



# QUAPAW TRIBE OF OKLAHOMA

## ELECTION & VOTING ORDINANCE OF 2004

In pursuit of impartial and equitable elections, the Quapaw Tribe of Oklahoma (the “Quapaw Tribe”), pursuant to its inherent authority, and in a manner consistent with the customs of the Quapaw Tribe and the 1956 Governing Resolution of the Quapaw Tribe, hereby establishes through this ordinance the policies and procedures by which elections for the Quapaw Tribe shall be conducted.

### **Section 1 Identification**

1.1 This Ordinance shall be known as the “Quapaw Election & Voting Ordinance of 2004” and is referred to herein as the “Election Ordinance.” The passage of this Election Ordinance shall repeal and replace any prior election laws relating to the Quapaw Tribe.

1.2 All elections for the Quapaw Tribe are henceforth to be only conducted in substantial compliance with this Election Ordinance.

### **Section 2 Definitions**

2.1 The following terms and phrases, when used in this ordinance, whether capitalized or not, and whether used in a singular or plural form, shall have the meaning ascribed to them, except where the context clearly indicates a different meaning:

2.2 Quapaw Tribe “Business Committee” means the elected legislative body of the Quapaw Tribe of Oklahoma, which is empowered to act on such matters and subjects in accordance with the governing resolution of the Quapaw Tribe, and is comprised of the Chairman, Vice Chairman, Secretary/Treasurer, and four (4) Committee Members.

2.3 “Business Committee Member” means a person who is an elected member of the Business Committee of the Quapaw Tribe of Oklahoma.

2.4 “Certification of Election Results” means a verification of election results in written form and signed by the Election Committee Chairman and Secretary.

2.5 “Chairman” means the Chairman of the Business Committee except where the term “Election Committee Chairman” or “Chairman of the Election Committee” is used.

2.6 “Conflict of Interest” means a decision which would affect any Quapaw Tribal member’s ability to make a decision without bias or a decision, which would affect any members immediate family, personal or business interest.

2.7 “Declaration of Candidacy” is that statement set forth in Section 8 when used by a member of the Quapaw Tribe to file for candidacy for office.

2.8 “Governing Resolution” refers to the governing document of the Quapaw Tribe of Oklahoma that was duly adopted by the Quapaw Indian Council on August 19, 1956, as amended by the General Council of the Quapaw Tribe from time to time.

2.9 “Election Committee” means a body of persons appointed by the Chairman and confirmed by the Business Committee to conduct all elections until such time as appointments expire.

2.10 “Electioneering” means to actively campaign for or against a particular candidate or issue.

2.11 “Election Ordinance” means this ordinance as approved by the General Council of the Quapaw Tribe of Oklahoma.

2.12 “Elective Office” means the office of Chairman, Vice-Chairman, Secretary-Treasurer, and the four (4) Committee members.

2.13 “Enrolled Tribal Member” means a person whose name appears on the official membership roll of the Quapaw Tribe as administered by the Quapaw Enrollment Committee.

2.14 “File for Office” means the filing of a Declaration of Candidacy by a member of the Quapaw Tribe.

2.15 “General Council” means all those persons of Quapaw blood who are eighteen (18) years of age or older as defined the Governing Resolution.

2.16 “He” or “His” shall have a neutral gender, and shall be read as meaning “him or her” or “his or hers.”

2.17 “Immediate Family” means those persons who are closely related by family relations (e.g. Husband-Wife, Parent-Offspring, Sibling-Sibling, and/or all persons, whether related by blood or not), who live together in the same household.

2.18 “Petition” means the power to propose ordinances, resolutions, laws or other legislative measures, and to enact or reject them by direct vote of the people independent of the Business Committee, or to request the recall of a vote for an Elective Office.

2.19 “Nepotism” means the expression of favoritism or bias to Immediate Family.

2.20 “Plurality” means obtaining one or more vote than any other candidate.

2.21 “Polling Official” means any of the Election Committee Chairman, Election Committee Vice Chairman, Election Committee Secretary, two (2) Regular Election Committee Members and any Poll Workers.

2.21 “Polling Place” means the Quapaw Tribal Complex in Quapaw, Oklahoma.

2.23 “Registered Voter” a person of Quapaw blood who is duly registered to vote under the procedures set forth in this Election Ordinance.

2.24 “Registration” means the qualifying as a certified voter of the Quapaw Tribe under the procedures set forth in this Election Ordinance.

2.25 “To Elect” means to select a person for an elected office by at least a Plurality vote of the registered voters of the Quapaw Tribe of Oklahoma using secret balloting.

2.26 “Tribal Member” means a member of the Quapaw Tribe of Oklahoma as defined by the Governing Resolution.

2.27 “Vacancy” means an elected position that has been declared vacant due to death, resignation or removal.

