

LITTLE SHELL TRIBAL ELECTION ORDINANCE

ORDINANCE No. 2006-001

The following ordinance shall be known as the Little Shell Tribal Election Ordinance.

PURPOSE: The purpose of this ordinance is to establish the rules governing the election process and procedures of the Little Shell Tribe of Indians of Montana. These rules are to be interpreted and used so as to ensure that procedures used in Tribal Elections are legal, consistent, fair and efficient.

Section I: Scope of Ordinance

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

Section II: Voters and Elections

A. Tribal members who are at least eighteen (18) years of age on Election Day shall be eligible to vote in tribal elections.

B. To be eligible for membership on the Tribal Council, candidates must have the following qualifications:

- (i) Be a member of the Tribe;
- (ii) Be at least eighteen (18) years of age on the date of election; and
- (iii) Not have been convicted of a felony or convicted of a misdemeanor involving dishonesty.

Section III: Tribal Council Elections

A. Election of Tribal Council Members shall be held every two (2) years. Election of Little Shell Officers shall be held every four (4) years.

B. The Elected at-large Little Shell Council Members shall be elected to serve two (2) year terms. The President, the First Vice President, the Second Vice President and Secretary-Treasurer shall be elected to four (4) year terms.

C. The biannual elections shall be conducted by the election committee appointed by the Tribal Council during the three month period preceding the election.

D. The duties and responsibilities of all Tribal Council Members shall be as defined by the Little Shell Tribe of Chippewa Indians Constitution and Bylaws.

Section IV: Notice of Elections

Notice of all elections shall be published at least sixty (60) days before tribal Election Day in a notice or tribal newsletter. The same notice shall be posted at all tribal offices and other public places as determined by the Little Shell Tribal Council. The notice shall specify the offices to be filled and/ or the issues to be decided in the election, the date, the hour, and the place or polling places of the election.

Section V: Polling Places and Times

- A. Elections of Tribal Council members and of the Officers shall be held on the day designated by the Tribal Council by notice of election.
- B. Polls shall be open from 12:00 noon until 8:00 p.m.
- C. Balloting in all elections shall take place at the locations determined by the Little Shell Tribal Council unless otherwise specified in the notice. Locations shall include, at a minimum, Great Falls, Havre, Helena, and Cut Bank/Browning area of Montana. Other locations may be designated as determined appropriate by the Tribal Council.

Section VI: Elections Committee

- A. The Tribal Council shall appoint an Election Committee of a minimum of three (3) members and first and second alternates. Election Committee members shall be appointed and shall serve until they have certified the election. Committee members may be appointed for successive terms. Any committee member who resigns, is removed or is unable to serve will be replaced by an alternate.
- B. Election Committee members shall be persons who are eligible to vote in tribal elections. Any committee member who becomes a candidate for tribal office shall be automatically removed from the elections committee.
- C. Members of the Election Committee who carry out their duties on the day of the election shall be compensated at the rate of \$25.00 for that day and a stipend to cover the expense of two meals if funds are available as determined by the President and Tribal Treasurer.

Section VII: Election Committee Authority and Responsibility

The Election Committee shall have authority and responsibility to include, but not be limited to the following:

- (a) To publish and post notice of all elections;
- (b) To prepare ballots;
- (c) To compile lists of eligible voters before the polls open;
- (d) To provide oversight at polling places;

- (e) To verify the eligibility of every person who wishes to vote and to distribute one ballot to each eligible voter at the polls;
- (f) To keep a record of persons who vote and of the number of ballots distributed and cast at an election;
- (g) To resolve any disputes which may arise regarding a person's eligibility to vote or balloting procedure;
- (h) To count and validate ballots and record the number of votes cast for each candidate or for each option on the ballot;
- (i) To certify the results of the election in writing to the Tribal Council within thirty (30) days after the election;
- (j) To recommend to the Tribal Council any supplemental rules or changes in this ordinance which the committee believes are necessary to achieve the purpose of the ordinance.

Section VIII: Election Committee Oath

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

Section IX: Candidate Filing Procedures

- A. Candidates for all offices shall file with the election committee in writing and pay the required fee.
- B. Any enrolled tribal member who is at least 18 years old shall be eligible for election to tribal office. All candidates shall be subject to a background check and shall be required to pay for their own background check.
- C. No person may be approved for candidacy unless that person meets qualifications required a minimum of thirty (30) days prior to an election. Any candidate may purchase a copy of the names and addresses of Little Shell members at the Little Shell Tribal offices at a price to be set by the Tribal Council.

