

CHITIMACHA TRIBE OF LOUISIANA

TITLE X - ELECTION RULES AND REGULATIONS

PREAMBLE

This Election Ordinance is hereby established by the Chitimacha Tribal Council pursuant to the authority delegated by Article VI, Section 3 of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana.

(Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

CHAPTER 1. TRIBAL ELECTION

Sec. 101. Primary Election.

Tribal Elections. The Tribal primary election will be held annually on the second Saturday in June. Absentee voting will begin three (3) weeks prior to the primary election until the close of the primary election day. An absentee ballot must be received on or before the primary election day in order to be counted. On said date, the Chairman and Vice-Chairman will be elected in odd years for two (2) year terms; and the Secretary-Treasurer and two (2) Council Members will be elected in even years for two (2) year terms.

(Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Chitimacha Board of Education Elections. Five (5) Board of Education Members will be elected. Three (3) will be elected in even years for two (2) year terms and two (2) will be elected in odd years for two (2) year terms. The Chitimacha Board of Education elections shall be held on the same date as the Tribal elections.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 102. Runoff Elections.

Chairman, Vice-Chairman, & Secretary-Treasurer. If at any primary election, no candidate for the Tribal Office of Chairman, Vice-Chairman, or Secretary-Treasurer receives a simple majority of all votes cast for the candidates for such office, then a runoff election will be declared between the two (2) candidates receiving the highest number of votes. For the purpose of this Section, “simple majority” means at least one-half (1/2) more votes than one-half (1/2) of all votes cast.

Council Members. If at any primary election for two (2) Council Member positions:

(a) no candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 620, there shall be a runoff election among no more than four (4) candidates receiving the most votes. The two (2) candidates receiving the highest number of votes in the runoff shall be declared the winners.

(b) one (1) candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 620, that person shall be declared the winner of one (1) Council Member position and there shall be a runoff election between the two (2) candidates who received the next highest number of votes. The candidate receiving the highest number of votes in the runoff shall be declared the winner of the remaining Council Member position.

(c) two (2) candidates each receive a majority of all votes cast for the candidates, as determined by the formula in Section 620, those two (2) candidates shall each be declared the winner of the two (2) Council Member positions, and no runoff election shall be held.

(d) more than two (2) candidates receive a majority of all votes cast for the candidates, as determined by the formula in Section 620, the candidate receiving the highest number of votes shall be declared the winner of one (1) Council Member position. There shall be a runoff election among the remaining majority candidates. The candidate receiving the highest number of votes in the runoff shall be declared the winner.

Board of Education.

(1) **Odd years:** If at any odd year primary election for two (2) Board of Education Member positions:

(a) no candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 620, there shall be a runoff election among no more than four (4) candidates receiving the most votes. The two (2) candidates receiving the highest number of votes in the runoff shall be declared the winners.

(b) one (1) candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 620, that person shall be declared the winner of one (1) Chitimacha Board of Education Member position and there shall be a runoff election between the two (2) candidates who received the next highest number of votes. The candidate receiving the highest number of votes in the runoff shall be declared the winner of the remaining Chitimacha Board of Education Member position.

(c) two (2) candidates each receive a majority of all votes cast for the candidates, as determined by the formula in Section 620, those two (2) candidates shall each be declared the winner of the two (2) Chitimacha Board of Education Member positions, and no runoff election shall be held.

(d) more than two (2) candidates receive a majority of all votes cast for the candidates, as determined by the formula in Section 620, the candidate receiving the highest number of votes shall be declared the winner of one (1) Chitimacha Board of Education Member position. There shall be a runoff election among the remaining majority candidates. The candidate receiving the highest number of votes in the runoff shall be declared the winner.

(2) **Even Years:** If at any even year primary election for three (3) Chitimacha Board of Education Member positions:

(a) no candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 620, there shall be a runoff election among no more than five (5) candidates receiving the most votes. The three (3) candidates receiving the highest number of votes in the runoff shall be declared the winners.

(b) one (1) candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 620, that person shall be declared the winner of one (1) Chitimacha Board of Education Member position and there shall be a runoff election between the four (4) candidates who received the next highest number of votes. The two (2) candidates receiving the highest number of votes in the runoff shall be declared the winner of the remaining two (2) Chitimacha Board of Education Member positions.

(c) two (2) candidates each receive a majority of all votes cast for the candidates, as determined by the formula in Section 620, each of those two (2) candidates shall be declared the winner of one (1) Chitimacha Board of Education Member position and there shall be a runoff election between the two (2) candidates who received the next highest number of votes. The candidate receiving the highest number of votes in the runoff shall be declared the winner of the remaining Chitimacha Board of Education Member position.

(d) three (3) candidates each receive a majority of all votes cast for the candidates, as determined by the formula in Section 620, those three (3) candidates shall each be declared the winner of the three (3) Chitimacha Board of Education Member positions, and no runoff election shall be held.

(e) more than three (3) candidates receive a majority of all votes cast for the candidates, as determined by the formula in Section 620, the candidate receiving the highest number of votes shall be declared the winner of one (1) Chitimacha Board of Education Member position. There shall be a runoff election among the remaining majority candidates. The two (2) candidates receiving the highest number of votes in the runoff shall be declared the winners of the two (2) remaining Chitimacha Board of Education Member positions.

Timing for Runoff Elections. Runoff elections shall be held on the second Saturday in July.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-99; Adopted: January 7, 1999; Effective: January 7, 1999; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 103. Special Elections.

Special elections shall be held on dates specified by the body vested with the power to authorize the special election under Sections 703-707 of this Ordinance Chitimacha Tribal Council. The date shall be no less than thirty (30) days from receipt by the Chitimacha Tribal Council of a valid petition.

(Added by Ordinance # 1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

CHAPTER 2. CHITIMACHA TRIBAL ELECTION BOARD

Sec. 201. Chitimacha Tribal Election Board Members.

The Chitimacha Tribal Election Board shall be composed of three (3) members and one (1) non-voting member.

(Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 202. Appointment of Members.

Chitimacha Tribal Election Board members shall serve for a term of four (4) years. No appointment will have the same expiration date. Each year, the Chitimacha Tribal Council will have the discretion to either reappoint the member whose term is expiring or select a new member to fill the position. Any newly appointed member will then serve as the non-voting member on the Chitimacha Tribal Election Board the first year. If the Chitimacha Tribal Council re-appoints an existing member and there is no newly appointed member, the Chitimacha Tribal Election Board shall elect its officers in accordance with Section 203. The non-voting member shall only vote if another Chitimacha Tribal Election Board member is absent, recused, or resigns from the Chitimacha Tribal Election Board. In the event a position on the Chitimacha Tribal Election Board is vacated prior to the expiration of the applicable term, the Chitimacha Tribal Council shall appoint an individual to serve in this specific capacity for the remainder of the unexpired term.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-01;

Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 203. Election of Officers.

At the first meeting for each year, to be held no later than the third Monday in March, the Chitimacha Tribal Election Board will elect from its members a Chairman and Secretary.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 204. Duty of the Tribal Election Board Members to Election Process.

It is the sole responsibility of the Chitimacha Tribal Election Board to ensure the fair and expedient conduct of Chitimacha Tribal Elections. All Chitimacha Tribal Election Board Members must conduct themselves in a manner that instills public confidence in the Election process.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 205. Chitimacha Tribal Election Board Meetings.

Meetings shall be called upon the request of the Chitimacha Tribal Council or any Chitimacha Tribal Election Board Member to ensure the proper conduct of the election. Notice of all meetings shall be provided to the appropriate parties. The Chitimacha Tribal Election Board Chairman or Secretary shall preside over all meetings of the Chitimacha Tribal Election Board. The Chitimacha Tribal Election Board meetings shall be open to the public, unless the Chitimacha Tribal Election Board commits to writing and submits to the Chitimacha Tribal Council its determination that a private meeting is necessary to protect confidential information that is essential to the electoral process.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 206. Chitimacha Tribal Election Board Duties.

The Chitimacha Tribal Election Board shall ensure that such duties as prescribed by this Ordinance and any additional rules and regulations prescribed by the Chitimacha Tribal Council are performed. These duties include, but are not limited to, the following:

- (a) Ensure all records of the Chitimacha Tribal Election Board are kept in a safe and secure designated location of the Chitimacha Tribal Election Board;
- (b) Designate dates for filing for candidates and conduct of election(s) where such date is not specified in this Ordinance;
- (c) Post and mail Notices of Election, register voters, maintain and update voter records, and certify candidates;
- (d) Oversee the custody, preparation and use of a voting machines during an election;
- (e) Oversee the preparation of ballots, ensure the security of ballots, set up and manage polling place and secure ballot box and/or voting machine(s), verify eligible voters, count votes, and declare winners and/or runoff candidates;
- (f) Report results to the public, Chitimacha Tribal Council, Bureau of Indian Affairs, and Louisiana Secretary of State’s Office; and
- (g) Set up and manage special elections and referendums.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-90; Adopted: March 4, 1993; Effective: March 4, 1993; (Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Comment [A1]:
Council: Does the Tribe continue to report election results to the BIA and the Louisiana Secretary of State?

Sec. 207. Qualifications of Chitimacha Tribal Election Board Members.

No Chitimacha Tribal Election Board Member shall be a member of the Chitimacha Tribal Council, Chitimacha Board of Education, or any other elected Chitimacha Tribal Office. All Chitimacha Tribal Election Board Members must be an enrolled member of the Chitimacha Tribe of Louisiana, possess a high school diploma or

G.E.D., and be at least eighteen (18) years of age at the time of their appointment to the Chitimacha Tribal Election Board.

Oath. All Chitimacha Tribal Election Board Members shall take an oath to be prescribed by the Chief Judge of the Chitimacha Tribal Court or his/her designee before assuming their duties.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #2-00; Adopted: May 18, 2000; Effective: May 18, 2000; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 208. Removal of Chitimacha Tribal Election Board Members.

