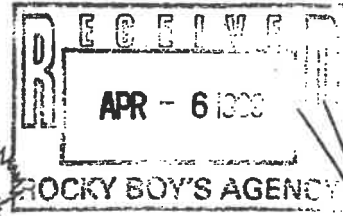


**CHIPPEWA CREE TRIBE
OF THE
ROCKY BOY'S RESERVATION**

"ELECTION ORDINANCE"



JANUARY 1989

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AUTHORIZATION

An Ordinance governing the Elections on the Rocky Boy Indian Reservation as authorized by the Chippewa Cree Constitution Article VIII, Section 2.

ARTICLE I - ELECTION BOARD MEMBERSHIP

SECTION 1. Composition of the Tribal Election Board

There shall be an impartial Election Board consisting of five (5) members responsible for calling and conducting all tribal elections. Three (3) of the five (5) board members shall be those tribal members who are serving as the Election Board for the County Election Precinct No. 28 which includes the reservation.

The tribal members who constitute the precinct Election Board shall appoint two (2) other adult tribal members to serve with them for tribal election purposes. Those two (2) Board members shall meet the qualifications set forth in Article IV, Section 2 of the Chippewa Cree Constitution and shall be subject to the provisions of Article V, Section 3.

In addition, the Tribal Secretary-Treasurer shall serve as clerk of the Election Board in a non-voting capacity.

SECTION 2. Length of Term

The three precinct Election Board Members shall serve a three year term. The initial appointments of the two non-precinct board members shall be one (1) member for two (2) year term and the other for a three (3) year term. Thereafter, appointments shall be for three years. Members may be appointed to successive terms.

An individual shall not serve as member of the Business Committee and member of the Election Board at the same time. Should any member of the Election Board file as candidate for tribal elective office, he shall request official release from the Tribal Election Board.

SECTION 3. Conduct of Election Board

Election Board Members are not to be absent from the duties of their positions from the opening of the polls until all ballots have been counted. In addition, the Election Board Members shall not express any preference for any candidates. Failure to perform the duties shall be considered an offense defined as election tampering in Article VIII, Section 1.

SECTION 4. Compensation of Election Board

Election board and other workers paid the Federal minimum wage plus be no more than two interpreters election. Poll watchers shall be paid by the candidate who arranged

ARTICLE II - VOTE

SECTION 1. Voter Qualifications

All duly enrolled tribal members older on election day shall be voter is registered, as further regardless of place-of-residence.

SECTION 2. Voter Registration

The Tribal Election Board register of eligible voters for to get on this list shall, on form per Board Secretary at least ten (10) election that he is a qualified voter votes in the last Tribal continue.

ARTICLE III - CANDIDATE

SECTION 1. Candidate Eligibility

To be eligible for members candidate must have the following

- a) Be a member of the Tribal
- b) Must have physically residence which encompasses the land on any land under the jurisdiction (2) years immediately election.
- c) Must be at least twenty date of the election.
- d) Should a potential candidate felony involving disbarment or convicted by court or convicted by involving dishonesty affairs, such person candidate until five (5) penalty.

SECTION 4. Compensation of Election Board and Others

Election board and other workers at the election shall be paid the Federal minimum wage plus \$1.00 per hour. There shall be no more than two interpreters assigned to work during the election. Poll watchers shall not be eligible for pay unless paid by the candidate who arranged for their respective services.

ARTICLE II - VOTER REQUIREMENTS

SECTION 1. Voter Qualifications

All duly enrolled tribal members eighteen years of age or older on election day shall be eligible to vote provided the voter is registered; as further required in this ordinance regardless of place of residence.

SECTION 2. Voter Registration

The Tribal Election Board shall establish and maintain a register of eligible voters for tribal elections. A voter, to get on this list shall, on form provided, certify to the Election Board Secretary at least ten (10) working days before the election that he is a qualified voter. As long as a registered voter votes in the last Tribal election his registration will continue.

