

**SENECA-CAYUGA TRIBE
OF OKLAHOMA**

**ELECTION AND VOTING
ORDINANCE
SEPTEMBER 24, 2007**

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SENECA-CAYUGA TRIBE OF OKLAHOMA
ELECTION AND VOTING ORDINANCE OF 2007

ARTICLE I

AUTHORITY

This Election and Voting Ordinance of the Seneca-Cayuga Tribe is adopted by the Business Committee of the Seneca-Cayuga Tribe pursuant to Article VIII of the Constitution of the Seneca-Cayuga Tribe of Oklahoma, as amended October 15, 1990.

ARTICLE II

PURPOSE

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

ARTICLE III

EFFECTIVE DATE

This Election and Voting Ordinance shall be effective for the conduct of the annual election of officials of the Seneca-Cayuga Tribe of Oklahoma to be held on the first Saturday of June 2007 and shall continue in effect until rescinded by Resolution of the Seneca-Cayuga Tribe.

ARTICLE IV

REPEALER

Any previous Election and Voting Ordinance is hereby repealed.

ARTICLE V

SEVERABILITY

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 INDEPENDENT CERTIFIED PUBLIC ACCOUNTANT

- (a) By no later than the second Tuesday of January each year, the Business Committee shall engage the services of a certified public accountant (CPA) as an independent contractor to conduct that year's regular or special election(s) of tribal 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 and the Constitution and By-Laws of the Seneca-Cayuga Tribe of Oklahoma.
- (b) The engagement agreement entered into between the Tribe and CPA Independent Contractor 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 Tribal government, nor is or shall be related to an elected member of the Tribal government, nor is or shall be related to a candidate for an elected position of the Tribal government.
- (2) Contractor agrees that no elected member of Tribal government, nor a candidate for an elected position of the Tribal government, nor a relative of an elected position of the Tribal government, nor a relative of a candidate for an elected position of the Tribal government may be hired or work as an employee of Contractor.
- (3) Contractor agrees that no payments have been, and no payment will be, made to any elected member of the Tribal government or to the relative of any elected member of the Tribal government or to any Tribal member or other for the purposes of obtaining or maintaining this agreement or any other privilege for Contractor.

(c) The Independent Contractor so engaged shall report to the Election Committee.

SECTION 2. ELECTION OF TRIBAL OFFICIALS

- (a) Regular Election. In accordance with Article VIII of the Constitution of the Seneca-Cayuga Tribe of Oklahoma, 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 Tribal 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 odd numbered years and the Second Chief, Secretary-Treasurer, Second and Fourth Committee Members in even numbered years.
 - (2) The Grievance Committee consisting of five (5) members shall be elected as follows: The First, Third, and Fifth Committee Member positions in odd numbered years and the Second and Fourth Committee Member positions in even numbered years.
 - (3) Voting shall be by secret ballot and the Business Committee and Grievance Committee candidates receiving the highest number of votes shall be elected to a two year term of office.
 - (4) The Claims Committee consisting of five (5) members shall be elected as the members respective terms expire. Voting shall be by secret ballot and the candidates receiving the highest number of votes shall be elected to a five year term of office. In the event a Claims Committee position becomes vacant by reason of death, resignation or removal prior to the expiration of the Committee members term, the Business Committee shall appoint, by resolution, a successor Committee member to serve until the General Council meets again and elects a replacement for the unexpired term of that position.

Pursuant to Article IX of the Constitution of the Seneca-Cayuga Tribe of Oklahoma 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.

