

Caddo Nation Election Ordinance

The following is the Election Ordinance of the Caddo Nation as revised in May of 1993. **(when referring to the Constitution please note the Constitution Amendments -Passed June. 2002)**

ELECTION ORDINANCE CADDO INDIAN TRIBE OF OKLAHOMA

SECTION 1. AUTHORITY - This election ordinance is established by the Tribal Council of the Caddo Tribe of Oklahoma under authority delegated by Article VII, Section 2, of the Caddo Tribal Constitution and By-Laws of the Caddo Indian Tribe of Oklahoma.

SECTION 2. PURPOSE - The intent and purpose of this ordinance is to establish procedures for fair elections and to insure the secrecy and sanctity of the ballot. The regulations and procedures contained in this ordinance shall be administered in such a way as to accomplish this purpose and intent.

SECTION 3. DEFINITIONS

TRIBAL COUNCIL - The Caddo Tribal Council, an eight- member representative body established by Article I of the Caddo Tribal Constitution.

CONSTITUTION- The Constitution and By-Laws of the Caddo Indian Tribe of Oklahoma.

ELECTION BOARD - The General Election Board of the Caddo Indian Tribe of Oklahoma as established by Article VII of the Constitution.

POLLING PLACES - Locations designated where balloting takes place. These will be located in Anadarko, Binger, Ft. Cobb, and Oklahoma City.

ELECTOR- a member of the Caddo Tribe qualified to vote.

REGISTRAR - A person designated by the election board to accept registration of voters.

ELECTION NOTICE - The official notice an election will be held on a specific date issued by the election board at least sixty (60) days before elections of officers and at least thirty (30) days before elections on issue. The notice shall consist of posting information concerning date, time, and places of election at the Anadarko Area Office and Anadarko Agency of the Bureau of Indian Affairs, at designated polling places, and other various public places. Each local and/or regional newspaper and radio or television station that provides useful coverage of the Indian communities shall be furnished a copy of the notice for carrying as a public service announcement.

DATE OF EVENTS - In determining the date of any event pertaining to elections which date is fixed by this ordinance as occurring a certain number of days before or after an election, either the day of election or the day of the event shall be counted.

TRIBE - The Caddo Tribe of Oklahoma

SUBMISSIONS TO THE ELECTION BOARD - All material which this ordinance provides for submission to the election board may be delivered in person to ANY member of the Election Board or may be mailed to the following address:

Caddo Tribal General Election Board
P.O. Box 304
Binger, Oklahoma 73009

QUALIFIED VOTER - A tribal member who is entitled to vote by a reason of his being registered.

UNQUALIFIED VOTER - A tribal member who was registered in previous years but has failed to participate in the last two elections for Tribal Officials. An unqualified voter must re-register in order to be put back on the qualified voter list.

RESIDENT VOTER - Any member of the tribe as determined by Article II of the Constitution who (1.) is 18 years of age or older, (2.) is duly registered at polling places.

NON-RESIDENT VOTER - A qualified voter who lives more than 35 miles from the nearest tribal polling place or who has been so

designated by election board.

SECTION 4. ELECTION OFFICIALS

4-a. Composition of Election Board - The election board shall be appointed by the Tribal Council, subject to the approval of the Membership, as provided in Article V, Section I, (a) of the Constitution. The appointments shall be made in such a way that the term of one member of the election board shall expire each year and the terms shall be for five (5) years and until their successors are installed in office. To accomplish this, the appointment of five members of the General Election Board made in October of 1982 shall specify the length of terms of office for each member of the election board for a period of one, two, three, four and five years respectively, from October of 1982. Thereafter during its quarterly October meeting, the Tribal Council shall appoint one member of the election board to fill the vacancy occurring each year, subject to the approval of the membership at its quarterly meeting. The election board shall elect annually from its board members, a chairperson and a secretary. Should vacancies occur before the expiration of that election board member's term, the Tribal Council shall make an appointment to fill the vacancy for the remainder of the unexpired term which shall be subject to approval by the membership at the next meeting.

4-b The Election Board shall have overall responsibility for the conduct of all elections. These duties shall include, but not be limited to the following:

(1). Publication of election notices, at least 60 days before the date of any election issues, a public notice of the calling of election shall be made by the election board. Notices shall be posted at the office of the Anadarko Area Office and the Anadarko Agency of the Bureau of Indian Affairs, at the polling places, and at various other public places throughout the areas served by the established polling places. Each local and/or regional newspaper and radio or television station that provide useful coverage to Indian communities shall be furnished a copy of the notice for dissemination as a public service announcement.