### **Section 3 The Election Committee**

3.1 The Quapaw Tribe Election Committee is hereby established and shall perform the duties and powers hereinafter cited.

3.2 The Quapaw Tribal Chairman shall appoint all officers of the Election Committee, subject to confirmation by the Quapaw Tribal Business Committee.

3.3 All Election Committee members shall serve a term of four (4) years after initial appointment, except the initial Election Committee members who shall serve for terms as specified in section 3.5, below. In the case of any member’s resignation due to ill health, death or any valid reason, the Chairman shall appoint, subject to confirmation by the Quapaw Tribal Business Committee, another member to complete the balance of such resigned member’s term.

3.4 The Election Committee shall consist of five (5) Enrolled Tribal Members of the Quapaw Tribe of Oklahoma which are registered voters and (2) alternates, also enrolled members of the Quapaw Tribe of Oklahoma who are registered voters. The Election Committee shall be composed of a Chairman, Vice-Chairman, a Secretary, and two (2) regular members. An alternate member shall also be selected to serve in case a regular member is unable to perform due to illness, absence from the area, the resignation or death of any member.

3.5 The initial Election Committee Chairman and Secretary terms shall expire on August 1, 2005, and shall be appointed for four (4) years at a time thereafter. The initial Vice-Chairman and alternate member’s terms shall expire on (August) 1, 2006, and shall be for four (4) years at a time thereafter. The initial two regular board members terms shall expire on (August) 1, 2007, and shall be four (4) years at a time thereafter.

3.6 The Election Committee shall prepare a reasonable budget for each election and related activities, and shall present it to the Finance Committee of the Quapaw Tribe at least 120 days before any election except special elections where the budget shall be presented 60 days before an election. The Finance Committee shall approve said budget within 30 days of receipt from the Election Committee. The Finance Committee shall review said budget to ensure only that the items or amounts contained therein are reasonable. If a provision is found to be unreasonable by the Finance Committee, the Finance Committee may amend the budget accordingly, and approve it as amended. Approval of the budget for an election by the Finance Committee shall be final, and shall not require approval by the Business

Committee or any other entity. The administrative offices of the Quapaw Tribe are directed to provide support to the Election Committee to procure necessary items for any election.

3.7 The Election Committee Chairman shall be the presiding member of the Election Committee responsible for the overall activities of the Election Committee, including safekeeping of the ballots and the ballot box and shall preside over all Election Committee meetings. The Election Committee Vice-Chairman shall maintain order at the polls and shall be responsible for enforcing election laws under this Election Ordinance. The Election Committee Vice-Chairman shall assume all duties of the Election Committee Chairman in the event of the absence or inability of the Election Committee Chairman to perform his duties. The Election Committee Secretary shall maintain all Election Committee records, including without limitation, accurate minutes of meetings and records pertaining to the election, voter registration and shall transfer these records to the Business Committee Secretary periodically, and as soon after each election as practical. The Election Committee Secretary with the assistance of a person designated by the Business Committee shall provide and receive mail service, log incoming absentee ballots, and perform other Election Committee other duties as directed by the Election Committee. The two Regular Election Committee Members shall assist in vote counting and other election related duties as directed by the Election Committee. If additional personnel are needed, they shall be known as poll workers and shall be appointed by the Election Committee, and the Poll Worker's activities shall be directed by the Vice-Chairman of the Election Committee

3.8 No Election Committee member shall be Immediate Family to any other Election Committee member, incumbent officer of the government of the Quapaw Tribe, or candidate. At no time shall the membership of the Election Committee consist of any officers of the government of the Quapaw Tribe, or candidates.

3.9 Members of the Election Committee shall be responsible to disqualify themselves and withdraw from all functions of their position during any election or process in which a Conflict of Interest or Nepotism exists. Such persons shall resume their duties only when there is no longer a Conflict of Interest or Nepotism. The Election Committee shall have authority, by majority vote, to disqualify any of its members in the event such member(s) continue to function in a Conflict of Interest or Nepotism.

3.10 Meetings of the Election Committee may be called at any time by the Election Committee Chairman or by request of three Election Committee members.

3.11. Meetings of the Election Committee shall be conducted pursuant to the most then-current edition of Roberts Rules of Order.

#### **Section 4 The Election**

4.1 A regular election shall be held in July of every year at the polling place as provided in the Governing Resolution with the day established by the Election Committee.

4.2 At least 60 days prior to the election, an election notice will be posted by the Election Committee. Copies of the notice shall be posted prominently within the community and the Election Committee shall publish notice of the election in the tribal newspaper, and other newspapers as the Election Committee determines, in its discretion, may be necessary.

4.3 The Election Notice shall include: (1) election date, (2) purpose of election, (3) polling places, (4) the positions for which an election is being held, (5) the candidates for each position, and (6) the filing period for candidacy.

