

FILED

IN THE DISTRICT COURT

DATE 8/25/15

DOCKET KCS PAGE 1
SAC & FOX NATION

Sac and Fox Nation

920883 S. Hwy. 99 Bldg. A

DATE July 21, 2014
Stroud, OK 74079

SECRETARY

SAC & FOX NATION



Principal Chief GEORGE THURMANK
Second Chief ORVENA (TWIGGY) GREGORY
Secretary MARY F. MCCORMICK
Treasurer JARED A. KING
Committee Member STELLA NULLAKE

SAC AND FOX NATION ELECTION BOARD RULES Sac and Fox Nation Election Ordinance

The following rules of the Sac and Fox Nation Election Board are promulgated pursuant to Sac and Fox Nation Election Ordinance, SF-GC-97-04, Section 111.

Rule 01-01: Any paper or thing which is required by these Rules or the Election Ordinance to be filed with the Election Board shall be filed with an Election Officer as may be designated by the Chairman in writing to the Tribal Secretary. Provided, if these Rules or if a Tribal Resolution or Ordinance specifically provide who shall receive a filing, such shall be controlling.

Rule 01-02: Filings with the Election Board shall be done during regular business hours of the Sac and Fox Nation.

Rule 01-03: Any filing fees required per the Election Ordinance or these Rules must be a Cashier's Check or a Teller's Check only.

SECTION ONE ELECTION BOARD

Section 101. Election Board Created - No Rule

Section 102. Board Composition - No Rule

Section 103. Appointment of Members

- Rule-103-01: The Election Board will recommend to the Business Committee up to five (5) alternates for appointment to the Election Board for election days only.

Section 104. Election Board Eligibility - No Rule

Section 106. Oath of Office - No Rule

Section 107. Compensation - No Rule

Section 108. Records

- Rule 108-01: In addition to the required filing with the Tribal Secretary, the Election Board Secretary shall keep a copy of all minutes and other official decisions, actions or correspondence.

Section 109. Duties of the Members of the Election Board

- Rule 109-01: Alternates duties shall consist of working the poll place, completing the Tally and Abstract during any said election.

- Rule 109-02: A member of the Election Board may be substituted by a designated Alternate, if available.

Section 110. Internal Procedure of Election Board - No Rule

Section 111. Rules

**SECTION TWO
GENERAL PROVISIONS**

Section 201. Election Days

- Rule-201-01: Other required non-General or non-Primary Tribal Elections shall be deemed to include referendum issues, tribal court judges and justices, and other board members as prescribed by the Tribal Constitution, ordinances or resolutions.

Section 202. Forms

- Rule 202-01: A copy of each form or ballot needed for an election shall be filed with the Tribal Secretary prior to the date it will be utilized in the Election. Such form or ballot shall be marked "Copy" or "Sample" so as to prevent fraudulent use of the form.

Section 203. Instruction to Voters

- Rule-203-01: The following documents will be available at each polling place for review.
 - a. Sac and Fox Nation Election Board Rules
 - b. A Sample Ballot
 - c. Copy of the Election Ordinance.
 - d. A Copy of the Sac and Fox Constitution.

Section 204. Public Information - No Rule

Section 205 Polling Places

- Rule-205-01: The Chairman of the Election Board authorizes an Election Board official at each polling place to provide for physically disabled or incapacitated persons to vote, if requested. The official will use his own discretion, after consultation with the voter, on how this service will be provided. The official will be accompanied by a tribal police officer, if available, while providing this service. The official will not advise the voter whom to vote for.

Section 206. Ballot Boxes - No Rule

Section 207. Voting Booths - No Rule

Section 208. Poll Watcher

- Rule-208-01: Notification of Poll Watcher for the Primary Election must be in writing and received by mail eight (8) days prior to the election. All notifications must be mailed to the Sac and Fox Nation Election Board, 920883 S. Hwy 99, Bldg. A., Stroud, OK 74079. Must be received by 4:30 p.m.
- Rule-208-02: Notification of Poll Watcher for the General Election must be in writing and received by mail eight (8) days prior to the election. All notifications must be mailed to the Sac and Fox Nation Election Board, 920883 S. Hwy 99, Bldg. A., Stroud, OK 74079. Must be received by 4:30 p.m.