The Chitimacha Tribal Council shall have the authority to remove any member of the Chitimacha Tribal Election Board for repeated failure to attend meetings of the Chitimacha Tribal Election Board or other gross neglect of the duties enumerated in Sections 206 and 204.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 209. Compensation for Chitimacha Tribal Election Board Members.

Compensation of the Chitimacha Tribal Election Board Members shall be fixed by Chitimacha Tribal Council.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 210. Resignation of a Chitimacha Tribal Election Board Member who Files for Office.

Chitimacha Tribal Election Board Members must resign their position on the Chitimacha Tribal Election Board prior to filing for candidacy for any elective office. If a Chitimacha Tribal Election Board Member resigns to seek elected office, the

Chitimacha Tribal Council will appoint a new member to serve the remaining term pursuant to Section 202.

(Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 211. Temporary Recusal of a Chitimacha Tribal Election Board Member whose Immediate Family Member Files for Office.

If a Chitimacha Tribal Election Board member’s “Immediate Family Member,” as that term is defined in Section 503(a), files for candidacy for any elective office, the Chitimacha Tribal Election Board member shall be recused from the Chitimacha Tribal Election Board until the results of the election in which the Immediate Family Member seeks office are finalized, at which time the recused member may reassume his or her position on the Chitimacha Tribal Election Board.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 212. Publication and Mailing of a Notice of Election.

On the fourth Monday in March before a primary election, the Chitimacha Tribal Election Board shall cause a “Notice of Election” to be posted at all Chitimacha Tribal Offices and mailed to each enrolled member of the Chitimacha Tribe of Louisiana who has reached the age of eighteen (18) years or older as of the voter registration deadline established under Section 302. The notice shall be published in the Chitimacha Tribal Newsletter, if time permits, and any other publications as directed by the Chitimacha Tribal Council. The notice shall set forth the date of election, the respective office, times, location of election, the times during which polling place will be open for voting, instructions for absentee voting, and instructions for how to petition for candidacy. Absentee voting instructions shall be accompanied by the official Absentee Ballot Request Form, as prepared in accordance with Section 802.

The Chitimacha Tribal Election Board shall publish and mail a notice of a special election at least thirty (30) days before the date of the special election in the manner prescribed in this Section, unless the Chitimacha Tribal Council authorizes a shorter notice period. Notice of runoff elections shall be posted at the same time the primary results are posted, as set forth in Section 623.

(Added by Ordinance # 1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016; Revised by Ordinance #04-18; Adopted: April 19, 2018; Effective: April, 2018)

Sec. 213. Reimbursement for Training.

Any Chitimacha Tribal Election Board Member may receive specified training regarding his/her responsibilities. If a Chitimacha Tribal Election Board Member resigns within one (1) year of receiving such training, that Chitimacha Tribal Election Board Member may be required to pay the cost of such specified training, including all related expenses.

(Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

CHAPTER 3. VOTER QUALIFICATIONS; REGISTRATION

Sec. 301. Persons Qualified to Vote.

Every person who is or will be eighteen (18) years of age or over at the date of voter registration and is an enrolled Chitimacha Tribal Member as defined by Article III, Section I of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana, shall be entitled to become a registered voter for the Chitimacha Tribal Elections, without regard to residency on the Chitimacha Reservation, with the exception of special elections for Constitutional amendments under Article VI, Sec. II of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana, which requires a person registered to vote in a Chitimacha Tribal Election to be twenty one (21) years of age or over to vote in such special election.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 302. Voter Registration.

It shall be the duty of the Chitimacha Tribal Election Board to properly register and record all voter registrations. All persons who vote in Chitimacha Tribal Elections

must be registered to vote. Once registered for any Chitimacha Tribal Election, a person does not need to re-register to vote in any future Chitimacha Tribal Election elections unless they have been removed from the voter registry pursuant to Section 305. In order to vote in the Chitimacha Tribal Elections in any year, voters not previously registered must register at least three (3) weeks prior to the primary in that year. Voter registration will be permitted throughout the primary and run-off election, but only previously registered voters can vote in the primary and runoff election for that year. The Chitimacha Tribal Election Board shall be authorized to designate a time and place within the Chitimacha Tribal Office Complex in which to register voters. Any one of the Chitimacha Tribal Election Board Members shall be available to register voters.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 303. Registration Forms.

The Secretary of the Chitimacha Tribal Election Board shall devise or cause to be devised a voter registration form to be used for registering voters. The form shall contain enough information to determine name, age, sex, residence, mailing address, and Tribal membership. In order to be registered to vote, an individual must complete and submit to the Chitimacha Tribal Election Board a voter registration form on a form approved by the Tribe by the deadline set forth in Section 302.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 304. List of Registered Voters.

The Secretary of the Chitimacha Tribal Election Board shall maintain a single list of registered voters in alphabetical order that shall be used to determine who is registered to vote for Chitimacha Tribal Elections, including special elections. This shall be done by having the individual complete and execute a voter registration form. The initial voter registration must be done in person. The Chitimacha Tribal Election Board shall then

transfer the information on a voter registration form for each voter to a computerized listing of registered voters. Original voting registration forms shall be maintained as supporting documentation for these entries in the designated file. Upon expiration of the voter registration deadline as set forth in Section 302, the content of each timely-received and properly completed voter registration form and the content of the computerized listing of registered voters shall be compared and verified by at least two (2) members of the Chitimacha Tribal Election Board to insure the accuracy of the list of registered voters to be used for the current election.

The information of any person registering to vote submitted after the three (3) week deadline prior to the primary or between a primary and run-off election shall be maintained separately and entered into the list of registered voters after the completion of the current election process. This list shall be used in subsequent elections.

Upon request, the Secretary of the Chitimacha Tribal Election Board shall distribute certified copies of the list of registered voters to the Chitimacha Tribal Council or Chitimacha Tribal Court when review of the list is necessary for those bodies to verify the validity of special election petitions or otherwise fulfill their duties under the Constitution and Bylaws of the Chitimacha Tribe of Louisiana or this Ordinance.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 305. Cancellation of Registration.

A voter may voluntarily have his/her name removed from the voter registry by written notice submitted to the Chitimacha Tribal Election Board. A voter may reinstate his/her voter registration at any time but only in compliance with Section 303.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 306. Change of- Voter Registration Information.

Any registered voter who changes his/her residence, mailing address or other registration information shall inform the Chitimacha Tribal Election Board or Registrar of the change.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

(Sections 303, 304, and 305 Omitted by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013)

CHAPTER 4. QUALIFICATIONS OF CANDIDATES; FILINGS

Sec. 401. Eligible Candidates.

(a) All Chitimacha Tribal Council candidates must satisfy the eligibility requirements set forth in Article V, Section 2 of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana. All candidates for non-Officer, Councilmen Positions must be twenty-one (21) years of age as of the date of filing for candidacy ~~and. All candidates for Officer Positions (Chairman, Vice-Chairman and Secretary/Treasurer) must be at least twenty-five (25) years of age and must be actual residents of the Chitimacha Reservation, an enrolled member of the Chitimacha Tribe of Louisiana as stated in Article V, Section 2 of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana. All candidates for Officer Positions, i.e., Chairman, Vice Chairman and Secretary/Treasurer of the Chitimacha Tribal Council must be actual residents of the Chitimacha Reservation.~~ Notwithstanding any other provision of this Ordinance, to establish this residency requirement, any person seeking an Officer position must establish residency on the Chitimacha Reservation ~~shall be established~~ for not less than one (1) continuous year (twelve (12) consecutive months) prior to ~~the filing for candidacy for an Officer position.~~

(b) In addition to the applicable requirements in subsection (a) above, and as more specifically defined in Sections 403 through 406 below, all Chitimacha Tribal Council candidates:

(1) must be enrolled members of the Chitimacha Tribe for at least three consecutive years directly prior to running for office;

(2) must possess a high school diploma or its equivalency;

Formatted: Indent: First line: 0.5"

Comment [A2]:

Council: Below, JLG recommends the types of evidence that the Election Board will consider to determine eligibility. In doing so, we attempt to strike a balance between providing the prospective candidate with enough flexibility to submit a variety of evidence that proves the eligibility criteria on the one hand, with a process that the Board can effectively and efficiently manage without significant risk of disruptive challenges on the other.

The following criteria allow the prospective candidate to submit a variety of forms of evidence that the Board must weigh: residency, high school diploma/GED, work with the Tribal Gov., service on a Board/Committee.

Due to either the nature of the criteria (e.g., Tribal Membership) and/or how complicated it will be to assess or evidence the criteria (e.g., disqualifying crimes), JLG strongly recommends a closed universe of evidence for proving Tribal Enrollment, no pending charges or prior convictions for certain types of crime, and attendance at Council meetings.

Important Note: In every case, prospective candidates will depend on Tribal officials to produce documents for their petition, so it will be crucial to the process that those Tribal officials are responsive to requests from prospective candidates.

(3) must not have charges pending for any felony or crime of theft or fraud;

(4) must not possess a conviction for any felony or crime of theft or fraud received within the last 10 years; and

(5) must have, within the last year, either (i) worked with or for the Tribal Government; (ii) served on a Board or Committee that directly interacts with Tribal Council; or (iii) attended at least six Tribal Council meetings.

Sec. 402. Residency Eligibility Requirement.

(a) Proof of Residency.