(2). SELECTION OF POLL OFFICIALS - The members of the election board shall serve as the judge for each of the polling places. The judge shall elect a teller and clerk. The judge shall receive thirty-five dollars for his/her services in each election. The teller and clerk shall receive thirty-five dollars each for their services in each election.

(3). ELECTION SUPPLIES - The election board shall arrange for all election supplies including printing of all ballots and for the printing or other reproduction of poll lists, tally lists, lists of electors and shall arrange for the delivery of the same to the persons appointed to serve at the polling places before the opening of the polls.

(4). RULING ON ELIGIBILITY OF VOTERS AND CANDIDATES - The election board, in compliance with the Constitution, shall have the authority to rule upon the eligibility of the candidates as set forth in Section 13 of this ordinance and to determine any claim as to the right of any person listed or not listed on the "Register of Electors".

4-c. Internal Procedure of Election Board

(1) Quorum - A quorum of the election board shall consist of any three (3) members.

(2) Meetings - Meetings shall be called at any time by the Chairperson or by request of a majority of the board to the Chairperson. In the event the Chairperson fails to call a meeting as requested, the other members of the board who request it shall convene upon proper notification to the other members of the board.

(3) Compensation - Compensation for Election Board members shall be in compliance with such authority as set forth in the Constitution, Article III, By-Laws. This amount shall be in accordance with the compensation received by the Tribal Council for regular meeting of that body.

D. Qualification of Election Board Members - All members of the election board must be registered voters of the Caddo Indian Tribe of Oklahoma and not under any court order guardianship due to mental incapacity. No member of the Tribal Council or the Hearing Board or current candidate for election to any tribal elective office shall be eligible to serve as an Election Board Member. The act of filing as a candidate for an elective office by any member of the election board shall be an automatic resignation by operation of law from the election board and such automatic resignation shall be duly noted upon the minutes of the election board and Tribal Council. Further no member of the Election Board shall be a brother, sister, parent or child by direct blood to any candidate.

4e. Oath of Office - Prior to entering into the duties of office, each Election Board Member shall take the following Oath of Office to be administered by a member of the Tribal Council:

"I, _____, DO HEREBY SOLEMNLY SWEAR,
OR AFFIRM, THAT I WILL SUPPORT, PROTECT, AND DEFEND THE
CONSTITUTION AND LAWS OF THE CADDO TRIBE OF INDIANS OF OKLAHOMA, AND WILL CAUSE THE ELECTIONS OF THE
CADDO TRIBE

TO BE CONDUCTED FAIRLY, IMPARTIALLY AND IN ACCORDANCE WITH THE LAWS OF THE CADDO TRIBE. I FURTHER SWEAR THAT, AT ANY TIME, I EITHER BECOME A CANDIDATE OR A BROTHER, SISTER, PARENT CHILD BECOMES A CANDIDATE FOR TRIBAL ELECTIVE OFFICE, I WILL RESIGN IMMEDIATELY FROM THIS ELECTION BOARD, SO HELP ME GOD."

Poll Officials - It shall be the duty of the poll officials appointed by the General Election Board for each polling place, to see that the balloting and canvassing of election returns are carried out in the manner prescribed in this ordinance.

SECTION 5 - VOTER QUALIFICATIONS:

Any member of the Tribe as determined by Article I, Section 2, of the Constitution, which states, "Caddo Tribal Active Membership shall be the governing body of the tribe, composed of all enrolled members, at least, eighteen (18) years of age or older and who have registered to vote." Also, voter qualification as set forth in Article VII, Section 1 of the Constitution which states, "All enrolled members of the Caddo Indian Tribe, who are eighteen (18) years of age or older and who are registered according to the election ordinance adopted by the Tribal Council, shall be permitted to register for voting in such election if they otherwise qualify."

SECTION 6 - BALLOTS:

6-a. Form of the Ballot - The ballots shall be printed with a stub so perforated that the ballot will be easily detached therefore. Upon the stub shall be printed these, "If a voter is challenged, the clerk shall write, "Challenged" in the space provided". Then shall follow these words, "If, for any reason the ballot is mutilated, the voter makes a mistake in marking, or the ballot is not voted, the clerk shall print "void" in the space provided.