Section X: Ballots

- A. Candidates for each office shall be listed on the ballot alphabetically by their last name. A box shall appear next to the name of each candidate so a vote may be marked in the box.
- B. When more than one council position will be filled by an election, voters shall vote for as many candidates as there are Council positions to be filled. If a person votes for more candidates than there are positions open, that portion of the ballot shall be invalid.
- C. All elections shall be by secret ballot.
- D. Absentee ballots are available by mail or electronically via Little Shell related websites to be posted in the newsletter. To request an absentee ballot by mail,

members must send a request in writing and include a self-addressed stamped envelope. All absentee ballots received must be notarized and postmarked a minimum of three (3) days before the date of the election. The envelope containing the absentee ballot must be marked "Absentee Ballot." Absentee ballots will be opened and counted within seven (7) days of the election.

- E. The counting of the ballots shall be open to all tribal members. Ballots shall be counted a minimum of three times. The totals must agree at least twice to be valid. Ballots shall be secured in a locked container and shall be kept in the Little Shell Tribal Archives.
- F. The Secretary/Treasurer shall inform the Bureau of Indian Affairs in writing of the election results immediately following certification of the Election.

Section XI: Polling Regulations

- A. Voting in elections governed by this ordinance shall be by secret, written ballot;
- B. No person shall campaign or otherwise attempt to influence voters or shall loiter at the polling place within 200 yards during hours when the polls are open.
- C. Voters who are unable to mark a ballot without assistance because of such special circumstances as physical disability or illiteracy may be assisted in voting by an Election Committee member or by a person of the voter's choice.
- D. Consumption of alcoholic beverages, marijuana, narcotics, or other intoxicants at the polls is prohibited. No smoking shall be allowed at the polls or in the interior of the polling location.

Section XII: Challenges

- A. Any person who has been disqualified from voting by the Election Committee may vote by sealed ballot and may then appeal the Committee's decision by filing an immediate protest in any reasonable form or legible format. The Tribal Council shall then consider evidence presented by the disqualified person and by the Election Committee and shall decide whether a person was improperly disqualified before the Council accepts the Election Committee's certification of election results.
- B. Any person who believes that an unqualified person was permitted to vote in an election may protest the election committee's decision to allow that vote under the same method as is provided for hereinabove.
- C. If the Tribal Council determines that an ineligible person voted in an election or that a person eligible to vote was denied the right to vote in an election or that substantial irregularities existed in the voting process and further determines that such error affected or may have affected the results of the election, the Tribal Council shall determine the recourse, which may, but need not, include rescheduling of a second vote.
- D. If at least five percent of eligible voters sign a petition requesting a recount of the ballots in an election and submit the petition to the Tribal Council by the first

regular Tribal Council meeting after the election, the Tribal Council shall order a recount unless it is clear that such petition is presented purely for political purposes as determined by the unanimous decision of the Tribal Council President and Election Committee Chairman.

- E. If at least five percent of eligible voters sign and submit an appropriate petition for recount describing violations of this ordinance or irregularities which could have affected the outcome of an election, the Tribal Council shall investigate the charges made in the petition. If the Tribal Council determines that a violation of this ordinance or other irregularities did affect or could have affected the results of the election the Tribal Council shall determine the recourse which may, but need not, include rescheduling of a second election or a vote for the particular office which is involved in the challenge.

Section XIII: Certification of Elections and Inauguration

Unless it receives a challenge to an election as provided hereinabove, the Tribal Council shall accept Election Committee certification of an election and shall inaugurate newly elected officials at the beginning of the first regular Tribal Council meeting following the election. Newly elected councilmember(s) will assume duties as of January 1st of the following year. Outgoing officials shall serve until the new officials are inaugurated. Inauguration procedure shall be as determined by tradition or by procedure to be approved by the current Little Shell Tribal President.

CERTIFICATION OF APPROVAL OF ORDINANCE

The above ordinance entitled Little Shell Tribal Election Ordinance was considered for approval at the regular meeting of The Little Tribal Council on the 10th day of June, 2006 and passed by a vote of _____ for and _____ against.

IN WITNESS WHEREOF:

**PRESIDENT, LITTLE SHELL
TRIBE OF CHIPPEWA INDIANS**

**SECRETARY, LITTLE SHELL
TRIBE OF CHIPPEWA INDIANS**