(1) Candidates filing for Officer Positions may prove their residency on the Chitimacha Reservation for not less than one (1) continuous year (twelve (12) consecutive months) prior to the filing for candidacy through documentation such as the following: documents verifying the establishment of one (1) year's actual residence on the Chitimacha Reservation: a valid Driver's License with current physical address; Electric, Gas, Water or, Land-line Telephone bills in the candidate's name for a period of twelve (12) continuous months immediately prior to the date of filing for candidacy; verification from the Chitimacha Tribal Enrollment Office (or Chitimacha Housing Authority if applicable); a bank statement in the candidate's name; any school enrollment form(s) (involving candidate or candidate's minor child); a land lease, land assignment, lease or rental agreement or any other documentation showing that the candidate feels supports proof of actual residency and has lawful authority to reside at that address, all subject to evaluation by the Chitimacha Tribal Election Board when taken as a whole.

(2) Documents that only cover a particular time period, (*e.g.*, a bank statement or utility bill for a particular month), shall not be considered evidence of residence for any other time period. No single form of documentation will be sufficient to prove residency for a given time period. Instead, the petitioner must submit at least three (3) separate forms of documentation covering each month of

the twelve (12) month residency period will be required if the candidate seeks to prove residence solely through documentation.

(3) In addition, affidavits of friends, relatives, neighbors or tribal members, employees or officials possessing personal knowledge of an applicant's residency for all or part of the one (1) year period required by this Section may be submitted in support of the candidate's claim of residency.

(be) In addition to the documentation described in (b) above, a candidate shall provide a notarized Affidavit of the candidate certifying that their actual physical numerical residence is then and has for the preceding twelve (12) months been located on the Chitimacha Reservation.

(cd) The actual personal knowledge of Chitimacha Tribal Election Board Members bearing on an applicant's residency shall be considered if and only if that knowledge is verified under oath in a sworn affidavit. Chitimacha Tribal Election Board Members who possess such actual knowledge have a duty to make that knowledge known to the whole Chitimacha Tribal Election Board by means of such an affidavit.

(de) A candidate's documentation, when taken as a whole, must prove that the candidate's actual physical numerical residence was on the Chitimacha Reservation for not less than twelve (12) continuous months prior to the date the candidate files for an Officer position. In making a "taken as a whole" determination, all facts, evidence, and affidavits timely submitted to the Chitimacha Tribal Election Board will be taken into account, including affidavits filed per Sections 4024(ab), (be), and (cd).

(ef) It shall be the candidate's responsibility to report updated address information to the Chitimacha Tribal Election Board, to obtain the required documents for proof of residency, and to turn the documents in at the time of filing. All candidates must prove residency upon filing. After completing its initial evaluation of an applicant's proof of residence, the Chitimacha Tribal Election Board shall issue either:

(1) a decision affirming that the applicant has satisfied the residency requirement; or

(2) a notice stating the questions or deficiencies the Chitimacha Tribal Election Board has found which has caused the Chitimacha Tribal Election Board to

withhold certification of the candidate's eligibility. If Chitimacha Tribal Election Board Member personal knowledge has been taken into account, a copy of the Chitimacha Tribal Election Board Member's affidavit to that effect shall be included in that notice. The notice shall give the applicant three (3) business days from their receipt of the notice to provide additional documentation respecting their residency claim. The Chitimacha Tribal Election Board shall also have the authority to require that the candidate or other persons submitting affidavits in support of a candidate's claim of residency appear before the Chitimacha Tribal Election Board to be examined under oath as to the statements made in their affidavit and the basis for the personal knowledge there set out.

Additional documentation of residency shall not be accepted after the initial filing for candidacy except as requested by the Chitimacha Tribal Election Board per Section 402+(e)(2).

(f) Candidates for the Chitimacha Board of Education must be in accordance with the By-Laws of the Chitimacha Board of Education.

Sec. 403. Tribal Membership Eligibility Requirement.

(a) Requirement, Generally. In order to run for a seat on Tribal Council, a Chitimacha Tribal Council candidate must be an enrolled member of the Chitimacha Tribe for at least three consecutive years directly prior to running for office.

(b) Proof.

(1) Candidates filing for a seat on Tribal Council must prove the enrollment requirement set forth in Section 403(a) above through documentation provided by the Chitimacha Enrollment Office such as, but not limited to, a certified verification form signed by an employee within the Chitimacha Enrollment Office or a notarized Affidavit of the Chief Enrollment Officer.

(2) Affidavits of those other than the Chief Enrollment Officer shall not be considered as proof of satisfaction of the enrollment requirement set forth in Section 403(a) above.

Sec. 404. Possession of a High School Diploma or its Equivalency Eligibility Requirement.

Comment [A3]:

Council: As noted, Tribal Membership is one of the criteria that can only be established through certain documents, here issued by Enrollment. Accordingly, it will be crucial that Tribal Enrollment Officers are responsive to the requests of a potential candidate.

(a) Requirement, Generally. In order to run for a seat on Tribal Council, a Chitimacha Tribal Council candidate must possess a high school diploma or its equivalency. For purposes of this requirement, the “equivalency” of a high school diploma shall be limited to a General Education Diploma (GED).

(b) Proof. Candidates filing for a seat on Tribal Council must prove the education requirement set forth in Section 404(a) above through documentation such as, but not limited to, the following: a high school diploma (or certified copy), a General Education Diploma (GED) (or certified copy), other documentation certifying completion of a General Education Program resulting in the receipt of a GED, or documentation showing completion of or current enrollment in a postsecondary educational program for which possession of a high school diploma or GED is a prerequisite.

Sec. 405. No Pending Charges or Prior Convictions for Certain Crimes Eligibility Requirement.

(a) Requirements, Generally. In order to run for a seat on Tribal Council, a Chitimacha Tribal Council candidate:

- (1) must not have charges pending for any felony or crime of theft or fraud; and
- (2) must not possess a conviction for any felony or crime of theft or fraud received within the last 10 years.

(b) Proof. Candidates filing for a seat on Tribal Council must prove the requirement set forth in Section 405(a) above through:

- (1) submission of a notarized Affidavit of the candidate certifying that the candidate (i) does not have charges pending for any felony or crime of theft or fraud in any tribal, state, or federal jurisdiction and (ii) has not been convicted of any felony or crime of theft or fraud in any tribal, state, or federal jurisdiction within the last 10 years; and
- (2) a completed background check authorized by Chitimacha Tribal Election Board that verifies compliance with the requirements set forth in Section 405(a) above.

Comment [A4]:

Council: The applicant will submit this Affidavit certifying that the candidate meets these eligibility requirements.

Comment [A5]:

Council: After receiving the Affidavit, the Election Board will then request a background check confirming that the candidate meets the eligibility requirements.

Here, too, the candidate is depending on the Board and the person conducting the background check to be responsive so that the candidate can prove satisfaction of this criteria.

No other forms of proof other than those set forth in this subsection (b) shall be considered as proof of satisfaction of the eligibility requirement set forth in Section 405(a) above.

(c) **Consent to Background Check.** At the time of filing the petition for candidacy under Section 407 of this Ordinance, the candidate must provide personal information and consent necessary for the Chitimacha Tribal Election Board to conduct a background check to verify satisfaction of the requirements set forth in Section 405(a) above. The Chitimacha Tribal Election Board shall develop a “Background Check Authorization Form” that requests such information and consent and shall make that form available to persons who request a petition for candidacy.

Sec. 406. Involvement in Tribal Government Eligibility Requirement.

(a) **Requirement, Generally.** In order to run for a seat on Tribal Council, a Chitimacha Tribal Council candidate must have, within the last year, either (i) worked with or for the Tribal Government; (ii) served on a Board or Committee that directly interacts with Tribal Council; or (iii) attended at least six Tribal Council meetings.

(b) Worked with or For Tribal Government.

(1) To satisfy the eligibility requirement set forth in Section 406(a) above by having worked with or for the Tribal Government within the last year, a candidate must have within the last year:

- (i) served on Tribal Council;
- (ii) been employed in a full or part-time capacity by an agency or department of the Chitimacha Tribal Government; or
- (iii) been employed in a full or part-time capacity by an economic enterprise that is wholly owned by the Chitimacha Tribe.

(2) **Proof.** To satisfy the eligibility requirement set forth in Section 406(a) above by having worked with or for the Tribal Government within the last year, the candidate must submit documentation such as, but not limited to: a certified verification of employment history issued by the Chitimacha Human Resources Department or by a person authorized to verify the employment history of a person employed by an economic

Comment [A6]:

Council: JLG recommends that for the purposes of eligibility, the term “Tribal Government” should include the Tribe’s enterprises for two reasons.

First, the Tribe will benefit from having Council members with experience working for Tribal enterprises, as the Council is the ultimate owner of those entities.

Second, the new eligibility requirements limit (significantly) the pool of persons eligible to run for office. By including Tribal enterprises in the definition of “Tribal Government,” that pool of eligible persons is not further limited.

enterprise that is wholly owned by the Chitimacha Tribe; paystubs; or a notarized Affidavit of an existing or former supervisor certifying the candidate's employment and identifying the time period in which the affiant supervised the candidate, the department/agency/economic entity for which the affiant and candidate worked, and the nature of the supervisory relationship. Documentation that only covers a particular time period, (e.g., paystubs), shall not be considered evidence of employment for any other time period.

(c) Service on a Board or Committee that Directly Interacts with Council.

(1) Requirement, Generally. To satisfy the eligibility requirement set forth in Section 406(a) above by having served on a Board or Committee that directly interacts with Tribal Council within the last year, the candidate must have served on a Board or Committee within the last year that is identified on the Eligible Board and Committee List duly-promulgated by the Chitimacha Tribal Election Board.

(2) Eligible Board and Committee List

(i) Within 90 days of enactment of this Section 406, the Chitimacha Tribal Election Board shall promulgate an Eligible Board and Committee List (the "List") that identifies the Boards and Committees that in the Board's discretion directly interact with Tribal Council within the meaning of the eligibility requirement set forth in Section 406(a) above. The List as initially promulgated shall become effective on the date it is adopted by the Chitimacha Tribal Election Board.