At the upper right hand corner of the stub of each ballot, and at the adjacent corner of the ballot, shall be printed or stamped, by a consecutive numbering machining the number of said stub and ballot. The stub shall bear the same number as the ballot, and such numbering shall begin with number "1" in each polling place and continued in consecutive order until each ballot and stub for that polling is numbered. The top of the ballot on which said number appears shall be so perforated that it will be easily detached. All ballots for general elections shall be upon paper of such thickness as will render it impossible to look at the back of the ballot and tell for whom it is voted. Sample ballots shall be upon thin, inexpensive paper.

6-b. Number of Ballots - Ballots shall supplied by the election board to each polling place in sufficient quantity to assure that each voter whose name appears in the "Register of Electors" for that polling place shall receive a ballot.

6-c. Delivery and Receipt for Ballots - The Chairperson of the election board shall cause to be delivered to the judge of each polling place the printed blank ballots and other election materials including ballot boxes, each with a lock and fitted with only one opening and of sufficient size to admit a single folded ballot. The key to the lock shall be given to the judge of the polling place. A duplicate key shall be retained by the Chairman of the Election Board. The judge of each polling place shall count all ballots delivered the Chairman of the Election Board or his authorized representative, and shall be responsible for an account of all ballots and other election materials until election materials until delivered to the Chairman of the Election Board as in Section II of this ordinance.

SECTION 7. VOTER REGISTRATION AND VOTING LISTS:

7-a. Registrar - The General Election Board shall designate a registrar for voters. A designated member of the election board shall have custody of all registration books, records, and materials and shall be responsible for safekeeping and maintenance of such. Any member of the election board shall be considered a designated registrar. All new registrations shall be turned in at each meeting or any time prior to close of registration period.

7-b. Registration Records - The official registrar for each polling place shall be contained in binders designated as "Register of Electors" arranged alphabetically and designed to record all necessary information. A duplicate set of registration records shall be maintained by the election board as an "Central File."

7-c. How to Register as a Voter - Any member of the Caddo Tribe, otherwise qualified to vote, who desires to become eligible to vote at a polling place, shall register either in person or by mail with the Election Board. Any member of the Caddo Tribe, otherwise qualified to vote, who desires to become eligible to vote by absentee ballot and who lives further than (35) miles from a designated polling place, shall register either in person or by mail with the Election Board. Upon completion of his registration, each elector shall be given a numbered "Voter's Identification Card" certifying the member is a qualified voter of the Caddo Tribe and designating the particular polling place where the voter is eligible to vote.

7-d. How to Transfer Registration - The registration of any registered voter who desires to change his polling place shall be transferred to the polling place where he wishes to vote upon his written request to the Election Board.

7-e. Registration Period - Any member of the Tribe, otherwise qualified to vote, shall register between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, five (5) days prior to the day of the election. Registration shall re-open on the next working day following the election.

7-f. Preparation and Posting Listing of Registered Voters - Upon the close of registration, the Election Board shall prepare for each polling place a list of all registered voters entitled to vote at the polling place as shown by the official registration records. At least ten (10) days prior to each election, the election board shall post a current list of registered voters at the Tribal Office.

SECTION 8. ABSENTEE BALLOTS:

Absentee ballots shall be issued for all elections as provided for in Article VII, Section 2 of the Constitution.

8-a. Basis for Providing Absentee Ballots

Temporary Absentee - Whenever a qualified resident voter expects to be, on the day of the election, absent for any reason, including illness, from the vicinity of any polling place, where they are registered to vote, that person shall request, in writing, an absentee ballot for the given election in the manner provided in Section 8-d below.

Nonresident Status - Registered voters who reside more than thirty-five (35) miles from the nearest polling place may request to be considered non-residents for purposes of participating in tribal elections. As such, they shall be entitled to vote by absentee ballot in all elections unless they change their residence to within thirty-five (35) miles of a polling place. The election board shall determine whether a person is entitled to non-resident absentee status.

8-b. Notification- As long as the non-resident absentee voter's registration remains current, he shall be notified by mail of the calling of elections, the issues and/or candidates to be voted on, and shall be advised of the proper manner of voting.

8-c. Proper Address - It shall be the duty of the non-resident voter to provide a current mailing address to the election board.

8-d. Manner of Requesting and Issuing Absentee Ballots - All requests for absentee ballots should be received not less than seven (7) days before election day so as to allow sufficient time for ballots to be supplied and returned by the election date. Any ballots received following the closing of the polls shall not be counted. Each application for an absentee ballot shall be made individually in writing by the voter who is to cast the ballot. Upon receipt of a valid request, the election board shall forward to the voter all necessary forms, ballots and instructions to be used in the pending election. The election board shall maintain a file of all applications received with the date of receipt stamped thereon. Further, the file shall show names and addresses of all persons, to whom absentee ballots are mailed, including the date of mailing. Each such ballot shall be marked with the words "ABSENTEE BALLOT."

