

**SENECA-CAYUGA NATION**  
**ELECTION AND VOTING**  
**ORDINANCE**  
Revised January 21, 2015

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**SENECA-CAYUGA NATION**  
**ELECTION AND VOTING ORDINANCE OF 2014-2015**

**ARTICLE I**

**AUTHORITY**

This Election and Voting Ordinance of the Seneca-Cayuga Nation is adopted by the Business Committee of the Seneca-Cayuga Nation pursuant to Article VIII of the Constitution of the Seneca-Cayuga Nation, as amended May 15, 2014.

**ARTICLE II**

**PURPOSE**

The purpose of this Ordinance is to establish guidelines, rules and orderly Election and Voting procedures of the Seneca-Cayuga Nation in accordance with Article VIII of the Constitution.

**ARTICLE III**

**EFFECTIVE DATE**

This Election and Voting Ordinance shall be effective immediately and for the conduct of the annual election of officials of the Seneca-Cayuga Nation to be held on the first Saturday of June 2016 and shall continue in effect until rescinded by Resolution of the Seneca-Cayuga Nation Business Committee.

**ARTICLE IV**

**REPEALER**

Any previous Election and Voting Ordinance is hereby repealed.

**ARTICLE V**

**SEVER-ABILITY**

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

## ARTICLE VI

### CONDUCT OF ELECTIONS

#### SECTION 1. ENGAGEMENT OF INDEPENDANT ELECTION ADMINISTRATOR

(a) By no later than the third Tuesday of February each year, the Business Committee shall engage the services of an Election Administrator as an independent contractor to conduct that year's regular or special election(s) of Nation officials. The independent contractor so engaged shall perform the duties and powers cited herein and shall conduct the Tribal election(s) in compliance with this Ordinance, their engagement contract and the Constitution and By-Laws of the Seneca-Cayuga Nation.

(b) The engagement contract entered into between the Nation and Election Administrator shall contain the following provisions:

(1) Contractor agrees that no person who has a financial interest in Contractor is or shall be a candidate for an elected position of the Nation's Government, nor is or shall be related to an elected member of the Nation's Government, nor is or shall be related to a candidate for an elected position of the Nation's Government.

(2) Contractor agrees that no elected member of Nation's Government, nor a candidate for an elected position of the Nation's Government, nor a relative of an elected position of the Nation's Government, nor a relative of a candidate for an elected position of the Nation's Government may be hired or work as an employee of Contractor.

(c) The Election Administrator so engaged shall report to the Business Committee.

#### SECTION 2. ELECTION OF NATION OFFICIALS

(a) Regular Election. In accordance with Article VIII of the Constitution of the Seneca-Cayuga Nation, the regular election of officers shall be held annually on the first Saturday of June of each year and shall be conducted pursuant to this Nation Election and Voting Ordinance prescribed by the Business Committee.

- (1) The Business Committee, consisting of seven (7) members, shall be elected as follows: The Chief, First and Third Committee Members in accordance with Seneca-Cayuga Nation Constitution, Article VIII – Annual Meetings, and the Second Chief, Secretary-Treasurer, Second and Fourth Committee Members in accordance with Seneca-Cayuga Nation Constitution, Article VIII – Annual Meetings.  
Positions of the Business Committee shall be elected as follows:

CHIEF (4 YEAR TERM) CURRENT TERM TO EXPIRE JUNE 2016

SECOND CHIEF (4 YEAR TERM) CURRENT TERM TO EXPIRE JUNE 2018  
SECRETARY-TREASURER (4 YEAR TERM) CURRENT TERM TO EXPIRE JUNE 2018  
FIRST COUNCILPERSON (4 YEAR TERM) CURRENT TERM TO EXPIRE JUNE 2016  
SECOND COUNCILPERSON (4 YEAR TERM) CURRENT TERM TO EXPIRE JUNE 2018  
THIRD COUNCILPERSON (4 YEAR TERM) CURRENT TERM TO EXPIRE JUNE 2016  
FOURTH COUNCILPERSON (4 YEAR TERM) CURRENT TERM TO EXPIRE JUNE 2018

- (2) The Grievance Committee consisting of five (5) members shall be elected as follows:

FIRST POSITION (4 YEAR TERM) CURRENT TERM TO EXPIRE JUNE 2016  
SECOND POSITION (4 YEAR TERM) CURRENT TERM TO EXPIRE JUNE 2018  
THIRD POSITION (4 YEAR TERM) CURRENT TERM TO EXPIRE JUNE 2016  
FOURTH POSITION (4 YEAR TERM) CURRENT TERM TO EXPIRE JUNE 2018  
FIFTH POSITION (4 YEAR TERM) CURRENT TERM TO EXPIRE JUNE 2016

(3) Pursuant to SECTION 1. CLAIMS COMMITTEE CREATED of the Seneca-Cayuga Nation Claims Committee Declaration of Policy Governing Bylaws, a five (5) member Claims Committee was established and elected by the General Council of the Seneca-Cayuga Nation at a special meeting held December 21, 1985. Members of the Claims Committee shall be elected to a four (4) year term of office. Positions of the Claims Committee shall be as follows:

POSITION 1 (4 YEAR TERM)	CURRENT TERM TO EXPIRE	JUNE 2018
POSITION 2 (4 YEAR TERM)	CURRENT TERM TO EXPIRE	JUNE 2018
POSITION 3 (4 YEAR TERM)	CURRENT TERM TO EXPIRE	JUNE 2016
POSITION 4 (4 YEAR TERM)	CURRENT TERM TO EXPIRE	JUNE 2016
POSITION 5 (4 YEAR TERM)	CURRENT TERM TO EXPIRE	JUNE 2018

(4) Voting shall be by secret ballot and the Business Committee candidates receiving the highest number of votes shall be elected to a four (4) year term of office. Grievance Committee candidates receiving the highest number of votes shall be elected to a four (4) year term of office. Claims Committee candidates receiving the highest number of votes shall be elected to a four (4) year term of office.