4.4 Any Election shall relate only to the Elective Offices or to a petition. Elections for the members of the Grievance Committee, unless a vacancy is being filled, shall take place at the General Council Meeting of the Quapaw Tribe, and shall be had by nominations and votes from the floor.

## **Section 5 Election Records**

5.1 The Election Committee shall certify, maintain, and store in a safe and secure manner complete and accurate minutes of all Election Committee meetings. All other records pertaining to elections shall be stored in the manner specified in this Election Ordinance or where no special provisions are specified in a safe and secure manner in their original form and kept at the tribal office.

5.2 After each election, the Election Committee meeting minutes and election results shall be certified by both the Election Committee Chairman and Election Committee Secretary as true and correct and shall become a permanent record of the Quapaw Tribe. A certified copy of these records and all other Election Committee records shall be filed by the Election Committee Secretary with the Secretary of the Business Committee within fifteen (15) days after each election.

5.3 The Business Committee shall be the Custodian of Election Committee Records and shall maintain said permanent records and shall make said records available to any Tribal Member for inspection upon reasonable request during business hours of the Tribal Administrative Office.

5.4 Election Ballots shall not constitute a permanent record and shall be held no longer than six (6) months after the election results are certified, at which time they shall be disposed of. The Election Committee Secretary shall have access to certified copies of all Election Committee Records at all times.

5.5 The Enrollment Office shall maintain a current registry of all Registered Voters and issue a certified copy of the same to the Business Committee Secretary and to the Election Committee Secretary. These records shall be kept in a safe and secure manner in a space provided at the Quapaw Tribal Business Office by the Enrollment Office who shall certify the accuracy of the voter registration records on the day prior to any election.

## **Section 6 Ballot Boxes**

6.1 There shall be at least 2 ballot boxes provided during an election: 1 at the polling place and 1 for Absentee Ballots. Ballot boxes shall be constructed of substantial material and shall be equipped with 3 locks so that the keys of one lock will not unlock the others. Each box shall be equipped with an opening in the top the size of which a single folded ballot may be inserted, but must be constructed in such a manner that the box can be unlocked in order to remove the ballots therein.

6.2 The Election Committee Chairman shall place 1 ballot box at the polling place, empty of all material where he will close and lock each box in the presence of no less than 2 poll workers or 2 other Election Committee Members as witnesses.

6.3 1 Key to each of the ballot boxes shall be maintained separately by each of the Election Committee Chairman, Vice-Chairman and Election Committee Secretary for 48 hours prior to the day of the election until 7 days after the results of the election if no challenge is filed, or until any challenge is resolved. 1 Key to each of the ballot boxes shall be maintained separately by each of the Election Committee Chairman, Vice-Chairman and Election Committee Secretary at all times for the Absentee Ballot Box.

6.4 No later than the following day after the election results are certified and posted, the ballot boxes, ballots and all material used in the election shall be delivered to the Election Committee Secretary for safekeeping.

**Section 7 Ballots**

7.1 The name of any candidate for office shall be printed on the official ballot as said candidate signed his Declaration of Candidacy; provided, however, that no candidate shall have any prefix, suffix or title placed before or after his/her name.

7.2 Any candidate who is unopposed in any election will be deemed elected, and his name will not appear on the ballot at any election in which he is so unopposed.

7.3 The official ballot for the election shall be printed so that the candidates will appear in a column with an empty square alongside each candidate's name. The order of candidate names for each office shall appear according to order of filing. Said ballots shall be printed no later than 21 calendar days prior to the date for a given election. The election committee should print absentee ballots as soon after the 69<sup>th</sup> day prior to the election as possible.

7.4 In every election, at least 1 ballot shall be printed for each Registered Voter.

**Section 8 Candidates**

8.1 A person shall be eligible to run for and hold elected office of the government of the Quapaw Tribe if such person at the time of filing his Declaration of Candidacy, at the date of the election, and throughout any term of office, if any, meets all of the following requirements: (a) he is an Enrolled Member of the Quapaw tribe of Oklahoma; (b) he shall not be an elected official of any other tribe; (c) he is registered to vote in tribal elections; (d) he is 25 years of age or older at the time of filing for candidacy; and (e) he has not been convicted of a felony involving moral turpitude or other serious criminal offense involving moral turpitude within the past seven calendar years.

8.2 The terms of the Elected Officers of the government of the Quapaw Tribe shall be for a period of 2 years. Elected Officers shall hold office until their successors are duly elected and given their oath of office.

