

**ELECTION AND VOTING ORDINANCE  
OF THE KAW NATION  
TABLE OF CONTENTS**

<b>Section 1:</b>	<b>Short Title</b>	<b>1</b>
<b>Section 2:</b>	<b>Authority</b>	<b>1</b>
<b>Section 3:</b>	<b>Purpose</b>	<b>1</b>
<b>Section 4:</b>	<b>Definitions</b>	<b>1</b>
<b>Section 5:</b>	<b>Election Committee</b>	<b>3</b>
<b>Section 6:</b>	<b>Election Committee Composition</b>	<b>3</b>
<b>Section 7:</b>	<b>Meetings</b>	<b>4</b>
<b>Section 8:</b>	<b>Records</b>	<b>4</b>
<b>Section 9:</b>	<b>Duties</b>	<b>5</b>
<b>Section 10:</b>	<b>Ballot Box</b>	<b>5</b>
<b>KAW NATION EXECUTIVE COUNCIL</b>		
<b>Section 11:</b>	<b>Executive Council</b>	<b>6</b>
<b>Section 12:</b>	<b>Executive Council Eligibility</b>	<b>6</b>
<b>Section 13:</b>	<b>Tenure of Office</b>	<b>7</b>
<b>Section 14:</b>	<b>Candidate for Office</b>	<b>7</b>
<b>GENERAL PROVISIONS</b>		
<b>Section 15:</b>	<b>Filing Fee</b>	<b>7</b>
<b>Section 16:</b>	<b>Withdrawal</b>	<b>8</b>
<b>Section 17:</b>	<b>Procedure on Withdrawal</b>	<b>8</b>
<b>Section 18:</b>	<b>Testing Qualifications of Candidates</b>	<b>8</b>

<b>Section 19: Challenge of Candidates</b>	<b>9</b>
<b>Section 20: Procedure for Hearing</b>	<b>9</b>
<b>Section 21: Vacancies</b>	<b>9</b>
<b>VOTING PROCEDURES</b>	
<b>Section 22: Election Notice</b>	<b>11</b>
<b>Section 23: Voter Qualifications</b>	<b>11</b>
<b>Section 24: Voter Lists</b>	<b>11</b>
<b>Section 25: Absentee Voting</b>	<b>12</b>
<b>Section 26: Secret Ballot</b>	<b>12</b>
<b>Section 27: Polling Place</b>	<b>12</b>
<b>Section 28: Method of Voting</b>	<b>12</b>
<b>Section 29: Voting Hours</b>	<b>13</b>
<b>Section 30: Counting Ballots</b>	<b>13</b>
<b>Section 31: Counting Absentee Ballots</b>	<b>14</b>
<b>Section 32: Tie Votes</b>	<b>14</b>
<b>Section 33: Recount</b>	<b>14</b>
<b>Section 34: Certification and Announcement of Election Results</b>	<b>14</b>
<b>Section 35: Petitioning Procedures</b>	<b>15</b>
<b>Recall</b>	<b>15</b>
<b>Initiative</b>	<b>16</b>
<b>Referendum</b>	<b>18</b>
<b>Section 36: Special Election</b>	<b>19</b>
<b>Section 37: Election Disputes</b>	<b>19</b>

<b>Section 38</b>	<b>Appeals</b>	<b>20</b>
<b>Section 39:</b>	<b>Installation of Elected Officials</b>	<b>20</b>
<b>Section 40:</b>	<b>Amendments</b>	<b>20</b>
<b>ADOPTION AND CERTIFICATION OF ORDINANCE</b>		<b>21</b>

DRAFT

**ELECTION AND VOTING ORDINANCE  
OF THE KAW NATION**

**SECTION 1.**

This Ordinance shall be cited as the Kaw Election and Voting Ordinance of 1992 as amended.

Laws 1992, amended 2006.

**SECTION 2. AUTHORITY.**

This Election and Voting Ordinance is enacted by the General Council of the Kaw Nation, pursuant of Section 4(b)2., Article II, Legislative Functions, of the Constitution of the Kaw Nation, ratified on July 31, 1990 and approved by the Secretary of the Interior on August 14, 1990.

Laws 1992.

**SECTION 3. PURPOSE.**

The purpose of this Election and Voting Ordinance is to establish guidelines, rules, and orderly procedures for tribal elections conducted by the Kaw Nation.

Laws 1992.

**SECTION 4. DEFINITIONS.**

The following terms and phrases, when used in this ordinance, shall have the meaning ascribed to them, except where the context clearly indicates a different meaning.

- (a) "Constitution" means the Constitution of the Kaw Nation.
- (b) "Election" means a process to select a person to fill a position of the Executive Council, or to decide on an issue ~~of by~~ the qualified voters. ~~General Council by votes.~~
- (c) "General Council" means all members of the Kaw Nation, not adjudged mentally incompetent by a court of competent jurisdiction, who are eighteen years of age or older in council assembled.

