

Election Ordinance

ARTICLE I

AUTHORITY

This Election Ordinance is authorized by the Constitution of the Wyandotte Nation ratified September 29, 1999, pursuant to Article 9.

ARTICLE II

PURPOSE

The purpose of the Election Ordinance is to establish guidelines, rules and an orderly procedure to conduct the election of officers of the Wyandotte Nation in accordance with Article 9, of the Constitution of the Wyandotte Nation.

ARTICLE III

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.

“Board of Directors” means the elected legislative body of the Wyandotte Nation which is empowered to act on such matters and subjects in accordance with the Constitution of the Wyandotte Nation, and is comprised of the Chief, Second Chief, and four (4) Council Persons, as defined in Article 6, Section 2, of the Constitution of the Wyandotte Nation ratified September 29, 1999.

"Council Person" means a person who is an elected member of the Board of Directors, as defined in Article 6, Section 3, of the Constitution of the Wyandotte Nation ratified September 29, 1999.

"Grievance Committee" means the elected body of the Wyandotte Nation which shall investigate complaints of misconduct in the office of all elected officials in accordance with the Constitution of the Wyandotte Nation and is comprised of five (5) members who shall select their own officers, as defined in Article 7, Section 3, of the Constitution of the Wyandotte Nation ratified September 29, 1999.

"Certification of Election Results" means a verification of election results in written form and signed by the Election Board Chairperson and Secretary.

"Chief" means the elected executive officer of the Wyandotte Nation who is empowered to act on such matters and subjects in accordance with the Constitution of the Wyandotte Nation as so defined in Article 6 of the Constitution of the Wyandotte Nation ratified September 29, 1999.

"Conflict of Interest" means a decision which would affect any member's ability to make a decision without bias or a decision, which would affect any member's immediate family, personal or business interest.

"Constitution" refers to the Constitution of the Wyandotte Nation, ratified September 29, 1999, and all amendments added thereto.

"Election" means the act of choosing or selecting one or more from a greater number of persons, things, courses, or rights.

"Election Board" means a body of persons appointed by the Chief and confirmed by the Board of Directors to conduct all elections until such time as appointments expire as defined in Article 9, Section 2, of the Constitution of the Wyandotte Nation ratified September 29, 1999.

"Electioneering" means to actively campaign for or against a particular candidate or issue.

"Forfeiture" means the something to which the right is lost by the commission of a crime or fault or the losing of something by way of penalty.

"Nation Council" means all members of the Wyandotte Nation who are eighteen (18) years of age or older as defined in Article 6, Section 1, of the Constitution of the Wyandotte Nation ratified September 29, 1999.

"Immediate Family" means those persons who are Husband-Wife, parent-Offspring, Sibling-Sibling, Grandparent/Grandchild.

"Nepotism" means favoritism shown to a relative. (As described in "Immediate Family".)

"Registered Voter" means a member of the Nation's Council who is duly registered to vote pursuant to Article VII, of this Election Ordinance, as required by Article 9, Section 2, of the Constitution of the Wyandotte Nation ratified September 29, 1999.

"Registration" means the completion of the prescribed process for qualifying as a certified voter of the Wyandotte Nation according to Article VII, of this Ordinance.

"To Elect" means to select a person who has duly filed for a position for an elected office by receiving the highest number of votes in an election by the registered voters of the Wyandotte Nation using secret balloting.

"Vacancy" means an elected position that has been declared vacant due to death, resignation or removal. If the vacancy occurs in the office of the Chief, the Second Chief shall immediately succeed to the office of Chief. If a vacancy occurs in any position of the Board of Directors, the remaining Board of Directors shall appoint a qualified person to fill the vacancy for the remainder of the unexpired term, as defined in Article X of the Constitution of the Wyandotte Nation ratified September 29, 1999.

"Voting" means an expression of preference by secret ballot.

ARTICLE IV

ELECTION BOARD

SECTION 1. AUTHORITY

The Election Board of the Wyandotte Nation is hereby established, which shall perform the duties and powers hereinafter cited, and which shall conduct the tribal elections in compliance with this Ordinance pursuant to the Constitution of the Wyandotte Nation.

