

PEORIA TRIBE OF INDIANS OF OKLAHOMA  
ELECTION ORDINANCE

ARTICLE I – AUTHORITY

In accordance with Article IX of the Constitution of the Peoria Tribe of Indians of Oklahoma, approved August 13, 1997, the Business Committee is granted authority to enact an Election Ordinance consistent with the Constitution.

ARTICLE II – PURPOSE

SECTION 1 – PURPOSE

The purpose of this Election Ordinance is to establish guidelines, rules and an orderly procedure to conduct the election of officials of the Peoria Tribe of Indians of Oklahoma in accordance with Article IX – ELECTIONS; Article VII – GRIEVANCE COMMITTEE; Article XI – REMOVAL, RECALL, FORFEITURE; and ARTICLE XII – INITIATIVE AND REFERENDUM, of the Constitution of the Peoria Tribe of Indians of Oklahoma.

SECTION 2 – ADMINISTRATION

The regulations and procedures contained in this ordinance shall be administered in such a way as to accomplish this purpose and intent.

ARTICLE III – EFFECTIVE DATE

SECTION 1 – EFFECTIVE DATE

This Election Ordinance shall be effective for the conduct of the annual election of officials of the Peoria Tribe of Indians of Oklahoma to be held on the first Saturday of March in accordance with Article IX, Section 2, of the Constitution of the Peoria Tribe of Indians of Oklahoma and any Special Elections as set forth within this Ordinance.

SECTION 2 – REPEALER

Any previous Election Ordinance is hereby repealed.

## ARTICLE IV – ELECTION COMMITTEE

### SECTION 1 – ELECTION COMMITTEE

(a) The Election Committee shall consist of five members of the Peoria Council appointed by the Business Committee of the Peoria Tribe in December of each year, or as a vacancy may occur, to serve for the following calendar year. No elected tribal official or candidate shall serve on the Election Committee.

(b) The act of filing as a candidate for an elective office by any member of the Election Committee shall be an automatic resignation from the Election Committee.

(c) Any member of the Election Committee who is not present on election day to perform their committee duties, or any member of the Election Committee requesting to be relieved of their appointment, may be removed by the Election Committee based on Article XI, Section 1 of the Constitution and in accordance with the Peoria Tribal Removal Ordinance. Such person shall be replaced by Business Committee appointment.

### SECTION 2 – OFFICERS

The Election Committee shall choose from its membership a Chairman, a Secretary, and such other officers, as it deems necessary.

### SECTION 3 – RESPONSIBILITIES

(a) The Election Committee shall be solely responsible for calling and conducting the regular election of officers and any other tribal elections which may be necessary throughout the year.

(b) The Election Committee will perform any other duties as assigned by the Peoria Tribal Business Committee.

(c) The Election Committee shall ensure the Election Ordinance is followed.

### SECTION 4 – DUTIES OF THE ELECTION COMMITTEE

(a) Chairperson – Shall be the presiding member responsible for the overall activities of the Election Committee. The Chairman of the Election Committee shall vote only in the event of a tie vote regarding issues voted on by the Committee.

(b) Secretary – Shall maintain accurate minutes of meetings, including safekeeping of Committee records.

(c) Member – Shall perform duties as assigned.

## ARTICLE V – MEETINGS

### SECTION 1 – CALLING OF MEETINGS

Meetings shall be called at any time by the Chairman of the Election Committee or by request of a majority of the members of the Election Committee.

### SECTION 2 – QUORUM

A quorum shall consist of three (3) members of the Election Committee. No actions taken by the Election Committee shall be valid in the absence of a quorum.

### SECTION 3 – RECORDS

The Secretary of the Election Committee shall maintain complete and accurate minutes of its meetings.

## ARTICLE VI – VOTERS

### SECTION 1 – VOTER ELIGIBILITY

Any member of the Peoria Tribe, as defined in Article III, Section 1 – MEMBERSHIP OF TRIBE, of the Constitution of the Peoria Tribe of Indians of Oklahoma, shall be eligible to vote, provided the member is eighteen (18) years of age or over on the date of the election. Each member will be required to show proof of identification at each election in the form of a government issued photo identification showing their name to match the Official Voters' List provided by the Tribal Enrollment Office.