8.3 All Registered Voters of the Quapaw Tribe who desire their name to be placed on the ballot as a candidate for Elective Office must file a Declaration of Candidacy in person with the Election Committee Secretary or the Election Committee Secretary's designated representative in person at the Quapaw Tribal Administrative Office. No person shall be a candidate for more than one (1) office at any 1 time. All Declarations of Candidacy must be filed no sooner than one hundred (100) days nor later than 69 days prior to the date elections are to be held and by the close of the Quapaw Tribal Administrative Office's business day on the 69th day prior to the day of the election. No later than 3 business days following the close of the filing period, the Election Committee Secretary shall cause to be posted at the Tribal Complex a complete list of all candidates along with their respective office of candidacy. The Declaration of Candidacy shall be made in the following manner:

I, \_\_\_\_\_ for the purpose of having my name placed on the Official Ballot as a candidate for the office of \_\_\_\_\_ of the Quapaw Tribe hereby submit the required fee of \$50.00. I, as a candidate for office, do solemnly swear

that I believe and support the policies of the Quapaw Tribe of Oklahoma and the laws of this Tribe. I further solemnly swear that I have not been convicted of a felony involving moral turpitude or other serious offense involving moral turpitude during the past 7 years; nor do I advocate revolution, sabotage, force, violence, or treason against the Government of the Quapaw Tribe; that I will work diligently toward the goals and objectives of the Tribe and heretofore commit myself fully to the responsibilities of this position for the purpose of which it was established.

Signed \_\_\_\_\_ Date \_\_\_\_\_

8.4 A filing fee of fifty dollars (\$50.00) shall be assessed to each candidate for any Elective Office, payable to the Quapaw Tribe by certified check, cashiers check, or money order. These fees shall be deposited to a general account of the Quapaw Tribe. The filing fees shall be paid on the same date the prospective candidate submits his or her Declaration of Candidacy. Said filing fee is non-refundable.

8.5 A candidate seeking an office may withdraw by filing a written notice of withdrawal with the Election Committee Secretary and his name shall not appear on the ballot, unless it has already been printed. Any votes for a withdrawn candidate shall not be counted, but the ballots and votes otherwise cast are valid, notwithstanding the fact that a vote was cast for a withdrawn candidate.

8.6 The Election Committee shall review all filings for elected offices and independently determine that the prospective candidates meet the qualifications set forth in Section 8 of this Election Ordinance. The Election Committee shall make this determination no later than 10 calendar days following said filing. If the Election Committee determines a person is not eligible to be a candidate, the Election Committee shall so notify that person in writing of their decision and the person shall not be included on the ballot. The independent decision of the Election Committee under this section 8.6 shall be final and shall not be appealable to any court or tribunal.

8.7 In addition to the unappealable, independent determination by the Election Committee under section 8.6, any Registered Voter may challenge the eligibility of any person to be a candidate by filing with the Election Committee a typed or written statement setting forth the grounds for and evidence supporting the challenge, along with a fifty dollar (\$50.00) non-refundable fee made by a cashier's check, certified check or money order made payable to the Quapaw Tribe. Any such challenge shall be filed no later than 5 calendar days after the closing of the filing period mentioned in Paragraph 8.3 of this Article. Each statement must indicate the reason the candidate is not eligible to file for office.

8.8 Upon receiving a challenge, the Election Committee shall deliver the statement to the challenged candidate. The challenged candidate shall file a typed or written response with the Election Committee no later than 3 business days after the delivery of the statement by the Board to the challenged candidate. The Election Committee will then make the determination whether or not a person is eligible to be a candidate and the Election Committee shall notify that person in writing of their determination with a written explanation of their decision. Such determinations must be made within 5 calendar days after the challenged candidate submits a written response.

8.9 In the event that either the challenging party or the challenged candidate do not agree with the determination of the Election Committee, then either may appeal the Board's determination directly to the Business Committee within 5 business days of the Board's notice of determination. Thereafter, the Business Committee shall render a determination of challenge within 36 hours of the appeal. The determination of the Business Committee shall be final and shall not be appealable to any court or tribunal.

## **Section 9      Voters**

9.1      Only Registered Voters may vote in any Quapaw tribal election.

9.2      A person of Quapaw blood or an Enrolled Tribal Member need only register once to become a Registered Voter and thereafter shall remain a registered voter for all subsequent Quapaw tribal elections.

9.3      The Election Committee shall, in conducting tribal elections, provide notice published in the Quapaw Tribal Newsletter of the need to register for any election at least thirty (30) days prior to any election.

9.4      To become a Registered Voter, a person must be 1) a Tribal Member (including members by blood only and those on approved rolls or descendants of those on approved roll) and; (2) at least 18 years of age on the date of the election in which he wishes to cast a vote.

9.5      Registration cards shall be supplied to all Quapaw Tribal members who register to vote in Quapaw elections. A valid Registration Card must be in each registered voter's possession, and presented with picture identification to the Election Committee member (or poll worker) responsible before the Election Committee may supply the voter with a ballot, or allow the voter to vote in any election. If a voter registration card is lost, a registered voter may obtain a replacement by requesting it in writing and paying a fee of \$2.00 to the Enrollment Office.