Pursuant to Article IX of the Constitution of the Seneca-Cayuga Nation, vacancies in any elective office shall be filled at any regular or special meeting of the General Council. The filling of vacancies in any elective office shall be by secret ballot and such election shall be conducted pursuant to this Ordinance.

(b) Special Election. A Special Election to fill vacancies in any elective office shall be conducted in accordance with this Ordinance and shall be called as follows:

- (1) Upon the declaration by Resolution of the Business Committee that an elected position in the Business Committee or Grievance Committee is vacant, due to death, resignation, or removal of an elected official, a special election shall be held. The special election shall be conducted in accordance

with this Ordinance.

- (2) Upon declaration by Resolution of the Business Committee that an elected position in the Claims Committee is vacant due to death, resignation or removal (including suspension) of an elected official, the Business Committee shall appoint an eligible Tribal Member to serve in the vacancy until such time as a Special Election or Annual Election shall be conducted in accordance with this Ordinance.

**SECTION 3.           REFERENDUM QUESTIONS ON THE BALLOT**

- (a) Referendum questions shall be submitted and put on the Annual Election Ballot on the first Saturday of June by the Chief and/or a quorum of the Business Committee.
- (b) Referendum questions may also be submitted for vote by the Chief and/or quorum of the Business Committee. Conducting of referendum vote must be in accordance with this Ordinance pursuant to ARTICLE XI, Voting on Referendum Questions.

**SECTION 4.           NATION SUPPORT STAFF**

- (a) The Nation's Enrollment Officer shall be available at the Nation's Headquarters throughout the election and voting period and at the Nation's Headquarters on Election Day, to provide verifications or certifications of Nation membership to the Election Administrator engaged by the Business Committee pursuant to Section 1 of this Article. The Enrollment Officer shall be available, at Election Administrator's request, to perform such support services as may be required by the Election Administrator to include but not to be limited to mail services, to receive Declarations of Candidacy, record and prepare receipts of candidate filing fees, maintaining a list of candidates and other duties as assigned. Additional Nation support staff may be appointed by the Business Committee upon the written request of the Election Administrator. The duties of any such additional support staff shall be determined by the Election Administrator.
- (b) The Election Administrator will be available at any General Council meeting to provide verification of eligible attendees. The Election Administrator shall also oversee all General Council votes to be conducted by "secret ballot".

**ARTICLE VII  
ELECTION PROCEDURES**

**SECTION 1.           ELECTION NOTICE**

The Regular Election Notice shall be published by the Election Administrator no later than the third Friday in March of each year. In the event that a Special Election is called by the Business Committee or the General Council pursuant to ARTICLE VI, SECTION 2(b) of this Ordinance, or a question or questions are to be submitted to a

vote of the General Council pursuant to ARTICLE VI, SECTION 3 of this Ordinance, the Special Election/Voting Notice shall be published no later than 45 days before the date set for the Special Election. The Election Notice shall include, but not be limited to the following:

- (a) Position(s), by Committee, to be elected, if any;
- (b) Questions to be submitted for referendum vote pursuant to Article VI, Section 3 of this Ordinance, if any;
- (c) Election date;
- (d) Place, time-frame and the qualifications required (to include documentary evidence to be submitted) for the filing of a Declaration of Candidacy.

The Election Administrator shall cause the Election Notice to be published in the Miami News Record, the Grove Sun newspaper and the Seneca-Cayuga Nation Newsletter. The Election Administrator shall cause the Election Notice to be posted in such places as the Nation's Headquarters Building, the Nation's Community Center Building, the Nation's Human Resources Building, the Nation's Tobacco Company Building, the Nation's Casino Building, the Nation's website, the Bureau of Indian Affairs Miami Agency Building, and the Northeastern Tribal Health Clinic Building;

(e) The Election Notice shall also include the pertinent information regarding the Voter Registration Process;

(d) The Chief shall ensure that the Special Edition Nation's Election Newsletter shall contain all pertinent election information. Each qualified candidate for office shall be allowed to submit for publication in newsletter a one-page biography and/or political platform letter. Qualified candidates may also submit a picture for publication. Candidate's letters shall be listed according to official list of candidates. The Special Edition Newsletter shall be mailed to every eligible voter who has an address listed on the Official Voter List. The Special Edition Newsletter shall be mailed not later than the last Friday of April of any given election year.

**SECTION 2. COMMITTEE POSITIONS TO BE ELECTED**

The Nation's Enrollment Officer, in conjunction with the Nation's Secretary-Treasurer, shall maintain a record of all Committee Members to include the name and address of each elected official and their term of office. The Nation's Secretary-Treasurer will notify the Election Administrator engaged by the Business Committee pursuant to ARTICLE VI, SECTION 1 of this Ordinance and the positions, by Committee, to be elected.