SECTION 3. VOTING ON QUESTIONS SUBMITTED TO GENERAL COUNCIL VOTE

The Business Committee is empowered under Article VI of the Constitution of the Seneca-Cayuga Tribe of Oklahoma to transact business and otherwise speak or act on behalf of the Seneca-Cayuga Tribe in all matters on which the Tribe is empowered to act, however;

- (a) In the event that the Business Committee declares that a question is to be submitted to a vote of the General Council pursuant to Article VIII, ANNUAL MEETING, of the Constitution, or pursuant to Article III, REGULAR AND SPECIAL MEETINGS of the By-Laws to the Constitution, all members of the Seneca-Cayuga Tribe of Oklahoma eighteen (18) years of age and older shall be given the opportunity to cast their vote and the General Council voting on such question shall be conducted pursuant to ARTICLE XI of this Election and Voting Ordinance.
- (b) In the event that the Chief declares that a question is to be submitted to a vote of the General Council pursuant to Article VIII, ANNUAL MEETINGS, of the Constitution, or pursuant to Article III, REGULAR AND SPECIAL MEETINGS, of the By-Laws to the Constitution, all members of the Seneca-Cayuga Tribe of Oklahoma eighteen (18) years of age and older shall be given the opportunity to cast their vote and the General Council voting on such question shall be conducted pursuant to ARTICLE XI of this Election and Voting Ordinance.
- (c) In the event that a written request of 30 members of the Tribe submitted pursuant to Article III, REGULAR AND SPECIAL MEETINGS, of the By-Laws to the Constitution declares that a question is to be submitted to a vote of the General Council, all members of the Seneca-Cayuga Tribe of Oklahoma eighteen (18) years of age and older shall be given the opportunity to cast their vote and the General Council voting on such question shall be conducted pursuant to ARTICLE XI of this Election and Voting Ordinance.

In the event that the Grievance Committee makes a finding, pursuant to Article X of the Constitution, that the question of removal of an officer or officers of the Tribe is to be submitted to a vote of the General Council, all members of the Seneca-Cayuga Tribe of Oklahoma eighteen (18) years of age and older shall be given the opportunity to cast their vote and the General Council voting on such question shall be conducted pursuant to ARTICLE XI of this Election and Voting Ordinance.

SECTION 4. TRIBAL SUPPORT STAFF

The Tribal Enrollment Officer shall be available at the Tribal Headquarters throughout the election and voting period and at the Tribal Headquarters on Election Day, to provide verifications or certifications of Tribal membership to the Independent Contractor engaged by the Business Committee pursuant to Section 1 of this Article. The Enrollment Officer shall be available, at Independent Contractor's request, to perform such support services as may be required by the Independent Contractor 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 Tribal support staff may be appointed by the Business Committee upon the written request of the Independent Contractor. The duties of any such additional support staff shall be determined by the Independent Contractor.

ARTICLE VII

ELECTION PROCEDURES

SECTION 1. ELECTION NOTICE

The Regular Election Notice shall be published by the Independent Contractor no later than the third Friday in March 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) Positions(s), by Committee, to be elected, if any;
- (b) Questions to be submitted to General Council 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 Independent Contractor shall cause the Election Notice to be published in the Miami News Record, the Tulsa World, the Joplin Globe, the Grove Sun newspapers, and the Seneca-Cayuga Tribal Newsletter and shall cause the Election Notice to be posted in such places as the Tribal Headquarters Building, the Tribal Community Center Building, the Tribal Human Resources Building, the Tribal Day Care Building, the Tribal Tobacco Company Building, the Tribal Casino Building, the Bureau of Indian Affairs Miami Agency Building, and the Northeastern Tribal Health Clinic Building.