SECTION 2. ELECTION BOARD COMPOSITION

1. Officers/Members – All officers of the Election Board indicated herein shall be by appointment as outlined in Article 9, Section 2 of the Constitution. All Election Board members shall serve a term of four (4) years after initial appointment. In the case of any member's resignation due to ill health, death or any valid reason, the Board of

Directors shall appoint another member to complete the balance of such resigned member's term.

1. Membership – The Election Board shall consist of five (5) members of the Wyandotte Nation and (1) alternate, also a member of the Wyandotte Nation. At no time shall the membership of the Election Board consist of any elected tribal official, an immediate family member of an elected official of the Tribe, candidate for tribal office, immediate family member of a person who is a candidate for an elected position of the Tribe, or be involved in an election campaign. 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. The Election Board shall be composed of a Chairperson, a Vice Chairperson, a Secretary, and two (2) regular members. No Election Board member shall be an immediately related family member to any other Election Board member or filed candidate. The Chairperson and Secretary term shall expire on September 30, 2001, and shall be appointed for four (4) years at a time thereafter. The Vice Chairperson and alternate member's term shall expire on September 30, 2002, and shall be for four (4) years at a time thereafter. The two regular board members term shall expire on September 30, 2003, and shall be for four (4) years at a time thereafter.
1. Oaths of Office – All persons appointed and confirmed as members of the Election Board shall, before entering upon the duties of their offices, take and subscribe to the oath of office as prescribed by the Board of Directors. Said oath shall be retained by the Secretary of the Board of Directors.
1. Costs/Compensation – The cost of conducting an election, including supplies, printed ballots, advertisements, other miscellaneous materials, and compensation for Election Board members shall be paid by the Tribe upon authorization by the Board of Directors in accordance with necessity. Compensation of Election Board members shall be at a rate set by the Board of Directors of the Wyandotte Nation for Subcommittee stipends per meeting. Election Board duties consistent with this Ordinance. Compensation for travel from a member's home and return shall be paid at the current federal approved mileage rate with odometer reading verification. Travel expense incurred while attending workshops and training seminars shall be paid as per federal travel regulations.
1. Removal of Election Board Members(s) – A signed petition showing cause of removal containing thirty (30) signatures of eligible voters shall be cause to initiate removal proceedings of an Election Board member(s). Said signed petition shall be submitted to the of the Board of Directors, whereas the Board of Directors shall investigate any complaints/charges of misconduct by the Election Board or any of it's members and provide opportunity for a written response within thirty (30) days of submission of such petition to the Board of Directors. If after an investigation by the Board of Directors the complaints/charges have been found to be valid the Board of Directors may remove an Election Board member or members. Such removal is not subject to review.
1. Support Staff – The Board of Directors, before each Election, shall designate certain Tribal employees to perform clerical services for the Election Board as needed.

1. Confirmation Failure or Vacancy – Within thirty (30) days of any vacancy in the Election Board the Chief shall present his appointment to the Board of Directors. The Chief shall present a different person for appointment within thirty days of failure of confirmation notice to the Chief. Should the Chief fail to act, the Chief may be compelled by application of any tribal member to the court of record.

SECTION 3. MEETINGS

1. Meetings – Meetings of Election Board may be called at any time by the Election Board Chairperson or by request of three (3) members, provided all members receive a written notice of the same. However, in case of an emergency, members may be notified by telephone at least twenty-four (24) hours in advance of any special meeting. All Election Board meetings shall be open to all tribal members.
1. Quorum – A quorum shall consist of three (3) members of the Election Board. No business of the Election Board shall be valid in the absence of a quorum.
1. Location of Meetings – All Election Board meetings shall be held at the tribal complex with notice posted five days in advance of the meeting.

SECTION 4. RECORDS

The Election Board shall certify, maintain, and store in a safe and secure manner complete and accurate minutes of all Election Board meetings. All other records pertaining to elections shall be stored in a safe and secure manner in their original form and kept at the Tribal Administration Building. A certified copy of these records and all other Election Board records shall be sent to the Board of Directors within fifteen (15) days after the oath of office has been administered to the newly elected officers. After each election, the Election Board meeting minutes and Election Results shall be certified by both the Election Board Chairperson and Secretary as true and correct and shall become a permanent record of the Wyandotte Nation. The Board of Directors shall designate a Custodian of Election Board Records to maintain said permanent records and shall make said records available to any Tribal Member upon reasonable request during business hours of the Tribal Administrative Office. Said Custodian shall be one of the full time employee positions of the Tribal Administrative Office. 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 according to Article 9 Section 2 of this Ordinance. The Secretary shall have access to certified copies of all Election Board Records at all times.