### SECTION 2 – (RESERVED)

## ARTICLE VII – QUALIFICATIONS FOR OFFICE

### SECTION 1 – QUALIFICATIONS OF CANDIDATES

(a) Any member of the Peoria Tribe who is at least twenty-five (25) years of age on the date of the election; and who has never been convicted of a felony in a court of competent jurisdiction, shall qualify as a candidate for membership on the Business Committee or Grievance Committee.

(b) Any member of the Peoria Tribe who files for an elective office and is currently holding another elective Tribal office, will upon filing, immediately resign his or her present office. Resigning from a present office will apply only if an incumbent files for a different elective office.

## ARTICLE VIII – ELECTIONS

### SECTION 1 – ANNUAL ELECTIONS

Article IX, Section 1 – Elections, of the Constitution of the Peoria Tribe of Indians of Oklahoma, approved August 13, 1997, establishes a system of staggered terms of elected officials. This system shall continue with staggered elections of:

- (a) Chief and two (2) members of the Grievance Committee.
- (b) Secretary and Third Councilman.
- (c) Treasurer, First Councilman, and one (1) member of the Grievance Committee.
- (d) Second Chief, Second Councilman, and two (2) members of the Grievance Committee.

### SECTION 2 – TERMS OF OFFICE

All terms of office shall be for four (4) years and elections shall be held on the first Saturday of March as required when such terms expire. Officials of the Business Committee and the Grievance Committee shall hold office until their successors are duly elected and installed.

### SECTION 3 – REGULAR ELECTION

In accordance with Article IX, Section 2 of the Constitution of the Peoria Tribe of Indians of Oklahoma the regular election of officers shall be held annually on the first Saturday of March of each year and shall be conducted pursuant to this Election Ordinance prescribed by the Peoria Tribal Business Committee.

### SECTION 4 – SPECIAL ELECTION

A Special Election to fill vacancies in any elective office shall be conducted in accordance with this Ordinance and shall be called as follows: Upon written notification from the Business Committee that an elected position in the Business Committee or Grievance Committee is vacant, a special election shall be held. The special election shall be conducted in accordance with this Ordinance.

## SECTION 5 – NOTICE OF ELECTION

(a) The Election Committee shall publish notice of all elections at least ten (10) days prior to the date of the election in a newspaper of general circulation within the Tribal Office area and in the Tribal Newsletter. The notice shall include the purpose of the election, date, time, and place of the election and a list of qualified candidates for the offices to be filled.

(b) In the event of inclement weather, natural disaster or national emergency, the Election Committee may make the determination to postpone any called election. Notice of a new election date shall be published within ten (10) days. The election date shall be set no more than thirty (30) days after postponed election date.

## ARTICLE IX - VACANCIES

### SECTION 1 – NOTICE OF OFFICE VACANCY

(a) In the event a vacancy occurs in any elective office, the Chief of the Peoria Tribe, or other elected official in the event the position of Chief is vacated, shall within ten (10) days notify the Election Committee in writing of such vacancy.

(b) Upon receipt of notification from the Business Committee, the Election Committee shall within thirty (30) days proceed to schedule an election to fill the vacancy in accordance with Article X – VACANCIES, of the Constitution of the Peoria Tribe of Indians of Oklahoma. The vacancy may be filled at any regular or special election of the Peoria Council, provided, however, that notice of the special election shall be published in the local newspaper at least ten (10) days prior to the election. The special election shall be conducted in accordance with this Ordinance.

## ARTICLE X - BALLOTS

### SECTION 1 – BALLOTS

(a) Order of Names on Ballots for Elections – On all election ballots, the names of the candidates for each office shall be listed in alphabetical order according to the candidate's last name.

(b) Ballots will contain clear and complete instructions on what will be and what will not be a valid vote.

(c) Only the removable stubs of the ballot will be numbered.