- (d) "Executive Council" means the legislative body of the Kaw Nation, which is empowered to act on all matters and subjects in accordance with the Constitution of the Kaw Nation, and comprised of a Chairman, Vice-Chairman, Secretary, and four council members.
- (e) "Executive Officer" means the Chairman, Vice-Chairman, Secretary, and the Treasurer.
- (f) "Election Committee" means a body of persons appointed by the Executive Council to conduct the Kaw Nation elections.
- (g) "Staggered Term" means a system of electing four members of the Executive Council in one election and three members at another election in alternate years.
- (h) "Recall" or "Removal" means the right or procedures to remove a member of the Executive Council, from office by the members, of the General Council or by the Courts of the Kaw Nation, pursuant to Article IV of the Constitution of the Kaw Nation.
- (i) "Petition" means a formal request signed by a required number of qualified voters of the Kaw Nation to recall an Executive Council member from office pursuant to Article IV, Section 3 of the Constitution of the Kaw Nation, ~~or~~ to propose an Initiative or Referendum action as defined by Article VII of the Constitution of the Kaw Nation or to Amend the Kaw Constitution as defined by Amendment I of the Kaw Constitution.
- (j) "Initiative Election" means any issue to be submitted to the members of the General Council, for a vote after a proper Initiative Petition has been certified by the Courts of the Kaw Nation.
- (k) "Referendum Election" means any enacted or proposed ordinance or resolution or other action of the Executive Council to be submitted to the members of the General Council for a vote after a proper Referendum Petition has been certified by the Courts of the Kaw Nation.
- (l) "Vacancy" means an unoccupied position of the Executive Council.
- (m) "Voting" means an expression of preference by a secret ballot.
- (n) "Appeals Board" means a body of persons appointed by the Executive Council to hear appeals and render a decision.
- (o) "Qualified Voter" means a member of the Kaw Nation who has not been adjudged as incompetent by a court of competent jurisdiction and is 18 years of age or older on the date of an election.
- (p) "Tribal Court" means the Supreme Court of the Kaw Nation and such inferior

Courts as may be established by tribal law.

- (q) "Chairman" means Chairman of the Election Committee, except as otherwise specified.

Laws 1992, amended 2006.

**SECTION 5. ELECTION COMMITTEE.**

Kaw Election Committee is hereby established, which shall have the duties and powers hereinafter cited, and which shall conduct all tribal elections in compliance with this ordinance and in accordance with the Constitution of the Kaw Nation.

Laws 1992.

**SECTION 6. ELECTION COMMITTEE COMPOSITION.**

- (a) The Election Committee members shall be appointed by the Executive Council pursuant to the authority provided in ARTICLE II, Section 4(a)6, of the Constitution of the Kaw Nation, no less than 90 days prior to an election. It shall consist of five (5) members. An alternate member shall also be selected to serve in case a regular member is unable to perform due to illness or absence from the area.

The Election Committee shall be composed of:

- |              |                      |
|--------------|----------------------|
| (1) Chairman | (4) Sergeant at Arms |
| (2) Clerk    | (5) Member           |
| (3) Teller   | (6) Alternate Member |

- (b) Election Committee shall prepare or arrange for supplies, printed ballots, tally sheets, lists of voters, site preparation and other materials necessary to conduct an election.
- (c) The Executive Council shall cause a budget to be prepared in sufficient funds to be set to compensate the Election Committee members, poll workers, and other costs of conducting an election.
- (d) Each Election Committee member shall serve from the time of appointment until the election for which appointed is completed and certified.

(e) Election Committee members shall refrain from any and all partisan activity on behalf of or against any candidate, incumbent, or issue under the procedures of the Constitution of the Kaw Nation and the Election Ordinance, except they shall have the right to vote as they choose in tribal elections. Election Committee members shall be disqualified from office and removed by the Executive Committee, on its own challenge or that of a qualified voter, if they are related to any candidate to such a degree that they are unable to serve impartially, otherwise show partisanship, or fail to perform their duties in a proper and timely manner. Removal by the Executive Committee is final. The Executive Committee shall then fill the vacancy on the Election Committee.

Laws 1992, amended 2006.

#### **SECTION 7. MEETINGS.**

- (a) Meetings of the Election Committee may be called at any time by the Chairman or at the request of the other three (3) members. If the Election Committee Chairman fails to call a meeting as requested by the other three (3) members of the Committee, the Election Committee may convene upon notification to the Executive Council.
- (b) A quorum shall consist of three (3) members of the Election Committee. No enactment of the Election Committee shall be valid in the absence of a quorum.
- (c) Special Meetings. The Election Committee Chairman may call special meetings at his/her discretion.

Laws 1992, amended 2006.