**SECTION 3. DECLARATION OF CANDIDACY - FILING PERIOD**

Any qualified member of the Seneca-Cayuga Nation who desires his/her name to be placed on the ballot as a candidate for office shall file a Declaration of Candidacy with



the Election Administrator or the Nation's Enrollment Officer at the Grove, Oklahoma, Nation Headquarters Office in the form prescribed by the Election Administrator. The Burden of Proof shall be on the candidate to meet the qualifications of elected officials. The form prescribed by the Election Administrator shall require prospective candidates to attach sufficient documentary evidence that the requirements set forth within SECTION 8 QUALIFICATIONS OF ELECTED OFFICIALS of this Article are met. Such required documentary evidence will consist of:

- (a) a copy of a valid driver's license to prove identity, age and current address; or
- (b) a copy of Seneca-Cayuga Nation Membership Card; or,
- (c) a valid state issued identification card or a valid United States Passport.

The Declaration of Candidacy must be filed in writing and filed in person with the Election Administrator or Nation's Enrollment Officer on the second Thursday, Friday, or Saturday of April each year. In the event that a Special Election is called by the Business Committee or the General Council pursuant to ARTICLE VI, SECTION 2(b) of this Ordinance, the election notice shall specify the address and deadline for filing. No person shall be a candidate for more than one (1) office at any time. All candidates must file.

#### **SECTION 4. FILING FEE**

There shall be a non-refundable filing fee of Three-Hundred Fifty Dollars (\$350.00) for all prospective candidates for elected offices. The filing fee shall be paid on the same date the prospective candidate submits his/her declaration of candidacy. The filing fee shall be deposited into the Nation's General Operations Account to defray the expenses incurred during the election.

#### **SECTION 5. WITHDRAWAL**

A candidate seeking an office may withdraw by filing a written Notice of Withdrawal with the Election Administrator or the Nation's Enrollment Officer at the same address specified in the election notice and his/her name shall not appear on the ballot. Such notice shall contain the candidate's name and the office for which he/she is a candidate and signed by the candidate withdrawing and notarized. In the event a candidate withdraws subsequent to the printing of ballots, the Election Administrator shall mail notice of same to all Eligible Voting Members as soon as practicable. Any votes cast for a withdrawn candidate shall not be counted.

#### **SECTION 6. FILING, WITHDRAWAL AND RE-FILING**

In the event a prospective candidate has filed a Declaration of Candidacy, including the filing fee, and then desires to change or file for a different elected position/office, such candidate shall withdraw from the initially filed position/office; pursuant to SECTION 6

WITHDRAWAL of this Article. The filing of candidacy process shall begin anew, including a non-refundable filing fee of Three-Hundred Fifty Dollars (\$350.00) provided the new Declaration of Candidacy is made before the deadline outlined in SECTION 4 DECLARATION OF CANDIDACY of this Article.

**SECTION 7. QUALIFICATIONS OF ELECTED OFFICIALS**

A prospective candidate for elective office of the Seneca-Cayuga Nation must meet all of the requirements contained within Article II of the By-Laws to the Constitution of the Seneca-Cayuga Nation as follows:

- (a) Be not less than twenty-five (25) years of age,
- (b) Be a member of the Seneca-Cayuga Nation, and
- (c) Reside within a radius of one hundred fifty (150) miles in any direction from the Basset Grove Stomp Grounds

**SECTION 8. TESTING QUALIFICATIONS OF CANDIDATES**

By no later than the Wednesday following the filing period, set forth within SECTION 3 of this Article, the Election Administrator shall review all filings for the elected offices to determine that the prospective candidates meet the qualifications set forth in SECTION 8 of this Article. If the Election Administrator determines a person is not eligible to be a candidate, the Election Administrator shall so notify that person in writing of their decision and the prospective candidate shall be given until the Friday following the filing period, set forth within SECTION 3 of this Article, to provide any additional documentary evidence required to establish their eligibility. Failure of the prospective candidate to provide said requested documentation by said deadline shall result in the person's name not being included on the ballots. The Election Administrator shall make the final determination regarding qualifications of candidates no later than the Saturday following the filing period in April set forth within SECTION 3 of this Article.

**SECTION 9. CHALLENGE OF CANDIDATES**

- (a) Filing Challenge: Any registered, qualified voter may challenge the eligibility of any person to be a candidate by filing with the Election Administrator a written statement setting forth the grounds for evidence supporting the challenge, along with a Three-Hundred Fifty Dollar (\$350.00) non-refundable fee. Any such challenges shall be filed no later than the Tuesday following the closing of the filing period. Each petition must state the reason(s) the candidate is not eligible to file for office. The same shall be considered when SECTION 9 TESTING QUALIFICATIONS OF CANDIDATES of this Article is addressed by the Election Administrator.

The filing fee shall be paid on the same date the Challenge is submitted and said filing fee shall be turned over to the Election Committee Chairperson of the Nation for deposit

into the Nation's General Operations Account to defray the expenses incurred during the election.

(b) Procedure For Response Upon receiving a petition challenging a candidate, or determining a challenge exists, the Election Administrator shall deliver to the challenged candidate a summary of the issues or the petition. A written response may be filed with the Election Administrator by the challenged person no later than the day set for performance of the duties of the Election Administrator as set forth in SECTION 9 this Article.