(d) Ballots will be marked clearly with ink (not in pencil).

(e) Should a portion of a ballot be improperly marked, the entire ballot shall be excluded from the tally. Any ballot on which the intent of the voter cannot be determined because of defacement, mutilation, or marking in a manner contrary to voter instructions shall be preserved and filed with ballots submitted for safekeeping with the notation placed on the back of the ballot indicating it was not counted and why it was considered invalid. Invalid ballot means a ballot that is cast, discovered at the time votes are counted that does not comply with the requirements for voting or is not an official ballot.

(f) Sample ballots will be placed in booths and at the entrance of voting area with the voting instructions highlighted.

(g) Ballots will be held for at least sixty (60) days from the day of the election. If sixty (60) days is not sufficient to solve conflicts, then the ballots will be held until conflicts are resolved.

## SECTION 2 – ABSENTEE BALLOTS

Absentee balloting will not be permitted in accordance with Article IX, Section 2 of the Constitution of the Peoria Tribe of Indians of Oklahoma which states “All terms of office shall be for four (4) years and elections shall be held on the first Saturday of March as required when such terms expire.”

## SECTION 3 – VOTING

(a) Instructions to voters describing the manner for casting one’s vote shall be posted inside the polling place.

(b) All voting will be by secret ballot. There will be no write-in candidates.

(c) Any voter who cannot read or write or who is physically impaired may, upon request at voter registration, be assisted by a family member or other designated person in accordance with procedures established by the Election Committee.

## SECTION 4 – (RESERVED)

## SECTION 5 – (RESERVED)

# ARTICLE XI – POLLING PLACE

## SECTION 1 – POLLING PLACE

The official polling place for all Peoria Tribal Elections shall be the Peoria Tribal Administrative Offices in Miami, Oklahoma, or as otherwise designated by the Election Committee. The Official Voters’ List, the person handing out ballots, the voting booths and the ballot box will all be located within the same area in the polling place. The polling place shall be open from 7:00

a.m. to Noon on the day of the election. The polling place shall be staffed by no less than four (4) members of the Election Committee.

## SECTION 2 – ELECTIONEERING AND LOITERING

No person shall be allowed to electioneer within 150 feet of the premises of the polling place during voting hours. Loitering will not be permitted in the polling place during voting hours. The Election Committee may request Security Personnel for assistance as may be required to maintain order about the polling place during the hours of the Election. The Election Committee may cause a misdemeanor complaint to be filed with the Court of Indian Offenses against such violators of this section.

## ARTICLE XII – VOTING PROCEDURES

### SECTION 1 – METHOD OF VOTING

All voting shall be by secret ballot.

### SECTION 2 – (RESERVED)

### SECTION 3 – VOTER CHECK-IN/CASTING BALLOTS

After duly registering to vote as hereinafter described, the voter shall:

(a) State his or her name to the polling official and present his or her valid government issued photo identification.

(b) Voter's name shall be verified with the Official Voters' List.

(c) Voter will sign the Official Voters' List.

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

(e) Only use the ballot given to him or her by a polling official.

(f) If the name of any person is hand-written on the ballot, said ballot shall be voided.

(g) Ballots shall be marked in ink and in spaces provided on ballot. Only ballots marked inside a voting booth shall be put into the ballot box.

(h) After marking of the ballot the voter shall remove the numbered stub from the ballot. At this time the voter shall fold the ballot and physically place the ballot into the slot in ballot box.

## SECTION 4 – SPOILED BALLOTS

If a voter spoils a ballot given to him/her by the polling official, the voter shall mark “VOID” on the face of the ballot, sign the ballot in front of a poll official, who shall countersign. The poll official will thereafter issue a new ballot to the voter and make a notation on the spoiled ballot “Spoiled”. Spoiled ballots will be dropped in the ballot box and preserved with all election documents.

## SECTION 5 – CLOSING OF POLLS

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.

## SECTION 6 – ELECTION STAFF

(a) One member of the Election Committee will be responsible to verify the voter’s eligibility. One member will be responsible to hand out ballots. One member will witness the voters going into a voting booth. One member will witness voters placing a ballot into the ballot box.