SECTION 2. COMMITTEE POSITIONS TO BE ELECTED

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

SECTION 3. DECLARATION OF CANDIDACY- FILING PERIOD

Any qualified member of the Seneca-Cayuga Tribe who desires his/her name to be placed on the ballot as a candidate for office shall file a Declaration of Candidacy with the Independent Contractor or the Tribe's Enrollment Officer at the Miami, Oklahoma, Tribal Headquarters Office in the form prescribed by the Independent Contractor. The Burden of Proof shall be on the candidate and no other to provide evidence that the candidate meets the qualifications of elected officials. The form prescribed by the Independent Contractor 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 may consist of: a) a copy of a valid drivers license to prove identity, age and current address; and b) a copy of Tribal Membership Card. The Declaration of Candidacy must be filed in writing and filed in person with the Independent Contractor or Tribe's Enrollment Officer on the second Thursday, Friday, or Saturday of April each year. Deadline for filing said Declaration of Candidacy will be 1:00 p.m. on the second 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 Fifty Dollars (\$50.00) for all prospective candidates to the elected offices. The filing fee shall be by cash, certified check, or money order, made payable to the Seneca-Cayuga Tribe. 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 Tribe'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 Independent Contractor or the Tribal 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 candidates 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 Independent Contractor shall mail notice of same to all General Council 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 Fifty Dollars (\$50.00) 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 Tribe must meet all of the requirements contained within **Article II of the By-Laws to the Constitution of the Seneca-Cayuga Tribe of Oklahoma** as follows:

- (a) Be not less than twenty-five (25) years of age,
- (b) Be a member of the Seneca-Cayuga Tribe of Oklahoma, 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 Independent Contractor 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 Independent Contractor determines a person is not eligible to be a candidate, the Independent Contractor 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 Independent Contractor shall make final determinations 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 qualified voter may challenge the eligibility of any person to be a candidate by filing with the Independent Contractor a written statement setting forth the grounds for an evidence supporting the challenge, along with a One Hundred Dollar (\$100.00) 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 Independent Contractor. 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 Tribe for deposit into the Tribe'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 Independent Contractor shall deliver to the challenged candidate a summary of the issues or the petition, and a written response may be filed with the Independent Contractor by the challenged person no later than the day set for performance of the duties of the Independent Contractor 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 Tribe of Oklahoma, eligible voters shall be the Seneca-Cayuga General Council, consisting of all enrolled members of the Tribe eighteen (18) years of age and older on the day of election.

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

- (a) Pursuant to Section IX of the Seneca-Cayuga Tribe of Oklahoma Enrollment Ordinance the Tribal Enrollment officer, in conjunction with the Enrollment Committee Chair-person, shall compile an up-to-date and accurate "Official Voter List" of qualified tribal members who have fulfilled the requirements, as set forth within SECTION 1 of this Article, giving them the right to vote in Tribal elections.
- (b) Updating Records Upon receipt of appropriate documentation, as defined within the Enrollment Ordinance of the Seneca-Cayuga Tribe of Oklahoma, the Tribe's Enrollment Officer in conjunction with the Enrollment Committee Chair-person will update the information on the Tribal membership roll. The membership roll will be up-dated following the annual General Council vote on membership conducted pursuant to the Enrollment Ordinance. The membership roll will 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, who have died or who have had his/her voting rights withheld are removed from the voter list. The up-to-date voter list as of the date of a scheduled election will become the "Official Voter List" for the tribal election.
- (c) In keeping with Section IX B. of the Seneca-Cayuga Tribe of Oklahoma Enrollment Ordinance, the Tribe's Enrollment Officer in conjunction with the Enrollment Committee Chair-person will, upon

receipt of the written request of the Independent Contractor engaged by the Business Committee pursuant to **ARTICLE VI, SECTION 1** of this Ordinance, provide for said Independent Contractor's use during the election and voting period an up-to-date "Official Voter List" of the individuals on the Tribal membership roll meeting the requirements as set forth within **SECTION 1** of this Article. The Independent Contractor will exercise extreme care to ensure the list remains only within the Independent Contractor's possession and used only for the purposes of the election of officers of the Seneca-Cayuga Tribe of Oklahoma. The "Official Voter List" shall remain in the possession of the Independent Contractor during the election and voting period and shall not be released to any other persons. The Independent Contractor shall install adequate safeguards to ensure the "Official Voter List" is not removed, copied, or otherwise made available to anyone outside of the Independent Contractor.