SECTION 5. DUTIES OF ELECTION BOARD

1. Chairperson: The Chairperson shall be the presiding member responsible for the overall activities of the Election Board, including safekeeping of the ballots and ballot box and

shall preside over all Election Board meetings. The Chairperson shall also install all elected tribal officers and administer the Oath of Office.

1. Vice Chairperson: The Vice Chairperson shall maintain order at the polls and enforce election laws. The Vice Chairperson shall have these powers from the time the polls open until the declaration of election results are final. The Vice Chairperson shall assume all duties of the Election Board Chairperson in the event of his/her absence or inability to perform his/her duties.
1. Secretary: The Secretary shall record and maintain accurate minutes of meetings and records pertaining to the election, voter registration, provide and receive mail service, log incoming absentee ballots, and other duties as needed.
1. Two (2) Regular Members: The two Regular Members shall assist in the counting and other election related duties as needed.
1. Poll Workers: If additional personnel are needed, they shall be known as Poll Workers and shall be appointed by the Election Board. Poll workers so appointed shall be compensated, as are Election Board members according to the formula set forth in Article IV, Section 2, paragraph d of the Election Ordinance.
1. Conflict of Interest: Members of the Election Board 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 a case of nepotism. The Board shall have authority, by majority vote, to disqualify any of its members in the event such member/s continue/s to function in a conflict of interest or nepotism situation.
1. Nepotism: Nepotism within the Election Board shall exist, when any two (2) members of an immediate family are on the same Election Board or if a member of an Election Board and any one of that member's immediate family is a candidate for any tribal office. (See definition "immediate family", Article III of this ordinance.)

ARTICLE V

BALLOTS AND BALLOT BOXES

SECTION 1. BALLOT BOXES

1. Description – There shall be one (1) ballot box provided during an election. The ballot box shall be constructed of substantial material and shall be equipped with three (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 a such a manner that the box can be unlocked in order to remove the ballots therein.

1. Delivery of Ballot Box – The Election Board Chairperson shall place one (1) ballot box to the polling place, identified in Article VIII, Section 2 of the Ordinance, empty of all material where he/she will close and lock each box in the presence of no less than two (2) poll workers as witnesses.

1. Keys to Ballot Box Locks – Keys to the ballot boxes shall be maintained by the Election Board Chairperson, Vice Chairperson and, Secretary during the election period. No later than the following day after the election results are certified and posted, the ballot boxes, keys, ballots and all material used in the election shall be delivered to the Election Board Secretary for safekeeping.

SECTION 2. BALLOTS

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

1. Unopposed Candidate – Any candidate who is unopposed in any election shall be Deemed to have been elected, and his/her name will not appear on the ballot at any election in which he/she is so unopposed.

1. Manner of Printing Ballots for Elections – 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 shall appear according to order of filing. Said ballots shall be printed no later than twenty-one (21) calendar days prior to the date for a given election.

1. Number of Ballots – In every election, at least one (1) ballot shall be printed for each voter eligible to cast such ballot.

1. Color Specific Ballots for each election – Ballots for each election will be printed in a color selected at random prior to each election.

ARTICLE VI

CANDIDACY FOR TRIBAL OFFICIALS

SECTION 1. QUALIFICATIONS OF ELECTED OFFICIALS

A person shall be eligible to run for and hold an elective office of the Wyandotte Nation if such person meets the following requirements:

1. Be an enrolled member of the Wyandotte Nation; with an extensive knowledge of the Wyandotte Culture.
1. Twenty-five (25) years of age or older at the time of filing for candidacy;
1. Agree to physically reside within a 50-mile radius of the administration office during the term of office.
1. Must, to serve as a member of the Board of Directors, be able to pass a criminal background check, possess either a four-year degree in a business related area or a minimum of five years experience in tribal government administration..
1. Must not be a part of the immediate family of any elected official, or member of the Election Board that would be serving during the same time frame.
1. Must not be an employee of the Wyandotte Nation on the date on which the person is sworn into office except that:
1. This provision shall not apply to any person who is a member of the Board of Directors and an employee of the Wyandotte Nation on the date of passage of this election ordinance; and
1. This provision shall not prohibit a member of the Board of Directors from being employed by the Wyandotte Tribe of Oklahoma, a federal chartered corporation, and its subdivisions or by any entity created under the laws of the Wyandotte Nation to promote the economic development of the Nation.