(b) No early sign-ins will be allowed. Voters will sign-in only as they are about to vote.

(c) Only Election Committee members and voters will be allowed in the voting area during voting hours.

## ARTICLE XIII – VOTE TABULATION

### SECTION 1 – VOTE TABULATION

All votes will be tabulated by the Election Committee.

### SECTION 2 – CANDIDATE’S REPRESENTATIVE

(a) Each candidate has the option of appointing a representative to be present while the ballots are being counted. Each candidate may elect to waive having a representative present as ballots are being counted.

(b) Each candidate will sign an Appointment/Waiver of Candidate’s Representative form to be filed with the Election Committee on the day of the election. The Appointment/Waiver of Candidate’s Representative form will be kept with all election documents.

(c) The Candidate’s Representative’s duties shall be limited to observing the official ballot count and he/she shall have no other authority than written objection to said ballot count.

(d) The Candidate’s Representative shall be identified by a name badge or other appropriate identification to be issued by the Election Committee.

### SECTION 3 – COUNTING OF BALLOTS

(a) Ballots shall be counted a minimum of three times. The totals must agree at least twice to be valid.

(b) A tally sheet will be used to tabulate votes for a more accurate count.

(c) If for some reason the stub is not removed from the ballot before it is placed in the ballot box, the caller will remove the stub from the ballot and the ballot will be counted.

(d) After each twenty-five (25) ballots are counted an agreement will be made between the counter and all other persons in the room that the number is correct. If an agreement cannot be made a recount of those votes will be conducted at that time.

(e) Those ballots considered invalid will be kept separate from those considered valid.

(f) Every person in the counting area will sign their name to the tally sheet.

(g) Every person in the counting area will witness the Chairman placing the ballots, tally sheet and Official Voters' List into the ballot box and the locking of the box. A statement will be signed by each witness and will also be placed in the Ballot Box.

### SECTION 4 – (RESERVED)

### SECTION 5 – RESULTS OF BALLOT COUNT

In an election where there are only two (2) candidates for any elected office, the individual who receives the most votes shall be declared the winner for that office. However, in a race for office where there are three (3) or more candidates for office, one candidate must receive no less than 50.1% of the total vote in order to be declared the winner. Failure to do so will result in a run-off election between the two (2) who have received the most votes.

In an election year when two (2) members of the Grievance Committee positions are up for reelection (Article VIII, Section 1 (a) and (d)) and there are more than four (4) candidates, a run-off election will be between the four (4) who have received the most votes. The two (2) candidates with the most votes in the run-off will be declared the winner for the two (2) open positions on the Grievance Committee.

### SECTION 6 – PROVISIONS FOR RUN-OFF BALLOTING

(a) In conducting the run-off balloting, the Election Committee shall delete from the ballot all names but the two candidates receiving the greatest number of votes.

(b) The Election Committee shall immediately proceed to call for a run-off election by

announcing the time polls will open. Polls for a run-off election shall remain open for a period of two (2) hours.

(c) Balloting shall continue (by call of the Election Committee) until one candidate receives a clear majority of total votes cast.

## SECTION 7 – PUBLICATION OF ELECTION RESULTS

The Election Committee shall publish the results of the election in the local newspaper within ten (10) days of the election date. The election results will also be posted in the tribal office.

## ARTICLE XIV – INSTALLATION OF OFFICIALS

### SECTION 1 – OATH OF OFFICE

Upon certification of the election results, a member of the Business Committee shall administer the Oath of Office to the elected officers, which said oath shall be as follows:

I, \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will faithfully and impartially carry out the duties of my office; uphold the Constitution of the Peoria Tribe of Indians of Oklahoma; abide by the Peoria Tribe Officials Code of Conduct, and represent the interests of the Peoria People. These things I will do to the best of my ability, so help me God.