(ii) The Chitimacha Tribal Election Board shall publish the List applicable to the upcoming election at all Chitimacha Tribal Offices at the same time as the Notice of Election is published under Section 212 of this Ordinance for any election for which one or more Tribal Council seats are on the ballot.

(iii) After initial promulgation of the List, the Chitimacha Tribal Election Board shall meet annually in April of each year to determine

Comment [A7]:

Council: JLG recommends that the Council delegate to the Election Board the authority to identify the Boards or Committees needed to establish this eligibility factor.

Within three months after this Code is passed, the current Election Board will identify the Boards/Committees that will apply to persons seeking candidacy in the 2020 election.

Thereafter, the Election Board may revise the list by June 1, publish the revised list for 30 days, and said list will apply for the next election. So, for example, the next Election Board may revise the list by June 1, 2020, and that list will apply to the 2021 election.

whether to revise the List. Any revisions must be duly adopted no later than June 1 of the same year following the Board's April meeting. If the Chitimacha Tribal Election Board revises the list, it shall publish the revised List at all Chitimacha Tribal Offices for 30 days beginning on the first business day following completion of the tribal election scheduled for the same calendar year, along with a statement that the revised List shall become effective for the next scheduled tribal election under Chapter 1 of this Ordinance.

(iv) For any election for which one or more Tribal Council seats are on the ballot, the Chitimacha Tribal Election Board shall distribute the current List to any person who requests a petition for candidacy.

(v) If an enrolled member of the Chitimacha Tribe who is at least 18 years of age requests the List, the Chitimacha Tribal Election Board shall produce the List that will govern the next scheduled tribal election under Chapter 1 of this Ordinance for which one or more Tribal Council seats are on the ballot.

(2) **Proof.** In order for a candidate to prove service on a Board or Committee that directly interacts with Tribal Council within the last year, the candidate must submit documentation, such as, but not limited to: a Tribal Council Resolution approving or otherwise evincing the candidate's service on the Board or Committee, certified minutes from a meeting of the Board or Committee, or a notarized Affidavit of the chair or other designated presiding officer of the Board or Committee certifying the candidate's service on the Board or Committee.

(d) Attendance at Tribal Council Meetings.

(1) **Requirement, Generally.** A candidate can satisfy the eligibility requirement set forth in Section 406(a) above by having attended at least six (6) Tribal Council meetings within the last year.

(2) **Proof.** In order for a candidate to prove attendance at least six Tribal Council meetings within the last year thereby satisfying the eligibility

requirement set forth in Section 406(a) above, the candidate must submit documentation from the Senior Executive Assistant to the Chairman or other Tribal official designated as custodian of the Tribal Council meeting attendance records certifying that the candidate attended at least six (6) Tribal Council meetings within the preceding year and indicating the dates of those meetings. No other forms of proof other than that set forth in this subsection (d)(2) shall be considered as proof of satisfaction of the eligibility requirement set forth in subsection (d)(1) above.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-00; Adopted: February 17, 2000; Effective: February 17, 2000; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Comment [A8]:

Council: As noted, JLG recommends that an applicant and the Board can only rely on sign-in sheets for Council meetings to establish this criteria. The reasons is to prevent the Board from having to sift through a wide variety of indiscriminate and historical evidence to assess whether this criteria is actually met (e.g., text messages re. attending a meeting, affidavits from friends or supporters re. attendance, pictures proving attendance, etc.). The downside here is that a person a who attends a Council meeting but does not sign in may not be able to evidence eligibility under this factor.

Here, too, it will be crucial that the Senior Executive Assistant is response to requests for certification of attendance.

Sec. 4072. Candidate Filing and Filing Period.

(a) A petition of candidacy must be filed with the Chitimacha Tribal Election Board, along with a fee in an amount determined by the Chitimacha Tribal Election Board. The petition of candidacy must state (1) the name of the candidate, (2) the applicant's mailing address, (3) the name of the office sought, (4) verification of voter registration, (5) age, Tribal membership, and (6) place of residence and, if seeking an Officer position, proof of length of residency as required by Section 402(a), (7) must independently verify satisfaction of the eligibility requirements set forth in Section 401(b) in the petition, and (8) must submit proof of satisfaction of eligibility requirements as provided in Sections 403 through 406 of this Ordinance. It shall be the candidate's responsibility to produce a completed petition of candidacy with sufficient documentation at the time of filing the petition for candidacy.

(b) The petition must be filed between the first Monday in April and at a time specified by the Chitimacha Tribal Election Board on the Friday immediately following. Petitions shall be received during the designated hours at the designated Chitimacha Tribal Office. There will be no exceptions allowed for a late petition of candidacy filed.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09,

Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 4083. Candidate May File for and Hold Only One Office.

Candidates may file for no more than one (1) office at a time and may only hold one (1) elected position at any one (1) time. Any candidate for a Tribal Office who presently holds an elected position must resign his/her position before filing for another position other than the position held regardless of whether the term for his/her current position will expire by the time of the election. The Chitimacha Tribal Council will fill the vacated positions as provided in Sections 701 and 702.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 404-9 Certificate of Candidacy.

(a) The Chitimacha Tribal Election Board shall review all applications for candidacy to determine if the candidate meets all applicable qualification criteria in Sections 401 and 408, 402, and 403 of this Ordinance.

(b) A Tribal Council candidate's documentation required under Sections 402 through 406 of this Ordinance or relevant documentation otherwise in the custody of the Chitimacha Tribal Election Board, when taken as a whole, must prove that the candidate has satisfied the applicable eligibility requirements for those sections. In making a "taken as a whole" determination, all facts, evidence, and affidavits timely submitted to the Chitimacha Tribal Election Board other than that expressly prohibited shall be considered.

(c) After completing its evaluation of an applicant's petition for candidacy, the Chitimacha Tribal Election Board may inform the candidate of questions or deficiencies the Chitimacha Tribal Election Board has found which has caused the Chitimacha Tribal Election Board to withhold certification of the candidate's eligibility, and request additional information or documentation from the candidate within a time period indicated by the Board.

(d) If the Chitimacha Tribal Election Board determines that any Tribal Council or Board of Education candidate is qualified, it shall issue a signed Certificate of Candidacy to the candidate within ~~seven~~ fourteen (14) days of the filing deadline. ~~If after submission of a person's petition the Chitimacha Tribal Election Board determines, upon completion of the process set forth in Section 401, that the any person is not eligible to become a candidate for an office of the Tribal Council or Board of Education, it shall issue a signed letter denying candidacy to the petitioner and providing the reasons for the denial within seven~~ fourteen (14) days of the filing deadline.

Comment [A9]:

Council: This is the only change in the deadlines governing the election process. The purpose is to give the Board an additional week to secure the background checks on potential candidates.

(e) A decision of the Chitimacha Tribal Election Board under this Section may be appealed to the Chitimacha Tribal Court. Such appeal must be filed with the Chitimacha Tribal Court within seven (7) days of the issuance of the decision. A decision of the Chitimacha Tribal Election Board shall only be reversed upon a finding of gross abuse of discretion based on the record that was timely before the Chitimacha Election Board when it issued its decision. The Chitimacha Tribal Court may not issue a stay of the election pending the appeal, but may order a new election to be held as a remedy.

Comment [A10]:

Council: This ensures that a potential candidate cannot ask the Court to consider evidence that the Board did not consider when it made the decision being challenged. Given the significant additional evidence that the Board must assess under these revisions, it is important limitation on the process for challenging Board decisions in Tribal Court.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 41005. Withdrawal of Candidacy.

Any candidate may withdraw his/her candidacy upon filing a written notice of withdrawal as a candidate with any member of the Chitimacha Tribal Election Board. A candidate may not withdraw after absentee voting begins.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015)

Sec. 41106. Roster of Election Candidates.

The Chitimacha Tribal Election Board shall maintain a Roster of Election Candidates. The Roster of Election Candidates shall identify the name of each candidate certified by the Chitimacha Tribal Election Board in accordance with this Ordinance, and

the office that each certified candidate seeks to attain. By the third Monday in April, the Chitimacha Tribal Election Board shall publish the Roster of Election Candidates in the Chitimacha Tribal Newsletter or otherwise make the Roster of Election Candidates available to the public. Should a petitioner's status as an eligible candidate change by virtue of a final determination made in accordance with the provisions of this Ordinance, the Chitimacha Tribal Election Board shall amend and re-publish the Roster of Election Candidates or otherwise make the Roster of Election Candidates available to the public within forty-eight (48) hours of the final determination.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016; Revised by Ordinance #04-18; Adopted: April 19, 2018; Effective: April 19, 2018)

Sec. ~~41207~~. Chitimacha Board of Education Candidates.

The qualifications of Chitimacha Board of Education candidates shall be as set forth in the Chitimacha Board of Education By-Laws.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990) (Sections 408 and 409 Omitted by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990) (Sections 404 Omitted by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010) (Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

CHAPTER 5. ELECTION PREPARATIONS

Sec. 501. Preparation of Forms, Notices, and Certifications.

The Chitimacha Tribal Elections Board shall ensure that all forms, notices, and certifications required under this Ordinance are timely prepared.

Sec. 502. Preparation of the Ballots

The Chitimacha Tribal Election Board shall ensure that at least one hundred (100) absentee ballots, and as many other paper ballots as are necessary to conduct an election, are prepared and printed. All ballots must be authenticated with the Chitimacha Tribe of Louisiana watermark seal prior to election day. In determining the number of absentee and/or other paper ballots that should be printed, the Chitimacha Tribal Election Board shall take into consideration the number of registered voters, the type of election, and the number of voters registered for previous elections. Once this number is established, the

Secretary of the Chitimacha Tribal Election Board or his/her designee shall print or cause to be printed all ballots. Each ballot shall clearly state the name of each candidate and the office he or she seeks, as identified by the Roster of Election Candidates. Each ballot shall also specify how it is to be completed and clearly state that any extraneous markings on the ballot will spoil the ballot. Each ballot shall be a facsimile of the original absentee ballot certified pursuant to Section 503(b) of this Ordinance. Ballots should not be printed sooner than one (1) week before elections or in the case of absentee ballots no sooner than one (1) week before absentee balloting begins. These ballots shall then be kept in a safe and secure place until needed for elections.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 503. Certification of Absentee Voting Ballot Boxes and Absentee Ballots.