(d) Campaign Materials Mailing List Every qualified candidate for office shall have the privilege to pay for campaign materials to be sent to every General Council member on the "Official Voter List" who has not opted out of receiving campaign materials. Any member may opt out of the Campaign Mailing List by requesting same in writing to the Enrollment Officer. The Enrollment Officer shall keep a record of every member who has opted out of the Campaign Mailing List and shall provide to the Independent Contractor an updated Campaign Mailing List at the same time the "Official Voter List" is provided. The Independent Contractor shall cause same to be mailed to every person on the Campaign Mailing List any campaign or electioneering materials requested to be so sent by any qualified candidate, within the limit set by this section. Each candidate will have the privilege to request up to four (4) such mailings, each containing up to four (4) pages of material. The Candidate shall be responsible for paying the cost of all such mailings inclusive of postage, materials, copies, travel, Independent Contractor fees and expenses, etc. at the time of delivery of the materials to the Independent Contractor. The Independent Contractor, in conjunction with the Election Committee shall be empowered to create all necessary and proper rules for the administration of the Campaign Mailing program, including for exceptions to the limitations in this section on number of mailings.

(e) If a person is left off the voters list and does not receive a ballot, such person can present evidence to the Tribal Enrollment Officer, and Tribal Enrollment Officer will then notify the Independent Contractor in writing of the persons eligibility to vote and address. The Independent Contractor will then manually add the individuals name to the Official Voter List and mail such individual a ballot packet.

If the Voter List does not contain an address for a member, the member will not be mailed a ballot. If the member who was not mailed a ballot packet due to a no address subsequently requests a ballot packet; the member must provide a written request for a ballot packet to the Tribal Enrollment Officer with a mailing address. The Enrollment Officer will then forward the written request and address to the Independent Contractor.

SECTION 3. BALLOT BOXES

- (a) Description There shall be no less than three (3) ballot boxes provided to the Independent Contractor 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 Independent Contractor. Each box shall be equipped with an opening in the top, the size of which a single folded ballot may be inserted, but must be constructed in such a manner that the box must be unlocked before the ballots can be removed.
- (b) Keys to Ballot Box Locks Keys and locks to be placed on ballot boxes shall be furnished by and maintained only by the Independent Contractor during the election and voting period.
- (c) Ballot Boxes Ballots will be picked up the day before the election and the day of the election. At 11:00

a.m. on the day before the scheduled election day, and again at approximately 11:00 a.m. on election day (or earlier, depending on Saturday post office hours, and as decided by the Independent Contractor). The Independent Contractor shall open the ballot boxes and shows them to be empty of all materials in front of two witnesses. 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 Tribal Headquarters Office. Upon arrival at the Tribal Headquarters Office the Independent contractor shall unlock and empty the ballot boxes in the presence of not less than two (2) witnesses. The emptied ballot boxes shall then be re-closed and re-locked in the presence of the witnesses. 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 Independent Contractor 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 **SECTION 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 Independent Contractor shall seal the locked ballot box(es) in such a manner as to allow for the detection of any tampering, such seal shall be initialed by the Independent Contractor and the Tribe's Enrollment Officer. The ballot boxes filled on the day before election day shall be stored overnight in the Tribe's Vault until counted on Election Day. On election day, the Independent Contractor will use the ballot boxes that were not used the day before to collect any ballots arriving the morning of election day.

- (d) Election Records and Ballot Boxes After each election, all election records and ballots shall be placed in locked ballot boxes and stored by the Independent Contractor 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 Tribal Office and placed in the vault and shall be maintained as a permanent record of the Seneca-Cayuga Tribe. Provided however, that ballots shall be held for twelve (12) months after the election results are certified thereafter, they shall be destroyed by the Secretary Treasurer and the Enrollment Officer of the Tribe.

SECTION 4. BALLOTS

Appearance of Candidate's Name The name of any candidate for office shall be printed on the official ballot as said candidate signed the Declaration of Candidacy; provided, however, that no candidate shall 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 at 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 nominees will appear in a column with an empty square 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 Independent Contractor shall ensure that, in every election a sufficient number of ballots shall be printed so that all members of the General Council receive a ballot and a number of additional ballots are available in case of spoiled ballots.