## ARTICLE XV – PROTEST OF ELECTION RESULTS

### SECTION 1 – ELECTION PROTEST

Any voter may protest an election. The protest must be submitted in writing to the Election Committee within five (5) days after the election date with payment of a Protest Fee of \$25.00. The protest must state the grounds for protest. The Election Committee shall schedule a hearing to determine the validity of the protest and take action within ten (10) days. The decision of the Election Committee will be final.

### SECTION 2 – VOTING RECOUNT

(a) If a recount of the ballots is requested, the person or persons requesting the recount must do so in writing and no later than noon of the first business day following the election. Requester will pay \$25.00 per counter for a minimum of three (3) counters. The monies collected from this will be placed into a fund for the purpose of paying for the printing of the ballots or other election costs incurred by the Peoria Tribe.

(b) Should the person requesting the recount further protest the ballot recount, a petition

setting forth the complaint must be filed with the Grievance Committee within sixty (60) days of the recount.

## ARTICLE XVI – FILING FOR CANDIDACY

### SECTION 1 – FILING FOR CANDIDACY

(a) Notice of Election and Candidacy Filing Deadline: At least sixty (60) days prior to the Annual Election, the Election Committee shall give notice to tribal members of voting age as of the date of the election and publish an Election Notice including details for declaring candidacy for elective office in accordance with the Constitution of the Peoria Tribe of Indians of Oklahoma and this Election Ordinance.

(b) Candidate for Office: Any qualified member of the Peoria Tribe who desires his/her name to be placed on the ballot as a candidate for any elective office, shall file a Declaration of Candidacy form with the Election Committee or the Committee's designated representative. The official form shall be provided by the Peoria Tribe. The prospective candidate's membership shall be verified by the Tribal Enrollment Officer.

(c) If an individual has pled guilty, nolo contendere or been found guilty of any felony in any county, district, State or Federal Court, or has been removed from any Tribal office, he shall be determined not qualified to be a candidate for any elective Tribal office.

(d) Declaration Of Candidacy: The Declaration of Candidacy shall be in writing in the form prescribed by the Election Committee and filed in person during normal working hours, no sooner than sixty (60) days nor later than at least forty-five (45) days prior to the election, at the Peoria Tribal office building or other designated location. No person shall be a candidate for more than one (1) position on the Business Committee at any time.

(e) Declaration of Candidacy Form: The Declaration of Candidacy form prescribed by the Election Committee shall include, but not limited to:

- (1) Candidate's name, address, phone number, date of birth and Peoria Tribal roll number.
- (2) The elective office and position sought.
- (3) Date of election.
- (4) Contain a brief statement to affirm that all information provided by the candidate is true, correct, and complete and that the person is qualified and competent to hold said position.
- (5) Candidate signature line.
- (6) Notary statement and signature line.
- (7) Received date and time.
- (8) Signature of person receiving Declaration of Candidacy form.
- (9) Authorization for Release of Information for background check.

(f) Filing Fee: There shall be a non-refundable fee of twenty-five dollars (\$25.00) paid by prospective candidates for elected offices. The filing fee shall be paid by cash, certified check, or money order made payable to the Peoria Tribe. The filing fee shall be paid, in person,

on the same date the prospective candidate submits his/her Declaration of Candidacy. This filing fee shall be deposited into the Tribal treasury for the use of the Tribe to defray all expenses incurred as a result of the election.

(g) Withdrawal: A person seeking an elected office may withdraw his/her Declaration of Candidacy by filing a written notice of withdrawal, in person, with the Election Committee or designated representative. The notice of withdrawal shall be filed during normal working hours at the Peoria Tribal office building or other designated location. Such notice shall contain the candidate's name, address and the position for which he/she is a candidate. Also, such notice shall be signed by the candidate and notarized. If a candidate withdraws after ballots have been printed, the Election Committee shall post notices to that effect at the voting place and within the voting booths and make a line through or otherwise obliterate the candidate's name from the ballots. Any votes cast for a withdrawn candidate shall not be counted.