## ARTICLE VIII

### VOTING PROCEDURES

#### SECTION 1. PERSONS ELIGIBLE TO VOTE

Pursuant to Article IV of the Constitution of the Seneca-Cayuga Nation, eligible voters shall be the Seneca-Cayuga General Council, consisting of all enrolled members of the Nation eighteen (18) years of age and older on the day of election. All eligible voters must return the Voter Registration Form as provided them by the Election Administrator by the date specified to be added to the "Official Voter List" and receive a ballot packet.

If a deceased member's outside return envelope is properly completed and postmarked on or before their date of death, the ballot will be counted. If the outer envelope is postmarked after the date of death, the ballot will not be counted.

#### SECTION 2. ELIGIBLE VOTER LIST – VOTER REGISTRATION

(a) Pursuant to Section IX of the Seneca-Cayuga Nation's Enrollment Ordinance, the Nation's Enrollment Officer shall compile as up-to-date and accurate "Eligible Voter List" of qualified Nation Members who have fulfilled the requirements, as set forth within SECTION 1 of this Article, giving them the right register to vote in the Nation Election.

(b) Updating Records: Upon receipt of appropriate documentation, as defined within the Enrollment Ordinance of the Seneca-Cayuga Nation, the Nation's Enrollment Officer shall update the Official Nation Membership Roll. The Nation Membership Roll will be up-dated following the annual meeting of the General Council. The membership roll will also be up-dated throughout the year to ensure persons enrolled pursuant to the Enrollment Ordinance not requiring General Council vote are included and will be purged throughout the year to ensure that persons who have relinquished their membership or who are deceased are removed from the list. The up-to-date "Eligible Voter List" as of sixty (60) days prior to the date of a scheduled election will become the official "Eligible Voter List" that will be provided by the Enrollment Officer to the Election Administrator. The "Eligible Voter List" shall be used by the Election Administrator for mailing of Voter Registration Packets. Voter Registration Packets shall include:

- (1) Election Notice;
- (2) Voter Registration Form (Exhibit A attached and made part of this Election and Voting Ordinance); and,
- (3) Instructions for filling out and date for returning of Voter Registration Form; and,
- (4) Pre-addressed, stamped envelope to be returned to Election Administrator.

Only those members of the Nation who have returned their Voter Registration Form by the date specified (30 days prior to any given Election Day), shall be allowed to vote in the Nation's Elections.

(c) In keeping with Section IX B. of the Seneca-Cayuga Nation Enrollment Ordinance, the Nation's Enrollment Officer will, upon receipt of the written request of the Election Administrator engaged by the Business Committee pursuant to ARTICLE VI, SECTION 1 of this Ordinance, provide for said Election Administrator's use during the election and voting period an up-to-date "Eligible Voter List" of the individuals on the Nation's Membership Roll meeting the requirements as set forth within SECTION 1 of this Article. The Election Administrator will exercise extreme care to ensure the list remains only within the Election Administrator's possession and used only for the purposes of the election of officers of the Seneca-Cayuga Nation. The "Eligible Voter List" shall remain in the possession of the Election Administrator during the election and voting period and shall not be released to any other person. The Election Administrator shall install adequate safeguards to ensure the "Eligible Voter List" is not removed, copied, or otherwise made available to anyone outside of the Election Administrator.

(d) All Qualified Candidates shall receive a copy of the Eligible Voter Mailing List: The Election Administrator shall see that every Qualified Candidate for office shall receive a copy of the Eligible Voter Mailing List at the time of filing for elective office.

(e) If a person is left off the "Eligible Voters List" and does not receive a Voter Registration Packet, such person can present evidence to the Election Administrator, in writing, of their eligibility to vote, Nation roll number, phone number and address. The Election Administrator will then manually add the individuals name to the "Eligible Voters List" and mail such individual a Voter Registration Packet so long as the deadline for submission of Voter Registration Form has not expired.

(f) If the Eligible Voters List does not contain an address for a member, the member will not be mailed a Voter Registration Packet. If the member who was not mailed a ballot packet due to no address subsequently requests a Voter Registration Packet; the member must provide a written request for a Voter Registration Packet to the Nation's Enrollment Officer with a mailing address, Nation roll number and phone number. The Enrollment Officer will then immediately forward the written request (information included) to the Election Administrator so long as the deadline to receive Voter Registration Forms has not expired.

**SECTION 3. BALLOT BOXES, ELECTRONIC TABULATORS AND/OR LAPTOP COMPUTERS**

(a) Description: There shall be no less than three (3) ballot boxes provided to the Election Administrator for use during the election, each capable of holding a minimum of 400 ballots. Said ballot boxes shall be constructed of substantial material and each shall be equipped for the attachment of a lock. Said locks shall be provided by the Election Administrator.

(b) Electronic Tabulators and/or Laptop Computers: There shall be not less than three (3) Electronic Tabulators provided by the Election Administrator for use during the election. Laptop computers are also allowable as a means of tabulating ballots. Said Electronic Tabulators shall be constructed of substantial material and each shall be equipped for the security of ballots by the Election Administrator. Not less than three (3) Electronic Tabulator or laptop shall be provided for the counting of returned ballot packets. Not less than one Electronic Tabulator or laptop for the counting of "secret ballot" voting at General Council meetings.

(c) Keys to Ballot Box Locks and Electronic Tabulators: Keys and locks to be placed on the ballot boxes shall be furnished by and maintained only by the Election Administrator during the election and voting period. Any keys for the Electronic Tabulators used shall be furnished by and maintained only by the Election Administrator during the election and voting period.