Section 209. Electioneering and Loitering

- Rule-209-01 Electioneering: Any person heard, seen, caught, or found Electioneering within 100 feet of the polling place will be requested to be removed from the premises by the Tribal Police officer on duty. An official report will be documented and forwarded to the Attorney General for further action.

- Rule-209-02 Loitering: No voter will be allowed to visit with anyone at the polling place beyond reasonable greetings while waiting to vote. If the election officers on site believe there is excessive visiting, they shall request the voter to continue their visiting off site. Anyone who has completed their voting shall not linger at the polling place. If a voter does not stop their visiting nor leave the premises after a request by the election officer, a Sac and Fox Police officer shall be requested to assist. Any such incident shall be logged into the polling place records or forms.

Section 210. Voter Conduct

- Rule-210-01: Should any person under the influence of drugs and/or alcohol appear at the polling place and if he engages in conduct which interferes with the election process he will not be allowed to vote and will be immediately escorted off the premises by the Tribal Police officer on duty.

Section 211. Publication of Election Information

- Rule 211-01 Notice may include, but not limited to, posting information via appropriate websites or by other electronic means.

SECTION THREE VOTERS

Section 301. Eligibility - No Rule

Section 302. Voting List

- Rule 302-01: No other revised lists will be accepted from the Tribal Secretary after the 60 day deadline date.

Section 303. Challenges to the Voting List

- Rule 303-01: All additions to the voting list must follow the process outlined in Section 303- Challenges to Voting List.
- Rule 303-02: Forms of proof of eligibility shall include, but not be limited to, tribal enrollment card, picture ID and completed application for eligibility.
- Rule 303-03: The Election Board shall set a hearing within ten (10) days of receiving a voter eligibility challenge. Such hearing may be in person, or if appropriate, by tele-conference or digital means. A decision shall be rendered not less than forty-eight (48) hours after the hearing, unless additional information is needed from the Tribal Secretary regarding enrollment.
- Rule 303-04: All challenges to the voting list must be received by the election board by the close of business by 4:30 p.m. on deadline date.

Section 304. Court Review of Challenge to Voting List - No Rule

Section 305. Court to Notify of Judgments – No Rule

SECTION FOUR FILING FOR OFFICE

Section 401. Eligibility for Office

Eligibility for Office is as listed in the Sac and Fox Nation Constitution Article VI – Elections, Section 1.

- Rule 401-01: Eligibility for Office for Business Committee members is as listed in the Sac and Fox Nation Constitution Article VI – Elections, Section 1: Any person elected to membership on the Business Committee shall not be less than twenty-one (21) years of age and shall be a member of the Sac and Fox Nation. At the time of his election he shall reside within the geographical boundaries of the State of

Oklahoma. Any member of the Business Committee removing from the State of Oklahoma shall automatically forfeit his office.

- Rule 401-02 – Eligibility for office for other committees, commissions, boards, Court Judges and Justices will be determined by the Tribal Constitution, ordinance or resolution that controls or authorizes that office, committee or membership.

Section 402. Filing for Office

- Rule-402-01: The Election Board shall prepare a form for candidates filing for office. The filing form shall list the criteria for office, and request information sufficient to allow a determination of the candidates' eligibility for office. Such requested information may include:
 - a. CDIB/Tribal Membership Card;
 - b. State Issue Identification Card: State ID or Driver's License;
 - c. Proof of Residency, as documented by but not limited to Utility Bill, Phone Bill, Bank Statement.
- Rule-402-02: Filing for office fee required per the Election Ordinance must be a Cashier's Check or a Teller's Check only.
- Rule-402-03: Filing for office forms and fees must be received by close of business by 4:30 p.m. on deadline date.