Officers of the Nation who have been removed from office for cause shall thereafter be forever barred from holding any office or position with the Nation. 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 for cause from any Nation office, he shall be determined not qualified to be a candidate for any elective Nation office. Any person who has been convicted of any felony or other serious offense including bribery, embezzlement, extortion, fraud, forgery, perjury, theft, habitual drunkenness, illicit drug use, felonies assault or felonious battery shall not be eligible for candidacy to any elective office

unless he or she shall have been pardoned in a manner consistent with, and authorized by, the convicting jurisdiction.

SECTION 2. TERMS OF OFFICE

The terms of all elected officials; Chief, Second Chief, Council Persons on the Board of Directors, and Grievance Committee members shall be for a period of four (4) years. Members shall hold office until their successors are duly elected and given their oath of office.

SECTION 3. FILING OF CANDIDACY

All qualified members of the Wyandotte Nation who desire his or her name to be placed on the ballot as a candidate for Elective office must file a Declaration of Candidacy in person with the Election Board Secretary or a designated representative at the Wyandotte Nation Administrative Office. No person shall be a candidate for more than one (1) office at any one (1) time. All such filings of Declaration of Candidacy must be filed no sooner than one hundred, twenty days (120) days nor later than ninety (90) days prior to the date elections are to be held and by the close of the Tribal Administrative Office's business day at four-thirty (4:30) p.m. No later than three (3) business days following the close of the filing period, the Election Board 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 Wyandotte Nation hereby submit the required fee of \$_____. I, as a candidate for office, do solemnly swear that I believe and support the policies, the Constitution of the Wyandotte Nation, and the laws of this Tribe; that I have not been convicted of a felony or other serious offense; nor do I advocate revolution, sabotage, force, violence or treason against the Government of the Wyandotte Nation; that I will work diligently toward the goals and objectives of the Nation and heretofore commit myself fully to the responsibilities of this position for the purpose of which it was established.

Signed_____ **Date**_____

SECTION 4. FILING FEE

A filing fee of fifty dollars (\$50.00) shall be assessed to each candidate for Chief, Second Chief, or Board of Directors. A filing fee of ten dollars (\$10.00) shall be

assessed to each candidate for Grievance Committee. This fee will be payable to the Wyandotte Nation by personal check, certified check, cashiers check, or money order. These fees shall be used for election purposes. The filing fee shall be paid on the same date the prospective candidate submits his or her Declaration of Candidacy. Said filing fee is non-refundable.

SECTION 5. WITHDRAWAL

A candidate seeking an office may withdraw by filing a written notice of withdrawal with the Election Board Secretary and his or her name shall not appear on the ballot. Such notice shall contain the candidate's name and the Office for which he or she is a candidate and signed by the candidate withdrawing and must be notarized. In the event a candidate withdraws subsequent to the printing of ballots, the Election Board shall post notices to that effect at the polling 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.

SECTION 6. TESTING QUALIFICATIONS OF CANDIDATES

The Election Board shall review all filings for elected offices and determine that the prospective candidates meet the qualifications set forth in Article 9 of the Constitution and this Ordinance. The Election Board shall make this determination at the time the prospective candidates file the Declaration of Candidacy and no later than sixty (60) days following said filing. If the Election Board determines a person is not eligible to be a candidate, the Election Board shall so notify that person in writing of their decision and the person shall not be included on the ballot.

SECTION 7. CHALLENGE OF CANDIDATES

1. Filing Challenge – Any qualified voter may challenge the eligibility of any person to be a candidate by filing with the Election Board a typed or written statement setting forth the grounds for and evidence supporting the challenges, along with a fifty dollar (\$50.00) non-refundable fee made by a cashiers check, certified check or money order made payable to the Wyandotte Nation. Any such person filing a challenge may apply for and receive a waiver of the filing fee provided that said person meets or falls below the federal poverty level guidelines, as determined by the Election Board. Any such challenge shall be filed no later than five (5) calendar days after the closing of the filing period mentioned in Section 3 of this Article. Each statement must indicate the reason the candidate is not eligible to file for office.