(a) For purposes of certification of the absentee ballots and absentee ballot boxes, the Clerk of Court or his/her designee and two (2) witnesses shall be designated to certify both the absentee ballots and absentee voting ballot boxes. These individuals shall not be related to the candidates in the form of an “Immediate Family Member” as stated in the Chitimacha Tribal Policies and Procedures under Section 7.09, i.e., spouse or significant others, son, daughter, step-son, step-daughter, son-in-law, daughter-in-law, parent, step-parent, parent-in-law, grandparent, step-grandparent, grandparent-in-law, grandchild, step-grandchild, sibling, step-sibling, sibling-in-law or any other person living in the same household as a candidate.

(b) Certification of absentee ballots and absentee ballot boxes shall be conducted during the week prior to the opening of absentee voting. The Chairman of the Chitimacha Tribal Election Board shall schedule a date and time for this meeting that is appropriate to all Chitimacha Tribal Election Board Members and the Clerk of Court or his/her designee. The Clerk of Court or his/her designee shall bring the three (3) absentee ballot boxes and keys held at Chitimacha Tribal Courts to the Chitimacha Tribal Election Board Office or alternative designated location for the scheduled meeting to empty the absentee ballot boxes and materials from the previous year election. All information contained in the absentee ballot boxes from the prior year shall be shredded by a

Chitimacha Election Board Member. Each designated witness shall verify the absentee ballot voting boxes are in fact empty and execute an affidavit certifying the same.

(c) At the time of this meeting, an original absentee ballot shall be certified by the Chitimacha Tribal Election Board Members and the Clerk of Court or his/her designee. The Clerk of Court or his/her designee will certify that the original absentee ballot coincides with the names listed on the Roster of Election Candidates. This individual will also certify whether there are any Constitutional amendments that are to be voted on and if so, shall read said amendment(s) thoroughly along with the Chitimacha Tribal Election Board Members to ensure that they are represented accurately. The certification forms shall then be signed by the Chitimacha Tribal Election Board Members, Clerk of Court or his/her designee, and two (2) witnesses. Once this is accomplished, the Chitimacha Tribal Election Board shall ensure that at least one hundred (100) absentee ballots are printed. The Chitimacha Tribal Election Board shall ensure that the absentee ballots are stored at a designated and secure location. The absentee voting ballot boxes are to be picked up by a Chitimacha Tribal Police Officer with same to be held pending the onset of absentee voting.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

CHAPTER 6. CONDUCT OF ELECTIONS

Sec. 601. Exchange of Contact Information.

At least one (1) week prior to election day, the Chitimacha Tribal Election Board Chairman and the Clerk of Court shall exchange contact information in the event that either needs assistance from the other on election day.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 602. Polling Place; Hours of Voting.

At every primary, runoff, and special election, the polling place shall be a designated Tribal Office. The polling place will be open at 8:00 a.m. and shall remain open continuously until 6:00 p.m. and every qualified registered voter of the Chitimacha Tribe of Louisiana who presents himself/herself between said hours shall be entitled to vote. All qualified voters who are in line waiting to vote at 6:00 p.m. shall be allowed to vote.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 603. Equipment and Supplies.

The Secretary of the Chitimacha Tribal Election Board or designee will make sure all required equipment, supplies, and forms for the election are brought to the designated polling place. Required equipment, supplies, and forms include, but are not limited to:

- (a) Ballot Boxes;
- (b) Poll Book;
- (c) Ballots;
- (d) Tally Sheets;
- (e) Election Result Form;
- (f) Certificate of Election Forms;
- (g) Paper for Listing Voters; and
- (h) Pens and Pencils.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 604. Ballot Boxes or Voting Machines

(a) **Ballot Boxes.** There shall be two (2) ballot boxes, one (1) for absentee voters and one (1) for other voters. The ballot boxes shall be constructed of substantial material and shall be equipped with two (2) locks interlocked so one (1) lock will not open the ballot box. At all times, unless otherwise specified herein, all keys are to be secured at the Chitimacha Tribal Courts Building or Chitimacha Tribal Police Department by either the Clerk of Court or his/her designee and the keys shall not be kept at the same location as the ballot box during election time. Each box shall be equipped with an opening in the top through which a ballot may be inserted, but must be constructed in such a manner that the box must be unlocked before the ballots can be removed. In the event of a voting machine malfunction, ballot boxes may be used.

(b) **Voting Machines.** When available, voting machines may be used in an election. Any voting machine used in an election must meet the standards provided for in

Schedule 1. The Chitimacha Tribal Election Board shall ensure that voting machines are prepared, operated, and stored in accordance with the terms of this Ordinance.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 605. Voting Booth

The Secretary of the Chitimacha Tribal Election Board shall cause at least two (2) voting booths to be equipped at the polling place. At least one (1) booth shall be designated for absentee ballots and at least one (1) booth shall be designated for non-absentee ballots. Said booth(s) shall be constructed so as to ensure the secrecy and ease for the voter in casting his/her vote.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 606. Preparing and Closing of Polling Place.

(a) **Preparing the Polling Place.** ~~On the second Saturday of June~~ At 7:30 a.m. on election day, the Clerk of Court or his/her designee shall bring the election envelope containing the keys or passcode to the digital election voting machines to the Chitimacha Tribal School Library or designated location. The Clerk of Court or his/her designee shall verify that the seal number and the machine serial number of each electronic voting machine that it is consistent with the seal number and electronic machine serial number which is written on the election envelope and verify that the machines have not been tampered with. The Chitimacha Tribal Election Board Members and Clerk of Court or his/her designee shall then verify prior to the onset of election that each electronic voting machine contains a ZERO count. In addition, the Chitimacha Tribal Election Board Members and Clerk of Court or his/her designee shall verify that candidates for each office identified on the Roster of Election Candidates are the same candidates for each office listed on the ballots, and shall read word-for-word any Amendments placed on the ballot to verify that the Amendment(s) are accurately represented on the ballot. The keys will be placed in the election envelope and returned

to Chitimacha Tribal Courts or designated location and stored in a locked filing cabinet or safe. The Clerk of Court or his/her designee will stay at the school until 8:00 a.m. when voting begins. No votes shall be cast before 8:00 a.m.

(b) **Closing the Polling Place.** ~~On the second Saturday of June~~ At 5:30 p.m. ~~on election day~~, the Clerk of Court or his/her designee shall bring the keys for each electronic voting machine and the absentee ballot boxes and the absentee ballots therein to the Chitimacha Tribal School Library or designated location and remain with the Chitimacha Tribal Election Board until closing of the polls at 6:00 p.m. At 6:00 p.m. Thereafter, no individual that is not already in line to vote shall be allowed to enter the Chitimacha Tribal School Library or designated location to cast a vote. Once all votes have been cast, the Chitimacha Tribal Election Board will count the election results in accordance with Section 619. The Clerk of Court or his/her designee shall remain at the designated facility to witness the counting of the votes by the Chitimacha Tribal Election Board until completion of the results.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 607. Opening Ballot Boxes.

~~On the second Saturday of June~~ At 7:30 a.m. ~~on election day~~, the Chitimacha Tribal Election Board Chairman and Secretary, accompanied by the Clerk of Court and his/her designee, shall open the non-absentee ballot box at the polling place in view of the Chitimacha Tribal Election Board and any registered voters at the polling place. The Chitimacha Tribal Election Board Secretary shall turn the said box top down to show that no ballots are contained therein. The Chitimacha Tribal Election Board Chairman and Secretary shall then lock the box and place it in the proper location.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 608. Prohibited Campaigning.

No person shall be allowed to campaign within three hundred (300') feet of any polling place while an election is in progress. "Campaigning" and "campaign" as used in this Section shall include, but not be limited to, displaying campaign signs, literature,

bumper stickers, and clothing containing a candidate's name or campaign signs or slogans. Campaigning to a Chitimacha Tribal Election Board Member in any manner whatsoever shall be prohibited. Persons violating this campaigning prohibition shall be asked to remove the campaign material or may be required to leave the premises.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013 Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 609. Security of Polling Place.

(a) The Chitimacha Tribal Election Board may appoint one (1) or more persons to serve as "Bailiff" at the polling place to ensure security of the polling place and proper conduct of all elections.

(b) The duties of the Bailiff are:

- (1) keep the peace and protect the polling place by preventing improper intrusions upon the polling place or interference in the election;
- (2) see that persons desiring to vote have unobstructed access to the voting place;
- (3) arrest (if a properly deputized law enforcement officer) or remove all persons creating any disturbance about the polling place, and to summon to his/her aid all persons at the voting place;
- (4) see that no candidate or other person campaigns within three hundred (300') feet of the ballot box or polling place as prohibited in Section 608.

(Added by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 610. Confidentiality of Tribal Information.

No Tribal supplies, equipment, or confidential information may be used by any candidate for any Tribal political office for his/her individual benefit. Confidential information shall include, but is not limited to, addresses, telephone numbers, and e-mail addresses of Chitimacha Tribal Members as contained in the list of all enrolled

Chitimacha Tribal Members eighteen (18) years and older which is maintained at the Chitimacha Tribal Office.

No email address or the mailing address list of the Chitimacha Tribe of Louisiana may be used by a candidate, or their designee or agent, for political purposes unless the address owner has approved of such use.

The Chitimacha Tribal Election Board maintains the list of registered voters and may disseminate addresses to eligible candidates once a Certificate of Candidacy has been issued for an upcoming election.