(d) Ballot Boxes: Ballots will be picked up the day of the election at 11:00 A.M. The Election Administrator shall open the ballot boxes and show them to be empty of all materials in front of two (2) Election Committee Members. The Post Office Box is then opened and all returned ballots are placed in the ballot boxes, the ballot boxes locked and sealed for transport to the Nation's Headquarters or other location designated by Chief. Upon arrival at the Nation's Headquarters Office the Election Administrator shall unlock and empty the ballot boxes in the presence of not less than two (2) Election Committee Members. The emptied ballot boxes shall then be re-closed and re-locked in the presence of the two (2) Election Committee Members. All envelopes containing returned ballots will then be checked to determine if the sender is an Eligible Voter. Only one (1) ballot shall be allowed per envelope. The Election Administrator shall proceed to verify that the name contained on each pre-addressed and stamped outer envelope is contained on the list of persons who were mailed ballots pursuant to SECTIONS 5 (2) of this Article. If the name contained on the outer envelope is contained on the Official Voters List, the sealed outer envelope will be removed and the inner envelope containing the ballot will then be placed back into the locked ballot box. Once the voter eligibility verification process has been completed, the Election Administrator shall proceed to the counting of the ballots.

(e) Election Records and Ballot Boxes: After each election, all election records and ballots shall be placed in locked ballot boxes and stored by the Election Administrator in a secure location. No later than the following day after the election results are certified

and posted the ballot boxes and all materials used in the election shall be delivered to the Seneca-Cayuga Nation 2<sup>nd</sup> Chief and placed in the vault and shall be maintained as a permanent record of the Seneca-Cayuga Nation. Ballots shall only be held for three (3) months after the election results are certified thereafter, the 2<sup>nd</sup> Chief of the Nation shall cause them to be destroyed.

#### **SECTION 4.           BALLOTS**

(a)    Appearance of Candidate's Name: The name of any candidate for office shall be printed on the official ballot as it appears on the Declaration for Candidacy form as filled out by the qualified candidate. Each qualified candidate shall not have any prefix, suffix or title placed before or after his/her name.

(b)    Unopposed Candidates: 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 in any election in which he/she is so unopposed.

(c)    Manner of Printing Ballots For Elections: The official ballot for the election shall be printed so that the candidate's name will appear with an appropriate location indicating a voter's choice alongside each candidate's name.

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

(e)    Number of Ballots: The Election Administrator shall ensure that for every election a sufficient number of ballots shall be printed so that all eligible voting members receive a ballot and a number of additional ballots are available in case of spoiled ballots.

#### **SECTION 5.           BALLOT PACKET VOTING PROCEDURES**

(a)    Mailing of Ballot Packets: Upon completion of the time in which to submit a Voter Registration Form, the Election Administrator shall mail a ballot packet to each eligible voter on the "Official Voter List". Names of those members of the Nation who have submitted their Voter Registration Form by the deadline as set by the Election Administrator shall comprise the "Official Voters List". Voter Registration Forms received after deadline date but have postmark on or before deadline date shall be added to "Official Voters List".

(1)    Eligible Voters List Obtained: No later than sixty (60) days before the date set for any given election the Election Administrator shall submit a written request, pursuant to SECTION 2 (c) of this Article, to the Seneca-Cayuga Nation Enrollment Committee - Attention Enrollment Officer, requesting to be provided with the "Eligible Voters List" for the pending Nation election. The Election Administrator shall utilize the "Eligible Voters List" to complete the mailing of Voter Registration Packets to

all eligible voters described in this Section. Only those members who's Voter Registration Forms are received in accordance with SECTION 5, (a) of this Section, shall be mailed a ballot packet. Ballot Packets must be mailed not less than 25 days prior to Election Day.

Upon return of any ballot packet to the Election Administrator as undeliverable, the Election Administrator shall verify the mailing address is the same address shown on the member's Voter Registration Form. If the address is incorrect then the Election Administrator will mail the ballot packet to the corrected address. If the address is correct, the Election Administrator shall use his best efforts to mail the ballot to the eligible voter based on corrected information so provided by the US Postal Service.

(b) Ballot Packet Content: The Ballot Packet mailed to each registered voter pursuant to SECTION 5 (a) of this Article, shall be mailed in an envelope containing the return address of the SENECA-CAYUGA NATION - ELECTION at the Grove, OK Election Post Office Box address and contain the following:

- (1) An inner envelope bearing the outside, the words; "OFFICIAL BALLOT".
- (2) A ballot and instructions for completion of the ballot.
- (3) A stamped outer envelope, pre-addressed to the SENECA-CAYUGA NATION - ELECTION at the Grove, OK Election Post Office Box and with a Certificate on the underside, which will read as follows:

**I certify that I marked the enclosed ballot in secret.**

**Signature:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

All registered voters shall be notified that in order to be counted, all ballots must be received by return mail no later than 11:00 A.M. the day of "Election Day". No hand carried ballots shall be accepted. **(It is required that the official envelope assigned to the Nation Member by the Election Administrator be used otherwise ballot will not be counted.)**

After the ballots are picked up and processed the day of the election, the Election Administrator will cancel all the ballots returned as undeliverable and in his/her possession. The Election Administrator will open the ballot mailing and write, "VOID" across the face of the ballot and sign and date the ballot. The voided ballot must be retained as part of the election records.