1. Procedure for Response – Upon receiving a statement challenging a candidate, and determining a challenge exists, the Election Board shall deliver to the challenged candidate a summary of the issues and the statement. A typed or written response shall

be filed with the Election Board by the challenged person no later than three (3) business days after submission of the summary of the issues and the statement by the Board to the challenged candidate. The Election Board will then make the determination whether or not a person is eligible to be a candidate and the Election Board shall notify that person in writing of their determination with an explanation of their decision. Such determinations must be made within five (5) calendar days after a written response is submitted by the challenged candidate.

1. Appeal of Election Board Determination – In the event that either the challenging party or the challenged candidate do not agree with the determination of the Election Board, then either of said parties may appeal the Board's determination directly to the Board of Directors within five (5) days of the Board's notice of determination. Thereafter, the Board of Directors shall render a determination of challenge within thirty-six (36) hours of the appeal. The determination of the Board of Directors shall be final and not subject to review or further appeal.

ARTICLE VII

VOTER REGISTRATION

SECTION 1. ELIGIBILITY

Eligible voters shall be the Nation Council, consisting of all members of the Wyandotte Nation, eighteen (18) years of age or older pursuant to Article 6 Section 1 of the Wyandotte Nation Constitution.

SECTION 2. REGISTRATION QUALIFICATIONS

To become a registered voter, a person must:

1. Be an enrolled member of the Wyandotte Nation.
1. Be at least eighteen (18) years of age on the date of the election in which he or she wished to cast a vote.
1. Be present at the Annual Meeting of the Nation Council or at any meeting where an election will take place.

SECTION 3. REGISTRATION PROCEDURE

1. Location – Voter registration will take place on the day of the election at the designated polling place. The time of registration will be from 9:00 a.m. until time of election. The time of closing of registration will be announced to the public at the annual meeting, posted in the “Turtle Talk”, and in a newspaper of general circulation.
1. Manner of Application – A qualified voter wishing to become a registered voter shall appear before the person authorized to register voters.

SECTION 4. REGISTRATION RECORDS

The records of registry shall be the responsibility of the Secretary of the Election Board. The Secretary of the Election Board shall maintain a current registry of all registered voters and issue a certified copy of the same to the Board of Directors. The Election Board shall have a current roll of the members of the Wyandotte Nation. These records shall be kept in a safe and secure manner in a space provided at the Wyandotte Nation Business Office by the Board of Directors who shall have a certified copy.

ARTICLE VIII

VOTING PROCEDURES

SECTION 1. ELECTION NOTICE

No less than one hundred-twenty (120) days prior to any Tribal election, the Election Board Secretary shall cause to be published an Election Notice in the GYAH’ –WISH ATAK-IA The Turtle Speaks Newspaper, for immediate publication and posted in such places as the Wyandotte Nation Administration Building, the Artie Nesvold Community Center and in all other tribally owned buildings of public business. The Election Notice shall include: (1) Election Date, (2) Purpose of Election, (3) Polling Place, and (4) Filing Period for Candidacy.

SECTION 2. POLLING PLACE

The official polling place for all Tribal Elections shall be, designated by the Election Board for each election within the Wyandotte Nation’s Jurisdiction. Said place shall be published with the Election Notice 120 days before the Election. The polling place shall be open from 9:00 a.m. until 11:00 a.m. Any voter in line at the polling place but unable to cast a ballot before 11:00 a.m. shall be allowed to finish voting. The polling

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

SECTION 3. INSTRUCTION TO VOTERS

Instructions to voters describing the manner for casting one's vote shall be posted inside the polling place. Said instructions shall be prescribed by the Election Board.