ARTICLE III - CANDIDATE REQUIREMENTS

SECTION 1. Candidate Eligibility

To be eligible for membership on the Business Committee, candidate must have the following qualifications:

- a) Be a member of the Tribe.
- b) Must have physically resided within the general area which encompasses the main body of the reservation or on any land under the jurisdiction of the tribe for two (2) years immediately prior to the date of the general election.
- c) Must be at least twenty-five (25) years of age on the date of the election.
- d) Should a potential candidate have been convicted of a felony involving dishonesty in any State or Federal court or convicted by tribal court of a misdemeanor involving dishonesty or bribery in handling tribal affairs, such persons shall not be entitled to be a candidate until five (5) years after completion of his penalty.

SECTION 2. Filing Fees

Any member who wishes to file as candidate shall pay a filing fee as follows:

1. For Business Committee - \$ 15.00
2. For Chairmanship of Business Committee - \$ 25.00
3. For Tribal Chief Judge - \$ 15.00 and Associate Judge - \$15.00

The filing fees shall be paid to the Election Board Clerk to help defray election expenses. Such fees shall not be refunded unless the Election Board declares the candidate does not meet candidate qualifications. All filing fees shall be deposited in the Chippewa Cree Tribe's special General Account and used to offset the Election Board expenses for Tribal Elections.

SECTION 3. Filing Time

A petition for any tribal elected office position shall be filed with the Rocky Boy's Chippewa Cree Tribal Secretary at least twenty (20) days but not more than thirty (30) days before the day of election. The Secretary shall record on each petition the minute, hour, day, month and year of the time of filing. An exception will be made for filing time only for the special 1989 Primary and General election based on the Election Board's discretion.

SECTION 4. Write-In Candidates

No Elective office shall be filled by write-in candidates.

SECTION 5. Insure Candidate qualifications

The Election Board shall be responsible for insuring that only persons who meet the qualifications are accepted as candidates for elective office.

ARTICLE IV - NOTICE OF ELECTION

SECTION 1. Time of Election

A tribal election to elect officers as prescribed by the tribal Constitution on even numbered years with the exception of 1989 Special Election to allow implementation of ordinance 1-89. A primary election shall be held in June and a general election shall be held in November on dates fixed by the Election Board. In so far as possible election dates shall be coordinated to coincide with local and state election dates. The polls shall be open from 8:00 a.m. to 8:00 p.m. local time on day of election.

SECTION 2. Place of Election

The place of the election shall be at the Rocky Boy's Reservation.

SECTION 3. Notice Requirements

A notice of election in shall be posted in public place. A duplicate notice shall be posted at the Rocky Boy's Reservation and the United States Post Office, Havre, Montana. A duplicate (1) issue in the Havre Daily News (2) days prior to the day of election.

SECTION 4. Form of Notice

The notice of election shall be in the form of a nominating petition of each candidate shall further contain the closing of the polls, the qualifications of voters, substantially as in the form attached.

SECTION 5 - Preparation of Ballots

It shall be the duty of the Election Board with assistance from Tribal members and necessary forms to hold a meeting to discuss voting procedures and to provide a satisfactory and fair election.

SECTION 6 - In the Event of a Tie

In the event of a tie in a general election, the candidate receiving the most votes from the primary election shall be declared the winner.

ARTICLE V - VOTING

SECTION 1. Voting Booths

There shall be provided separate voting booths with a writing surface and marking device.

SECTION 2. Place of Election

The place of the election shall be at a public building on the Rocky Boy's Reservation, Montana.

SECTION 3. Notice Requirements

A notice of election in the form as hereinafter specified shall be posted in public places ten (10) days before Election. A duplicate notice shall be posted in the Tribal Office at Rocky Boy's Reservation and the United States Post Office in Havre and Box Elder, Montana. A duplicate notice will be published for one (1) issue in the Havre Daily News at Havre, Montana at least two (2) days prior to the day fixed for the election.

SECTION 4. Form of Notice

The notice of election shall contain a list of all candidates for the respective tribal offices designated in the nominating petition of each candidate. The notice of election shall further contain the election date, the time of opening and closing of the polls, the polling place of the election and the qualifications of voters. The notice of election shall be substantially as in the form attached.

