

**TITLE 20  
ELECTIONS**

**CHAPTER 1  
GENERAL PROVISIONS**

**SECTION 1: AUTHORITY:** This ordinance is hereby established in accordance with Article V, Section 2 and Article VIII, Section 1 of the Flandreau Santee Sioux Constitution and By-laws.

**SECTION 2: PURPOSE:** The purpose of this Ordinance is to establish procedures for efficient, fair, and honest elections and to ensure the secrecy and sanctity of the ballot. The regulations and procedures provided in this Ordinance shall be administered in such a way as to accomplish this purpose and intent.

**SECTION 3: APPLICABILITY:** This Ordinance applies to the following: Executive Committee primary and general elections; recall petitions and elections; and special elections for referendum and initiative. In cases of dispute as to compliance with these regulations, substantial, rather than complete compliance with these regulations shall be deemed adequate.

**SECTION 4: DEFINITIONS:** The following definitions shall apply to this ordinance:

- 1) **BOARD:** Means the Election Board established pursuant to this Ordinance.
- 2) **CONVICTED:** Means the final judgment on a verdict or finding of guilt, a plea of guilty, or a plea of nolo contendere but does not include a final judgment in which a suspended imposition of a felony has been granted.
- 3) **CRIME INVOLVING MORAL TURPITUDE:** Means a crime involving an act or behavior that gravely violates moral sentiment or accepted moral standards of community and is of a morally culpable quality held to be present in some criminal offenses as distinguished from others.
- 4) **CONSTITUTION:** Means the Constitution of the Flandreau Santee Sioux Tribe.

- 5) **ELECTION NOTICE**: Means the official notice that an election will be held on a specific date.
- 6) **EXECUTIVE COMMITTEE**: Means the governing body of the Flandreau Santee Sioux Tribe as defined by Article III, Section 1 of the Constitution.
- 7) **IMMEDIATE FAMILY**: Means a mother, father, grand parent, child, grandchild, brother, sister, or spouse.
- 8) **JUDGE**: Means an election judge appointed by the Election Board.
- 9) **MAJORITY**: Means more than one half of the votes cast for a particular office, measure, election, etc.
- 10) **SPECIAL ELECTION**: An election called for the purposes of voting on an initiative or referendum or for replacing an elected official who has been removed by recall.
- 11) **SPOILED BALLOT**: Means a ballot that has either not been marked or that has been marked with more than one choice where only one choice is allowable or a ballot that is otherwise illegible.

**SECTION 5. AMENDMENTS**: Amendments to this Ordinance shall only be made by majority vote of the Executive Committee. The Election Board may recommend amendments to this Ordinance but is not vested with the power to amend it.

**SECTION 6. SEVERABILITY**: All previous resolutions, laws and acts taken by the Flandreau Santee Sioux Executive Committee which deal with any matter covered under this Ordinance and which are inconsistent with this Ordinance are hereby repealed and of no further force and effect. If a court of competent jurisdiction should hold any part of this Ordinance to be invalid, the remainder of the Ordinance shall remain in full force and effect.

**SECTION 7. RATIFICATION**: This Ordinance shall be ratified and become effective upon its adoption by the Executive Committee.

**CHAPTER 2  
ELECTION BOARD**

**SECTION 1: ESTABLISHMENT AND PURPOSE:** In accordance with Article V, Section 2 of the Constitution, an Election Board is hereby established to conduct elections in compliance with the procedures prescribed in this ordinance and in particular:

- (1) to administer and conduct primary and general elections, recall elections and special elections;
- (2) to certify and post election results;
- (3) to ensure that each candidate running for office is eligible in accordance with the Constitution and this ordinance;
- (4) to ensure notice requirements are met;
- (5) to verify petitions; and
- (6) to ensure that the requirements and procedures under this Ordinance are carried out and enforced.

The authority hereby delegated to the Election Board is subject to review by the Executive Committee in accordance with Article VIII, Section 1(g) of the Constitution.

**SECTION 2: COMPOSITION:** The Election Board shall consist of 3 persons who shall be appointed by majority vote of the Executive Committee. The Executive Committee shall appoint one Board member as a Chairperson. Members of the Election Board shall be enrolled members of the Tribe. No Executive Committee member, candidate for office or any member of their immediate family shall serve on the Election Board in any capacity. Members of the Election Board shall elect a Secretary to keep records of all activities and to ensure that all notice requirements are met.

**SECTION 3: ALTERNATE:** If an immediate family member, as that term is defined in Chapter 1 Section 4(7), of member of the Election Board becomes a candidate for office, the Executive Committee shall appoint a temporary alternate Board member to replace that member of the Board whose immediate family member is a candidate for office. The alternate shall fill in for the Board member only until such time as his or her family member is no longer a candidate for office and the alternate's term shall then expire.