9.6      Except for absentee voters, open voter registration shall take place on any normal business day at the Quapaw Tribal Complex during normal office hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. Absentee voters, at the time they request an absentee ballot as hereinafter described, must also request a voter registration form, if not previously registered. All registration processes hereinafter described will apply to applicant absentee voters, except those, which require personal appearance.

9.7      The Election Committee shall adopt and publish a registration form that shall be the only authorized form used for voter registration for the Quapaw Tribe. No other registration form will be accepted. The registration form shall contain the following information as to the individual voter: (1) full name, (2) enrollment number or descendent number (3) date of birth, (4) 2 forms of identification, (5) signature, and (6) a mailing address. The two forms of identification must be one of 1) government or school issued photo identification (e.g. driver's license, military identification or school identification; 2) CDIB card; 3) Tribal enrollment card.

## **Section 10      Voting**

10.1      All voting for all elections of the Quapaw Tribe shall take place by secret ballot. The Polling Place shall be open from 9:00 a.m. to 5:00 p.m. on the day of the vote. The Polling Place shall be staffed by no less than 2 polling officials designated by the Election Committee, and by at least 2 members of the Election Committee.

10.2      Instructions to voters describing the manner for casting one's vote, published by the Election Committee shall be posted inside the Polling Place.

10.3 The Election Committee shall cause at least 2 voting booths to be provided at the Polling Place. Said booths shall contain a counter or shelf, some means of writing, and shall be constructed in such a manner as to insure secrecy by the voter in marking the ballot.

10.4 Only one person will be allowed in any voting booth at one time, unless 2 members of the Election Committee concur that the voter, by reason of disability, or as they deem appropriate, may require the assistance of another person. In such a case, the voter may choose his assistant. In the event any elderly, handicapped, or infirm person is unable to enter the polling place, they shall be permitted to vote from or in a motorized vehicle at the polling place. Such elderly, handicapped, or infirm voter shall be permitted to vote by having any two of the four election officials personally deliver the ballot to such voter, witness the marking of the ballot by the voter according to their directions and then immediately return the ballot to the polling place and deposit the ballot in the ballot box.

10.5 To obtain a ballot to vote, a Registered Voter must: (1) present his voter registration card, (2) another means of picture identification to a Polling Official, and (3) sign the voting roll book.

10.6 After receiving an official ballot, the Registered Voter shall immediately enter an unoccupied voting booth. If such voting booth is occupied, the voter shall wait in line and enter the voting booth when his time in line comes to enter.

10.7 If a voter spoils a ballot given to him by the polling official, a Polling Official shall review the potentially spoiled ballot, and if he agrees that the ballot is spoiled, the Polling Official shall mark "VOID" on the face of the ballot and sign the ballot. The Polling Official will thereafter issue a new ballot to the voter and make a notation on the spoiled ballot "Spoiled –Replaced Ballot". The Election Committee will preserve spoiled ballots for review.

10.8 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.

10.9 No person shall be allowed to electioneer inside the premises of the polling place or within 100 feet of the outside of the polling place during voting hours. Loitering will not be permitted in the polling place during voting hours.

## **Section 11 Absentee Voting**

11.1 Whenever a Registered Voter will be absent from the polling place at the time of an election, he may request the Enrollment Office of the Quapaw Tribe to give or mail an absentee ballot to him. Such a request must be in writing. Any writing is acceptable, including email, facsimile, or handwriting. The Enrollment Office shall, upon receipt of such a request, verify that the requestor is a Registered Voter. Upon such verification, each request must be filled as soon as reasonably practicable. The Enrollment Office shall maintain a log of requests and ballots distributed, indicating to whom the ballot was transmitted.

11.2 Upon the written request of a registered voter for an absentee ballot, the Enrollment Office shall give or mail to said registered voter an Absentee Ballot Packet which shall contain the following: (1) One inner envelope bearing on the outside, the words "ABSENTEE BALLOT", (2) Instructions for completion of the absentee ballot, (3) an Absentee Ballot, (4) Rules Governing Counting, and (5) one stamped envelope addressed to the Quapaw Election Committee.

11.3 All completed Absentee Ballots must be received at the Quapaw Tribal Complex or by United States mail at or before 5:00 p.m. on the last business day before voting day. All absentee ballots received thereafter shall be marked "late" and shall be preserved by the Election Committee in accordance with the requirements for the preservation of ballots under this Election Ordinance.

11.4 No hand carried absentee ballots will be accepted on the day of the vote.

11.5 As completed Absentee Ballots are received at the Quapaw Tribal Complex, they will be immediately transmitted to the custody of the Enrollment Office, which shall log them as received, and shall then transmit them to the Election Committee for safekeeping in a locked ballot box.