Section 403. Petition for Office

- Rule-403-01: Petition for Office fee required per the Election Ordinance must be a Cashier's Check or a Teller's Check only.

Section 404. Nicknames - No Rule

Section 405. Filing for More Than One Office Prohibited - No Rule

Section 406. Withdrawal - No Rule

- Rule 406-01: Any withdrawals must be received by the election board by the close of business by 4:30 p.m. on deadline date.

Section 407. Procedure for Withdrawal - No Rule

Section 408. Contest of Candidate Eligibility

- Rule-408-01: Contest filing fee required per the Election Ordinance must be a Cashier's Check or Teller's Check only. *Must be received by the close of business by 4:30 p.m. on deadline date.*

Section 409. Procedure of Hearing

- Rule 409-01: The Election Board will notify challenged candidate by:
 - a. Regular U.S. Mail, and
 - b. Certified Mail with the Return Delivery receipt or
 - c. Personal delivery service with proof of service made.
- Rule 409-02: If a challenged candidate cannot be served under Rule 409-01(b), a showing that notice was mailed to the address listed on the candidates filing papers shall constitute proof of service.
- Rule 409-03: Hearing Date. A hearing shall be set not less than ten (10) days, nor more than twenty (20) days after the close of the candidate challenge period. The Board shall issue its decision to the challenged candidate in writing within ten (10) days of the hearing conclusion.
- Rule 409-04 The Board shall use a clear and convincing burden of proof to find a candidate is not eligible for office.

SECTION FIVE BALLOTS

Section 501. Candidate Name - No Rule

Section 502. Unopposed Candidate - No Rule

Section 503. Care of Ballots - No Rule

Section 504. Instruction on Ballots - No Rule

SECTION SIX ABSENTEE VOTING

Section 601. Eligible Absentee Voter - No Rule

Section 602. Application for Absentee Ballot

- Rule-602-01: The Election Board will send an Absentee Ballot Request Letter to the voter if additional information is needed.
- Rule-602-02: Any voter who is mailed an Absentee Ballot by the Election Board cannot vote at the polling place for that Election Day.
- Rule-602-03: A designated P.O. Box will be provided for Absentee Ballot Requests.
- Rule-602-04: Must be received by the close of business by 4:30 p.m.

Section 603. Delivery of Absentee Ballot

- Rule-603-01: An instruction letter will be sent with each Absentee Ballot.
- Rule-603-02: A list of the issued absentee ballots shall be maintained at the polling places.
- 603-03: Anyone issued an absentee ballot shall not be allowed to vote at the polling place.

Section 604. Return of Absentee Ballot

- Rule-604-01: One absentee ballot per signed affidavit envelope.
- Rule-604-02: If more than one absentee ballot is in the affidavit envelope, procedures in Section 709 will be adhered to.
- Rule-604-03: Absentee Ballots will not be accepted by Certified Mail.

Section 605. Absentee Ballots to Remain at Post Office

- Rule-605-01: Personal verification of Empty Absentee Ballot Box will be obtained and sworn by two (2) Election Officials on a form provided by the Election Board ensuring the post office ballot box is empty prior to receiving the absentee ballots.

SECTION SEVEN CONDUCT OF ELECTIONS

Section 701. Hours of Voting

- Rule-701-01: Upon opening of the polling places, personal verification will be obtained and sworn by the Election Officials on a form provided by the Election Board ensuring the ballot boxes are empty prior to voting.

Section 702. Method of Voting

- Rule-702-01: Each voter, before signing the official voter's register, may be required to show identification to a Polling Place Election Official.

- Rule-702-02: The Election Board official(s) shall adhere to the Election Ordinance and Election Board Rules to provide that the voter's privacy is maintained.
- Rule-702-03: If the voter requires assistance, procedures outlined in Section 205-01 will be followed.

Section 703. Marking the Ballot

- Rule-703-01: The voter(s) shall be instructed to mark each ballot clearly in order to not have their ballot rejected.
- Rule-703-02: The voter(s) shall be instructed that if the voter makes a mistake on their ballot while voting they should return their ballot to the Election Board official for a new ballot to avoid a rejected ballot.
- Rule 703-03: The Election Officials at the polling place shall note any replacement ballot(s) issued for an erroneously marked or written upon ballot.