SECTION 5. VOTING PROCEDURES

- (a) Mailing of Ballots Upon completion of the time in which to declare candidacy, the Independent

Contractor shall mail a ballot packet to each eligible voter on the Official Voter List.

- (1) Official Voter List Obtained No later than forty (40) days before the date set for any given election the Independent Contractor shall submit a written request, pursuant to SECTION 2 (c) of this Article, to the Seneca-Cayuga Tribe Enrollment Committee-Attention Enrollment Officer requesting to be provided with the Official Voter List for the pending Tribal election. The Independent Contractor shall utilize the "Official Voter List" to complete the mailing of ballots to all eligible voters described in this Section.

Upon return of any ballot packet to the independent contractor as undeliverable, the Independent Contractor shall verify the mailing address is the same address shown on the Voter List, if the address is incorrect then the Independent Contractor will mail the ballot to the corrected address. If the address is correct, the Independent Contractor shall use his best efforts to mail the ballot to the voter based on corrected information so provided by the US Postal Service.

- (b) Voter Packet Contents The Ballot Packet mailed to each qualified voter pursuant to SECTION 5 (a) of this Article, shall be mailed in an envelope containing the return address of the SENECA-CAYUGA TRIBE-ELECTION at the Miami, 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 TRIBE-ELECTION at the Miami, OK Election Post Office Box, with a Certificate on the underside, which will read as follows:

I certify that I marked the enclosed ballot in secret.

Signature:

Print Name: _____

voters shall be notified that in order to be counted, all ballots must be received by return mail no later than 10 a.m. the day before the scheduled "Election Day" (due to Saturday post office restrictions). No hand-carried ballots shall be accepted. (It is required that you use the official envelope or a facsimile of the return envelope with returning your Ballot.)

After the ballots are picked up and processed the day before the election, the Independent Contractor will cancel all the ballots returned as undeliverable and in his/her possession. The Independent Contractor will open the ballot mailing and write, void across the face of the ballot and sign and date the ballot. The voided ballot is retained as part of the election records.

If a ballot is mutilated upon receipt or by the voter the voter may return the ballot in its entirety to the Independent Contractor requesting in writing issuance of a new ballot. Upon receipt of the mutilated ballot the Independent Contractor 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 a part of the election records. The Independent Contractor will then issue the proper replacement ballot to the voter.

ARTICLE IX

COUNTING BALLOTS

SECTION 1. PROCEDURE FOR COUNTING BALLOTS

- (a) Securing Ballot Boxes At a time determined by the Independent Contractor, on the Election Day, the Independent Contractor shall secure in his or her possession the ballot boxes from the Tribe's vault and shall retire to a private room for counting. The Independent Contractor will count the ballots. In addition to the Independent Contractor personnel and such Staff Support personnel requested by Independent Contractor 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 Independent Contractor personnel shall call out the names the voter selected on each ballot 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 candidates 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 Independent Contractor.
 - (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 the Independent Contractor no later than 1:00 p.m. on Election Day. Observers shall not participate in the counting and can be ejected for inappropriate behavior.
 - (9) Independent Contractor personnel shall call out the names selected on each ballot 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 Independent Contractor shall conduct a recount of the ballots cast in that election as provided previously 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.

SECTION 3. ELECTION DISPUTES

- (a) Recount In the event that any eligible voter or candidate for Tribal Office wishes to request a recount of the voting results of a given election for office or written question referendum, such voter or candidate must file a written or typed Request for Recount with the Independent Contractor 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 Dollars (\$300.00) shall be paid to the chair of the Election Committee by cash, certified check or money order made payable to the Seneca-Cayuga Tribe of Oklahoma for a recount. The recount shall then be conducted in the same manner as the original count. The certified results will be posted in the Seneca-Cayuga Tribal 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 Tribe's General Operation Account to defray the expenses incurred during the election.
- (b) Challenge of Election Procedure In the event that any eligible voter or candidate for Tribal Office wishes to challenge the results of a concluded election, such eligible voter or candidate must file a written or typed Petition for challenge with the Election Committee Chair-person 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 Dollars (\$300.00) shall be submitted to the chair of the Election Committee by cash, certified check or money order made payable to the Seneca-Cayuga Tribe of Oklahoma. The filing fee shall be paid on the same date the Challenge is submitted and said filing fee shall be deposited into the Tribe's General Operations Account to defray the expenses incurred during the election.