**SECTION 4: TERM OF OFFICE:** The term of office for members of the Election Board shall be four years.

**SECTION 5: REMOVAL:** A member of the Election Board shall be removed from office by majority vote of the Executive Committee for the following reasons: 1) Non-compliance with this ordinance; 2) neglect of duty; 3) malfeasance in the handling of election procedures; 4) acceptance or solicitation of bribes; or 5) unexcused absence from three (3) board meetings.

**SECTION 6: VACANCIES:** Any vacancy on the Election Board shall be filled by majority vote of the Executive Committee.

**SECTION 7: RECORDS:** The Election Board shall be responsible for the maintenance of the records of all elections, petitions for recall, petitions for initiative and referendum and any other records related to the Board's responsibilities under this ordinance, provided however, that all records shall be kept at the Tribal Court and no member of the Board shall have authority to remove any election records from the Tribal Court.

**SECTION 8: COMPENSATION:** Members of the Election Board may be compensated. Compensation shall be set by the Executive Committee.

### CHAPTER 3 ELIGIBILITY TO VOTE

**SECTION 1: ELIGIBILITY:** All enrolled members of the Tribe eighteen (18) years of age or over and a resident of Moody County for at least one (1) year prior to the date of the primary election for purposes of voting in the primary election, and one year prior to the date of the general election for purposes of voting in the general election, and one year prior to the date set for a special election for purposes of voting in special elections, shall be qualified voters. Residence for purposes of this Ordinance shall mean physical presence within Moody County or such territory as may be now held or hereafter acquired by the Tribe provided that temporary absence for purposes of employment, government employment or military service, illness or physical disability shall be considered as physical presence. If a tribal member has been certified by the tribal Executive Committee to receive the on-reservation per capita payment, he or she shall be presumed to meet the residency requirements for voting under this ordinance.

**SECTION 2: VOTERS LIST:** The Election Board shall prepare and publish an eligible voters list at least two weeks prior to each election. Upon publication, a member may challenge the exclusion of his or her name from the list by submitting a written challenge to the Board within five days of publication of the voters list. If a challenge is submitted, the Board shall make a final determination of the person's eligibility to vote within five days of receiving the challenge. Only those names appearing on the official voters list shall be entitled to vote. The decision of the Board shall be final.

**CHAPTER 4  
PRIMARY ELECTION**

**SECTION 1: ELECTION DATE/ DEADLINES AND NOTICE:** The primary election shall be held on or before the fifteenth day of June of each election year. The Election Board shall select and set the date for the primary election at least ninety days prior to the date of the election. The Election Board shall also set the deadlines for receiving nominating petitions and the deadline for posting of candidates. Notice of the dates and deadlines shall be given by publication in the tribal office, the local newspaper and the tribal newsletter.

**SECTION 2: QUALIFICATIONS FOR OFFICE:** Any enrolled tribal member shall be qualified to seek and hold office if such member:

1. Has or will reach his or her 21st on or before the general election date;
2. Has established residency within Moody County for at least one year prior to the date of the primary election;
3. Has not been convicted of a felony or a crime involving moral turpitude; and
4. Has not been dishonorably discharged from military service.

The Election Board shall be responsible for determining if a candidate is qualified to seek office in accordance with this Chapter and the Constitution.

**SECTION 3: NOMINATING PETITIONS:** To be eligible to run as a candidate in the primary election, a member shall submit a nominating petition to the Election Board. The nominating petition shall be signed by at least twenty-five eligible voters of the Tribe on a form prescribed by the Election Board. The Petition shall be submitted to the Election Board before the deadline set by the Board. Failure to submit a nominating petition by the deadline shall result in disqualification for office. The Election Board shall set the deadline for submitting nominating petitions at least thirty days prior to the date set for the primary election and shall give notice to all the qualified voters of the deadline at least thirty days prior to the deadline. Notice shall be by posting in the tribal office and publication in the local newspaper and the tribal newsletter.

**SECTION 3: FILING FEE:** Each member submitting a nominating petition for office shall submit a fifty dollar filing fee along with the petition. Filing fees shall be budgeted for election expenses and shall be non-refundable.

**SECTION 4: LIMITATION OF NUMBER OF NOMINATING PETITIONS AN INDIVIDUAL MAY FILE:** A candidate for office may seek only one position in the primary election. If any candidate shall file more than one nominating petition, each petition shall be rejected and the individual shall be promptly notified and allowed to resubmit one nominating petition for one position.