SECTION 5 - Preparation for Election

It shall be the duty of the Tribal Election Board with assistance from Tribal personnel to provide supplies, material and necessary forms to hold a tribal election. The Board shall also provide notices to alternate members in the event a Board member is unable to serve and call a pre-election meeting to discuss voting procedures and make other preparation for holding a satisfactory and fair election.

SECTION 6 - In the Event of Death

In the event of a candidate's death between the primary and general election, the candidate receiving the next highest number of votes from the primary will qualify as a candidate for the general election.

ARTICLE V - BALLOTING PROCEDURES

SECTION 1. Voting Booths

There shall be provided at the polling place substantial separate voting booths with curtains, to ensure secret balloting. A writing surface and marking pencils shall be provided.

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SECTION 2. Ballot Box

The Ballot Box shall be of substantial construction equipped with a lock. Immediately prior to the opening of the polls the Chairman of the Election Board shall open the ballot box in the presence of the other members of the Election Board to show that no ballots are contained in the ballot box and he shall then lock the ballot box and retain the key in his possession until after the balloting has been completed and counted.

SECTION 3. Methods of Voting

Each voter must first register on the registration form provided. The Election Board shall determine if such person is eligible and qualified to vote by comparing with the list of registered voters, and all qualified voters will be provided with a ballot. All voting shall be done by secret ballot. No one else other than each individual voter shall be allowed in each voting booth at one time, except that an interpreter may help the voter as set forth below.

SECTION 4. Deposits of Ballots

After the ballots have been properly marked, they must be placed in the ballot box by the elector and the voters right to secrecy will be protected.

SECTION 5. Interpretation of the Ballot

When requested to do so by a voter who does not understand the ballot, at least one (1) member of the Election Board who speak the Chippewa Cree and English language and one impartial tribal member, who has been designated by the Election Board as an interpreter shall in the presence of each other, read and translate the ballot to said voter and instruct the voter on the method of voting. Such members of the Election Board shall not advise or otherwise intimidate the voter into voting for a certain candidate.

SECTION 6. Watchers

Any candidate may name a tribal member to act as watcher at an election. The watchers shall have the right to be present at the polling place but outside the booths and to watch the Election Board, the balloting, the counting and the recording of the results of the election. It shall be the duty of the watcher to watch, listen and observe and counting for all candidates voted for and can insist upon a fair count but shall have no further authority then to challenge the results thereof. Watchers shall not give out any information as to the counting until the public announcements by the Chairman of the Election Board. A watcher shall receive no compensation for his services. The appointment in writing by the candidate of a watcher shall be filed before the day of the election with the Secretary of the Tribal Election Board or upon the day of the election with the

Chairman of the Election Board

SECTION 7. Absentee Voting

A qualified elector who Indian Reservation on elec provided. Absentee mail-in outcome of January 1989 Elect.

a) Time for voting absentee
At any time with a.m. local time, the day preceding the election day next preceding to be absent may apply for an official ballot as an absentee shall prescribe the signed by the af

b) Absentee voting location
A voting area and maintained at the supplies.

c) Absentee voting application
Upon execution an voter's ballot, name of applicant, The application for applicant, under affirm that he/she day of election fr.

The voter shall envelope (to be pr Election of (mont Ballot", seal th envelope endorsed personally deposit The clerk shall s election supplies

d) Absentee voter registration
The ballot or bal one of the off beginning with b according to the Clerk shall keep including their s supplies are deliv the absent voter place on election

Chairman of the Election Board.

SECTION 7. Absentee Voting

A qualified elector who will be absent from the Rocky Boy Indian Reservation on election day may vote as hereinafter provided. Absentee mail-in voting will be determined by the outcome of January 1989 Election.

a) Time for voting absentees.