#### **SECTION 8. RECORDS.**

The Election Committee shall maintain complete and accurate minutes of its meetings, and all records pertaining to an election. A copy of these records shall be filed with the Secretary of the Executive Council. Certified election results shall be maintained as a permanent record of the Kaw Nation. Ballots shall be held no longer than six (6) months after the election results are certified. Thereafter, they shall be destroyed in

accordance with Kaw Freedom of Information and Privacy Act.

Laws 1992, amended 2006.

**SECTION 9. DUTIES.**

- (a) Chairman: shall also serve as Judge, and shall be the presiding member and shall be responsible for the overall activities of the Election Committee, including safekeeping of the ballots and the ballot box(es).
- (b) Clerk: shall record and maintain accurate minutes of Election Committee meetings and records pertaining to an election.
- (c) Sergeant At Arms: shall maintain order at the polls and enforce the election laws. The Sergeant At Arms shall have these powers from the time the polls open until the declaration of all election results are final.
- (d) Teller: shall assist in the counting and other election related duties.
- (e) Member: shall perform duties as assigned.
- (f) Poll Workers: if additional workers are needed, they shall be appointed by the Election Committee Chairman, and shall perform such duties as may be prescribed by the officers of the Election Committee.

Laws 1992.

**SECTION 10. BALLOT BOX.**

- (a) The ballot box shall be affixed with a lock, and fitted with only one (1) opening of sufficient size to admit a single folded ballot. There shall be no less than two (2) ballot boxes provided during election. One shall be located at the polling place, the second shall be used for absentee ballots.
- (b) The Chairman shall deliver the ballot box to the poll, empty of all material, where he will close and lock the box in the presence of no less than two (2) poll workers as witnesses.
- (c) The Chairman shall cause a ballot box to be provided to accommodate the absentee ballots.
- (d) Keys to the ballot box(es) shall be maintained by the Chairman during the

election period. No later than the following day after the election results are certified and posted, the ballot boxes, keys and all material used in the election shall be delivered to the Secretary of the Executive Council for safekeeping.

Laws 1992, amended 2006.

## **KAW NATION EXECUTIVE COUNCIL**

### **SECTION 11. EXECUTIVE COUNCIL.**

As provided in ARTICLE II, Section 4 (a) of the Constitution of the Kaw Nation, the legislative body of the Kaw Nation shall be the Executive Council. Pursuant to ARTICLE II, Section 3 of the Constitution of the Kaw Nation, the Executive Council shall be composed of three (3) officers, and four (4) members elected by the qualified voters of the Kaw Nation.

They shall consist of the following positions:

Chairman	Council Member
Vice-Chairman	Council Member
Secretary	Council Member
	Council Member

Laws 1992, amended 2006.

### **SECTION 12. EXECUTIVE COUNCIL ELIGIBILITY.**

A prospective candidate for elective office of the Kaw Nation must meet all of the requirements in Article II, Section 3.(b) of the Constitution of the Kaw Nation:

- (a) be an enrolled member of the Kaw Nation General Council;
- (b) be not less than twenty-five (25) years of age;
- (c) be one-fourth (1/4) degree or more of Kaw Indian blood;
- (d) not have been convicted of a felony or other crime involving moral turpitude under the laws of the Kaw Nation, the United States, any Indian tribe, band or nation or any state, by a court of competent jurisdiction unless pardoned or have

- had civil rights restored to him/her;
- (e) within the past seven (7) years has not been removed or recalled from holding office on the Kaw Nation Executive Council;
  - (f) within the past seven years (7) has not resigned from holding office on the Kaw Nation Executive Council while an action to remove him/her was pending.

Laws 1992, amended 2003, amended 2006.

### **SECTION 13. TENURE OF OFFICE.**

The Executive Council Members elected in the election of October 9, 1990, shall serve until their prescribed term of office expires and their successors are duly elected and installed as provided in ARTICLE II, Section 3.(c) of the Constitution of the Kaw Nation. The Chairman, Secretary, and two (2) Council Members shall serve until second Sunday, September, 1994. The Vice-chairman, and the other two (2) Council Members shall serve until second Sunday, September, 1992. Thereafter, all members of the Executive Council shall be elected to four (4) year terms and until their successors have been duly elected and installed.

Laws 1992.

### **SECTION 14. CANDIDATE FOR OFFICE.**

Any qualified member of the Kaw Nation who desires his/her name to be placed on the ballot as a candidate for office shall file a declaration of candidacy with the Election Committee Clerk. The declaration of candidacy must be in writing and filed in person at a time and date for each election appropriately noticed by the Election Committee. The statement must show his/her name and the office for which he/she desires to become a candidate. Such notice shall be filed at the address specified in the election notice, no earlier than sixty (60) days nor later than forty-six (46) days before the election, which is held on the second (2<sup>nd</sup>) Sunday in September of the election year. No person shall be a candidate for more than one (1) office at any time.