Section 704. Mutilated Ballot

- Rule-704-01: The voter shall be instructed that if the voter mutilates a ballot or renders a ballot unusable while voting, the voter should return their ballot to the Election Board officials for a new ballot.

Section 705. The Unused Ballots – No Rules

Section 706. The Tally

- Rule-706-01: Notification of the candidates designated Tally Watcher for the Primary Election shall be made in writing and received by mail eight (8) days prior to the election. All notifications must be mailed to the Sac and Fox Nation Election Board, 920883 S. Hwy 99, Bldg. A., Stroud, OK 74079. Must be received by the close of business by 4:30 p.m.
- Rule-706-02: Notification of the candidate's designated Tally Watcher for the General Election shall be made in writing and received by mail eight (8) days prior to the election. All notifications must be mailed to the Sac and Fox Nation Election Board, 920883 S. Hwy 99, Bldg. A., Stroud, OK 74079.
- Rule-706-03: The Election Board shall not allow, in the tally room, any cell phone, texting or other electronic, digital or other form of communication for the duration of the tally.
- Rule-706-04: Once the tally begins no unauthorized person will be allowed to enter the tally room.
- Rule-706-05: The Election Board will conduct two consecutive counts that agree per each ballot for the completion of the tally.

Section 707. Counting Absentee Ballots - No Rule

Section 708. Rejection of Ballots - No Rule

Section 709. The Abstract

- Rule-709-01: Immediately after the Election Board Chairman or a designated member shall declare the results by reading aloud the abstract of votes to the public, the Election Board shall note in its records the exact time at which the tally results were declared.
- Rule 709-02: After reading the *abstract*, the Election Board shall post the *abstract* at the Tribal Court House and other Sac and Fox locations as the Election Board deems appropriate.
- Rule 709-03: After calculating the tally, the Election Board will ensure that the 50% + 1 calculation (Section 201 D) and the 10% calculation (Section 711), does or does not apply.

Section 710. Certification of Election - No Rule

Section 711. Recounts - No Rule

Section 712. Run-Off Elections - No Rule

Section 713. Installment in Office - No Rule

Section 714. Retention of Ballots - No Rule

SECTION EIGHT ELECTION CONTESTS

Section 801. Grounds for Contest - No Rule

Section 802. Contest Petition

- Rule-802-01: Contest petition filing fee required per the Election Ordinance must be a Cashier's Check or a Teller's Check only.
- Rule-802-02: Contest petition must be received by 4:30 p.m., (close of business), on deadline date.
- Rule 802-03: The Election Board shall use clear and convincing evidence in a finding to set aside an election.

Section 803. Tribal Court Review - No Rule

Section 804. Harmless Error - No Rule

Section 805. Request for Recount

- Rule-805-01: Request for Recount filing fee required per the Election Ordinance must be a Cashier's Check or a Teller's Check only.
- Rule 805-02: In order to grant a request for recount the Board must find that the listed reason(s) would, if true, cause substantial doubt as to accuracy of the count and cause a substantial possibility of a change in the results of the election.

Section 806. Finality - No Rule

SECTION NINE REFERENDUM VOTING

- Rule 901-01: Purpose of a Referendum Vote
A referendum vote shall be conducted for, but not limited to, the following reasons:
 - (a) Issues within the Governing Council's constitutionally delegated authority and presented at a meeting of the Governing Council where action was taken to place an issue on a ballot;
 - (b) Election of Sac and Fox Nation District Court Judges and Sac and Fox Nation Supreme Court Justices;
 - (c) Other issues the Business Committee may chose, by resolution or ordinance, to send out for a referendum vote.
- Rule 902-01: Calling a Referendum Vote.
The Business Committee shall have the authority to call or request a referendum vote as needed and prescribed by the Sac and Fox Nation Constitution and Sac and Fox Nation Laws. A request for referendum vote shall be made by resolution or other official action of the Business Committee, General Council or other appropriate tribal body. A referendum vote shall not be conducted until the Election Board has received a certified copy of the Business Committee, General Council or other appropriate body's official call for a referendum.
- Rule 903-01: Voting List for Referendum Vote