(Added by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 611. Penalty.

Any candidate found in violation of Sections 608 or 610 of this Ordinance is subject to a hearing before the Chitimacha Tribal Election Board with an appropriate sanction to be given to include a fine of up to five hundred dollars (\$500.00) and possible disqualification from office sought in the election. Said fine will be due within thirty (30) days of issuance. Failure to pay a fine may cause imposition of additional penalties and interest and disqualify such individual from running for any future offices.

(Added by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 612. Intoxicating Liquor Prohibited.

No Person may offer, sell or consume intoxicating liquors of any kind or quantity within three hundred (300') feet of the exterior door of the polling place. Intoxicating liquors will not be sold from businesses within three hundred (300') feet from the polling place during voting hours.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 613. Voter Must Vote Ballots Issued Him/Her.

When written ballots are utilized, no person shall vote any ballot except the ballot issued to that voter by the designated election worker(s) and each ballot must be voted without removing same from polling place, except as stated in Sections 803 and 805 of this Ordinance. Only one (1) person will be allowed in the voting booth at any time except in cases of illiteracy, handicap, or minor children with parents.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 614. Procedure for Determining Eligibility.

Each person seeking to vote shall tell his/her name to the polling place designated worker(s), whereupon the designated worker shall determine whether that person is on the list of registered voters.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 615. Identification of Voter.

Polling place worker(s) shall determine the identity of a voter by requesting identification such as a valid driver's license, Tribal identification, passport, or other form of Valid Identification. "Valid Identification" for purposes of this Section shall mean either a document issued by a State or Federal government entity that identifies the voter, the voter's date of birth, displays the voter's signature, displays a photo of the voter, and is not expired; or, a document issued by a Tribal government entity that identifies the voter, the voter's date of birth, displays voter's signature, and displays a photo of the voter. A voter who fails to produce a form of Valid Identification to a polling place worker will not be allowed to vote.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 616. Signing of the Poll Book.

Persons who have been determined to be eligible to vote shall sign the poll book in the presence of a polling place worker. The poll book must include the registered voter's name, address, phone number (if applicable), and/or email address (if applicable). It must also have a section to enter their identification number and a section for them to sign as proof that they cast their vote. If a voter casts an absentee vote prior to election day, they must sign both the absentee voting log as well as the poll book and a member of the Chitimacha Tribal Election Board must enter the date the voter cast their absentee vote and place their initials next to it.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016; Revised by Ordinance #04-18; Adopted: April 19, 2018; Effective: April 19, 2018)

Sec. 617. Manner of Voting.

When available, voters shall cast their ballots by machine in accordance with the machine's operating procedures. Each voter shall be given a ballot which shall be completed as specified, and placed in the voting machine designated for absentee voting, election day voting, or the designated ballot box. In any case, all persons must present Valid Identification prior to being given access to the voting machine or a ballot for completion.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 618. Spoiled Ballots.

Any voter who spoils a ballot shall be entitled to a new ballot upon surrender of the spoiled ballot to the Chitimacha Tribal Election Board. No voter shall receive more than one (1) additional ballot. A Chitimacha Tribal Election Board Member shall place the name of the voter and Chitimacha Tribal Election Board Member's initials on the back of the spoiled ballot. All ballots voluntarily surrendered due to spoliation shall be secured separately in an envelope.

After the polls close the Secretary shall remove the ballots from the box and set aside ballots that may be spoiled for the Chitimacha Tribal Election Board's review. The

determination of whether or not a ballot is spoiled shall be within the sole discretion of the Chitimacha Tribal Election Board. That discretion shall be exercised such that no ballot shall be considered spoiled if the intent of the voter is clear. Spoiled ballots shall not be counted. All spoiled ballots shall be kept in a separate envelope, securely sealed, and marked “**SPOILED BALLOTS**”. All spoiled ballots shall be retained until the time period for contesting a ballot count has expired.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 619. Procedure for Counting.

(a) **Officials who must be present for the counting.** The count shall be conducted in the presence of Chitimacha Tribal Election Board members and, as witnesses only, the Clerk of Court, his/her designee, or a Chitimacha Tribal Police Officer. The person serving as a witness must not be a member of the immediate family of any candidate seeking office. The witness shall not participate with the Chitimacha Tribal Election Board in the counting of the ballots. No person other than the Chitimacha Tribal Election Board Members shall touch or handle ballots during the count. The count shall be continued without adjournment until completed. Counting will be done at the designated polling place beginning immediately after 6:00 p.m. on election day.

(b) **Procedure for counting when machines are not used.** In the event that voting machines are not used during the election, the Chitimacha Tribal Election Board’s Chairman and Secretary will open the ballot box. The Secretary will remove the ballots from the box. The Secretary will then hand the ballot to the Chairman who will read out loud the names of candidates marked on the ballot. Two (2) persons will tally non-absentee votes with a pencil on an official tally sheet designated for non-absentee votes. The same two (2) persons will also tally absentee votes with a pencil on an official tally sheet designated for absentee votes.

(c) **Procedure for counting when machines are used.** In the event that voting machines are used during the election, the Chitimacha Tribal Election Board’s

Chairman and Secretary will reconcile the number of non-absentee votes tabulated by the machine designated for non-absentee votes and the number of non-absentee voters who signed the poll book. If the number of votes tabulated reconciles with the number of non-absentee voters who signed the poll book, the results tabulated by the voting machine shall be documented on an official tally sheet designated for non-absentee votes cast on election day. If the number of votes tabulated does not reconcile with the number of non-absentee voters who signed the poll book, the Chitimacha Tribal Election Board's Chairman and Secretary shall follow the procedures set forth in Section 619(b).

The Chitimacha Tribal Election Board's Chairman and Secretary shall take the ballots in the absentee voter box, use the voting machine designated for absentee votes to tabulate the results, and ensure that the results are documented on an official tally sheet designated for absentee votes. Next, the Chitimacha Tribal Election Board's Chairman and Secretary shall reconcile the number of absentee ballots tabulated with the number of absentee voters who signed the poll book. If the number of absentee ballots tabulated reconciles with the number of absentee voters who signed the poll book on election day, the Chitimacha Tribal Election Board's Chairman and Secretary shall ensure that the results tabulated by the voting machine for absentee votes cast on election day are documented on the official tally sheet designated for absentee voting. If the number of absentee ballots tabulated and the number of absentee voters who signed the poll book do not reconcile, the Chitimacha Tribal Election Board's Chairman and Secretary shall use the process set forth in Section 619(b) to calculate the absentee votes cast on election day.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-151 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 620. Formula for Determining Majority.

In determining a majority vote for Council Member and Board of Education Members, the following formula will be used:

- (a) Total number of all votes for all candidates.
- (b) Divide by number of offices to be filled.

(c) Divide by two (2) – candidates having votes equal to or more than the resulting number will have a majority.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-99; Adopted: January 7, 1999; Effective: January 7, 1999; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15; Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 621. Tie Vote.

When a tie vote occurs in the primary election, candidates in a position to win or be included in a runoff will be placed in a runoff election. When a tie vote occurs in a runoff election and the candidates are in a position to win the election, another runoff election shall be held within seven (7) days, unless the candidates agree to resolve the matter by the toss of a coin.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 622. Retention of Ballot Boxes and Election Results.

All ballots and all materials used in conducting the official count shall be placed in the ballot boxes immediately after the count is completed. Said ballot boxes shall be locked and the Secretary of the Chitimacha Tribal Election Board shall return them along with all other election material, forthwith, to their rightful and secure place within the Chitimacha Tribal Courts Building or Chitimacha Tribal Police Department for a period of thirty (30) days. After the expiration of this time period, the ballots may be disposed of by the Chitimacha Tribal Election Board, if no contest is filed. If a contest is filed, the Chitimacha Tribal Election Board shall ensure that the ballots remain in a secure place until the contest is finally resolved. The tally of each election and the results thereof shall be retained in the permanent records of the Chitimacha Tribal Election Board. The boxes shall remain secured at the Chitimacha Tribal Courts Building or some other secure location determined by the Chitimacha Tribal Election Board until the next election. The voting machines shall be stored and secured within the same location as the ballot boxes and in conditions that conform to the standards identified in Schedule I.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12;

Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 623. Certifying Vote.

At the conclusion of the official count, the Chairman of the Chitimacha Tribal Election Board shall announce the election results to the general public. In addition, the Chitimacha Tribal Election Board shall immediately execute an official letter of results to be sent to the Area Director, Eastern Area Office, Bureau of Indian Affairs and to the Chitimacha Tribal Council. The Chitimacha Tribal Election Board shall post the election results in a conspicuous place within the Chitimacha Tribal Office Complex and publish the election results in the Chitimacha Tribal Newsletter. When the results are posted, the Chitimacha Tribal Election Board shall also post a notice for the runoff election, if any.

When the Chitimacha Tribal Election Board has completed the official count or recount and determined the winners, if any, it shall be the duty of the Chitimacha Tribal Election Board Chairman to issue a certification of election to the winning candidates.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 624. Recounts.

(a) **Conditions for recount.** Any candidate defeated by a margin not exceeding one percent (1%) of the total votes cast for all candidates for the same office, or by a margin not exceeding seven (7) votes, whichever is greater, may file with the Chitimacha Tribal Election Board a request for a recount. The request shall be filed by 4:30 p.m. on the Monday following election day. The recount shall be without charge to the candidate.

(b) **Conditions for recount on a special election.** If the Tribal question, Constitutional amendment, or recall at a special election is decided by a margin not exceeding one percent (1%) of the total votes cast for and against the issue, or by seven (7) votes, whichever is greater, the votes shall be recounted if requested by resolution of

the Chitimacha Tribal Council presented to the Chitimacha Tribal Election Board by 4:30 p.m. on the Monday following election day.