(h) Verify Qualifications of Candidates: The Election Committee shall review all filings for the elected office to ascertain that the prospective candidates meet the qualifications set forth in Article IX, Section 5 of the Constitution of the Peoria Tribe and this Ordinance. The Election Committee shall make these determinations no later than ten (10) days following receipt of the Declaration of Candidacy form. If the Election Committee determines a person is not eligible to be a candidate, the Election Committee or designated representative shall notify that person in writing by certified mail, return receipt requested, of their decision. That person's name shall not be included on the ballot. The ineligible person may appeal, in writing, the Election Committee's decision to the Business Committee at the next monthly meeting of the Business Committee.

(i) Unopposed Candidate: In the event only one candidate files for any elective office, that candidate shall be declared elected. In the event a candidate is declared elected, it will not be necessary for the Peoria Tribe to conduct an election by ballot for that elective office. Furthermore, in the event a candidate is declared elected, the candidate shall assume office immediately in the case of a vacancy, or at the next annual Peoria Council meeting upon the expiration of an elected official's term.

(j) No Candidate Files for Vacant Elective Office: In the event no one files for an elective office in accordance with the forty-five (45) day Declaration of Candidacy policy, the Election Committee shall issue a second Election Notice for that position in the manner set forth within this ordinance.

## ARTICLE XVII – PETITIONS FOR INITIATIVES AND REFERENDUMS

### SECTION 1 – FILING OF PETITIONS FOR INITIATIVES AND REFERENDUMS

The procedure for submission and validation of petitions received in accordance with Article XII of the Constitution of the Peoria Tribe of Indians of Oklahoma shall be:

(a) All petitions shall be signed by the circulator of the petition and the signature shall be notarized.

(b) The purpose of the petition shall be stated at the top of each page of the petition.

(c) All petitions shall be submitted to the Chairman of the Election Committee.

(d) The Election Committee shall check all signatures to assure that circulators and signers are eligible voters of the Peoria Council.

(e) The Election Committee shall also assure the petition carries the required number and/or percentage of signatures for the petitioned action as provided for in the Constitution of the Peoria Tribe of Indians of Oklahoma.

## ARTICLE XVIII – REMOVAL, RECALL AND FORFEITURE ELECTIONS

### SECTION 1 – REMOVAL, RECALL AND FORFEITURE ELECTIONS

All removal, recall and forfeiture elections shall be conducted in accordance with the procedures outlined in this ordinance and Article XI of the Constitution of the Peoria Tribe of Indians of Oklahoma.

## ARTICLE XIX – INITIATIVE AND REFERENDUM

### SECTION 1 – INITIATIVE AND REFERENDUM

All initiative and referendum elections shall be called and conducted by the Chairman of the Business Committee in accordance with Article XII – Initiative and Referendum of the Peoria Tribal Constitution. The Chairman shall publicize all initiative elections at least thirty (30) days prior to the election date. The Chairman shall publicize all referendum elections at least thirty (30) days prior to the election date. All voting at these elections will be by secret ballot. The Election Committee will tabulate all votes.

## ARTICLE XX – REVISIONS

### SECTION 1 - REVISIONS

The Business Committee of the Peoria Tribe of Indians of Oklahoma may request the Election Committee to review and make recommendations relating to revision of the Election Ordinance. The Election Committee will submit its report and recommendations to the Business Committee for consideration.

ARTICLE XXI – SEVERABILITY

SECTION 1 - SEVERABILITY

Should any part of this Ordinance be determined to be unconstitutional or unenforceable, then and in that event, the remainder of the Ordinance shall continue to be given full effect and shall survive such determination.

CERTIFICATION

The foregoing Election Ordinance of the Peoria Tribe of Indians of Oklahoma was adopted at a duly called and conducted regular meeting of the Peoria Tribal Business Committee this 6<sup>th</sup> day of November, 2012.

s/John P. Froman  
JOHN P. FROMAN, CHIEF and  
CHAIRMAN OF THE PEORIA TRIBAL  
BUSINESS COMMITTEE  
PEORIA TRIBE OF INDIANS OF OKLAHOMA

ATTEST:

s/Don E. Giles  
DON E. GILES, SECRETARY  
PEORIA TRIBE OF INDIANS OF OKLAHOMA