**SECTION 5: CERTIFICATION OF CANDIDATES/INVESTIGATION:** Upon expiration of the deadline for receiving nominating petitions, the Election Board shall conduct a background investigation on all candidates for office to ensure that each candidate is qualified to run for office in accordance with Section 2 of this Chapter. Candidates for office will give written consent to the Board to conduct the background investigation and may also be required to give fingerprints if necessary to conduct the investigation. Any information obtained through a background investigation shall be subject to strict confidentiality by the Board. Once it has been determined that a candidate is qualified to run for office, the Board shall certify the candidate for the primary election. If the Board determines that a candidate is not qualified to run for office, the Board shall immediately notify the candidate in writing by certified mail of the reasons therefore and give him or her the opportunity to respond to the Board's finding within five days of receiving the notice. If the candidate fails to respond he or she shall not be certified to run for office. If the candidate does respond, the Board shall immediately schedule a hearing

and make a final determination of the candidate's eligibility, supported by clear and convincing evidence that the candidate is or is not qualified to seek office. A final decision of the Board may be appealed to the Executive by submitting a written request for hearing to the Executive Committee within three (3) working days of the final decision of the Board. The Executive Committee shall schedule a hearing within three (3) working days of receiving a request for hearing. The decision of the Executive Committee shall be final and not subject to judicial review.'

**SECTION 6: POSTING OF CANDIDATES FOR OFFICE IN THE PRIMARY ELECTION:** Upon expiration of the deadline for receiving nominating petitions and final certification of candidates for office, the Board shall publish the list of candidates by posting in the tribal office and by publishing in the local newspaper and the tribal newsletter. Such publication shall be done at least fifteen days prior to the date set for the primary election.

**SECTION 7: ELECTION/POLLS:** The Primary Election shall be held at the place designated by the Board on the date set and shall be conducted in accordance with the election rules set out in Chapter 6. Polls shall remain open from 8:00 A.M. to 7:00 P.M. The Election shall be conducted by the Election Board and no other individual, except the Election Judge, shall be authorized to participate in the Election proceedings. Upon the close of polls, ballots shall be counted in accordance with the rules set out in Chapter 6.

**SECTION 8: PUBLICATION OF RESULTS:** Upon final counting of ballots, the Election Board shall certify the results of the primary election and immediately post the results in the tribal office. The results shall be posted for a period of three days and shall list the candidate and the number of votes he or she received.

**SECTION 9: CONTEST PERIOD/FINAL CERTIFICATION OF RESULTS:** Any candidate in the primary election shall have a period of three (3) working days from the date the primary election results are posted to contest the election results and file an official request for a recount. If a request for recount is filed, the Election Board, in the presence of the individual(s) requesting the recount, shall recount the ballots for the position(s) the recount is requested. If the recount results are the same as the original count, the original certification of results shall remain the same. If it is determined and verified by the Election Judge that the original count was incorrect, the results shall be

recertified and any candidate affected thereby shall be notified of the recount and recertification. After the contest period has expired and any requests for recounts have been completed, the Board shall publish the final results in the local newspaper and the tribal newsletter.

## CHAPTER 5 GENERAL ELECTIONS

**SECTION 1: GENERAL ELECTION DATE:** The general election shall be held in conjunction with the August General Council meeting for each election year at the place designated by the Board and shall be conducted by the Election Board in accordance with the rules prescribed in this chapter and Chapter 6. The date and polling time for the general election shall be published in the local newspaper and tribal newsletter at least fifteen (15) days prior to the election.

**SECTION 2: ELIGIBILITY TO RUN IN GENERAL ELECTION:** Only those candidates who have received the two highest votes in the primary election for each vacant position shall be eligible to run in the general election and only their names shall appear on the ballots.

**SECTION 3: ELIGIBILITY TO VOTE:** Any tribal member eighteen (18) years of age or over and a resident of Moody County for at least one year prior to the date of the general election shall be eligible to vote, regardless of whether he or she has voted in the primary election.

**SECTION 4: POLLS:** The general election Polls shall be open from 8:00 a.m. to 7:00 p.m..

**SECTION 5: COUNTING OF BALLOTS:** Upon the close of polls, ballots shall be counted in accordance with the rules set out in Chapter 6. After final counting and certification, the results shall be announced in accordance with Chapter 6, Section 11.

**SECTION 6: INSTALLATION OF CANDIDATES:** Newly elected members of the Executive Committee shall be sworn in and take their oaths of office within seven (7) days following the General Election, provided however that if an election contest is filed, the newly elected member shall not hold office until the contest is resolved. The oath of office shall be administered by the Chief Judge of the Tribal Court.



**SECTION 7: INCUMBENTS TO HOLD OFFICE:** Incumbent members of the Executive Committee shall remain in office until newly elected candidates are certified and take the oath of office.

**CHAPTER 6  
ELECTION PROCEDURES/RULES**

**SECTION 1: NOTICE:** The Election Board shall be responsible for providing notices of all general elections, primary elections and special elections as required by this Ordinance to all Tribal members entitled to receive notice. Notice shall be at a minimum by posting in the tribal office and publication in the local newspaper and the tribal newsletter.