(c) **Procedures for recount.** The Chitimacha Tribal Election Board shall conduct the recount within seven (7) days of receiving a qualified request and shall employ the procedures set forth in this Subchapter. Each candidate affected by a recount may be present at the recount, either personally and with, or by one (1) representative, and shall have full opportunity to witness the opening of the ballot boxes and the count of all ballots but shall not be allowed to touch or handle ballots or interfere with the recount.

If the recount is for a special election on a tribal question or constitutional amendment governed by 703 or 705 of this Ordinance, the spokesperson for the petitioning members or his or her designee may be present at the recount. If the recount is for a special election on a recalled Tribal Council member, both the spokesperson for the petitioning members, or his or her designee, and the Tribal Council member whose recall is being petitioned for, or his or her designee, may be present at the recount. The actual recount is

to be conducted by the Chitimacha Tribal Election Board.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 625. Election Disputes.

(a) A candidate who claims there were election procedure violations or irregularities which changed or could potentially have changed the outcome of the election in which that candidate was involved may initiate a contest of election by filing with the Chitimacha Tribal Election Board a written complaint duly certified under oath by a Clerk of the Chitimacha Tribal Court, setting forth a concise statement of the facts on which the contest is based and why those alleged violations or irregularities did change or could have changed the outcome of the election.

(b) A registered voter who voted in the election and who claims there were election procedure violations or irregularities which deprived them of their right to vote and claims that that occurrence changed or could have potentially changed the outcome of the election in which that voter attempted to vote may initiate a contest of election by

filing with the Chitimacha Tribal Election Board a written complaint duly certified under oath administered by a Clerk of the Chitimacha Tribal Court, setting forth a concise statement of the facts on which the contest is based and why those alleged violations or irregularities did change or could have changed the outcome of the election.

(c) No complaint shall be considered unless it is filed within three (3) days immediately following election day and accompanied by a fee of fifty dollars (\$50.00).

(d) The Chitimacha Tribal Election Board will determine if the petition was properly filed and shall set a hearing date not more than three (3) days from the date of filing the petition. Written notice shall be provided to the petitioner and a notice posted in the Chitimacha Tribal Office Complex identifying the time, date, and place of the hearing. The Chitimacha Tribal Council will also be notified and requested to attend. The Chitimacha Tribal Election Board will hear the dispute and render a decision within seven (7) days of the hearing.

(e) Notice of the decision will be provided to the Chitimacha Tribal Council and the candidates affected. Except as provided in Section 4094(eb) of this Ordinance, there shall be no judicial review of Chitimacha Tribal Election Board decisions on election disputes.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Revised by Tribal Council: February 23, 1990; Revised by Tribal Council: May 16, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 626. Oath of Office.

The oath of office shall be as follows:

I, _____, do solemnly swear that I will uphold and defend the Constitution and Bylaws of the Chitimacha Tribe of Louisiana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation, and that I will serve and faithfully discharge the duties of the office on which I am about to enter, so help me God.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 627. Administering Oath of Office.

It shall be the duty of a designated Chitimacha Council Official, Chief Judge or appointee of the Chitimacha Tribe of Louisiana to administer the Oath of Office to all elected and re-elected Tribal Officers, Council Members, and Board of Education Members in accordance to Article VI, Section 5 of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana. All Officers, Council Members, and Board of Education Members shall begin the tenure of their office upon being sworn in.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 628. Retention of Keys.

The voting machine keys and absentee ballot box keys shall be returned to Chitimacha Tribal Courts or designated location and stored in a locked filing cabinet or safe until released by the Chitimacha Tribal Election Board. After all counts, recounts, and results are complete, the Chairman and Secretary of the Chitimacha Tribal Election Board shall return the ballot box keys to the Clerk of Court or his/her designee and sign an affidavit verifying that no other extra keys were made.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

CHAPTER 7. SPECIAL ELECTIONS

Sec. 701. Vacancies on Council.

Should a vacancy occur for elected positions, the Chitimacha Tribal Council shall fill the vacancy according to Article VI, Section 6 of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 702. Proclamation Required.

When a vacancy occurs, the Chitimacha Tribal Council will post a proclamation of the vacancy at the Chitimacha Tribal Complex and proceed to fill the vacancy.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 703. Special Elections on Tribal Questions Initiated by Petition.

(a) Initiation. Any adult member of the Tribe may initiate a special election on any enacted or proposed ordinance or resolution of the Chitimacha Tribal Council by submitting a petition to the Tribal Council containing the valid signatures of twenty percent (20%) of the registered voters of the Tribe.

(b) Petition Form. The petition for a referendum on a tribal question shall contain the following information:

(i) The heading of the petition shall read "PETITION FOR REFERENDUM ON TRIBAL QUESTION."

(ii) The first page of the petition must clearly indicate the proposed or enacted resolution or ordinance on which the special election by popular referendum will be held by expressly denoting the precise language of such resolution of ordinance so that each signatory to the petition can understand the exact question that is being considered.

(iii) The body of the petition shall further include the following language conspicuously located at the top of each page on which signatures are affixed so that each signing individual can read it and understand it:

"We, the undersigned registered voters of the Chitimacha Tribe of Louisiana, being duly enrolled, respectfully direct that a special

Comment [A11]:

Council: The proposed revisions expressly delineate petition procedures for special elections on constitution amendments and recalls. To ensure that the petition processes are uniform for every type of petition (and reduce process-oriented disputes relative to handling those petitions), JLG recommends importing those new petition procedures for tribal questions as well (see prior language struck through, below).

The Council is the entity vested with the authority to vet and call an election on a petition for tribal question; however, the Council may delegate that authority to the Election Board.

election be called on the [proposed/enacted] [resolution/ordinance] listed at the beginning of this petition.

By signing this petition, I for myself say: I have personally signed this petition; I am an enrolled member of the Chitimacha Tribe of Louisiana and registered to vote in tribal elections; my address and birth date are correctly stated; and to my knowledge I have signed this petition only once.”

(iv) There shall be no more than 20 signatures affixed to each page of the petition.

(v) For each qualified individual signing the petition, the person must include his or her (1) signature, (2) date of signature, (3) printed name, (4) date of birth, (5) residential address, including street number, (6) city, and (7) state. A signature will not be counted for purposes of establishing the number of signatures required under subsection (a) if the information accompanying the signature is not legible.

(vi) The petition must also include the name, address, and phone number of the person filing the petition under subsection (d).

(c) **Time for Circulation.** Any petition must be filed not more than ninety (90) days after the date of the first signature.

(d) **Filing of Petitions.** Petitions shall be filed in person with the Chitimacha Tribal Council or its designated agent. The person filing the petition must make a written declaration that it is his or her intent to make an official filing. Upon such declaration, the Secretary of the Chitimacha Tribal Council must enter the date of receipt on the first page of the petition and provide a written acknowledgement that contains:

- _____ (i) the date of receipt;
- _____ (ii) the number of pages attached; and
- _____ (iii) the number of signatures on the petition.

The person filing the petition will be deemed the spokesperson for the petitioners and will be the contact for purposes of all notices under this Section and the presumed representative of the petitioners for any recounts.

(e) **Preliminary Determination of Sufficiency.** Within fourteen (14) days after the filing of the petition, the Chitimacha Tribal Council shall determine by a majority vote whether the petition meets the form, content, and timing requirements of subsections (b) and (c), above, including that each signatory is on the Tribe's single list of registered votes under Section 304 of this Ordinance. If the Council determines that the petition does not satisfy the requirements of subsections (b) and (c), it shall deem the petition insufficient and return it to the spokesperson for the petitioners with a written explanation of the reason(s) for the determination. If the Council determines that the petition meets the requirements of subsections (b) and (c), the Council shall proceed as provided in subsection (f) below.

(f) **Challenges to Signatures.**

(i) Not less than seven (7) days following a preliminary determination of sufficiency, the Secretary of the Chitimacha Tribal Council shall prepare and post at the principal office of the Tribe a copy of the entire petition and a public notice advising the members of the Tribe that copies of the petition are available for examination upon request for twenty-one (21) days follow the posting. The public notice shall advise adult members of their right to challenge signatures and the deadline for submitting a challenge consistent with the terms of this subsection (f).

(ii) During the period when the petition is available for inspection, any adult member of the Tribe may challenge a signature on the grounds of (1) forgery or (2) that a signature appears on the petition more than once.

(iii) A challenge to a signature must be in writing and supported by written documentation unless the challenge is based on multiple signatures of the same person.

(g) **Certification and Sufficiency.**

(i) Within fourteen (14) days following the end of the time allowed for challenges, the Chitimacha Tribal Council shall certify the number of valid signatures on the petition.

(ii) As part of its certification, the Chitimacha Tribal Council shall consider by majority vote the validity of any challenges raised under subsection (f).

above, and shall disqualify signatures accordingly if the Council determines that any of the challenges are valid.

(iii) After certifying the number of valid signatures, the Chitimacha Tribal Council shall determine the sufficiency of the petition by assessing whether the valid signatures represent twenty percent (20%) of the registered voters of the Chitimacha Tribe. If the number of valid signatures on the petition satisfies this threshold, the Council shall deem the petition sufficient.

(iv) The certification and determination of sufficiency shall be served upon the spokesperson for the petitioners, posted in the principal office of the Tribe, and made available to members upon request.

(h) **Action on a Sufficient Petition.** If the Chitimacha Tribal Council determines that a petition is sufficient under subsection (g), it shall within fourteen (14) days of such determination give written notice of the determination to the spokesperson for the petitioners, authorize the special election on the tribal question, and fix a date for the election no more than 365 days after the certification of sufficiency under subsection (g) is made.

(i) **Conducting a Special Election on a Tribal Question.** The Chitimacha Tribal Election Board shall conduct an election authorized under subsection (h) as a special election consistent with the requirements of this Ordinance.