11.6 All completed Absentee Ballots received shall remain unopened until the specified day of voting.

11.7 All voters signing in shall be checked against the absentee voter list. If an Absentee Voter decides to vote in person, he must return the entire Absentee Ballot Packet back to a polling official or a Member of the Election Committee who will write present across the envelope, and the absentee ballot shall be considered null and void. Such voided absentee ballots shall be retained by the Election Committee for 6 months, and then shall be destroyed.

## **Section 12 Vote Counting**

12.1 Immediately after the closing of the polling place, the Election Committee Vice-Chairman or Chair and 1 Board Member will secure the possession of the ballot box(s) and the absentee ballot box. Said ballot boxes will be taken to a private room, and maintained at all times until the votes are tallied in the presence of at least three members of the Election Committee.

12.2 One observer per candidate as hereafter described may also be present. Each candidate must appoint such observer in writing to the Election Committee no later than 5:00 p.m. on the day prior to voting day. No such observer shall be admitted into the room of ballot count after the door of such room has been closed and locked and ballot count is in progress. No observer admitted to the ballot count room may leave until the vote count is completed except in the case of emergency. Such observer who leaves the ballot count room on account of emergency shall not be re-admitted to the ballot count room. Observers shall not participate in the official counting and shall be limited to submitting a written objection specifying the reasons for the objection to the counting directly to the Election Committee. If an observer becomes disruptive, any member of the Election Committee may remove such observer.

12.3 Upon removing the locks and opening the boxes, the Election Committee Chairman shall call out the name of the candidate selected on each ballot leaving due consideration to examining spoiled or replacement ballots. The Election Committee Secretary shall make the official record by written means of the results of each vote recorded on each ballot. The same procedure shall be used if the vote is for issues other than elected officials elections.

12.4 If the name of any person is written on a ballot, said ballot shall not be counted for any office or question thereon.

12.5 An "X", 2 lines meeting, including the so-called "Check-Mark", a blacked out square or a straight line marking said square shall be considered valid markings. Such valid markings located otherwise on the ballot shall not be counted.

12.6 Marks used to designate the intention of the voter, other than those herein defined, as “Valid Marking” shall not be counted.

12.7 Except where a name is written on a ballot, failure to properly mark a ballot as to one or more candidates shall not of itself invalidate the entire ballot if the same has been properly marked as to other candidates.

12.8 Any ballot or part of a ballot on which it is impossible to determine the voter’s choice of question or candidate shall be void as to the question, candidate or candidates thereby affected.

12.9 If a ballot is not counted for any reason, the Chair or Vice-Chair or Secretary shall write said reason the back of said ballot, and sign said statement.

12.10 A ballot, which is placed in the ballot box without being voted upon, shall be considered as a mutilated ballot and shall be retained separately from the ballots that have been counted. Such ballots will not be counted.

12.11 As the last ballot is tallied the ballot box will be shown to all that it is empty and all legal votes have been tallied. The tally sheet will be compared to the ballots, and if discrepancies appear the votes will be tabulated again.

12.12 When the tally sheet is correct in count it will be signed by the Election Committee Chairman, Vice-Chairman, and the Board Secretary. Marked ballots will then be locked in one (1) ballot box and kept in a safe place until the Election Committee certifies the vote count, or if there is a challenge of the voting or counting procedure until the challenge is resolved.

12.13 After a period of 6 months, the Election Committee Chairman, Vice-Chairman, and Board Secretary together will remove the ballots from said ballot box at which time said old ballots shall be destroyed. The final tally sheet shall be kept by the Election Committee Secretary for use by the Election Committee in certifying the election results.

12.14 In the event 2 candidates equally receive the highest number of votes, the Election Committee shall conduct a recount of the ballots cast in that election or vote as provided previously. Should there be a tie vote after the recount, the Election Committee Chairman shall declare a tie and will schedule a meeting for a lot selection. A coin toss will be held as a lot selection. The first registered candidate shall choose the coin side (heads or tails) as the coin is being tossed. The winner of the coin toss shall be the winner of the election. If one of the 2 candidates opposes the coin toss, then a run-off vote will be held 30 days after posting of the time, date and place. The candidate opposing the coin toss will be required to pay a \$500.00 fee to offset the cost of a new election or vote.

12.15 To be declared the winner, any candidate must only receive one more vote than any other candidate for the office in question.

12.16 On the third business day after ballots are counted and the recount period has expired without a recount, the Election Committee shall declare the election final and issue a notice of Certification of The Election Results. The Election Committee shall issue the notice of such election or vote results on the third business day following the election at 12:00 p.m., or after the recount is resolved, whichever is later. The Certification of The Election Results will be posted at the Quapaw Tribal Office and provided to the Bureau of Indian Affairs, Quapaw Agency Office, and the Business Committee Secretary.

## Section 13 Disputes

13.1 Any registered voter or candidate may request one recount of the results of any election by filing a written or typed Request for Recount with the Election Committee no later than 4:30 p.m. on the second business day following the election or vote, legal holidays excluded. A non-refundable fee of one hundred dollars (\$100.00), made payable to the Quapaw Tribe by certified check, cashiers check or a money order must accompany the Request for Recount before the request will be honored.