When an absentee ballot has been issued, the Election Board Secretary shall immediately mark the concerned individual's record accordingly, in order to inform the officials that the voter has received an absentee ballot. Records should be adjusted prior to the election.

8-e. Execution and Return of Ballots - The absentee voter shall mark and fold the ballot and enclose it in the inner envelope supplied by the election board. He/she shall execute the affidavit supplied which shall be in the following form:

I, _____, HEREBY CERTIFY THAT I AM A QUALIFIED VOTER OF THE CADDO INDIAN TRIBE OF OKLAHOMA; THAT I WILL BE (18) YEARS OF AGE OR OVER AT THE ELECTION DATE AND AM ENTITLED TO VOTE IN THE ELECTION TO BE HELD ON _____; AND THAT I CANNOT APPEAR AT THE POLLING PLACE ON THE DATE OF THE ELECTION BECAUSE (INDICATE ONE OF THE FOLLOWING REASONS): I AM A NON-RESIDENT VOTER____; OR I EXPECT TO BE TEMPORARILY ABSENT FROM THE POLLING DISTRICTS _____; OR BECAUSE OF ILLNESS _____; OR PHYSICAL DISABILITY _____. I FURTHER CERTIFY THAT I MARKED THE ENCLOSED BALLOT IN SECRET.

Signed _____
(Voter's Signature)

8-f. The absentee ballots shall remain in the locked box provided for the purpose in the Binger Post Office until 10:00 a.m., on the day of the election, as which time the Chairman of the Election Board or an election official designated by the Chairman shall receive the locked box from the Post Office and shall personally transport same to the canvass site where it shall be delivered immediately, still locked, to the main polling place. No absentee ballots will be received at any time or by means other than provided for in this section, which is by mail.

SECTION 9. DUTIES OF POLL OFFICIALS AND VOTERS:

The duties of the judge, clerk, and teller in the conduct of the balloting shall be as follows:

a. The judge shall be chairperson of the polling place election officials. He shall be responsible for all arrangements including availability of ballots and other election materials necessary to conduct balloting at this designated polling place. He shall also provide sufficient private booths or other places for the voters to mark their ballots in secrecy.

b. The Polling Place- The election officials shall be present at the designated polling place on election day in time to permit voting to begin when the polls open and shall remain until the polls close, all ballots have been counted and the tally properly recorded and reported, the ballot boxes and the ballots turned over for delivery as provided in this ordinance.

c. Before the balloting begins, the judge, clerk, and teller shall open and inspect the ballot box to determine that it is empty. The ballot box shall then be locked and shall remain locked until time to count the ballots.

d. After opening of the polling place, each voter upon presenting himself to vote shall announce to the polling officials his name and address. Any voter who signs with an "X" or a thumb print shall have his mark witnessed by two election officials. Each voter must sign the poll book before he may receive a ballot. Upon determination of the voter's eligibility, this polling official shall issue a ballot or ballots to the voter.

e. Upon the receipt of a ballot or ballots, the voter shall retire to one of the private voting booths or other designated place and therein mark his ballot or ballots in secrecy. Only one person shall occupy a voting booth at one time except as provided elsewhere in this section. The elector shall mark his ballot with either an "X" or a check mark using the instrument provided by the election officials. Either mark, to be valid must be identifiable with the appropriate square or place on the ballot for which it is intended. No other mark shall be recognized as proper. After the ballot or ballots are so marked, the voter shall tear off the stub or stubs and shall fold the ballot or ballots so that the printed sides are completely concealed and deposit the folded ballot in the ballot box. All stubs shall be deposited in a box provided for that purpose.

f. In the event, a voter appears at the polls to vote with or without registration card and finds that his name does not appear on the official register of electors for that polling place, the polling officials shall determine by telephone contact with the secretary of the election board or chairman, whether that person is, in fact, duly registered. Should he be found entitled to vote, he shall be permitted to cast a ballot. Should it be determined that he is not entitled to vote in that election, such decision shall be final.

g. When any voter presents himself for a ballot and states that, because of physical disability or infirmity, is unable to mark his ballot, one of the election officials shall cause such voter to be sworn after the following:

"DO YOU SOLEMNLY SWEAR (OR AFFIRM) THAT YOU ARE
UNABLE TO MARK YOUR BALLOT FOR VOTING BECAUSE OF
A PHYSICAL DISABILITY OR INFIRMITY?"