**SECTION 2: MANNER OF VOTING:** All voting under this Ordinance shall be by secret ballot.

**SECTION 3: POLLING PLACE:** The Board shall select a location for polling place for each election which shall be separate from the General Council meeting for general elections and which will not include the tribal office. The designated polling place shall be subject to review of the Executive Committee.

**SECTION 4: APPOINTMENT OF ELECTION JUDGE AND SERGEANT AT ARMS:** The Election Board shall appoint an Election Judge and a sergeant-at-arms to assist with the conduct of Elections. It shall be the duty of the Election Judge to verify election results and assist with recounts and election contests and to resolve any disputes regarding irregularities in the election process.

It shall be the duty of the sergeant-at-arms to assist the Election Board in guarding against irregularities or disturbances at polling places. The sergeant-at-arms shall be directed to remove those persons who are in violation of the elections provisions set forth in this Ordinance. The sergeant-at-arms shall also be responsible for keeping a record of any irregularities.

**SECTION 5: BALLOTS:** Ballots shall be prepared by the Election Board and shall be printed on white paper with black ink. There shall be a separate ballot for each vacant position which shall declare the position and the names of each individual certified as a candidate for that office with boxes opposite each candidates name for marking by the

voter. Ballots for recall elections and special elections for initiative and referendum shall comply with the rules set out in chapters 7 and 8 of this ordinance. Ballots are to be prepared clearly and simply so that it is easy for the voters to indicate a choice between candidates. Each ballot shall be stamped in red ink on its backside in the same place "Official Ballot".

**SECTION 6: SPOILED BALLOTS:** Any spoiled ballot, as defined by Chapter 1, section 4, shall be counted only for the purpose of determining whether the required number of voters have cast their votes when a quorum is required. Write in votes shall not be counted and shall be counted as a spoiled ballot. Any spoiled ballot will be counted only as a spoiled ballot and will be accounted for separately on the tally sheet.

**SECTION 7: BALLOT BOXES:** Upon the casting of a ballot(s), ballot(s) shall be placed in a locked ballot box. The ballot box shall remain locked until the polls have been officially closed. The Chairperson of the Election Board shall have custody of the key to the ballot box. The Election Judge shall verify prior to the opening of the Polls, that the ballot box is empty.

**SECTION 8: REGISTRATION TO VOTE:** Prior to each election, the Election Board shall prepare an eligible voter's list sign in sheet with each eligible voters name listed in alphabetical order opposite a signature line. Eligible voters shall be required to register to vote by signing their full name to the voters registration list before they may receive a ballot. Such signature shall verify that the voter has received a ballot.

**SECTION 9: VOTING PROCEDURES:** The Election Board shall follow these procedures at all elections:

1. Upon entering the voting place, a voter shall give his or her name to the Board who shall hand a ballot(s) to the voter only if his or her name is on the voters list and he or she signs opposite his or her name on the list. No person shall be allowed to cast a vote or sign the voters list for another under any circumstance or in any manner.
2. Upon receipt of a ballot(s), a voter shall go to the private voting booth or table and there mark his or her ballot(s) in secret.

3. Upon the casting of his or her ballot(s), the voter shall return the ballot to the Board who shall then allow the voter to place the ballot(S) in the ballot box. The voter shall fold the ballot(s) so that the official stamp appears on the outside of the ballot. No ballot shall be placed in the ballot box unless it is stamped with the Official Ballot stamp.
4. If a voter spoils a ballot prior to placing it in the ballot box, he or she shall be given only one additional ballot upon return of the spoiled ballot and the spoiled ballot shall be placed in an envelope marked "Spoiled Ballots", sealed and signed by the Election Judge.
5. If a voters name does not appear on the voters list he or she shall not be allowed to vote.
6. The Election Board shall post instructions at the polling place instructing the voters on how to complete ballots and on general election rules.

**SECTION 10: COUNTING BALLOTS:** Upon the close of polls, the Election Board shall, in presence of the Election Judge, count the ballots and continue without adjournment until completed. The Board shall place the results thereof on previously prepared tally sheets. In counting ballots the Board shall follow these procedures:

1. Upon opening the ballot box, the Board shall remove the ballots, unfold them and count the ballots and record the number cast. All ballots shall be checked to see if they are obviously not those printed for the election or if they do not have the official stamp on the backside, and all such ballots not printed for the election or not having the official stamp shall be marked "ILLEGAL".
2. The Board shall ensure that the number of ballots cast and counted is equal to or less than the number of voters who have registered to vote. If the number of cast ballots is equal to or less than the number of registered voters the ballot results shall be counted. If the number of ballots cast is greater then the number of registered voters the ballots shall be recounted and if the result is the same, the Election Judge shall verify this determination. The election

shall then be declared invalid and a new election shall be held within 15 days of the date of the invalid election.