13.2 Upon a Request for Recount being honored by the Election Committee, a recount shall then be conducted as soon thereafter as possible in the same manner as the original count and in the presence of observers who observed the original tally of the votes.

13.3 The Election Committee is required only to conduct a recount of the election results concerning the individual candidate whose vote tally is in question and the vote tally received by his opponents(s).

13.4 In the event that any candidate for Elective Office wishes to challenge the results of any given election or vote, such candidate must file a written or typed Petition for Challenge, together with a non-refundable fee of one hundred fifty dollars (\$150.00) made payable to the Quapaw Tribe by certified check, cashiers check or money order, with the Election Committee no later than 4:30 p.m. on the fifth business day following the posting of the public notice of the Certified Election Results, legal holiday excluded.

13.5 In the event that the Election Committee upholds the petitioner's protest and the election or vote results are found to be invalid, the filing fee should be returned in full to the person filing the challenge.

13.6 The Petition for Challenge must set forth: (1) The Petitioner's name, address and voter registration number; (2) Specifically which election or vote is being challenged; (3) the particular grounds for the Challenge; and (4) All evidence in support of the Challenge.

13.7 After the Petition is filed, the Election Committee Chairman shall set a date and time for consideration of the Challenge, which such date for the consideration shall be within 7 days after the date the Petition is filed.

13.8 After review of the allegations and proof of the Petition, and any other evidence the Election Committee deems relevant to the consideration, the Election Committee shall pronounce their judgment within 3 days, and the same will be immediately posted publicly in the Quapaw Tribal Complex for at least 3 days.

13.9 The judgment of the Election Committee will state either that the Petition for Challenge is denied and the election results will stand or that the Petition for Challenge is upheld and the election results are found to be invalid. Upon a finding that the election results challenged are invalid, the Election Committee shall immediately order a new election or vote to be conducted as soon as is practicable in the same manner as the regular election or vote with the same identical candidates.

13.10 The judgment of the Election Committee can only be appealed to the Quapaw Grievance Committee and to no other person or entity. The decision of the Quapaw Grievance Committee shall be final and shall not be appealable to any person or entity. Specifically, the decision of the Quapaw

Grievance Committee shall not be appealable to the Bureau of Indian Affairs, the Court of Indian Offenses, or any state or federal court.

#### **Section 14      Installation**

14.1      All those officers elected in any election shall be installed in their respective offices by the Election Committee Chairman at the first regularly scheduled Business Committee Meeting following the Election day, unless a challenge is filed or a runoff is required. In such case, all those officers elected for which there is no challenge or runoff shall be installed at the first regularly scheduled Business Committee Meeting, following the election day, and those officers ultimately prevailing in any challenge or runoff shall be installed in office by the Election Committee Chairman at the first regularly scheduled meeting following the Certification of The Election Results following the resolution of such challenge or runoff.

14.2      At the first Business Committee meeting after each election, or as required thereafter by a challenge or runoff, the Election Committee Chairman shall administer, and the Candidate-Elect for each office shall swear and subscribe to the following oath of office:

I, as the [insert office (e.g., Chairman, Secretary, etc.)], do solemnly swear that I believe and support the policies of the Quapaw Tribe of Oklahoma and the laws of this Tribe. I further solemnly swear that I will work diligently toward the goals and objectives of the Tribe and heretofore commit myself fully to the responsibilities of this position for the purpose of which it was established.

#### **Section 15      Vacancies**

15.1      If a vacancy occurs for any reason in any position of the Business Committee, the Election Committee shall, within 60 days of such vacancy, call a special election to fill the vacancy for the unexpired term. Upon such a happening, the Election Committee will hold the special election within 60 business days. The special election shall be conducted by using the procedures herein described by the Election Ordinance.

15.2      If a vacancy occurs for any reason on the Grievance Committee, the Chairman, subject to the concurrence of the Business Committee shall appoint a replacement Grievance Committee member to serve the remainder of the unexpired term.

#### **Section 16      Petitions**

16.1      The members of the Quapaw Tribe reserve the power to independently propose ordinances, resolutions, or other enactments affecting the Quapaw Tribe. Any proposed initiative measure shall be presented to the Business Committee accompanied by a petition signed by a least 100 Registered Voters of the Tribe. Upon receipt of the petition, the Business Committee shall either adopt the initiative measure by a majority vote without alteration or call an election for the purpose of the allowing Registered Voters to vote on the initiative measure. The election shall be held within 120 days from the date a valid petition is presented to the Business Committee. The vote of a majority of the Registered Voters in response to such petitions shall be binding, final and non-appealable in any tribunal. The election on the initiative measure, if called, shall be conducted using the procedures herein described by this Election Ordinance.