Should the voter so qualify himself, it shall be the duty of two (2) polling place officials to give the voter such assistance as needed, but in all such instances, the voter must state without suggestions from both officials, the way they wish to vote, and in no instance shall an election official by work, action or expression attempt to influence the voter as to how they should vote. Such assistance shall be given in privacy and all persons other than the election officials shall be kept sufficiently distant so they will not hear or know how such infirm elector voted.

h. All elections shall be held on Saturday, and polls open between the hours of 8:00 a.m. and 6:00 p.m. Any persons waiting in line to vote at closing time shall be permitted to vote, but those presenting themselves after the hour for closing of the polls will not be permitted to vote.

i. Training for polling place workers will be held at least one day prior to the election.

SECTION 10. HANDLING OF SPECIAL CIRCUMSTANCES:

10-a. Voiding Ballots - Should an elector (voter) make a mistake in marking a ballot or mutilate it in an effort to vote, it shall be folded and returned to the election official. The elector, in the presence of the election officials, shall then destroy the ruined ballot except for the stub. The stub shall be marked "void" by the election official in the space provided and another ballot issued to the elector, in the same manner as the first ballot. The election official shall not write the name of the elector (voter) on the voided ballot, but shall print the words "duplicate of number ____". The number placed in the space provided will be the number of the ballot that was marked "void" by the election official.

10-b. Alternates for Polling Officials - Should any election official of any of the polling places become ill or have an unforeseen emergency

arise, the chairperson of the election board shall be notified immediately, so that an alternate shall be prepared to assume the responsibilities of the vacated position.

10-c. Electioneering and Loitering - No person shall be allowed to electioneer within (100) feet of the building where and when the election is in progress. Neither shall any loitering be permitted in the polling place during the voting hours. It shall be the duty of the election officials at the polling place to obtain such assistance as may be required to maintain order about the building during the process of the election.

10-d. Ties - In the event upon completion of canvass of election results as prescribed in Section II of this ordinance, the tally reveals that two or more candidates have received the same number of votes and that this number is higher than the number of votes received by any other candidate in that contest, the election board shall conduct a recount of the ballots cast in the contest.

Should a tie exist at the completion of the recount, the election board will conduct a special election limited to the tied candidates. The same election procedures shall be followed in the event that at the affirmative and negative votes are tied in an election involving issues, a referendum or a recall.

Section 11. CANVASS OF ELECTION RESULTS:

The judge, clerk, and teller shall count and record the votes at each polling place as soon as the polls close and immediately notify the chairman of the election board of the results. All marked and unmarked ballots will be turned over to the chairman of the election board within four (4) hours of the closing of the polls, the election board chairman shall issue a signed receipt for the ballots and have the ballots kept in a secure place designated by the election board.

11-a. Poll Watchers - Each candidate for a position of the Tribal Council is entitled to choose one person to observe, on his behalf, counting of ballots of each polling place. In elections to vote on issues, the election board may designate two (2) watchers to observe the counting of the ballots; one to represent each side of the question or questions under consideration. No watcher shall, in any way, interfere or hinder the election officials in exercising their responsibilities.

11-b. Counting the Ballots at the Polling Places- Immediately after closing the polls, the election officials at each polling place shall count the votes cast in the following manner.

The judge, in the presence of the teller and the clerk and any watchers at each polling place, shall unlock the locked box containing the executed ballots. As the ballots are opened, the judge shall verbally announce the choice or choices indicated on the ballot. The clerk and/or teller shall record such information on tally sheets provided for such purpose. Upon completion of the tally, the judge shall execute a certification of the voting results for the polling place and post a copy of such notice at that location. If the number of votes cast in the ballot box is found to exceed the number of names on the voter registration list, that fact shall be noted on the tally sheets by the clerk.

11-c. Announcing Results to the Election Board- Immediately upon completion of the count, the judge at each polling place shall convey to the election board chairman via telephone the results of the voting. The judge will also execute a certification of the voting results for that polling place and post a copy of such notice at that location.

11-d. Return of Election Materials - The marked ballots, all unused ballots, tally sheets, key to ballot boxes, and the originals of certificates of results shall be placed in the ballot box. The box shall be locked and delivered to the Chairman of the Election Board within four (4) hours of closing of the polls.