3. When counting the ballot results, the Board shall inspect the face of each ballot to see if the boxes are properly marked or if the face of the ballots are in any manner spoiled as that term is defined by this ordinance. If such ballots are not properly marked or spoiled, they shall be marked spoiled and be signed by the Election Judge and placed in an envelope marked spoiled ballots. Spoiled ballots shall not be counted.

The Election Board may establish additional procedures to ensure the honest and fair counting of election results, provided that such additional procedures shall be supplementary and in addition to the requirements of this Ordinance.

**SECTION 11: TALLY SHEETS:** The Election results shall be placed on previously prepared tally sheets. Upon completion of the count, the results shall be placed on the tally sheet showing the number of votes cast for each candidate and declaring the winner for each position. The sheet shall be certified and signed by the Board and the Election Judge. The tally sheet shall have a separate accounting of all ballots which have been cast, unused, spoiled or declared illegal.

**SECTION 12: POSTING RESULTS:** The results of all elections shall be immediately posted in the Tribal office and may be publicly posted elsewhere. Results of General Elections may be announced immediately after the results are certified by the Board at the General Council meeting and shall also be posted in the tribal office. The election result notice shall also include notice of the deadline and procedure for contesting the election results.

**SECTION 13: RECORDS:** The Election Board shall ensure that the records of the results of each election and all ballots returned are properly secured and safeguarded. Records of elections shall be maintained as tribal court records for a period of at least 4 years.

**SECTION 14: TIE VOTE:** If a tie vote results for second place for any position in the primary election, the three top vote getters shall be certified to run in the general election. If a tie vote results in the general election, the winner will be decided by the toss of a coin. Whichever

candidate's name appears on the ballot first shall be designated heads and the other candidate shall be designated tails for the coin toss.

**SECTION 15: RECOUNT:** Any Candidate for office, within three (3) working days of the election, may request a recount of the results of the election for the position he or she was a candidate for by submitting a written request to the Board for a recount. The recount shall be counted in the presence of the Board, the Election Judge, the candidate requesting the recount and any other candidate for that position who requests to be present. The recount will be conducted within three days of the request. If the results remain the same after the recount, the original election certification shall remain in place. If the recount results in a different result than the initial count, the ballots shall be counted a final time and if they are inconsistent with the initial count the results shall be recertified. If the recount results in a change in the winning candidate, the candidates shall be notified and the results posted.

**SECTION 16: CHALLENGES OF ELECTION RESULTS :** Any qualified voter, within three (3) days of posting the election results, may challenge the election results for a particular candidate by filing with the Chairman of the Election Board a sworn statement containing the grounds for the challenge, together with substantiating evidence and a fifty dollar contest fee. A challenge to election results must allege some irregularity in the conduct of an election which may have affected the outcome of the election. Upon receipt of an election contest, the Board shall within three days of receiving the contest determine whether the grounds presented warrant a hearing. The contest shall be dismissed if the Contestor presents no substantiating evidence which supports the allegation of an election irregularity that would have affected the outcome of the election. If the Board determines that a hearing is warranted it shall immediately notify the challenged candidate and the contestor of the following: the hearing date; the right to be represented by legal counsel at their own expense; to produce evidence on their own behalf; to subpoena and cross-examine witnesses; and to object to evidence introduced. After such hearing is conducted by the Board, with its assigned attorney acting as a hearing officer, it shall issue a written order along with the reasons for upholding or dismissing the contest. The Board shall send a copy of its order by certified mail to the contested candidate and the contestor. The decision of the Board may be appealed to tribal court by filing an appeal to the Clerk of Courts within three (3) working days of a final decision

of the Board. The tribal court shall hear and decide the matter within seven (7) working days of the date the appeal is filed with the court.

**SECTION 17: ELECTIONEERING AND CAMPAIGNING PROHIBITED NEAR POLLING PLACE- VIOLATION AS MISDEMEANOR:** No person shall, in any polling place or within or on any building in which a polling place is located or within one hundred feet from any entrance leading into a polling place, maintain an office or communications center or public address system or display campaign posters, signs or other materials or by any other means solicit or attempt to solicit any votes for or against any person or position on a question submitted. A violation of this section is a Class 1 misdemeanor. This section shall be enforced by the Election Board and the sergeant-at-arms. Any person violating this provision shall be removed and subject to arrest. A candidate found violating this provision shall be subject to disqualification from office.

**SECTION 18: BAN ON LOITERING:** No loitering on the premises of the polling places shall be permitted during polling hours. Loitering means staying in the polling place longer than necessary to cast a vote or otherwise lingering or remaining in the polling area during the polling hours. This provision shall be enforced by the Election Board and sergeant-at-arms. Any person found violating this provision shall be removed and subject to arrest.