SECTION 4. METHOD OF VOTING

1. Secret Balloting – All voting shall be by secret ballot.
1. Voter Check-In/Casting Ballots – After duly registering to vote as hereinafter described, the voter shall:
 - A. Present his or her Photo ID and Tribal Membership card. If Tribal Membership card has a photo on it this will satisfy both of these requirements.
 - A. Sign the voting roll book.
 - A. Only use the ballot given to him or her by a polling official.
 - A. If the name of any person is written on the ballot, said ballot shall be voided.
 - A. Ballots shall be marked in ink and in spaces provided on ballot
 - A. After marking of the ballot the voter shall remove the ballot number from the corner of ballot. At this time the voter shall fold the ballot and physically place the ballot into the slot in ballot box.
1. Spoiled Ballots – If a voter spoils a ballot given to him or 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 – Replaced by Ballot No.____" and write the number of the ballot issued in the blank space. Spoiled ballots will be preserved for review by the Election Board.
1. 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. ELECTIONEERING AND LOITERING

No person shall be allowed to electioneer on either the outside or inside the premises of the polling place during voting hours. Loitering will not be permitted in the polling place during voting hours. The Election Board Vice Chairperson shall request Security Personnel for assistance as may be required to maintain order about the polling places during hours of the Election. The Election Board shall cause a misdemeanor complaint to be filed with the Court of Indian Offenses or in Wyandotte Nation Court against any such violators of this section. Anyone who wrongfully uses influence to cause trouble at an election will lose voting privileges.

ARTICLE IX

COUNTING BALLOTS

SECTION 1. PROCEDURE FOR COUNTING BALLOTS

1. Collecting Ballot Box – Immediately after the closing of the polling place, the Election Board Vice Chairperson or Chair and (1) Board Member will secure the possession the ballot box located at the Polling site. Said ballot box will be taken to a private room. There will be present at the ballot counting all five (5) members of the Election Board. One (1) Observer per candidate as hereafter described may also be present.
1. Counting Ballots – Upon removing the locks and opening the box, the Chairperson and Vice Chairperson shall read each ballot and the Chairperson shall call out the name the voter selected on each ballot leaving due consideration to examining spoiled or replacement ballots.
1. Rules Governing Counting – The following rules shall govern the counting and recounting of votes:
 - A. If the name of any person is written on a ballot, said ballot shall not be counted for any office or question thereon.
 - B. An "X", two (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.
 - A. Marks used to designate the intention of the voter, other than those herein defined as a "Valid Marking" shall not be counted.
 - A. 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.

- A. 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.
 - A. If a ballot is not counted for any reason, the Secretary shall write said reason on the back of said ballot, and sign said statement.
 - A. A ballot which was placed in the ballot box without being voted upon, shall be considered as a mutilated ballot and shall be retained separately from the ballots which have been counted. Such ballots will not be counted.
 - A. Each candidate shall have the right to designate and appoint one (1) person as his/her representative, who is not a candidate or incumbent, to serve as an observer to watch the official counting of the ballots. Said designation and appointment must be made in writing and be presented to the Election Board Secretary no later than 5:00 p.m. on the day prior to the Election 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 (the time shall be posted at the polling place on the day of election). Observers shall not participate in the official counting and shall be limited to submitting a written objection to the counting directly to the Election Board Chairperson.
1. Making the Count – The Secretary and one (1) Board Member shall mark one (1) tally sheet each beside the candidate's name as the Chairperson calls out the names selected on each ballot.
 1. Tallies – As the last ballot is tallied the ballot box will be shown to all persons authorized to be present during the count that it is empty and all legal votes have been tallied. The tally sheet will be compared and if discrepancies appear the votes will be tabulated again. When tally sheets are identical and correct in account, each tally sheet will be signed by the Chairperson, Vice Chairperson, and the Board Secretary. Marked ballots and tally sheets will then be locked in one (1) ballot box and kept in a safe place until the vote count is certified by the Election Board, or if there is a challenge of the voting or counting procedure within the allotted time. After a period of six (6) months, the Chairperson, Vice Chairperson, and Board Secretary together will remove the ballots from said ballot box at which time said old ballots will be destroyed.

SECTION 2. TIE VOTES

In the event two (2) candidates equally receive the highest number of votes, the Election Board shall conduct a recount of the ballots cast in that election as provided previously in Section 1. Should there be a tie vote after the recount, the Election Board Chairperson shall declare a tie and schedule a runoff election to take place at the Annual Meeting where the initial election occurred. If a tie vote occurs after the runoff election 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.

SECTION 3. DECLARED WINNER

The individual who receives the most votes shall be declared the winner for that office in any election.