11-e. Preparation for Counting Absentee Ballots with all Election Board Members Present - After the receipt of the absentee ballots as provided in Section 8-e, the election board secretary and at least one polling official shall open the outer envelopes, but leave the inner envelope unopened at that point. The secretary shall then determine whether the person whose name is signed to the affidavit is a duly registered voter and check said voter against the absentee voting list. The sealed inner envelope shall then be dropped into the official ballot box and remain there until the actual count of all absentee ballots is started. Any ballots not properly submitted in accordance with the instructions in Section 8 for absentee balloting shall not be counted.

11-f. Counting Absentee Ballots - When everything is in readiness, the Chairman of the Election Board shall open the absentee ballot box, after which the count shall be made by the election board. A list of the names of all absentee voters and their marked ballots shall be deposited in an appropriate container and kept at the registrar's office.

11-g. Improperly Marked Ballots - Should a portion of a ballot be improperly marked, it shall not exclude from the tally that part which is correctly executed. Any ballot on which the intent of the voter cannot be determined shall be preserved and filed with ballots submitted for safekeeping with the notation placed on the face of the ballot indicating it was not counted.

11-h. Announcement of Results - A statement shall be issued and posted to announce the election results as soon as possible following

the completion of the canvass of the election. However, such results shall be posted no later than Monday following the election.

SECTION 12 CONTESTS OF ELECTION RESULTS:

12-a. Requests for Recounts - Any qualified voter of the tribe may at any time before 12:00 noon on the Friday immediately following the Saturday election, file with the election board, a challenge of the correctness of the announced results of the tribal election and request a recount of the ballots. The request shall specify the candidate or position on behalf of which the request is being filed.

The request for a recount must be in writing, signed and accompanied by a \$175.00 recount fee. If a requester is successful in the recount, i.e., the candidate or position on behalf of which the request was filed, is determined the winner at the end of the recount, the fee shall be returned. If the recount is unsuccessful in regard to the requester, i.e., the candidate or position on behalf of which the request was filed, is not determined the winner at the end of the recount, the requester forfeits the full \$175.00 recount fee.

12-b. Protest Not Involving Recounts - Any qualified voter of the tribe may at any time before 12:00 noon on the Friday immediately following the Saturday election, file with the election board, a protest or challenge concerning any aspect of the election. Such protest or challenge must be made in writing, signed by the protester and accompanied by a \$350.00 protest fee. The election board will respond in writing to such proper protest or challenge no later than 12:00 noon on the first Wednesday following the closing of the protest period. Pursuant to Article IV, Section 2, of the Constitution, decision of the Election Board shall be final.

12-c. Contest Petition - A candidate or registered voter contesting a tribal election shall, by 12:00 noon on Friday, six (6) days after completion of the tally of the election and declaration of the results, file with the Election Board a statement in writing setting forth their particular grounds for the contest, which contest statement must be accompanied by a deposit of \$350.00.

The deposits shall be used to defray all expenses of said contest, protest, or challenge and any balance not used shall not be returned to the contestant. The statement shall be verified by an affidavit of the contestor(s) that they believe the matters and things therein contained are the true. After the statement is filed and the deposit paid, the Election Board shall set a time for a hearing of the contest, no later than five (5) days after the date on which the statement of contest was filed. Written notice of such hearing shall be mailed or delivered to each candidate for the office contested. After hearing the proofs and allegations of the contestant(s), the Election Board shall make their findings and shall have authority to pronounce their judgments either setting aside, or confirming the election. The decision of the Election Board shall be rendered within two (2) days after the hearing of the contest by the Election Board. Such decision is final.

12-d. Any person desiring to pursue matters further, i.e., through tribal court, etc., if said person is unsuccessful in their bid to change the decision of the election board, then any and all legal fees that incurred by the election board shall be borne by said person.

SECTION 13. TYPES OF ELECTIONS:

1. Tribal Council Members
2. Filling Vacancies on Tribal Council
3. Initiative
4. Recall

13-a. Election of Tribal Council Members

(1)Election Date - Annual elections shall be conducted on the second Saturday in July to fill vacancies which occur.

(2)Term of Office - (Article IV, Section 3 of the Constitution)"The term of office of a member of the Council shall be for a period of four (4) years or until a successor is duly elected and installed in office, except for the first election held under this constitution. At the first election, the Tribal Chairman and Treasurer and the District Representatives of Oklahoma City and Binger shall serve two (4) years. The Vice-Chairman, Secretary and District Representatives from Anadarko and Fort Cobb shall serve one (1) year. Thereafter all terms will be four (4) years. The Tribal Chairman and each tribal council member shall be eligible to be elected to serve three (3) consecutive terms as provided for Article IV Section 3 of the Constitution. At the completion of his (3rd) consecutive term of office, he shall not be eligible for re-election or appointment to fill a vacancy on the council until a period of two (2) years has elapsed. In each of the above instances, the term of office shall be for the specified time, unless the incumbent is earlier removed or recalled, dies, or resigns. [See 2002 amendments to the Constitution for information on term of office.]