## CHAPTER 7 RECALL

**SECTION 1: REMOVAL FROM EXECUTIVE COMMITTEE OFFICE BY RECALL:** In accordance with Article VI, Section 3 of the Constitution, an elected official shall be subject to removal from office by recall by a petition of no confidence in accordance with the procedures provided in this chapter.

**SECTION 2: RECALL PROCEDURE:** Recall of an elected official shall be by a petition of no confidence which shall be signed by a least sixty-five percent of the qualified voters of the Tribe. A petition of no confidence shall not require grounds for removal but shall only require the attestation of each signer that they no longer have confidence in the official as a member of the Executive Committee. Petitions shall conform to the requirements of Chapter 9 of this Ordinance. If the recall of more than one elected official

is sought, individual petitions shall be submitted for each official sought to be removed.

**SECTION 3: SUBMISSION OF PETITIONS TO EXECUTIVE COMMITTEE AND ELECTION BOARD:** A petition of no confidence shall be presented to the Secretary of the Executive Committee or the President if the affected official is the Secretary. Petitions shall be submitted with the affidavit required by Chapter 9 Section 4. The Petition shall be immediately transmitted to the Election Board for review to ensure that said petition complies with Chapter 9 of this ordinance. If the Board determines that the Petition does not comply with the requirements of this ordinance, then the Board shall enter findings as to its conclusion and rule the petition invalid. If the Board determines that the Petition does comply with this ordinance then the Board shall return the Petition to the Executive Committee to call a special meeting in accordance with this ordinance and the Constitution. A finding by the Board that a petition is invalid may be appealed to the tribal court.

**SECTION 4: RESIGNATION/SPECIAL MEETING:** Upon receipt of a properly executed petition from the Election Board as provided in Section 3, the Executive Committee shall give the official whose removal is sought the option to resign. If the official does resign the position shall be declared vacant and a special election shall be conducted in accordance with this Ordinance. If the official does not resign, the Secretary or President shall call and give at least fifteen days notice of a special meeting of the General Council.

**SECTION 5: SPECIAL MEETING:** The special meeting for the recall of an elected official shall be set and held after the giving of fifteen days notice. The meeting shall be administered by the Election Board. The affected official shall have the opportunity to respond to the petition. A vote shall be held on whether or not the official should be removed, provided that a quorum is present. If a majority of the General Council votes for removal then the official shall be removed from office and a special election shall be called to fill the vacancy thereby created. The special meeting shall be conducted by the Election Board and shall be conducted in accordance with this ordinance.

**SECTION 6: SPECIAL ELECTION:** A special election to fill any vacancy created by the recall of an elected official shall be held within sixty days of the date the official is recalled. The Election Shall be conducted by a polling place. Any qualified tribal member interested in filling

the vacancy shall submit a nominating petition to the Election Board within the deadline set by the Board. If more than two candidates seek the position and one candidate does not receive more than fifty percent of the votes, a runoff election shall be held. Special Elections shall be conducted in accordance with the rules prescribed in Chapter 5 and 6 of this ordinance.

**SECTION 7: BALLOTS:** Upon the calling a recall election in accordance with section 4 of this Chapter, the Election Board shall prepare ballots that shall provide a choice of yes or no to recall the official.

## CHAPTER 8 INITIATIVE AND REFERENDUM

**SECTION 1: REFERENDUM:** In accordance with Article VII, Section 1 of the Tribal Constitution and subject to the rules prescribed by this chapter, any matter or previous action of the Executive Committee may be referred to a vote of the qualified voters of the Tribe upon a written petition signed by not less than thirty (30) percent of the qualified voters. The petition shall clearly state the previous action of the Executive Committee that is the subject of the referendum and shall comply with the requirements of Chapter 9 of this ordinance. The referendum petition shall be filed with the Secretary of the Executive Committee.

**SECTION 2: LIMITATIONS ON REFERENDUM:** A referendum petition shall be brought within ninety (90) days of the date in which the Executive Committee voted to take the action that is the subject of the referendum. Failure to refer the matter as required above shall permanently bar a referendum on the matter.

**SECTION 3: INITIATIVE:** In accordance with Article VII, Section 2 of the Constitution, a matter not previously considered or acted upon by the Executive Committee may be initiated for a ballot vote of the qualified voters upon a written petition signed by not less than thirty (30) percent of the qualified voters. The petition shall clearly state the matter of concern to be voted on and shall comply with the requirements of Chapter 9 of this ordinance. Petitions for initiative shall be filed with the Secretary of the Executive Committee.



**SECTION 4: SUBMISSION TO THE ELECTION BOARD:** Upon receipt of a referendum petition or petition for initiative, the Secretary shall submit the petition to the Election Board which shall determine the validity of the signatures on the petition and compliance with the rules prescribed by the Constitution and this Ordinance. Upon receipt, the Election Board shall make its determination of validity within fifteen (15) working days. If the petition is determined to be valid, the Secretary of the Executive Committee shall call and set a date for a Special Election which shall be conducted by the Election Board in accordance with Chapter 6 of this Ordinance.