Laws 1992.

**GENERAL PROVISIONS**

**SECTION 15. FILING FEE.**

- (a) There shall be a non-refundable filing fee of one hundred dollars (\$100.00) for a prospective candidate of the Executive Council. The filing fee shall be paid by cash, certified check, or money order to the Election Committee. The filing fee shall be paid on the same date the prospective candidate submits his/her declaration of candidacy. This filing fee shall be used to defray expenses incurred during the election.
- (b) Each candidate shall complete and file with the Election Committee, a Fund Contributor Disclosure Information at the same time he/she declares candidacy for office. Regardless of the outcome of the election, each candidate shall file a final Fund Contributor Disclosure Information within fourteen (14) days after the close of the election. Failure to file this statement shall result in future disqualification for office until such time as corrected by a prospective candidate.

Laws 1992.

**SECTION 16. WITHDRAWAL.**

A candidate for office may withdraw by filing a written notice of withdrawal with the Election Committee at any time, but no less than five (5) days prior to the election. Such notice shall contain the candidate's name and the office for which he/she is a candidate.

Laws 1992.

**SECTION 17. PROCEDURE ON WITHDRAWAL.**

If a candidate withdraws, the Election Committee shall post notices to that effect at all polling places 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.

Laws 1992.

**SECTION 18. TESTING QUALIFICATIONS OF CANDIDATES.**

The Election Committee shall review all filings for Executive Council office, whether challenged or not, to determine that the prospective meets the qualifications set forth in ARTICLE II, Section 3.(b), of the Constitution of the Kaw Nation. The Election Committee shall make these determinations thirty (30) days before the tribal elections. If the Election Committee determines that a person is not eligible to be a candidate, the Election Committee shall so notify that person by certified mail, receipt requested, stating the reasons for the decision.

Laws 1992.

**SECTION 19. CHALLENGE OF CANDIDATES.**

Any qualified voter may challenge the eligibility of any person to be a candidate by filing with the Election Committee, a written statement setting forth the grounds for the challenge. Any such challenge shall be filed within three (3) days after the closing of the filing period. Each petition must state the reasons the candidate is not eligible to file for office.

Laws 1992.

**SECTION 20. PROCEDURE FOR HEARING.**

Upon receiving a petition challenging a candidate, the Election Committee shall deliver a copy to the challenged candidate to decide the contest, within a five (5) day period. No formal pleading shall be required. The Election Committee shall hear witnesses and take written testimony under oath pertaining to the candidate's qualifications. In all cases, the burden of proof shall be on the petitioner. The decision of the Election Committee shall be final. Election Dispute, Section 37, of this Ordinance shall not apply under this Section.

Laws 1992.

**SECTION 21. VACANCIES.**

A vacancy may occur in the Executive Council due to death, recall or resignation,

or by other circumstances. Such vacancy shall be filled in accordance with ARTICLE II, Section 3.(d) of the Constitution of the Kaw Nation. A person elected to fill the vacant position shall be for the remainder of the unexpired term. The Chairman of the Executive Council, or a person who is authorized to act in the capacity shall declare, no later than ten (10) days after its occurrence, that a vacancy exists and request an election to fill the vacancy.

A prospective candidate must meet all of the requirements in SECTION 12 of this Ordinance.

- (a) If a vacancy occurs within the first three (3) years of the term of office, the election shall be conducted in compliance with all of the requirements in this ordinance.
- (b) Filing fee shall be a pro rata amount commensurate with the remaining term of office using one hundred dollars (\$100.00) as a base, except if there is less than one (1) year remaining, it shall be waived.
- (c) Election shall be conducted by the Election Committee at a regularly scheduled General Council Meeting or at a Special meeting called for that purpose.
- (d) If a vacancy occurs within the fourth (4) year of the term of office, the chairman of the Executive Council shall announce the vacancy within ten (10) days of its occurrence, and request an election to fill the vacancy within thirty (30) day after the announcement.
  - (1) Election shall be conducted at a regularly scheduled General Council Meeting, or at a Special Meeting called for that purpose;
  - (2) Candidates must meet all of the qualifications requirements in Section 12 of this Ordinance and shall be nominated from the floor;
  - (3) Election shall be by a secret ballot;
  - (4) Nominee receiving the highest number of votes in this election shall fill the vacancy for the unexpired term.
- (e) When any vacancy of the Executive Council occurs because no qualified candidate files during the appropriate filing period to run for any of the Executive Council Officer positions, the Executive Council by majority vote shall appoint a replacement from within the then existing members of the Executive Council at their first meeting after that scheduled election who will serve until the next

regularly scheduled General Council Meeting or Special Meeting of the General Council called for the purposes of filling the vacant position at which time a qualified member of the Nation shall be nominated and elected from the floor to fulfill the remainder of the elected term.