- (a) Within five (5) days of receipt of the call for referendum vote the Election Board shall request of the Tribal Secretary a voting list of all eligible Sac and Fox Nation voters. The Election Board shall request that the voter list be supplied within five (5) days.
- (b) If the voter list is not supplied within five (5) days as requested, the Election Board shall send notice to the entity requesting the referendum and to the Chief of the Sac and Fox Nation that the voter list has not been received and that the Election Board cannot proceed with the referendum vote until such list is received.

- Rule 904-01: Public Notice for Referendum Vote

Once a referendum vote has been called, it shall be the duty of the Election Board to provide public notice of the Referendum. Notice may include, but not be limited to: posting at tribal buildings, the Sac and Fox News or other local newspapers, and appropriate websites. Notice shall include the issue(s) for Election, the dates which ballots are anticipated to be mailed out and returned.

- Rule 905-01: Procedure for Conducting a Referendum Vote

- (a) Referendum Voting will be by mail out only.
- (b) Referendum ballots will be received by US Mail only. Ballots will not be accepted by certified mail.
- (c) The Election Board shall prepare the ballots and mail a ballot to every eligible Sac and Fox Tribal voter on the voter's list.
- (d) The referendum issue will be placed on a ballot and mailed out not sooner than seven (7) business days nor later than ten (10) business days after receiving the voter's list. The purpose of such time period shall be for the Election Board to ensure the requested referendum complies with proper procedure and to prepare for or request any administrative or financial assistance needed in carrying out its election duties under the Election Ordinance and Rules.
- (e) The eligible voter then has (30) thirty calendar days from the post marked date of mail out to return the referendum ballot to the Sac and Fox Nation Election Board's post office box by closing of post office business hours.
- (f) All referendum ballots shall remain in the post office box until the tally.
- (g) The Chairman of the Election Board, or an election official designated by the Chairman, and at least one other election official shall retrieve the ballots. The Election Board shall request the assistance of a Sac and Fox Nation Law Enforcement Officer to assist and observe the retrieval process. The Police Officer shall be requested to observe the Election Officers placing the ballots into a locked ballot box at the post office. There after the Election officials and the Police officer shall personally transport the ballots directly to the counting site where they shall be delivered immediately, still sealed, to the Election Board for the tally.
- (h) The Board member(s) transporting the referendum ballots and the assisting police officer shall thereupon sign a form noting they personally observed the retrieval process and no ballots were opened by the transporting officials nor any other individual, nor any ballots but those contained in the post office box were placed into the locked ballot box. If any incident should have occurred during the retrieval process, such as unsealed ballots being in the post-office box, such shall be noted on the report form.

- Rule 906-01: Counting Ballots

The Election Board shall follow the procedures for counting referendum ballots in the manner specified in Chapter Six and Seven of the Sac and Fox Nation Election Ordinance and the Election Board Rules promulgated thereunder.

- Rule 907-01: Instructions

Instructions shall be included with the ballots on how to cast a vote.

- Rule 908-01: Referendum Vote Pass or Fail
 - Unless otherwise required by resolution or ordinance, a referendum issue shall be considered to have passed or failed by a majority of votes cast.

- Rule 909-01: Referendum Ballot Retention

All referendum ballots shall be retained in the manner specified in Section 714 of the Sac and Fox Nation Election Ordinance.

- Rule 910-01: Referendum Vote Contest

A Referendum Vote may be contested in the manner specified in Chapter Eight of the Sac and Fox Nation Election Ordinance and the Election Board Rules promulgated thereunder.

- Rule 911-01 Certification of a Referendum Vote

A Referendum Vote shall be certified in the manner specified in Section 710 of the Sac and Fox Nation Election Ordinance.