**SECTION 5: NUMBER OF VOTERS REQUIRED TO VOTE IN A SPECIAL ELECTION:** At least fifty (50) percent of the total eligible voters must cast a vote in a special election for initiative or referendum. If at least fifty (50) percent fail to vote the special election for referendum or initiative shall be deemed invalid by the Election Board. Majority vote shall prevail on any initiative or referendum issue.

**SECTION 6: BALLOTS:** Upon the calling of a special election for initiative or referendum, the Election Board shall prepare ballots which clearly and simply state the ballot issue and which allow the voter to indicate a choice between no more than two alternatives. Each ballot shall be stamped in red ink on its face in the same place "OFFICIAL BALLOT".

## CHAPTER 9 PETITIONS

**SECTION 1: APPLICABILITY:** The rules set out in this Chapter apply to petitions for Recall, Referendum and Initiative and to petitions for nomination of candidates for office and shall be followed accordingly. Failure to follow these rules shall result in the declaring of the petition to be invalid.

**SECTION 2: SPONSOR:** Each petition, except for nominating petitions, must have at least one but not more than three sponsor(s), with whom all correspondence and communication with the Election Board shall take place. The sponsor(s) shall be a tribal member eligible to vote, and his or her name must appear on each petition signature page along with the sponsors mailing address and phone number. The sponsor(s) must declare in writing to the Election Board that he or she is the official sponsor of the Petition. The sponsor(s) shall be responsible for insuring that the rules

provided in this chapter are followed and the sponsor(s) shall certify petitions in accordance with section 4. The Sponsor for nominating petitions shall be the individual who is seeking office.

**SECTION 3: SIGNATURES:** A person shall be mentally competent to sign a petition. The name of each signer shall be printed first and then signed and dated. The signatures shall be in ink. Every signature appearing on a petition must be signed by the individual personally and witnessed by the sponsor(s). No person shall sign the name of another regardless of any permission given or incompetence of the person whose signature is sought to be signed by another. Any false signature shall be stricken from the petition. Signatures from intoxicated individuals shall not be solicited, nor shall signatures be obtained through coercion or false accusations. A violation of this provision may result in invalidation of the petition.

**SECTION 4: CERTIFICATION:** Every person who shall sponsor, circulate and secure signatures to a petition shall before filing said petition with the Secretary and the Election Board, make and attach to the petition an oath or affirmation that the sponsor(s) witnessed each of the petition signatures, and that each signature is that of the individual whose name appears thereon. Such oath or affirmation shall be duly notarized. The form of the oath or affirmation shall be prescribed by the Election Board.

**SECTION 5: CIRCULATION OF PETITIONS:** Petitions may be circulated only by tribal members who are eligible to vote in tribal elections. Persons asked to sign the petition must be given a sufficient opportunity to read the entire petition and must be advised that they must be an eligible tribal voter in order to sign.

## CHAPTER 10 ABSENTEE VOTING

**SECTION 1: ABSENTEE VOTING ALLOWED:** Absentee voting shall be allowed for voting in primary elections, general elections, special elections and elections for initiative and referendum if an eligible voter verifies by affidavit that he or she must be absent from the reservation on the date of the election. Absentee ballots shall not be allowed for recall elections.

**SECTION 2: PROCEDURE FOR OBTAINING ABSENTEE BALLOTS:** If a qualified voter wishes to vote by absentee ballot, he or she may request an absentee ballot anytime within two weeks prior to the date set for the election by making application for an absentee ballot to the Chairperson of the Board on a form prescribed by the Board. Once an individual has made application for an absentee ballot and has signed the affidavit required by this chapter, he or she will be granted an absentee ballot by the Chairperson of the Board or his authorized representative. The absentee ballot must be cast at that time and returned to the Chairman or his authorized representative. The absentee ballots shall be placed in a an envelope marked "absentee ballot" and deposited in a separate locked absentee ballot box which will remained locked until the close of the polls. The absentee voter will be required to sign the voters list and sign a verification that he or she has voted by absentee ballot. Absentee ballots must be cast prior to the election date.

THIS ORDINANCE WAS ENACTED BY THE FLANDREAU SANTEE SIOUX EXECUTIVE COMMITTEE ON THIS 6<sup>th</sup> DAY OF MARCH, 1998, BY RESOLUTION #98-10.