- (f) When any vacancy of the Executive Council occurs because no qualified candidate files during the appropriate filing period to run for any of the positions then said vacancy shall be filled at the next regularly scheduled General Council Meeting or Special Meeting of the General Council called for the purposes of filling the vacant position at which time a qualified member of the Nation shall be nominated and elected from the floor to fulfill the remainder of the elected term.

Laws 1992, amended 2004, amended 2006.

## **VOTING PROCEDURES**

### **SECTION 22. ELECTION NOTICE.**

An Election Notice shall be prepared by the Election Committee and mailed to the qualified members of the Kaw Nation at their last known address, as shown on the Membership roll, no later than ninety (90) days prior to the tribal election. The Election Notice shall also be sent to the Ponca City News, Kanza News, and posted in such places as, the Kaw Nation Administration Building, the Housing Authority, and the Kaw City Post Office. The Election Notice shall include, but not be limited to, the following information:

- (a) Election date;
- (b) Purpose of the Election;
- (c) Polling place;
- (d) When and where the results of the Election will be posted;
- (e) Filing period for candidacy.

Laws 1992.

### **SECTION 23. VOTER QUALIFICATIONS.**

A qualified voter shall be:

- (a) An enrolled member of the Kaw Nation;

- (b) Who is eighteen (18) years of age or older on the date of election;
- (c) Who has not been adjudged as mentally incompetent by a court of competent jurisdiction.

Laws 1992, amended 2006.

**SECTION 24. VOTER LISTS.**

The Election Committee shall review the Kaw Nation membership roll to determine the eligible voters. The Election Committee shall complete and certify an official list of eligible voters in alphabetical order, separating those who have requested Absentee Ballots, and shall post one each of these lists in the Kaw Nation Administration Building, Kaw City, Oklahoma; Post Office at Kaw City; and the Housing Authority at Newkirk, Oklahoma; five (5) days before an election. Only those persons whose names appear on certified list of eligible voters shall be permitted to cast ballots in Kaw Nation elections. One copy shall be posted in a conspicuous place at the polling area. Eligible Candidates may obtain a copy of the Certified list of eligible voters from five dollars (\$5.00) per page to one hundred thirty dollars (\$130.00) for the list/one set of labels and sixty-five dollars (\$65.00) for each additional set of labels.

Laws 1992, amended 1998, amended 2006.

**SECTION 25. ABSENTEE VOTING.**

Whenever a qualified voter will be absent from a polling place, and upon a written request, the Election Committee shall give or mail an Absentee Ballot to a voter. A voter who requested an Absentee Ballot to vote absentee, shall not be permitted to vote at the poll. All requests for Absentee Ballots shall be received by the Election Committee Clerk, Kaw Administration Building, Kaw City, OK 74641, no later than 30 days prior to the Election date.

Laws 1992, amended 2006.

**SECTION 26. SECRET BALLOT.**

All voting shall be by secret ballot.

Laws 1992.

**SECTION 27. POLLING PLACE.**

~~The Election Committee may choose not to use polling places and provide for absentee ballots for all registered voters. The If in-person voting occurs, The~~ polling place shall be within the jurisdiction of the Kaw Nation at a designated location(s) determined by the Election Committee. at the Kaw Nation Administration Building, Kaw City, Oklahoma.

Laws 1992.

**SECTION 28. METHOD OF VOTING.**

The polling place shall be staffed by no less than two (2) polling officials designated by the Election Committee.

The voter will:

- (a) state his/her name and address to the poll official;
- (b) sign the voting list;
- (c) use the ballot he/she receives polling official, go to designated voting booth, mark the ballot, and place the ballot in the ballot box;
- (d) if a voter spoils the ballot given to him/her by the polling official, the voter shall mark "VOID" on the face of the ballot and destroy the ballot in front of the poll official. The poll official will issue a new ballot to the voter, making a notation on the spoiled ballot stub "Spoiled, replaced by Ballot No. \_\_\_\_\_" and write the number of the ballot issued in the blank space;
- (e) Voter assistance. A poll worker may assist a physically handicapped voter, upon request, with voting; but shall not suggest or influence the voter.

Laws 1992.

**SECTION 29. VOTING HOURS.**

The voting hours shall be 9:00 a.m. to 5:00 p.m.

Laws 1992.

**SECTION 30. COUNTING BALLOTS.**

The Election Committee shall count the ballots cast after the polling place is closed.

- (a) The Chairman shall unlock and open the ballot box, call out the result of the vote ~~names the voter selected~~ on each ballot.
- (b) The Clerk and Teller shall mark the tally sheet beside the candidate's name as the Chairman calls.
- (c) Each candidate, if desired, may select one person, who is not a candidate or incumbent, as his/her representative to serve as an observer to watch the counting of the ballots. Such designation must be presented to the Election Committee no less than five (5) days before the election. Observers shall not participate in the counting.

