

**LITTLE SHELL TRIBE OF CHIPPEWA INDIANS OF MONTANA
ELECTION ORDINANCE**

Adopted by Resolution No. 2013-07

General Provisions

Title

The following ordinance shall be known as the Little Shell Tribe of Chippewa Indians of Montana Election Ordinance.

Purpose

The purpose of this ordinance is to ensure that procedures used in the Little Shell Tribal Elections are legal, consistent, fair and efficient.

Scope

This ordinance shall govern all election procedures including election for Tribal Executive Council, general Tribal Council members, Special Elections, initiatives, recall petitions, and any other ballot issues, for the Little Shell Tribe.

Elections

Voters

All persons 18 years or older who are enrolled members of the Little Shell Tribe shall be eligible to vote in elections governed by this ordinance.

Notice of Elections

Notice of regular elections and recall votes shall be published six (6) weeks before voting day in a notice on the Website/Facebook or tribal letter, which can be sent to eligible voters (at the eligible voters request). The same notice shall be posted at the tribal office and at other public places. The notice shall specify the offices to be filled and/or the issues to be decided in the election, the date, hour, and place of the election.

Polling Places and Times

- (a) Elections of Tribal Council members shall be held on the first Saturday following the November United States General Election.
- (b) Polls shall be open from 10:00 a.m. until 5:00 p.m.
- (c) Balloting in all elections shall take place at the Little Shell Tribe of Chippewa Indians tribal headquarters office, unless otherwise specified in the notice.

Elections Committee

- (a) The Tribal Council shall appoint an Election Committee of three (3) members and first and second alternates. Election Committee members shall be appointed 6 months before an election and shall serve until the election has been completed and certified. The committee can be appointed to serve the remainder of the year until January. Committee members may be appointed for successive terms. Any Committee member who resigns, is removed or is unable to serve will be replaced by an alternate.
- (b) Election Committee members shall be persons who are eligible to vote in tribal elections, at least 25 years of age, have an understanding of election ordinances and practices, and have some knowledge of Tribal affairs. The qualifications will be verified by the Tribal Council, through interview or other reasonable methodology. Any committee member who becomes a candidate for tribal office shall be automatically removed from the elections committee.
- (c) Members of the Election Committee who carry out their duties on the day of the election shall be compensated at the rate of \$50.00 for that day and shall receive a stipend to cover the expense of a meal. The funds shall come from Tribal Administration.

Election Committee Authority and Responsibility

- (a) To verify the names of persons signing recall or initiative petitions to determine that each signature is that of an eligible voter who signs his or her own name only once;

- (b) To submit the original copy of a verified recall or initiative petition to the Tribal Council or its delegate for storage as a public record of the Little Shell Tribe;
- (c) To publish and post notice of all elections;
- (d) To prepare ballots which will be numbered in sequence and tracked, along with absentee ballots numbered in sequence;
- (e) The Enrollment Office shall furnish a list to the Election Committee of members eligible to vote. The Enrollment Office will also furnish Labels for mailings;
- (f) To set up and supervise activity at the polls;
- (g) To verify the eligibility of every person who wishes to vote and to distribute one ballot to each eligible voter at the polls; or to mail, fax or email absentee ballots to eligible members.
- (h) To keep a record of persons who vote and of the number of ballots distributed and cast at an election;
- (i) To resolve any disputes which may arise at the polls regarding a person's eligibility to vote or balloting procedure;
- (j) To count and validate ballots and record the number of votes cast for each candidate or for each option on the ballot;
- (k) To certify the results of the election in writing to the tribal council within Five (5) days after the election;
- (l) To recommend to the Tribal Council any supplemental rules or changes in this ordinance which the committee believes are necessary to achieve the purpose of this ordinance.

Election Committee Oath

Before taking office, election committee members shall swear or affirm that they will carry out their duties faithfully; that they will not let their preferences in an election influence their actions as committee members; and that they will not engage in, sanction, or permit to go unchallenged conduct which could prevent a fair election.

Nomination Procedures

(a) The nomination process will be announced 90 days prior to the scheduled election date. Tribal members interested in submitting the documents for being considered for a Tribal Council position will be accepted for 30 days from the announced nomination process date. Candidates eligible for Executive Council and Tribal Council shall be published 6 weeks before the scheduled elections.

(b) Any enrolled tribal member who lives in Montana, is at least 25 years old, have a high school diploma or GED, have some business knowledge or experience, and a record of attendance at Quarterly meetings for 2 years (quarterly meeting sign in sheets) or proof of involvement with the Tribes business endeavors shall be eligible to run for a tribal council position. Candidates must submit a Council position application form, their bio, their letter of interest, a resume, copy of driver license or State ID to prove age, copy of diploma, the background check document signed and a \$100.00 fee. The qualifications will be verified by the Election committee through reasonable methodology.

(c) If a council member or Official shall die, resign permanently, leave his or her district or not be able to represent the district in the best interest of the Tribe or be found guilty of any felony or a felony/misdemeanor involving dishonesty in any Indian, State or Federal Court, the Executive Committee shall declare the position vacant and call a district special election to fill the vacancy.

Campaign Procedures

(a) Candidates for Executive Council and Tribal Council shall be allowed to campaign to the membership 30 days in advance of the scheduled election date up to the Sunday prior to the scheduled election.