# Flandreau Santee Sioux Tribe

P.O. Box 283 Flandreau, SD 57028

Ph. 605-997-3891

Fax 605-997-3878

## RESOLUTION NO. 04-26

WHEREAS, the Flandreau Santee Sioux Tribe is a recognized Indian tribe organized pursuant to a Constitution and By-laws approved by the Secretary of the Interior and Commissioner of Indian Affairs on April 24, 1936, amended February 7, 1941, and further amended November 16, 1967, and further amended November 14, 1984, and further amended May 17, 1997, and

WHEREAS, Article III of said Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee, and

WHEREAS, the following addition is made to Title 20, Chapter 9 of the FSST Ordinances for purposes of having a specific time for filing petitions under this Chapter.


Section 6 is hereby enacted as follows:

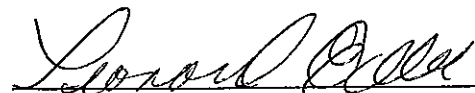
“For a petition under this Chapter to be legal, all valid signatures must be obtained within 120 days from the first signature to filing”.

NOW THEREFORE BE IT RESOLVED, that the Flandreau Santee Sioux Executive Committee adopts that the above addition be made to Title 20, Chapter 9 of the FSST Ordinances.

## CERTIFICATION

The foregoing Resolution was duly enacted and adopted on this 30 day of MARCH 2004 by the Flandreau Santee Sioux Executive Committee at which a quorum was present by a vote of 4 for, 0 against, 1 not voting.

  
Charlene Bell Kokesh  
Tribal Secretary

  
Leonard Eller  
Tribal President

# Flandreau Santee Sioux Tribe

P.O. Box 283 Flandreau, SD 57028

Ph. 605-997-3891

Fax 605-997-3878

## RESOLUTION NO. 04-28

WHEREAS, the Flandreau Santee Sioux Tribe is a federally recognized Indian tribe organized pursuant to the Indian Reorganization Act with a Constitution and By-laws approved by the Secretary of the Interior and Commissioner of Indian Affairs on April 24, 1936, and amended February 7, 1941, and further amended November 16, 1967, and further amended November 14, 1984, and further amended May 23, 1990, and further amended May 12, 1997, and

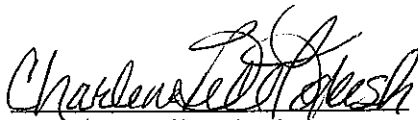
WHEREAS, Article III, Section 1 of said amended Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee, and

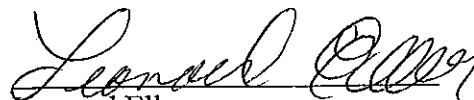
WHEREAS, the Flandreau Santee Sioux Tribe will hold its 2004 FSST Primary and General Elections for the positions of Vice-President, Trustee II and Trustee IV, and

NOW THEREFORE BE IT RESOLVED, that the Flandreau Santee Sioux Executive Committee hereby authorizes the FSST Election Board to utilize the FSST Gaming Commission to conduct background investigations for those petitioning to run for said offices according to Title 20, Chapter 4, Section 5 of the Tribal Code.

## CERTIFICATION

The foregoing Resolution was duly enacted and adopted on this 30 day of March 2004 by the Executive Committee at which a quorum was present by a vote of 5 for, 0 against, and 1 not voting.

  
Charlene Bell Kokesh  
Tribal Secretary

  
Leonard Eller  
Tribal President

# Flandreau Santee Sioux Tribe

P.O. Box 283 Flandreau, SD 57028

Ph. 605-997-3891

Fax 605-997-3878

## RESOLUTION NO. 04-29

WHEREAS, the Flandreau Santee Sioux Tribe is a federally recognized Indian tribe organized pursuant to the Indian Reorganization Act with a Constitution and By-laws approved by the Secretary of the Interior and Commissioner of Indian Affairs on April 24, 1936, and amended February 7, 1941, and further amended November 16, 1967, and further amended November 14, 1984, and further amended May 23, 1990, and further amended May 12, 1997, and

WHEREAS, Article III, Section 1 of said amended Constitution and By-laws provides that the governing body of the Tribe shall be the Executive Committee, and

WHEREAS, the Flandreau Santee Sioux Tribe will hold its 2004 FSST Primary and General Elections for the positions of Vice-President, Trustee II and Trustee IV, and

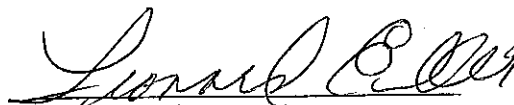
NOW THEREFORE BE IT RESOLVED, that the Flandreau Santee Sioux Executive Committee hereby authorizes changing the voting registration filing fee from \$50.00 to \$100.00 and changing FSST Election Ordinance, Chapter 4, Section 3, entitled "Filing Fee" (striking \$50.00 and increasing the fee to \$100.00).

## CERTIFICATION

The foregoing Resolution was duly enacted and adopted on this 5 day of April 2004 by the Executive Committee at which a quorum was present by a vote of 4 for, 2 against, and 1 not voting.



Charlene Bell Kokesh  
Tribal Secretary



Leonard Eller  
Tribal President