(3) Qualifications of Candidates and Officers - All members of the Caddo Indian Tribe will have reached the age of twenty-one (21) years of age or over by the date of the election shall be eligible to become candidates for election to membership of the Tribal Council, except those persons convicted in any court of a felony, within two (2) years immediately preceding the Election or when in office or any Caddo member who is indebted delinquent to the Caddo Nation in excess of two (2) years. Candidates for a position as District Representatives must physically reside within the district they represent. Candidates for positions of Tribal Chairman, Vice-Chairman, Secretary and Treasurer must be residents of Southwestern Oklahoma, which is defined as all counties touched by a sixty-five (65) mile radius whose beginning point is Anadarko, Oklahoma. Residency within the prescribed area must be maintained during the tenure in office by the

District Representatives and Officers.

(4) Filing for Office - A person qualified pursuant to Article IV, Section 4, seeking election as a member of the council may personally file written notice of his candidacy for a given position. Such notice shall be accompanied by a filing fee as listed below and filed with the Election Board.

Position	Fee
Chairman	\$65.00
Vice-Chairman	\$50.00
Secretary	\$45.00
Treasurer	\$45.00
District Representatives	\$35.00

(The fee shall be deposited into a special account to help defray cost of conducting elections.)

Persons desiring to become candidates shall file a statement to that effect during a period beginning approximately sixty (60) days prior to the election. The candidate-filing period shall be for five (5) days, which shall be calendar working days, Monday, Tuesday, Wednesday, Thursday, and Friday. Proper notice and information shall be available and publicly announced as to the days candidates may file. Any challenges as provided in Section 13-a. (6) shall be submitted to the election board within five (5) calendar working days following the close of the filing period.

(5) Testing Eligibility of Candidates - The Election Board shall promptly review all filing for membership on the Council, whether challenged or not, to test the eligibility of each person to be candidate. If the Election Board determines that a person is not eligible to be a candidate, the board shall notify such person that his candidacy is being challenged, giving reasons for the challenge and that unless satisfactory proof of eligibility is furnished within five (5) days after notification, he shall be declared ineligible to be a candidate. There shall be no refund of filing fees. The Election Board shall make its final ruling, at least, thirty (30) days before election day. The Election Board shall decide all issues of eligibility of a person to be a candidate.

(6) Challenge of Candidates - Any qualified voter may challenge the eligibility of any person to be a candidate by filing with the Election Board, a written statement setting forth grounds for challenge, within five (5) days after the list of candidates is posted. The Election Board shall promptly notify the would be candidate in writing stating the basis for the challenge and shall request that person to furnish, within five (5) days after notice, satisfactory proof that he is eligible to be a candidate for the position which he seeks. The Election Board shall rule on each challenge at least thirty (30) days before Election Day, and notify such person in writing of the reasons for its decision. Notification shall be given by certified mail return receipt requested. There shall be no refund of filing fees.

(7) Installation - After certification of election has been issued, the Election Board shall set a date as near to August 6 as possible, on which newly elected members of the Tribal Council shall be installed. At such ceremony, the following oath of office shall be administered by the Chairman of the Election Board, as provided in Article 1, Section 1 of the By-Laws:

"I, _____, DO HEREBY SOLEMNLY AFFIRM THAT I WILL SUPPORT AND DEFEND THE CONSTITUTION OF THE UNITED STATES AGAINST ALL ENEMIES, AND WILL CARRY OUT FAITHFULLY AND IMPARTIALLY THE DUTIES OF MY OFFICE TO THE BEST OF MY ABILITY AND WILL PROMOTE AND PROTECT THE BEST INTERESTS OF THE CADDO INDIAN TRIBE IN ACCORDANCE WITH THE TRIBAL CONSTITUTION AND BY-LAWS."

