. 2. Recall. Upon receipt of a petition signed by at least seventy-five percent (75) of the number of voters who signed the register at the preceding election, it shall be the duty of the Chairman to call and conduct within thirty (30) days, a special meeting of the General Council to consider the recall of a member of the Executive Committee. Such meeting is subject to quorum provisions. Only one (1) member of the Committee shall be considered for recall at any given meeting. Once an individual is subjected to recall proceedings, he shall not again be considered for such action during the balance of his term of office. If the Chairman is the object of a recall petition, it shall be the duty of the Vice Chairman to call and conduct the special recall meeting. If the Vice Chairman refuses to call and conduct such a meeting, the other officers in descending rank shall be empowered to do so. If each of the Executive Committee members refuses to call and conduct such a meeting, the spokesman for the petitioners shall be empowered to do so."

The Special meeting of the General Council at which the recall action is to be considered shall be noticed pursuant to the provisions of Section 1 ©, Article XII - Meetings, which reads:

"The principal object of a special General Council meeting must be stated in the notification and may include the words 'and for the transaction of other business that me by presented,' Such notice shall be publicly posted for at least (5) days in advance of the meeting date,"

1. The Executive Committee must rule on the validity of the petition which is presented pursuant to Sec. 2, Article VI within 3 days of its receipt. The Executive Committee may designate the ruling on the validity of the petition to the Election Board. The Chairman shall call and conduct the special meeting of the General Council unless the Chairman is the subject of the recall action.
2. Upon certification that the petition is valid, the Executive Committee member who is the subject of the recall shall be notified at least ten days prior to the recall meeting and given a copy of the petition and the person charged shall be given an opportunity to reply verbally to the charges at the special meeting or may present his or her response in writing to be read at the special meeting. The person charged does not have to be present at the meeting in order to have a vote taken on his or her recall

from office.

3. The Election Board shall be the registrars for the special meeting and shall declare to the presiding officer when the quorum is present.

4. The Election Board shall prepare and distribute the ballots to the voting members at the time the Chairman or presiding officer declares the meeting open for voting. The ballot shall contain the name of the person involved in the recall and the question to vote Yes or No, to recall the person.
5. A quorum of 30 members of the General Council must be present. The vote shall be by secret ballot and the decision shall be reached by a majority of those voting. The Chairman shall be allowed to vote in votes by secret ballot.
6. The Executive Committee Officer of member who is the subject of the recall shall not be allowed to vote on his or her recall.
7. In the event the member who is subject to recall action resigns, in writing, in the face of the recall action after the special meeting is noticed, then proper notice shall be given to tribal members and the special meeting canceled. The vacancy would then be filled according to Section 4, Article VI. The presiding officer of the recall special meeting shall be as provided in Section 2, Article IV.
8. The Election Board shall gather the ballots after the vote is taken and proceed to count and deliver the results of the count to the Chairman of the meeting for the announcement of the voting.
9. The Election Board shall certify the decision on the vote on the recall action.

SECTION 11. INITIATIVE AND REFERNDUM.

1. The Executive Committee must rule on the validity of the petition which is presented pursuant to Section 3, Article VI within 3 days of its receipt. The Executive Committee may designate the ruling on the validity of the petition to the Election Board.
2. The special meeting of the General Council for the purpose of presenting to the voters any issue or question, except recall, shall be called as provided in Section 3. of Article VI. The Election Board cannot be empowered to call a special meeting for this purpose.
3. The Election Board shall serve as registrars for the special meeting called under Section 3, and shall declare to the Chairman, or presiding officer of the meeting, when a quorum is present. A quorum shall consist of 30 members of the General Council.
4. The Election Board shall, in conjunction with the Executive Committee, determine the manner of voting on an issue or question, as presented in the petition pursuant to

Section 3, Article VI. If it is determined that this issue/question is not to be put on a ballot, then the vote may be by a standing vote of the voting members. The decision of the majority of those voting shall be binding. (A majority vote is determined by an issue or question receiving over 50 percent of the votes cast.)

5. The Election Board shall count the votes and declare to the Chairman, or presiding officer, the results of the vote.

SECTION 12. ELECTION TO FILL VACANCIES. Vacancies in the membership of the Executive Committee shall be filled pursuant to Section 5. Article IX, which provides:

1. In the event the Executive Committee is not able to fill a vacancy by appointment, the vacancy may be filled by a special election called by the Election Board.

2. The Election Board shall notice the special meeting for this purpose pursuant to the provisions of Section 6. Noticing Tribal Election, of the Election Ordinance.

3. The filling of vacancies in the membership of the Executive Committee as provided in Section 5, Article IX, if not done by appointment of the Executive Committee, shall be by nominations from the floor and not be by prior filling for candidacy. All other provisions of Section 7, Election of Executive Committee of the Election Ordinance concerning registration, qualification of candidate, secret ballots, voting protest, etc. shall be followed in special elections held to fill vacancies of the Executive Committee.

4. No write-in votes or absentee ballots shall be accepted in any tribal election.

SECTION 13. SPECIAL MEETINGS OF THE GENERAL COUNCIL.

Article XII - Meetings, Section I, b. provides for special meetings of the General Council.

1. If the Special meeting is called by the filing of the petition signed by forty (40) members of the General Council, the petition shall be presented as provided in Section 8. PETITIONING, of the Election Ordinance.

2. The Election Board shall serve as registrars for the meeting.

3. The Election Board shall have the same responsibilities during the special meetings of the general council as in other meetings as provided in this Election Ordinance.

SECTION 14. AMENDMENTS.

This Election Ordinance may be amended by the Executive Committee at any time deemed appropriate by the Executive Committee.