SECTION 4. ELECTION DISPUTES

1. Recount – In the event that any registered voter or candidate for Tribal Office wishes to request a recount of the voting results of a given election such registered voter or candidate must file a written or typed Request for Recount with the Election Board Secretary no later than 4:30 p.m. on the second business day following the Election, legal holidays excluded. Accompanying the Request, a non-refundable fee of One-Hundred Dollars (\$100.00) shall be submitted, made payable to the Wyandotte Nation by certified check, cashiers check, or a money order. The recount shall then be immediately conducted in the same manner as the original count and as specified in Article IX of this Ordinance, in the presence of Observers representing and assigned by each candidate, if such candidate chooses to be represented. However, after the period for the recount has lapsed and no recount has been requested, on the third (3) business day after the election, the Election Board shall post a public notice of the Certification of the results of the Election at the Wyandotte Nation.

1. Challenge of Results – In the event that any registered voter or candidate for Tribal Office wishes to challenge the results of any given election, such registered voter or candidate must file a written or typed Petition for Challenge with the Election Board Secretary no later than 4:30 p.m. on the fifth business days following the public notice of the Certified Election Results, legal holidays excluded. Accompanying the Petition, a non-refundable fee of One-Hundred Fifty Dollars (\$150.00) shall be submitted, made payable to the Wyandotte Nation by certified check, cashiers check, or money order. PROVIDED, that in the event that the petitioner's protest is upheld by the Election Board and the Election results are found to be invalid, the filing fee shall be returned in full to the person filing the Challenge.

The Petition for Challenge must set forth:

1. The Petitioner's name, address, and voter registration number
1. Specifically which election is being challenged
1. Specifically the particular grounds for the Challenge

1. All evidence in support of the Challenge

After the Petition is filed, the Election Board Chairperson shall set a date and time for consideration of the Challenge, which such date for the consideration shall be within seven (7) days after the date the Petition is filed. After review of the allegations and proof of the Petition, and any other evidence the Election Board deems relevant to the consideration, the Election Board shall pronounce their judgment within three (3) days, and the same will be immediately posted in the Wyandotte Nation Administration Office. Said judgment 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 Board shall immediately order a new Election to be conducted as soon as is practicable in the same manner as the regular Election with the same identical candidates.

SECTION 5. CERTIFICATION AND ANNOUNCEMENT OF ELECTION RESULTS

On the third business day after ballots are counted and the recount period has expired without a recount, the Election Board shall declare the election final and issue a notice of Certification of the Election Results. The Election Board shall issue the notice of such election 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 Election Results will be posted at the Wyandotte Nation Administration Office.

ARTICLE X

INSTALLATION OF ELECTED OFFICERS

SECTION 1. PROCEDURE

Five (5) business days after the Certification of Election results and no registered voter or candidate has challenged the results of the election, the Chairperson of the Election Board may set a date to swear in the newly elected officers. However, if there is a challenge of the Election results within five (5) business days as required, the Election Board has the authority to conduct a hearing in a timely manner as required in the Election Ordinance, Article IX, Section 5, paragraph (b) and then reviewing the evidence may make the determination to validate or invalidate the Election results.

SECTION 2. OATH OF OFFICE

The Election Board Chairperson 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, obey and defend the Constitution of the Wyandotte Nation , and will discharge the duties of my office with fidelity and honor and in the best interest of the Nation. I have not paid or contributed either directly or indirectly, any money or other valuable thing to procure my appointment, except for necessary and proper expenses authorized by law. Further, I have not knowingly received, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.

ARTICLE XI

SPECIAL ELECTIONS

Upon receipt of the call for a special election from the Board of Directors the Election Board will hold the special election within sixty (60) business days. The special election shall be conducted by secret ballot by using the procedures herein described by this Ordinance.

ARTICLE XII

RECALL

The eligible voters of the Wyandotte Nation shall have the right to recall any elected tribal official. The right of the recall shall be exercised subject to the following procedures:

1. A recall shall be initiated by submitting a petition with a member of the Grievance Committee, signed by at least fifty (50) members of the Nation's Council. Within five (5) days of the submission of the petition, the Grievance Committee will cause the Secretary of the Election Board to verify in writing that the petition is valid under the terms of the Election Ordinance and must then deliver said petition and written verification to the Grievance Committee who shall cause a meeting of inquiry to be held. Should the Secretary of Election Board find that a recall petition is invalid under the terms of the Election Ordinance, such an invalid petition shall be returned to the

originator of the petition with a written explanation of its deficiencies and that it may be resubmitted once the deficiencies have been corrected.