If a ballot is mutilated upon receipt in mail or by the registered voter, then the registered voter may return the ballot in its entirety to the Election Administrator and request in writing issuance of a new ballot so long as request is received prior to Election Day. Upon receipt of the mutilated ballot the Election Administrator will sign and date the ballot and write "SPOILED - Replaced by Ballot No. \_\_\_\_" and write the number of the

replacement ballot in the blank space. The spoiled ballot shall be retained as part of the election records. The Election Administrator will then issue the proper replacement ballot to the registered voter.

(c) Records/Receipt of Ballot Packets: The Election Administrator shall keep a record of the name of registered voter, date and address ballot packets were mailed to. Election Administrator shall also record if an individual requested a ballot packet and record if individual was a registered voter or not. Beside each registered voter's name, Election Administrator shall cause to have the words "BALLOT RECEIVED" beside each registered voter's name in which the ballot was received back in mail.

(d) NO ELECTIONEERING OR LOITERING SHALL BE ALLOWED WITHIN FIVE-HUNDRED FEET OF POLLING PLACE PREMISES. This includes inside or outside the Polling Place premises, during such time as ballots are being counted. The Election Administrator shall request security personnel for assistance as may be required to maintain order about the building during the hours of election. The Business Committee shall cause a misdemeanor complaint to be filed with the Court of Indian Offenses against any such violators (offenders) of this section.

If offender is a member of the Seneca-Cayuga Nation, the Business Committee shall vote, by resolution, to ban member from all lands and enterprises owned by the Nation for a period of not less than two (2) years. If offender is a non-member of the Nation, the Business Committee shall vote, by resolution, to ban offender from all lands and enterprises owned by the Nation forever.

## ARTICLE IX

### COUNTING BALLOTS

#### SECTION 1. PROCEDURE FOR COUNTING BALLOTS

(a) Securing Ballot Boxes: On the day of election the Election Administrator shall secure in his or her possession the ballot boxes and shall retire to a private room for counting. The Election Administrator will count the ballots. In addition to the Election Administrator, Election Committee and Election Administrator personnel and such staff support personnel requested by Election Administrator pursuant to this Ordinance, the presence of one (1) Observer per candidate as hereafter described will be permitted in the room where the votes are being counted.

(b) Counting Ballots: Upon removing the lock and opening the box, the Election Administrator personnel shall insert each ballot into the electronic tabulator for counting, giving due consideration to examining spoiled and replacement ballots.

(c) Rules Governing Counting: The following rules shall govern the counting and recounting of votes:



(1) If the name of any person is written on a ballot, said ballot shall not be counted for any office or question thereon.

(2) An "x" cross, two (2) lines meet, including the so-called "Check Mark," a blacked out square or a straight line, marking the empty square beside a candidate's name on the ballot shall be considered valid markings. Such valid markings located outside the square on the ballot shall not be counted.

(3) Marks used to designate the intention of the voter, other than those herein defined as a "Valid Markings," shall not be counted.

(4) 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.

(5) 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.

(6) If a ballot is not counted for any reason, the reason shall be written on the back of said ballot, and signed by the Election Administrator.

(7) 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 in whole or in part. Such ballots will not be counted.

(8) Each candidate, if desired, may select one (1) person in writing as his/her representative, who is not a candidate or incumbent, to serve as an observer to watch the counting of the ballots. Such designation must be presented to any Member of the Election Committee no later than 1:00 p.m. seven (7) days prior to the day of the Election. Observers are cautioned to minimize conversation, refrain from making favorable comments or exclamations with regard to candidates or Nation matters, and know not to question Election Committee and Election Administrator personnel with regard to matters other than the vote counting process. Observers can be ejected for inappropriate behavior or a violation of the foregoing or at the discretion of the Election Administrator.

(9) Election Administrator personnel shall place each ballot in the Electronic Tabulator for counting or may use laptop for counting.

(10) Election Administrator personnel shall call out the name on each ballot that requires hand counting and shall mark the tally sheet beside the candidate's name.

## **SECTION 2.        TIE VOTES**

In the event two (2) or more candidates tie for the same position, the Election

Administrator shall conduct a recount of the ballots cast in that election as provided in Section 1 of this Article. Should there be a tie vote after the recount, a Special Election will be held for the run-off as soon as possible. Date shall be set by Election Administrator (not more than 60 days from original Election Day).

### **SECTION 3. ELECTION DISPUTES**

(a) **Recount:** In the event that any eligible voter or candidate for Nation Office wishes to request a recount of the voting results of a given election for office or written question referendum vote, such eligible voter or qualified candidate must file a written or typed Request for Recount with the Election Administrator no later than 4:30 p.m., the Monday following the Regular Election or no later than 4:30 P.M. on the second business day following a Special Election, legal holidays excluded. A non-refundable fee of three hundred fifty dollars (\$350.00) shall be paid to the Chair of Election Committee by cash, certified check or money order made payable to the Seneca-Cayuga Nation for recount. The recount shall then be conducted in the same manner as the original count and shall be conducted immediately or within twenty-four hours of Request for Recount being filed.

The certified results will be posted in the Seneca-Cayuga Nation's Headquarters Office Building. The fee shall be paid on the same date the Request for Recount is submitted and said filing fee shall be deposited into the Nation's General Operation Account to defray the expenses incurred during the election.