16.2 The Registered Voters of the Quapaw Tribe also reserve the right to recall any elected official by filing a petition with the Enrollment Committee and the Election Committee that is signed by at least 250 Registered Voters.

16.3 Any petition shall be a single document of any length and shall be restricted to a single subject.

16.4 Any petition shall be written or typed on plain letter size white paper, stating the request clearly and plainly, and clearly showing separate and distinct signatures, voter registration numbers, and addresses of the individuals signatories.

16.5 All petitions shall be submitted to the Enrollment Committee and the Election Committee at least 30 days prior to any regularly scheduled Business Committee meeting where such petition must then be reviewed by the Business Committee.

16.6 The Enrollment Committee must verify the validity of the voter registration of signatories on any Petition; and the Election Committee shall verify the validity of any Petition. Upon such verifications, which must be completed in no more that 15 calendar days, the Election Committee and the Enrollment Office must submit the Petition, and their findings on these verifications to the Business Committee.

16.7 Any signatures to a Petition which are found not to be Registered Voters shall be held invalid and subtracted from any required number of signatures necessary for a given petition.

16.8 If a petition, verified as having met the requirements of this Ordinance by the Enrollment Committee and the Election Committee, requests the recall of any elected official, the Election Committee shall provide such notice to the Business Committee, and an election for such position as to which a recall has been petitioned shall be scheduled by the Election Committee within 90 calendar days. The incumbent officer whose seat is the subject of the recall may run in the recall election, and shall continue to occupy his office until the installation of a new officer, if any.

# QUAPAW TRIBE OF OKLAHOMA

Box 765  
Quapaw, OK 74363-0765

(918) 542-1853  
FAX (918) 542-4694

## RESOLUTION NO. 122003 - A

### A RESOLUTION TO APPROVE THE 2004 ELECTION AND VOTING ORDINANCE DRAFT FOR THE QUAPAW TRIBE AN TO REFER SAME TO THE GENERAL COUNCIL OF THE QUAPAW TRIBE FOR APPROVAL

**WHEREAS**, the Quapaw Tribe of Oklahoma is a federally recognized Indian Tribe and is governed by a Governing Resolution adopted by the Quapaw Indian Council on August 19, 1956, and approved by the Commissioner of Indian Affairs on September 20, 1957; and

**WHEREAS**, the Governing Resolution delegates authority to the Quapaw Business Committee to speak and act on the behalf of the Quapaw Tribe; and

**WHEREAS**, the Quapaw Tribal Business Committee is thus empowered to suggest legislation to the General Council, including legislation regarding the Quapaw Tribe's election laws; and

**WHEREAS**, in the recent past the members of the Quapaw Tribe have suggested and requested that the Quapaw Tribe's election laws be simplified; and

**WHEREAS**, during the past few months the Quapaw Business Committee and the Quapaw Election Committee have worked together to revise and simplify the Quapaw Election laws; and

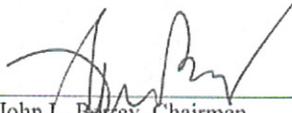
**WHEREAS**, the product of that work is attached hereto and is approved by the Business Committee and previously by the Election Committee for presentation to the General Council for consideration.

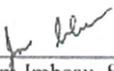
**NOW THEREFORE BE IT RESOLVED**, by the Business Committee of the Quapaw Tribe of Oklahoma to approve the "Election and Voting Ordinance of 2004 Draft", and

**NOW THEREFORE BE IT FURTHER RESOLVED**, by the Business Committee of the Quapaw Tribe of Oklahoma that the approval of the attached "Election and Voting Ordinance of 2004 Draft" shall arise automatically as a motion for consideration by the Quapaw General Council on January 31, 2004.

CERTIFICATION

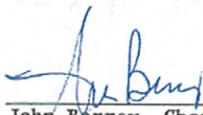
The foregoing resolution of the Quapaw Tribe of Oklahoma was presented at the regular meeting of the Quapaw Tribal Business Committee on December 20, 2003, with a vote reflecting 7 yes, 0 no, 0 abstaining and 0 absent.

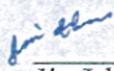
  
\_\_\_\_\_  
John L. Berrey, Chairman  
Quapaw Tribal Business Committee

  
\_\_\_\_\_  
Jim Imbeau, Secretary-Treasurer  
Quapaw Tribal Business Committee

C E R T I F I C A T I O N

The foregoing resolution of the Quapaw Tribe of Oklahoma was presented at the Special General Council meeting of the Quapaw Tribe on January 31, 2004 with a vote reflecting 86 yes, 72 no, 4 abstaining.

  
\_\_\_\_\_  
John Berrey, Chairman  
Quapaw Tribal Business Committee

  
\_\_\_\_\_  
Jim Imbeau, Sec./Treas.  
Quapaw Tribal Business Committee