1. Upon receipt of the petition and written verification, it shall be the duty of the Grievance Committee to immediately issue a resolution directing the Election Board to hold a special election for recall. A copy of the petition for recall and written verification along with the resolution issued to hold a special election for recall shall be served by the, Grievance Committee by return receipt mail, to the Chairperson of the Election Board within two (2) business days of the date of issuing said resolution and such service shall constitute notice of the Election Board for purposes of compelling the Election Board to set a special election for recall within no less than sixty (60) days but no more than ninety (90) days after receipt of said resolution.
1. Upon being compelled to call and set a special election for recall, the Election Board shall conduct said special election following those procedures set forth in the Election Ordinance regarding elections in all manners so as not to deny the right of all eligible voters of the Wyandotte Nation the right to vote. In addition, a written narrative of the issues by the originator of the petition for recall, along with a written rebuttal by the individual subject to recall, shall be mailed by the Election Board to all registered voters at least thirty (30) days prior to the date of the special election for recall. Results of the special election for recall shall be tabulated, certified, and posted in accordance with those provisions of the Election Ordinance and such results shall be effective and binding as of the date that they are so certified and posted and shall be final upon the individual subject to said recall. If the recall of an elected tribal office is mandated by a voting majority, the position of said official so recalled shall be deemed vacant at the time the election results are certified and posted as aforesaid and such vacancy shall be filled according to Article 7 of the Nation's Constitution.
1. The right of recall may only be exercised as to one (1) tribal official per recall.
1. The right of recall cannot be exercised against an elected tribal official within six (6) months of the date of the expiration of their term.
1. The right of recall shall only be exercised against an elected tribal official upon a showing that such tribal official has either been derelict in their official duties, has abused the authority of the power of their office, or has used the authority or power of their office for personal gain.
- (g) If any elected official who is facing allegations of misconduct that would possibly result in recall, resigns his position in lieu of investigation, is considered his position for cause and shall thereafter be forever barred from holding any office or position of the Nation

ARTICLE XIII

VACANCIES OF OFFICE

If a recall by the eligible voters of the Wyandotte Nation should create vacancies in elected offices of the Board of Directors as called for in the Constitution in Article 10, Section 2, the following procedure shall be followed:

1. If the vacancy occurs in the office of the Chief, the Second Chief shall immediately succeed the Chief.
1. If the vacancy occurs in any elected position, the Board of Directors shall appoint a qualified person within sixty (60) days to fill such office.

ARTICLE XIV

UNIFORM PROCEDURES FOR SUBMITTING PETITIONS

SECTION 1. DESCRIPTION

Any Article in this Ordinance which requires the signing and submission of a petition shall be as a single document of any length and shall be restricted to a single subject.

SECTION 2. REGISTERED VOTERS

Any member of the Wyandotte Nation who is 18 or over has a right to initiate a petition seeking any relief available under this Ordinance and the Constitution.

SECTION 3. FORM AND CONTENT

Any such petition described in this Article shall be written or typed on plain letter size white paper, stating the 1) request clearly and plainly, and 2) will have separate distinct signatures, voter registration numbers, and addresses of the individual signatories.

SECTION 4. VERIFICATION OF PETITION

It will be the duty of the Board of Directors Secretary to verify the valid voter registration of all signatures of any Petition and the validity of the petition per Section 3 FORM AND CONTENT. All petitions shall be submitted to the Board of Directors at least

five (5) days prior to being presented to the Board of Directors. 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. The Election Board shall cooperate and provide any information requested by the Board of Directors Secretary.

SECTION 5. TIME RESTRAINTS

1. Each petition page which is to be distributed for signatures of registered tribal members must be registered with the Tribal Roll Clerk and validated with the Tribal seal, time, and date of submittal.
1. Each petition must be returned to the Tribal Roll Clerk within thirty (30) calendar days at Close of business day or next open business day. Petitions received after the thirty (30) day limit shall not be accepted

This ordinance reflects the changes approved by the Wyandotte Nation Board of Directors to the following Article's and Sections.

Article 6 Section 1: Approved March 2009

Article IV Section 2, (d): Approved February 2013 Approved by Board of Directors

Article VIII Section 2 and Section 4,(b),(1): Approved February 2013 by Board of Directors