(b) **Challenge of Election Procedure:** In the event that any eligible registered voter or candidate for Nation Office wishes to challenge the results of a concluded election, such eligible registered voter or candidate must file a written or typed Petition for Challenge with the Election Committee Chairperson no later than 4:30 p.m. on the Tuesday following the Regular Election day or no later than 4:30 P.M. on the second business day following a Special Election, legal holidays excluded. In the event that the second day falls on a holiday, the Petition for Challenge shall be filed the next business day. Accompanying the Petition, a non-refundable fee of three hundred fifty dollars (\$350.00) shall be submitted to the Chair of the Election Committee by cash, certified check or money order made payable to the Seneca-Cayuga Nation. The filing fee shall be paid on the same date the Petition for Challenge is submitted and said filing fee shall be deposited into the Nation's General Operations Account to defray the expenses incurred during the election.

The Petition for Challenge must set forth:

- 1) The Petitioner's name, address and Seneca-Cayuga Nation Roll Number;
- 2) The Specific election for office(s) being challenged;
- 3) The Specific Article(s) and Section(s) of this Election and Voting Ordinance violated and the particular grounds for the Challenge; and

4) **ALL EVIDENCE** in support of the Challenge.

After the Petition for Challenge is filed with the Election Committee Chair, the Chair shall give the Petition for Challenge to the Election Administrator. Election Administrator must issue a determination on Petition for Challenge the Tuesday following Election Day. If, in the opinion of the Election Administrator, the objections are valid and warrant a new election, the Election Administrator shall order a new election. If a new election is ordered, it shall be conducted in accordance with this Election and Voting Ordinance excepting the "Official Voters List" shall remain the same. The results of the new election shall be final. If the Petition for Challenge is not upheld, the Election Administrator shall certify the election results and issue an Official Notice of Election Results. If Petition for Challenge is filed by a non-registered voter, Petition for Challenge shall be ruled invalid.

**SECTION 4. CERTIFICATION AND ANNOUNCEMENT OF ELECTION RESULTS**

Two (2) business days after ballots are counted and the protest period has expired without protest, the Election Administrator shall certify and issue an Official Notice of Election Results. The Election Administrator shall certify election results on the Tuesday following the election at 5:00 P.M., or after protest or recount is resolved, whichever is later. The certified results will be posted at the Seneca-Cayuga Nation's Headquarters Office Building.

**ARTICLE X**

**INSTALLATION OF ELECTED OFFICERS**

**SECTION 1. PROCEDURE**

All duly elected officers of the Seneca-Cayuga Nation shall be sworn into office immediately following the official certification of the election results.

**SECTION 2. OATH OF OFFICE**

The oath of office shall be administered by the Chief, the Second Chief or a Pot Hanger of the Nation.

**ARTICLE XI**

**VOTING ON REFERENDUM QUESTIONS**

In the event that referendum questions are to be brought to a vote of the General Council of the Seneca-Cayuga Nation, all members of the Seneca-Cayuga Nation eighteen (18) years of age and older on Election Day shall be given the opportunity to cast their vote and the voting on such questions shall be conducted in accordance with

this Article.

**SECTION 1. FORM OF PROPOSITION AND DEADLINE**

(a) The question is to be written in the form of a proposition couched in language with clearly states that a "yes" vote is a vote in favor of the proposition, and a "no" vote is a vote against the proposition. The proposition shall not exceed 150 words.

(b) Deadline In order to allow sufficient time for the preparation and printing of ballots, any proposition that is to be submitted to a vote during the annual election held the first Saturday of June of each year shall be prepared and submitted to the Nation Secretary for provision to the Election Administrator no later than the second Tuesday in March of each year. In order to allow sufficient time for the preparation and printing of ballots, any proposition that is to be submitted to a vote at any other time during the year must be presented to the Election Administrator sixty (60) days prior to the date set for the special election or proposition voting date.

**SECTION 2. BALLOTS FOR REFERENDUM VOTES**

Ballots for referendum questions shall be printed by the Election Administrator in such manner as to include the ballot title and the following language, "Shall the proposed (Amendment) or (Act) or (Ordinance) be approved?" followed by the words "YES" and "NO", one above the other, each preceded by an empty square.

(a) Ballot Title The ballot title shall contain the gist of the proposition couched in language which clearly states that a "yes" vote is a vote in favor of the proposition, and a "no" vote is a vote against the proposition. The ballot question shall not:

1) Exceed one hundred fifty (150) words.

2) Reflect partiality in its composition or contain any argument for or against the measure,

(b) Position on Ballot: The written question(s) shall be on a separate ballot, and may not be put on the same ballot with candidate's names who are seeking office.

**SECTION 3. METHOD OF VOTING**

Eligible voters shall vote on written questions by secret ballot. Method of voting shall be in the same manner as the voting for Tribal Elected Officials pursuant to Article VIII of this Election and Voting Ordinance.

**SECTION 4. COUNTING OF BALLOTS**

Counting of ballots shall be conducted in the same manner as Article IX of this Election and Voting Ordinance.

**SECTION 5.           CERTIFICATION OF BALLOTS**

Certification and announcement of the results of the voting on said written question(s) shall state the passage or failure of any measure.

The Certification and announcement including disputes shall be made in accordance with Article IX of the Election and Voting Ordinance.

**SECTION 6.           EFFECT OF LAW**

Propositions passed by the General Council of the Seneca-Cayuga Tribe of Oklahoma shall become law immediately following passage, unless otherwise provided and after Official Certification by the Election Administrator.