(b) Eligible candidates may purchase from the Tribe, mailing labels with names and addresses available to use for campaigning. The Tribe will charge a reasonable fee, which fee shall be the same for all candidates requesting labels in an election cycle and which must be paid in advance by the candidate requesting Labels.

Recall Petitions

- (a) A petition requesting a vote to recall an elected official shall be signed by at least one-third (1/3) of all eligible voters and shall include the voter's name and address and date of signature.
- (b) A recall petition shall have a clearly designated beginning date, before which no signatures shall be valid, and return date when the petition shall be submitted to the Tribal Council Chairperson. The return date shall be no longer than 90 days after the beginning date and at least fifteen (15) days before the next General Council meeting. No names shall be added or removed after the return date.
- (c) Upon receipt of a recall petition or before its return date, the Tribal Council Chairperson shall forward the petition to the Election Committee.
- (d) If the Election Committee determines that the petition meets the requirements of this section, it shall schedule the requested recall vote for the first regular General Council meeting following submission of the petition.
- (e) If a majority of the persons casting the ballots vote to recall a Tribal Council member, the position shall be declared vacant.

Ballots

- (a) Candidates for each office shall be listed on the ballot alphabetically by their last names. A box shall appear next to the name of each candidate so a vote may be marked in the box. Write-in votes are not valid and will not be counted.
- (b) When more than one council position will be filled by an election, voters shall vote for as many candidates as there are Council positions to be filled. If a person votes for more

candidates than there are positions open, that portion of the ballot shall be invalid.

(c) All elections shall be by secret ballot, with exception to absentee ballots that are mailed, faxed or emailed in, which will be immediately put in a locked ballot box.

(d) The counting of ballots shall be open to all tribal members in a quiet environment and will be video recorded. Ballots shall be counted a minimum of three times. The totals must agree at least twice to be valid. Ballots shall be secured in a locked container and returned sealed to the Tribal Office 10 days after the counting of the ballots.

Election to Office

Offices for which elections are held shall be filled in the following way: If one position is open, it shall be filled by the person who receives the highest number of votes.

Polling Regulations

(a) Voting in elections governed by this ordinance shall be by secret, written ballot, with exception to absentee ballots that are mailed, faxed or emailed in. Ballots must be requested in advance and voter eligibility verified before a ballot is eligible to be mailed in, faxed in or emailed in. When emailing, the ballot must be scanned and attached to an email which must be from the member's personal email account. Ballots received after the actual election voting date will not be valid.

(b) No person shall campaign or otherwise attempt to influence voters or shall loiter on the tribal office grounds or at the polling place during hours when the polls are open.

(c) Voters who are unable to mark a ballot without assistance because of such special circumstances as physical disability or illiteracy may be assisted in voting by an Election Committee member or by a person of the voter's choice.

(d) Consumption of alcoholic beverages, marijuana, narcotics, or other intoxicants at the polls and on tribal grounds is prohibited. No person who is clearly intoxicated or under the influence of drugs shall be permitted to cast a ballot.

Special Provisions

Rescheduled Elections

In a regular election, if voting results in a tie or if the Tribal Council determines that a challenge is valid, the Tribal Council shall schedule another vote to take place on the first Saturday following the regular election date. The rescheduled election shall comply with the regular election procedures except the time period for notice of the election may be reduced to three days. In the case of a tie, the runoff election shall be held only for those candidates whose votes were tied.

Special Elections

All election ordinances apply with the exception to time periods. The Tribal Council will first recall the prior available election committee. Notice of Special Election will be announced of the opened council position. When the Special Election is announced, the nomination process starts. Eligible members will have 7 days to submit their documents to the election committee. At the end of the 7 days, the Candidates will be announced. The election will be held within 20 days of the Special Election announcement. The newly elected council member will be inaugurated at the next general tribal meeting or council work session, whichever comes first.

Challenges

(a) Any person who has been disqualified from voting by the Election Committee may appeal the Committee's decision by filing a written protest or appearing in person at the first Tribal Council meeting after the contested election. The Tribal Council shall then consider evidence presented by the disqualified person and by the Election Committee and shall

decide whether a person was improperly disqualified before the Council accepts the Election Committee's certification of election results.

(b) Any person who believes that an unqualified person was permitted to vote in an election may appeal the election committee's decision as provided.

(c) If the Tribal Council determines either that an ineligible person voted in an election or that a person eligible to vote was denied the right to vote in an election and further determines that such error affected or may have affected the results of the election, the Tribal Council shall schedule a second vote.

(d) If at least twenty-five (25) eligible voters sign a petition requesting a recount of the ballots in an election and submit the petition to the Tribal Council within the first week after the election, the Tribal Council shall order a recount.

(e) If at least twenty-five (25) eligible voters sign and submit to the Tribal Council within the first week after the election, a petition describing violations of this ordinance or irregularities which could have affected the outcome of an election, the Tribal Council shall investigate the charges made in the petition. If the Tribal Council determines that a violation of this ordinance or other irregularities did affect or could have affected the results of the election the Tribal Council shall schedule a second vote of the entire slate of candidates for the particular office which has been challenged.

Certification of Elections and Inauguration

Unless it receives a challenge to an election, the Tribal Council shall accept Election Committee certification of an election and shall inaugurate newly elected officials the meeting following the election. Outgoing officials shall serve until the new officials are inaugurated.

Severability

If any provision in this ordinance is determined by a court of competent jurisdiction to be invalid, such a determination shall not render invalid the remaining provisions.