At any time within the period beginning at 8:00 a.m. local time, three (3) regular working days next preceding the election, and ending at 12:00 Noon the day next preceding the election, an elector expecting to be absent may appear before the Tribal Secretary - Treasurer who is serving as the Election Clerk, and apply for an official ballot to be voted at such election as an absent voter's ballot. The Election Clerk shall prescribe the form of application, which shall be signed by the applicant. (see appendix)

b) Absentee voting location.

A voting area and ballot box shall be provided and maintained at the Tribal Office with the necessary supplies.

c) Absentee voting process.

Upon execution and receipt of an application for absent voter's ballot, the Election Clerk shall enter the name of applicant on the register provided thereof. The application for absentee ballot shall require the applicant, under oath before the Election Clerk to affirm that he/she does indeed expect to be absent on day of election from the Rocky Boy Indian Reservation.

The voter shall vote his ballot and place it in an envelope (to be provided) marked "Rocky Boy Reservation Election of (month), (day), (year), Absent Voter's Ballot", seal the ballot and place it in a larger envelope enclosed with voter's name and signature and personally deposit it in the absent voter's ballot box. The clerk shall safely keep the locked ballot box and election supplies in his office.

d) Absentee voter register

The ballot or ballots used by absent voters shall be one of the official ballots for such election, beginning with ballot one and following consecutively according to the number of such applications. The Clerk shall keep a register of the absent voters including their signatures and, at the time election supplies are delivered to the polling places, a list of the absent voters shall be delivered to the polling place on election day.

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e) Processing absentee voter ballots.

On election day, the absent voter's ballot box shall be delivered to the Tribal polling place and to the custody of the Election Board thereof.

1) After the polls close, the Election Board shall open the absent voter's ballot box and determine that the absent voters ballots correspond to the register of absent voters. Those not corresponding shall not be discarded but kept separate and destroyed at the time other ballots are destroyed.

2) The Absent voter's ballot shall be taken from its exterior envelope, and enclosed in the interior envelope, be deposited in the regular ballot box of the polling place to be counted as provided.

SECTION 8. Placement of Names of Candidates

The names of the candidates for each respective office shall be placed upon the ballot in the respective order to correspond with the time of filing.

SECTION 9. Individual Voting

All voting must be for individual candidates for each respective office. For each respective office, the two (2) candidates receiving the highest votes in the Primary Election shall be on the ballot in the General Election. The ballots will not be prepared as to provide for slate voting.

SECTION 10. Electioneering at the Booths

No person including Election Board Members shall be allowed to electioneer within the building or within Fifty (50) feet of the building where and when the election is in progress and it will be the duty of the Chairman of the Election Board to arrange with the Chief of Police for the assistance of the Tribal Police to maintain order about the building during the election.

ARTICLE VI - CANVASSING/CERTIFICATION/SAFEKEEPING

SECTION 1. Canvass of Ballots

At the hour fixed for the closing of the polls, the Election Board and Clerk shall close the polls and immediately proceed to count the votes cast on each ballot for each candidate or proposition and certify in writing under their signatures to the Business Committee the correct total number of the votes cast for each candidate and for each proposition if any. The person receiving the largest number of votes cast in the General Election shall be the person elected to office. In case of a tie vote between the last two (2) candidates for any respective office; the method for determining the winner, the Election Board shall consult with the two (2) candidates and if a

satisfactory decision cannot be determined by run off ballot for any person or persons, Board and Clerk of election, aid and assist or attempt to aid and Clerk in conducting the cast at any election.

SECTION 2. Certification of

The Election Board shall to the Secretary who shall p the Tribal Office at Rocky Bc

SECTION 3. Safe Keeping of

Upon completion of place in an envelope mar. (d) Stubs. These shall be p election seal and signed by a and sealed box shall be del' Law and Order Department by: Election Board. The ball locked for the duration o. years). The key of locked t Secretary-Treasurer who is a to serve as the Clerk of the

SECTION 4. OPENING OF LOCKED

The sealed and locked l election materials shall be any protest or recount p ordinance. The protestor(s), Election Board and the Tribal be present at the opening of

ARTICLE VII -

SECTION 1. Protest and Chal.