The Petition for Challenge must set forth:

- 1) The Petitioner's name and address;
- 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 is filed; the Election Committee Chairperson shall set a date and time for the issuance of an Election Committee judgment on the Challenge, which shall be no later than three (3) days after the date of Petition is filed. Upon convening, on the date and time so set, the Election Committee shall first validate the eligibility of the Petitioner to file the Challenge. If the Election Committee determines the Petitioner was not an eligible voter or candidate in the election challenged, the Election Committee shall issue a written judgment denying the Petition for Challenge and that the election results shall stand. If the Election Committee determines that the Petitioner was an eligible voter or candidate in the election challenged, the Election Committee shall only consider the evidence presented with the Petition for Challenge in the rendering of a judgment on the Challenge. A quorum of the Election Committee shall be required and a majority vote will result in the issuance of a judgment. The Election Committee shall pronounce their judgment in writing. Said judgment will state either that the Petition for Challenge is denied and the election results will stand or that the

Petition for Challenge is upheld and the election results are found to be invalid. The decision of the Election Committee shall be final.

If the Election Committee judgment is that the Petition for Challenge is upheld, the Election Committee judgment shall set aside the specified election for office(s) challenged, and declare another election for the specified office(s) to be held. The Election so declared to be held by the Election Committee shall be conducted by the Independent Contractor in accordance with this Election and Voting Ordinance provided however, the initial candidates for the specified office(s) and the final Official Voter List will remain the same for the purpose of conducting a new election as a result of a Petition for Challenge being upheld.

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 Independent Contractor shall certify and issue an Official notice of the election results. The Independent Contractor shall certify election results on the Tuesday following the election at 5:00 p.m., or after a protest or recount is resolved, whichever is later. The certified results will be posted at the Seneca-Cayuga Tribal Headquarters Office Building.

ARTICLE X

INSTALLATION OF ELECTED OFFICERS

SECTION 1. PROCEDURE

All duly elected officers of the Seneca-Cayuga Tribe of Oklahoma shall be sworn into office at a meeting, the time and place to be determined by the Business Committee, 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 Tribe.

ARTICLE XI

GENERAL COUNCIL VOTING ON WRITTEN QUESTIONS

In the event that written questions are to be brought to a vote of the General Council of the Seneca-Cayuga Tribe of Oklahoma, all members of the Seneca-Cayuga Tribe eighteen (18) years of age and older on election day shall be given the opportunity to cast their vote and the General Council 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 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 proposition shall not exceed 150 words.
- (b) Deadline In order to allow sufficient time for the preparation and printing of ballots, and for all General Council members who wish to cast a ballot to mail their completed ballot, any proposition that is to be submitted to a vote during the annual General Council meeting held the first Saturday of June of each year shall be prepared and submitted to the Business Committee for provision to the Independent Contractor no later than the third Friday in April 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 during a special

meeting of the General Council shall be prepared and submitted to the Business Committee for provision to the Independent Contractor by no later than forty-five (45) days prior to the date set for the special General Council meeting.

SECTION 2. BALLOTS

Ballots for referendum questions shall be printed by the Independent Contractor 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 candidates names who are seeking office.

SECTION 3. METHOD OF VOTING

General Council Members 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 AND ANNOUNCEMENT

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 this Election and Voting Ordinance.

SECTION 7. EFFECT OF LAW

Propositions passed by the General Council of the Seneca-Cayuga Tribe of Oklahoma shall become law forty-five (45) days following passage, unless provided otherwise by the question as posed.