Laws 1992.

**SECTION 31. COUNTING ABSENTEE BALLOTS.**

All envelopes carrying returned absentee ballots will be checked to determine if the sender is on the qualified voter list and has requested an absentee ballot. Only one absentee ballot shall be allowed per returned envelope. All envelopes carrying the voter's absentee ballot shall be placed in a locked ballot box as they are received from the Post Office. The ballot box shall be stored in a safe place at the Kaw Nation Administrative Office. On Election Day, the absentee ballots box will be opened and the absentee ballots shall be counted with the ballots cast at the polling place.

Laws 1992.

**SECTION 32. TIE VOTES.**

In the event two (2) of more candidates receive the highest number of votes and

receive the same number of votes, the Election Committee shall conduct a recount of the ballots cast in that contest. Should there be a tie vote, after the recount, the Election Committee Chairman shall flip a coin, if no more than two (2) tie votes; or draw straws if more than two (2) tie votes, to determine the winner in the presence of the Election Committee and the candidates or their approved observers.

Laws 1992.

**SECTION 33. RECOUNT.**

If there is no tie vote, and a recount of the voting results is desired, a request for the recount shall be in writing. A non-refundable fee of one hundred dollars (\$100.00) shall be paid to the Election Committee for a recount. The request for recount must be received by the Election Committee no later than 12:00 noon on Wednesday following the election date. The results of the recount shall be posted in the Kaw Administration Building.

Laws 1992.

**SECTION 34. CERTIFICATION AND ANNOUNCEMENT OF ELECTION RESULTS.**

Immediately after all of the ballots are counted, the Election Committee shall issue a notice of the election results. The Election Committee shall not issue a certification of the election results until the protest period expires on Wednesday at 12:00 noon following the Election Day, or after a protest is resolved, whichever is later. The certified results shall be posted at the Kaw Administration Building. The Election Committee shall also publish the results by release of that information to the appropriate news media.

Laws 1992, amended 2006.

**SECTION 35. PETITIONING PROCEDURES.**

The following procedures shall govern in petitioning for a recall of an Executive Council Member as provided under Article IV, Section 3 of the Constitution of the Kaw

Nation, or for an Initiative election, or for a Referendum election under ARTICLE VII, Section 2 and 3 of the Constitution of the Kaw Nation. Any enrolled member, desiring to initiate a petition, which requires signatures must:

- (a) be a qualified voter,
- (b) **Recall:** submit a petition signed by not less than one hundred twenty-five (125) members of the General Council to the Secretary of the Executive Council which includes:
  - (1) a petition for recall of an Executive Council member or officer must name only one (1) member or officer who is the subject of the proposed recall;
  - (2) the petition must include a statement that the document is a petition for recall of such person with a general statement of the grounds for the recall at the front or top of each part;
  - (3) the grounds for recall must show that the official has been derelict in his/her official duties, abused the authority or power of his/her office for personal gain, or would be subject to removal for cause pursuant to Article II, Section 2(a) of the Constitution of the Kaw Nation;
  - (4) each person who signs the petition must be allowed to read the petition without interruption by the petitioner;
  - (5) each signature on the petition must give an address of the person signing and be dated at the time of signing by the person signing the petition. Any signature not dated, or more than sixty (60) days old at the time of filing the petition with the District Court of the Kaw Nation, shall be invalid;
  - (6) the person circulating the petition shall upon his/her oath certify in writing to the authenticity of the signatures and dates on each page of the petition;
  - (7) the petitioner shall cause the petition to be filed with the District Court of the Kaw Nation with notice being given to the Kaw Nation as provided by the laws of the Kaw Nation;
  - (8) if the petition is certified as valid by the District Court of the Kaw Nation, and the person who is the subject of the recall petition does not resign within ten (10) days after the petition is certified, a special election shall be held within sixty (60) days;
  - (9) if the officer named in the petition offers to resign, he/she shall submit a

written resignation to the Court for a declaration of vacancy;

- (10) the petitioner shall pay to the Election Committee a non-refundable fee of fifty dollars (\$50.00) at the time of registration, to defray administrative expenses,
  - (11) upon receiving notification from the Courts of the Kaw Nation that the recall petition has been certified as valid, the Chairman of the Executive Council shall convene a meeting of the Executive Council to appoint an Election Committee;
  - (12) once the Recall election is held, the election committee shall certify the results of the election to the District Court of the Kaw Nation;
  - (13) If a majority of those participating in the recall election and voting in favor of recall is at least two-thirds (2/3) of the number of votes in favor of the official in the last election, the Court shall order the officer recalled, and declare the office vacant;
  - (14) if the court determines the special recall election was not held in a substantially proper manner, the Court may order a new election or dismiss the recall petition as justice may require;
  - (15) nothing in this section shall supersede any portions of any applicable provisions of the Constitution of the Kaw Nation regarding the recall of elected officials.
- (c) **Initiative:** submit a valid petition signed by at least one hundred twenty-five (125) eligible voters of the Kaw Nation, regarding any issue, which includes:
- (1) one or more parts each stating the subject or issue of the petition and have a general statement of the issue at the front or top of each part;
  - (2) each person who signs the petition must be allowed to read the petition without interruption by the petitioner;
  - (3) each signature on the petition must give an address of the person signing and be dated at the time of signing by the person signing the petition. Any signature not dated, or more than sixty (60) days old at the time of filing the petition with the District Court of the Kaw Nation, shall be invalid;
  - (4) the person circulating the petition shall upon his/her oath certify in writing to the authenticity of the signatures and dates on each page of the petition;