Procedures for protest. for Tribal Office.

1. Appeals will be qualifications and pro which stipulates th candidates.
2. Appeals must be f of the election to the
3. The Tribal Electio determine the validity all appeals.

satisfactory decision cannot be reached the winner shall be determined by run off balloting process. It shall be unlawful for any person or persons, except the duly qualified Election Board and Clerk of election, to interfere in any election or to aid and assist or attempt to aid and assist the Election Board and Clerk in conducting the election or canvassing the ballots cast at any election.

SECTION 2. Certification of Election Results

The Election Board shall certify the results of the election to the Secretary who shall post the results of such election in the Tribal Office at Rocky Boy's Agency, Montana.

SECTION 3. Safe Keeping of Ballots

Upon completion of ballot count, the Election Board shall place in an envelope marked (a) Ballots, (b) Unused Ballots, and (d) Stubs. These shall be placed in a locked box, sealed with election seal and signed by all the Election Board. The locked and sealed box shall be delivered to the Tribal Chief of Police, Law and Order Department by a Police Officer and Chairman of the Election Board. The ballots and other election material shall be locked for the duration of the positions elected (2) years - (4) years). The key of locked box shall be maintained by the Tribal Secretary-Treasurer who is authorized by the Tribal Constitution to serve as the Clerk of the Election Board.

SECTION 4. OPENING OF LOCKED BOX

The sealed and locked box containing the ballots and other election materials shall be opened with a Court Order only for any protest or recount pursuant to other sections of this ordinance. The protestor(s), the clerk, three (3) members of the Election Board and the Tribal Judge signing the Court Order shall be present at the opening of the sealed and locked box.

ARTICLE VII - PROTEST OR CHALLENGE

SECTION 1. Protest and Challenge of Candidates

Procedures for protesting the Qualifications of Candidates for Tribal Office.

1. Appeals will be accepted only on complaints against qualifications and procedures outlined in the Constitution which stipulates the qualification requirements for candidates.
2. Appeals must be filed five (5) days prior to the date of the election to the Election Board.
3. The Tribal Election Board shall have full authority to determine the validity of qualifications and procedures of all appeals.

SECTION 2. Protest or Challenge of Election

Only a candidate defeated in the election shall be eligible to contest the results of an election. The protest or challenge must be filed within five (5) calendar days after the election results have been posted. Protest shall be filed with any member of the Election Board. Protest shall be in writing and set forth valid reasons, based on the Tribe's Constitution or Election Ordinance as to why the results of the election shall not be final.

On any protest or challenge of election the decision of Election Board may be appealed to the Tribal Court.

Demands for re-holding an election must be accompanied by a cash deposit of \$_____ to cover costs of such election.

ARTICLE VIII - VIOLATION OF ELECTION ORDINANCE

SECTION 1. - VIOLATION OF ORDINANCE

Any Tribal Election Board Member or any Tribal Member who willfully or purposely violates any portion of this Election Ordinance will be subject to prosecution by the Tribal Court as a Class B Offense and subject to \$300.00 fine or three (3) month jail sentence.

ARTICLE IX - ADOPTION OR AMENDMENT OF THE ELECTION ORDINANCE

SECTION 1. Adoption or Amendment of Ordinance

For purpose of adopting or amending an election ordinance, the Election Board is empowered to call and conduct a referendum election. In such election, a majority of those who vote shall determine whether the proposal is adopted or rejected provided at least thirty (30) percent of the registered voters participate in the balloting.

REGISTR

I, _____

(Mailing address, city, state

_____ certify that I am a

Rocky Boy's Reservation: _____

will be 18 years of age by Ele

Date of Birth: _____
Month

Signature _____

Upon completion submit to:

REGISTRATION FORM

DATE

I, _____ now residing at _____

(Mailing address, city, state and zip)

herby certify that I am a member of the Chippewa Cree Tribe of Rocky Boy's Reservation: that I am 18 years of age or over, or will be 18 years of age by Election date.