13-b. Filling of Vacancies on Tribal Council - In the event a vacancy occurs in the office of the Tribal Chairperson and less than one (1) year remains of his term of office, the office shall be filled by the Vice-Chairman of the Tribal Council, who shall serve for the remainder of the unexpired term of office in the position of Chairperson, unless earlier removed or recalled. During the period which the Vice-Chairman serves as Chairman under these circumstances, the Vice-Chairman's office shall not be considered vacant and he shall return to serve the unexpired portion of his own term of office upon election and installation of a Chairman. If a vacancy occurs in the office of Tribal Chairperson and more than a year remains of his term of office, the Tribal Council shall within sixty (60) days of the vacancy, cause to be held a special election, in which all qualified voters of the Caddo Indian Tribe of Oklahoma may participate for the purpose of filling the

vacancy. If the vacancy occurs in the office of Vice-Chairman, Secretary, Treasurer, or District Representative, the office shall remain vacant until the next regular annual election to the Caddo Tribe. If the term of the vacant position does not expire at the next regular annual election, the vacancy will be filled for the unexpired portion of the term. In the event the vacancy occurs in the office of the Secretary or Treasurer, the council shall select one of its members to perform the duties of the vacant office until such vacancy is filled. (Article VIII, Section 1 & 2). In the event of an election, the election shall be held in the manner set forth in Section 13-a. of this ordinance where it does not conflict with provisions of this section.

13-c. Initiative Elections - The members of the Caddo Tribe shall have the power to establish policy or enact ordinances consistent with the Constitution by Petition to the Tribal Council bearing the language of the proposed policy or ordinance and the signatures of at least fifty (50) of the registered voters of the Tribe, provided that, in an election, which must be called by the Tribal Council and conducted within sixty (60) days of the receipt of valid petition, a majority of the voters who cast ballots in such election, so demand. Notice of such petition election shall be given to the registered voters at least fifteen (15) days prior to such an election. The Tribal Council shall be bound by the results of such election for at least one (1) year from the date of that election.

The members of the Caddo Indian Tribe shall have the power to reject any action of the Tribal Council by petition to the Tribal Council bearing the language of the action sought to be rejected and the signatures of at least fifty (50) of the registered voters of the tribe provided that, in an election, which must be called by the Tribal Council and conducted within sixty (60) days of the receipt of a valid petition, a majority of the voters voting who cast ballots, so demand. Notice of such petition election shall be given to registered voters at least fifteen (15) days prior to such election. The Tribal Council shall be bound by the results of such election for at least one (1) year from the date of that election (Article IX, Section 1 & 2).

It shall be the duty of the Election Board to call and conduct Initiative elections pursuant to the above provision using the procedures established elsewhere in this ordinance for regular elections provided such provisions do not conflict with constitutional requirements for Initiative elections.

13-d. Recall Elections - GROUNDS for RECALL - It shall be the responsibility of the Hearing Board pursuant to Article IV, HEARING BOARD, SECTION 6, of the Constitution and By-Laws to decide whether a proposal to recall a Tribal Official shall be denied or submitted to the Election Board which shall conduct a recall election. (Article XII, Section 2).

The petition may be submitted to the Tribal Chairman, or in his absence his designated representative, according to Article VI, Section 3 & 4, of the Tribal Constitution. The Chairman or his designated representative will in turn submit the petition to the Election Board for their validation and subsequent call of election.

It shall be the duty of the Election Board to call and conduct recall elections pursuant to the above provision using the procedures established elsewhere in this ordinance for regular elections provided such provisions do not conflict with constitutional requirements for recall elections.

SECTION 14. - CADDO ELECTION EXPENSE ACCOUNT: - The Election Board shall have the authority to disburse funds from the filing fees and the Caddo Election expense account, for conduction of all elections and for other related election expenses.

SECTION 15. AMENDMENTS: - The Tribal Council may amend this ordinance, by a majority vote of a quorum at any meeting of that body.

CERTIFICATION

We the undersigned, members of the Caddo Tribal Council of Oklahoma hereby certify that the Caddo Tribal Council approves the changes as stated in the Caddo Election Board Ordinance. The Caddo Tribal Council is composed of eight (8) members of whom five (5) constitute a quorum, were present at a meeting thereof, duly and regularly called, noticed and convened and held on the 7 day of May, 1993, and that the foregoing ELECTION ORDINANCE of the Caddo Indian Tribe of Oklahoma was duly amended and revised by the of 4 FOR; 0 OPPOSED; 0 ABSTAINED.

[Sgn Elmo Clark]
Elmo Clark, Chairman
Caddo Indian Tribe of Oklahoma

ATTEST:

[Sgn Anna Donaghey]
Anna Donaghey, Vice-Chairman
Caddo Indian Tribe of Oklahoma