**ARTICLE XII**

**ELECTION COMMITTEE**

**SECTION 1.           AUTHORITY**

The Seneca-Cayuga Election Committee is hereby established, to uphold and enforce the approved Election and Voting Ordinance.

**SECTION 2.           ELECTION COMMITTEE COMPOSITION**

The Election Committee shall be appointed by the Business Committee.

- (a) Appointment It shall consist of three (3) members and shall at no time consist of any elected official of any duly elected Committee or an immediate family member of the Business Committee. No Election Committee member shall be immediate family to any other Election Committee member. For the purposes of this Section immediate family member shall mean, husband-wife, parent-offspring, or sibling and all persons who live in the same household related by blood or not. 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, a conflict of interest, or upon the resignation or death of any member.

Furthermore, the Business Committee may add quorum members any time the Election Committee fails to meet for lack of quorum. Such quorum members shall serve only when their presence is required to make a quorum. The Business Committee shall appoint members of the Election Committee by position as follows:

- (1) Chairperson
- (2) Vice Chair-person
- (3) Clerk
- (4) Alternate Member

An Election Committee member must resign his/her committee position upon officially filing for candidacy.

(b) Oaths of Office: All persons appointed as Members of the Election Committee shall, before entering upon the duties of their offices, take an oath of office as prescribed by the Business Committee. Said oath shall be retained by the Secretary-Treasurer of the Business Committee.

(c) Terms: The Election Committee Members shall serve at the discretion of the Business Committee. An Election Committee Member may be removed from office by a majority vote of the Business Committee and a replacement may be appointed.

(d) Costs: The cost of conducting a meeting of the Election Committee, including a stipend cost and mileage cost to cover travel costs of Committee members to attend the meeting, shall be paid from the Tribe's General Operations Account. The amount of any such stipend or necessary supplies shall be determined by and approved by the Business Committee.

### **SECTION 3. MEETINGS**

(a) Calling of Meeting: A meeting of the Election Committee shall be called by the Election Committee Chairperson as needed to address the matters brought before the Committee.

(b) Quorum: A quorum shall consist of two (2) members of the Election Committee. No vote of the Election Committee shall be valid in the absence of a quorum.

### **SECTION 4. RECORDS**

The Election Committee shall maintain complete and accurate minutes of its meetings. A copy of these records shall be filed with the Secretary-Treasurer's Office within two days of the completion of an election or referendum vote.

### **SECTION 5. DUTIES OF THE ELECTION COMMITTEE**

(a) Chairperson: Shall be the presiding member responsible for the overall activities of the Election Committee, including safekeeping of Committee records.

(b) Vice Chairperson: In the absence of the Chairperson shall assume and perform the duties of the Chairperson.

(c) Clerk: Shall record and maintain accurate minutes of meeting and records pertaining to the Election Committee including but not limited to:

Providing mail services, receive/record, prepare receipts of all fees received and keep an accurate account of receipts and all disbursements.

(d) Alternate Member: Shall be ready to act as an additional member in any meeting in which one or more of the Election Committee members are absent or have been disqualified due to conflict of interest.

(e) Quorum Member: Shall serve as member until a quorum is established by regular or alternate member or shall serve as a member if required due to one or more of the Election Committee members being disqualified due to conflict of interest.

## **SECTION 6. CONFLICT OF INTEREST**

Members of the Election Committee and the Enrollment Officer are required to meet Conflict of Interest requirements immediately after the Certification of Candidates. Committee Members and/or Enrollment Officer are required to recuse themselves from the business of the Committee and Election. For the purposes of this Section, immediate family members shall mean, husband-wife, parent-offspring, or sibling and all persons who live in the same household related by blood or not. Each member of the Election Committee and the Enrollment Officer shall provide the Chairperson of the Election Committee with a list of their immediate family members and shall keep said list current at all times.

In the event the Nation's Enrollment Officer is disqualified from participating in an Election, the Business Committee shall appoint an Official Designee to perform such duties as assigned to the Enrollment Officer as outlined in this Ordinance. The Nation Secretary-Treasurer shall inform the Election Administrator, in writing, if an Official Designee has been appointed.

### **CERTIFICATION**

This Election and Voting Ordinance was approved and enacted by the Business Committee of the Seneca-Cayuga Nation at a meeting of the Business Committee conducted on the 21 day of January, 2015, with a vote of 6 for, 0 against 0 abstaining.

ATTEST:

  
Sarah S. Channing, Secretary-Treasurer

  
William L. Fisher, Chief

**SENECA-CAYUGA NATION**  
**VOTER REGISTRATION FORM**

**\*PLEASE PRINT\***

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

Check here if new address.

I certify that I am a member of the Seneca-Cayuga Nation and that I am 18 years of age or will be 18 years of age on the Election Day which has been set for:

\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Birth

This Voter Registration Form must be received by the Election Administrator no later than \_\_\_\_\_ .M. Central Standard Time on \_\_\_\_\_, 2015 if you desire to become an eligible Registered Voter in the forthcoming Election as required by the Nation's Election and Voting Ordinance.

This Voter Registration Form, upon completion and return to the Election Administrator, shall be the basis for determining whether you qualify to have your name placed upon the "Official Voters List" and be entitled to vote in the election. Completion and return of this form is voluntary.

Voter Registration Form must be returned to:  
Seneca-Cayuga Nation Election  
Attn: Election Administrator

\_\_\_\_\_  
\_\_\_\_\_

**\*\*Exhibit "A"\*\*\***