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, to include the duties and powers cited within ARTICLE IX SECTION 3 (b) , Challenge of Election Procedures, of this 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 five (5) members and shall at no time consist of any elected official of any duly elected Committee or an immediate family member of a member of the Business Committee, Grievance Committee and or Claims 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 | (4) First Member |
| (2) Vice Chair-person | (5) Second Member |
| (3) Clerk | (6) 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 and subscribe to the 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.

Costs: The cost of conducting a meeting of the Election Committee to render a judgment regarding a Challenge of Election Procedures pursuant to **ARTICLE IX SECTION 3 (b) of this Election and Voting Ordinance**, including a stipend 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 prior to the conduct of the meeting.

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 matters brought before the committee. Such matters shall include but not be limited to the receipt of a written petition submitted in accordance with **ARTICLE IX SECTION 3 (b) of this Election and Voting Ordinance**.

(b) Quorum: A quorum shall consist of three (3) members of the Election Committee. No judgment 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, and each record pertaining to a Challenge of Election Procedures pursuant to **ARTICLE IX SECTION 3 (b) of this Election and Voting Ordinance**. A copy of these records shall be filed with the Secretary/Treasurer's office within two

days of The rendering of a judgment by the Election Committee.

SECTION 5. DUTIES OF THE ELECTION COMMITTEE


- (a) Chair-person Shall be the presiding member responsible for the overall activities of the Election Committee, including safekeeping of Committee records.
- (b) Vice Chair-person In the absence of the Chair-person shall assume and perform the duties of the Chair-person.
- (c) Clerk Shall record and maintain accurate minutes of meetings and records pertaining to the Election Committee, including but not limited to: providing mail service, receive/record, prepare receipts of all fees received and keep an accurate account of receipts and all disbursements.
- (d) Member Shall perform duties as assigned.
- (e) 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.
- (f) 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 shall be disqualified from a judgment proceeding in which an immediate family member is a candidate for an elective office. 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. Each member of the Election Committee shall provide the Chair-person of the Election Committee with a list of their immediate family members and shall keep said list current at all times./

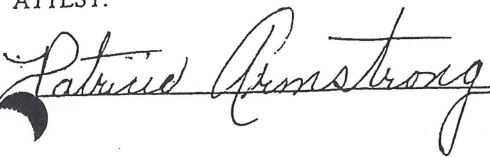
CERTIFICATION

This Election And Voting Ordinance was enacted by the Business Committee of the Seneca-Cayuga Tribe of Oklahoma at a special meeting conducted on the 23rd day of August, 2007, with a vote of 5 for, 0 against; and was later ratified at a regular meeting of the Business Committee conducted on September 4, 2007, by a vote of 4 for, 1 against, 2 abstaining.



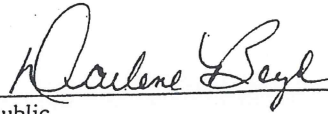
Paul Spicer, Chief

ATTEST:

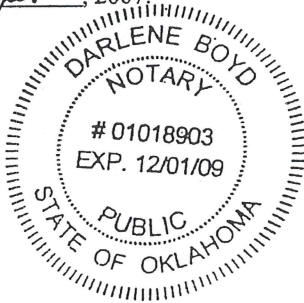


Patricia Armstrong

Subscribed and sworn before me this 27th day of Sept., 2007:



Notary Public

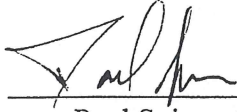


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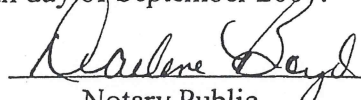
I, Paul Spicer, Chief of the Seneca-Cayuga Tribe of Oklahoma, do hereby certify that the attached is a full, true and complete copy of the Seneca-Cayuga Tribal Election Ordinance as the same remains on file in the Seneca-Cayuga Tribal Office in Miami, Oklahoma.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of September 2007.



Paul Spicer, Chief

Subscribed and sworn to before me this 27th day of September 2007.



Notary Public