- (5) the petitioner shall cause the petition to be filed with the District Court of the Kaw Nation with notice being given to the Kaw Nation as provided by the laws of the Kaw Nation;
  - (6) if the petition is certified as valid by the District Court of the Kaw Nation, an initiative election shall be called by the Chairman of the Executive Council and said initiative election shall held within sixty (60) days of the validation by the Court.
  - (7) the petitioner shall pay to the Election Committee a non-refundable fee of fifty dollars (\$50.00) at the time of registration, to defray administrative expenses,
  - (8) upon receiving notification from the Courts of the Kaw Nation that the initiative petition has been certified as valid, the Chairman of the Executive Council shall convene a meeting of the Executive Council to appoint an Election Committee;
  - (9) once the initiative election is held, the Election Committee shall certify the results to the Chairman of the Executive Council;
  - (10) the results of the initiative election shall be conclusive and binding upon the Executive Council provided, that a majority of the votes cast are in favor where at least two-thirds (2/3) of the eligible voters shall vote in the election;
  - (11) no initiative shall serve to abrogate, modify, or amend any properly approved contract or agreement;
  - (12) nothing in this section shall supersede any portions of any applicable provisions of the Constitution of the Kaw Nation regarding initiative petitions.
- (d) **Referendum:** Any enacted or proposed ordinance or resolution or other action of the Executive Council shall be submitted to a popular referendum pursuant to Article VII, Section 3 of the Constitution of the Kaw Nation upon submission of a valid petition signed by not less than one hundred twenty-five (125) eligible voters of the Kaw Nation or upon request of a majority of the Executive Council. A referendum petition shall include:
- (1) one or more parts each stating the subject of the petition and have a general statement of the subject at the front or top of each part;
  - (2) each person who signs the petition must be allowed to read the petition without interruption by the petitioner;
  - (3) each signature on the petition must give an address of the person signing and

be dated at the time of signing by the person signing the petition. Any signature not dated, or more than sixty (60) days old at the time of filing the petition with the District Court of the Kaw Nation, shall be invalid;

- (4) the person circulating the petition shall upon his/her oath certify in writing to the authenticity of the signatures and dates on each page of the petition;
- (5) the petitioner shall cause the petition to be filed with the District Court of the Kaw Nation with notice being given to the Kaw Nation as provided by the laws of the Kaw Nation;
- (6) if the petition is certified as valid by the District Court of the Kaw Nation, a referendum election shall be called by the Chairman of the Executive Council and said referendum election shall held within sixty (60) days of the validation by the Court.
- (7) the petitioner shall pay to the Election Committee a non-refundable fee of fifty dollars (\$50.00) at the time of registration, to defray administrative expenses,
- (8) upon receiving notification from the Courts of the Kaw Nation that the referendum petition has been certified as valid, the Chairman of the Executive Council shall convene a meeting of the Executive Council to appoint an Election Committee;
- (9) once the referendum election is held, the Election Committee shall certify the results to the Chairman of the Executive Council;
- (10) the results of the referendum election shall be conclusive and binding upon the Executive Council provided, that a majority of the votes cast are in favor where at least two-thirds (2/3) of the eligible voters shall vote in the election;
- (11) no initiative shall serve to abrogate, modify, or amend any properly approved contract or agreement;
- (12) nothing in this section shall supersede any portions of any applicable provisions of the Constitution of the Kaw Nation regarding referendum petitions.

(e) Proposed Constitutional Amendment: Constitutional Amendments may be proposed by a valid petition signed by at least thirty percent (30%) of the General Council, or by majority vote of the Executive Council.