Date of Birth: _____
Month Day Year

Signature _____

Upon completion submit to: Election Board Clerk
Chippewa Cree Tribe
Rocky Boy's Reservation
P.O. Box
Box Elder, Montana 59521

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C E R T I F I C A T I O N

I, the undersigned as Secretary of the Chippewa Cree Tribal Election Board of the Rocky Boy's Reservation hereby certify a referendum vote was held on January 3, 1989, whereby 249 qualified registered tribal member voters approved this election ordinance by a affirmative vote of 187 members for and 60 against and 355 member not voting.

Ludina M. Sutherland
Chairman, Chippewa Cree Election Board
Rocky Boy's Reservation

Mark R. Blom
Secretary, Chippewa Cree Election Board
Rocky Boy's Reservation

Janice Myers
Clerk, Chippewa Cree Election Board
Rocky Boy's Reservation

Dennis Soudiere
Member, Chippewa Cree Election Board
Rocky Boy's Reservation

Anna Cram
Member, Chippewa Cree Election Board
Rocky Boy's Reservation

Alvin Russell
Member, Chippewa Cree Election Board
Rocky Boy's Reservation

Protest Fee Options - 106 Members for \$250.00
85 Members for \$ 50.00
55 Members for \$125.00

Absentee Mail-In was disapproved by Affirmative Vote of 196 Members for and 51 Against.

FORM OF NOTICE

CHIPPEWA
ROCKY BOY

NOTICE

Notice is hereby given th

_____ officers of the Chippewa Cree will be held at the Multi-Purpose Reservation, Montana. Polls voting between the hours of _____ following offices:

Chairman of Rock

(Names of Candidates)

Member, Rocky Boy

(Name of Candidates)

Chief Judge of Chip

(Name of Candidates)

Associate Judge of

(Name of Candidates)

Persons eligible to vote

following qualifications:

member of the Chippewa Cree

must be eighteen (18) years

DATED THIS _____

Secretary, Business
Chippewa Cree Trib

FORM OF NOTICE

CHIPPEWA CREE TRIBE
ROCKY BOY'S RESERVATION

NOTICE OF ELECTION

Notice is hereby given that on the _____ day of _____

_____ 19__ an election for tribal officers of the Chippewa Cree Tribe of Rocky Boy's Reservation will be held at the Multi-Purpose Building at Rocky Boy's Reservation, Montana. Polls for said election will be open for voting between the hours of 9:00 a.m. and 6:00 p.m. The following offices:

Chairman of Rocky Boy's Business Committee

(Names of Candidates)

Member, Rocky Boy's Business Committee

(Name of Candidates)

Chief Judge of Chippewa Cree Tribal Court

(Name of Candidates)

Associate Judge of Chippewa Cree Tribal Court

(Name of Candidates)

Persons eligible to vote in the election must possess the following qualifications: _____ person must be a duly enrolled member of the Chippewa Cree Tribe of Rocky Boy's Reservation, must be eighteen (18) years of age or older.

DATED THIS _____ DAY OF _____ 19__

Secretary, Business Committee
Chippewa Cree Tribe

FORM OF BALLOT

The ballot shall be in substantially the following form:

CHIPPEWA CREE TRIBE
ELECTION OF OFFICERS

BALLOT

STATE OF MONTANA)
) ss.
ROCKY BOY'S RESERVATION)

I hereby represent that I am (18) years or older and that I am a duly enrolled member of the Chippewa Cree Tribe of Indians and qualified to vote in accordance with the Constitution of the Chippewa Cree Tribe. I acknowledge receipt of a ballot for the election of tribal officers.

Dated this _____ day of _____, 19____.

Signature of Elector

.....
(perforation)

Instructions: Vote for one (1) candidate for each of the following offices. Place X in the box opposite the name of the candidate of your choice for each office.

CHAIRMAN OF CHIPPEWA CREE TRIBAL BUSINESS COMMITTEE

(NAME OF CANDIDATE) _____

(NAME OF CANDIDATE) _____

(NAME OF CANDIDATE) _____