- (1) If initiated by petition, the petition shall include:
  - (a) one or more parts each stating the subject of the petition and have a general statement of the subject on each page containing signatures;
  - (b) each person who signs the petition must be allowed to read the petition without interruption by the petitioner;
  - (c) each individual signing the petition must also print their name, provide an address and date their signature;
  - (d) the person circulating the petition shall upon his/her oath certify in writing to the authenticity of the signatures and dates on each page of the petition;
  - (e) the petitioner shall cause the petition to be filed with the Chairman of the General Council.
  - (f) The Chairman of the General Council, within three days, shall submit the petition to the Court of the Kaw Nation, who shall provide service to the other members of the Kaw Nation Executive Council;
  - (g) if the petition is certified as valid by the Court of the Kaw Nation, an election shall be called by the Chairman of the Executive Council, and said election shall be held within one hundred (100) days of the validation by the Court.
- (2) If a majority of the Executive Council proposes a Constitutional amendment, an election shall be called by the Chairman of the Executive Council to be held within one hundred (100) days;
- (3) When the need arises for a Constitutional amendment election, the Chairman of the Executive Council shall convene a meeting of the Executive Council to appoint an Election Committee;
- (4) The Election Committee shall require all members wishing to vote in this election to register in accordance with Section 35 (f) of this act.
- (5) Once the election is held, the Election Committee shall certify the results to the Chairman of the Executive Council;
- (6) the results of the election shall be conclusive and binding upon the Kaw Nation provided, that a majority of the votes cast are in favor where at least thirty percent (30%) of the eligible voters shall have voted in the election; and
- (7) nothing in this section shall supersede any portions of any applicable

provisions of the Constitution of the Kaw Nation regarding Constitutional amendments.

(f) Only registered voters will be entitled to vote in any election to ratify a Constitutional amendment. All determinations of the sufficiency of the number of ballots cast will be based upon the number of registered voters. The election committee shall notify by regular mail all adult members of the tribe, who to its knowledge are eligible to vote pursuant to the Kaw Constitution, of the need to register if they intend to vote. Each notice addressed to a tribal member shall be accompanied by a preaddressed registration form which shall set forth the following information:

- (1) The name and address of the person desiring to register;
- (2) A statement with a signature line attesting that the individual is a tribal member and will be at least 18 years of age on Election Day;
- (3) The three following statements: ``Completion of and return of this registration form is necessary if you desire to become qualified to vote in the forthcoming election." ``This form, upon completion and return to the Election Committee, shall be the basis for determining whether you qualify to have your name placed upon the list of registered voters and receive a ballot" and ``completion and return of this form is voluntary."
- (4) An application to vote by absentee ballot.
- (5) A date by which registration must be completed, not later than twenty-four (24) days before the election.

(g) The following records shall be kept for all notices:

- (1) Names and addresses of persons to whom notices are mailed;
- (2) Date of mailing; and
- (3) A copy of each return registration request (including from whom received and date and time of receipt).

(f)(h) \_\_\_\_\_ Voting on Recalls, Initiatives, ~~and~~ Referendums and Constitutional Amendments petitions shall be in accordance with Sections 22 through 35 of this Ordinance.

**SECTION 36. SPECIAL ELECTION.**

Shall be conducted in accordance with ARTICLE VII, Sections one (1) through 5 of the Constitution of the Kaw Nation; and the Election and Voting Ordinance of the Kaw Nation of 1992 as amended.

Laws 1992.

**SECTION 37. ELECTION DISPUTES.**

A candidate or qualified voter who finds fault in the election procedures may challenge a tribal election no later than 12:00 noon on Wednesday following the completion of the election and declaration of the results. A challenger may file with the Election Committee a statement in writing setting forth his/her particular grounds for the challenge together with substantiating evidence. After the statement is filed, the Election Committee shall set a time for a hearing of the challenge no later than three (3) days after the date on which the statement of the challenge was filed.

The Election Committee shall convene a hearing for any protested election at the Kaw Administrative Building for the purpose of reviewing the grounds for the challenge. After hearing the proofs and allegations of the challenger, the Election Committee shall have authority to pronounce their judgment.

Laws 1992.

**SECTION 38. APPEALS.**

A contestant, a person who found fault in the election procedures, not satisfied with the findings and decisions of the Election Committee may appeal to the Executive Council within five (5) days of the receipt of Election Committee's judgment. The Executive Council shall then select an impartial board, consisting of three (3) persons as an Appeals Board, which shall hear and render the final decision based on the written findings of the Election Committee and documentation of proofs and allegations of the contestant. They shall render a final decision within fifteen (15) days of receipt of appeal. The decision of the Appeals Board shall be final.

Laws 1992.

**SECTION 39. INSTALLATION OF ELECTED OFFICIALS.**

The duly elected Executive Council members shall be installed in office at a meeting to be held immediately after certification of election results. The Oath of Office shall be administered by an appropriate Kaw Nation member selected by the Election Committee.

Laws 1992.

**SECTION 40. AMENDMENTS.**

Amendments to this Ordinance may be proposed by a qualified member of the Kaw Nation, or by a member of the Executive Council, and shall be submitted to a vote at a General Council meeting, and shall become effective upon receiving a majority vote of those present voting on the amendment.

Laws 1992.