(j) **Results of the Special Election on a Tribal Question.** The tribal question shall be decided by majority vote of the registered voters of the Chitimacha Tribe voting on the tribal question submitted to popular referendum. The majority vote of the registered voters of the Chitimacha Tribe voting on the tribal question shall be conclusive and binding upon the Tribal Council.

(k) **Delegation of Authority to the Chitimacha Tribal Election Board.** The Chitimacha Tribal Council may in its discretion delegate any or all of its duties under subsections (e) through (h) of this Section 703 to the Chitimacha Tribal Election Board.

~~Upon receipt of a petition from twenty percent (20%) of the registered voters according to Article VIII—Referendum of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana, or upon request of a majority of the members of the Tribal Council, any~~

~~proposed or enacted Ordinance or resolution of the Chitimacha Tribal Council shall be put to a popular vote in a special election. Also, upon receipt of the petition there will be a determination as to whether it meets the Constitutional requirements. If the Chitimacha Tribal Council by majority vote determines that the petition is valid, the Chitimacha Tribal Council shall fix a date for the special election and order the Chitimacha Tribal Election Board to conduct a special election on the Tribal question.~~

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 704. Special Election on Tribal Question Initiated by Resolution.

(a) **Initiation.** The Chitimacha Tribal Council may initiate a special election on any enacted or proposed ordinance or resolution of the Tribal Council by adopting a resolution calling for such special election by a majority vote of Tribal Council.

(b) **Contents of Resolution.** A resolution to initiate a special election on a tribal question contemplated by subsection (a) must include:

(i) the tribal question, evidenced by the precise language of the proposed or enacted resolution or ordinance on which the special election by popular referendum will be held, in a form that is understandable;

(ii) an authorization for the Chitimacha Tribal Election Board to conduct a special election on the tribal question; and

(iii) the date on which the special election will be held, provided that such date is within 365 days of the date the resolution is adopted.

(c) **Additional Requirements.** Section 703, subdivisions (i) and (j) shall apply to a special election initiated under this Section 704.

Sec. 705. Special Election on Constitutional Amendment Initiated by Petition.

(a) **Initiation.** Any adult member of the Tribe may initiate a special election on a constitutional amendment by submitting a petition to the Chitimacha Tribal Council containing the valid signatures of one-fourth (1/4) of the voters of the Chitimacha Tribe

Comment [A12]:

Council: The Council is the entity vested with the authority to vet and call an election on a petition for a constitutional amendment; however, the Council may delegate that authority to the Election Board.

who were registered to vote on the last date of the last primary election and achieved twenty-one (21) years of age or over on the date the petition was received by the Council.

(b) **Petition Form.** The petition for a constitutional amendment shall contain the following information:

(i) The heading of the petition shall read “PETITION FOR CONSTITUTIONAL AMENDMENT.”

(ii) The first page of the petition must clearly indicate the nature of the constitutional amendment sought by expressly denoting the precise language to be added and/or removed from the Constitution and Bylaws of the Chitimacha Tribe of Louisiana so that each signatory to the petition can understand the exact amendment that is being sought.

(iii) The body of the petition shall further include the following language conspicuously located at the top of each page on which signatures are affixed so that each signing individual can read it and understand it:

“We, the undersigned registered voters of the Chitimacha Tribe of Louisiana, being duly enrolled, respectfully direct that a special election be called to amend the Constitution and Bylaws of the Chitimacha Tribe of Louisiana in the manner provided on page 1 of this petition.

By signing this petition, I for myself say: I have personally signed this petition; I am an enrolled member of the Chitimacha Tribe of Louisiana and registered to vote in tribal elections; I have reached the age of 21 or expect to reach the age of 21 at the time this petition is filed; my address and birth date are correctly stated; and to my knowledge I have signed this petition only once.”

(iv) There shall be no more than 20 signatures affixed to each page of the petition.

(v) For each qualified individual signing the petition, the person must include his or her (1) signature, (2) date of signature, (3) printed name, (4) date of birth, (5) residential address, including street number, (6) city, and (7) state. A signature will not be counted for

purposes of establishing the number of signatures required under subsection (a) if the information accompanying the signature is not legible.

(vi) The petition must also include the name, address, and phone number of the person filing the petition under subsection (d).

(c) **Time for Circulation.** Any petition must be filed not more than ninety (90) days after the date of the first signature.

(d) **Filing of Petitions.** Petitions shall be filed in person with the Chitimacha Tribal Council or its designated agent. The person filing the petition must make a written declaration that it is his or her intent to make an official filing. Upon such declaration, the Secretary of the Chitimacha Tribal Council must enter the date of receipt on the first page of the petition and provide a written acknowledgement that contains:

- _____ (i) the date of receipt;
- _____ (ii) the number of pages attached; and
- _____ (iii) the number of signatures on the petition.

The person filing the petition will be deemed the spokesperson for the petitioners and will be the contact for purposes of all notices under this Section and the presumed representative of the petitioners for any recounts.

(e) **Preliminary Determination of Sufficiency.** Within fourteen (14) days after the filing of the petition, the Chitimacha Tribal Council shall determine by a majority vote whether the petition meets the form, content, and timing requirements of subsections (b) and (c), above, including that each signatory is on the Tribe's single list of registered votes under Section 304 of this Ordinance. If the Council determines that the petition does not satisfy the requirements of subsections (b) and (c), it shall deem the petition insufficient and return it to the spokesperson for the petitioners with a written explanation of the reason(s) for the determination. If the Council determines that the petition meets the requirements of subsections (b) and (c), the Council shall proceed as provided in subsection (f) below.

(f) **Challenges to Signatures.**

_____ (i) Not less than seven (7) days following a preliminary determination of sufficiency, the Secretary of the Chitimacha Tribal Council shall prepare and post at the principal office of the Tribe a copy of the entire petition and a public notice advising the members of the Tribe that copies of the petition are available for examination upon request for twenty-one (21) days follow the posting. The public notice shall advise adult members of their right to challenge signatures and the deadline for submitting a challenge consistent with the terms of this subsection (f).

_____ (ii) During the period when the petition is available for inspection, any adult member of the Tribe may challenge a signature on the grounds of (1) forgery, (2) failure of a signatory to have reached 21 years of age on the date the petition was received by Tribal Council, or (3) that a signature appears on the petition more than once.

_____ (iii) A challenge to a signature must be in writing and supported by written documentation unless the challenge is based on multiple signatures of the same person.

(g) Certification and Sufficiency.

_____ (i) Within fourteen (14) days following the end of the time allowed for challenges, the Chitimacha Tribal Council shall certify the number of valid signatures on the petition.

_____ (ii) As part of its certification, the Chitimacha Tribal Council shall consider by majority vote the validity of any challenges raised under subsection (f), above, and shall disqualify signatures accordingly if the Council determines that any of the challenges are valid.

_____ (iii) After certifying the number of valid signatures, the Chitimacha Tribal Council shall determine the sufficiency of the petition by assessing whether the valid signatures represent one-fourth (1/4) of the voters of the Chitimacha Tribe who were registered to vote on the last date of the last primary election and achieved twenty-one (21) years of age or over on the date the petition was received by the Council. If the number of valid signatures on the petition satisfies this threshold, the Council shall deem the petition sufficient.

(iv) The certification and determination of sufficiency shall be served upon the spokesperson for the petitioners, posted in the principal office of the Tribe, and made available to members upon request.

(h) **Action on a Sufficient Petition.** If the Chitimacha Tribal Council determines that a petition is sufficient under subsection (g), it shall within fourteen (14) days of such determination give written notice of the determination to the spokesperson for the petitioners, authorize the special election on the constitutional amendment, and fix a date for the election no more than 365 days after the certification of sufficiency under subsection (g) is made.

(i) **Conducting the Election on Constitutional Amendment.** The Chitimacha Tribal Election Board shall conduct an election authorized under subsection (h) as a special election consistent with the requirements of this Ordinance.

(j) **Requirements for Adoption of Constitutional Amendment through Special Election.** Constitutional amendments shall pass only by a majority vote of the registered voters of the Chitimacha Tribe who are twenty-one (21) years of age or older voting in a special election authorized for that purpose under this Section 705, provided that at least thirty percent (30%) of those registered and qualified to vote cast ballots in the special election.

(k) **Registration Requirement for Voting in Special Election on Constitutional Amendment.** Any qualified individual twenty-one (21) years of age or older who is either listed on the Tribe's single list of registered voters pursuant to Section 304 of this Ordinance or who registers to vote in the special election in accordance with Section 302 of this Ordinance shall be deemed a registered voter for an election authorized under subsection (h). Qualified voters listed on the Tribe's single list of registered voters pursuant to Section 304 of this Ordinance need not re-register for a special election authorized under subsection (h).

(l) **Delegation of Authority to the Chitimacha Tribal Election Board.** The Chitimacha Tribal Council may in its discretion delegate any or all of its duties under subsections (e) through (h) of this Section 705 to the Chitimacha Tribal Election Board.

Sec. 706. Special Election on Constitutional Amendment Initiated by Resolution.

(a) **Initiation.** The Chitimacha Tribal Council may initiate a special election to amend the Constitution and Bylaws of the Chitimacha Tribe of Louisiana by adopting a resolution by at least four (4) affirmative votes of the Council.

(b) **Contents of Resolution.** A resolution to amend the Constitution and Bylaws of the Chitimacha Tribe of Louisiana contemplated by subsection (a) must include:

(i) the nature of the proposed constitutional amendment(s) sought by denoting the precise language to be added and/or removed from the Constitution and Bylaws of the Chitimacha Tribe of Louisiana in a form that is generally understandable to the electorate;

(ii) an authorization for the Chitimacha Tribal Election Board to conduct a special election on the proposed constitutional amendment(s); and

(iii) the date on which the special election will be held, provided that such date is within 365 days of the date the resolution is adopted.

(c) **Additional Requirements.** Section 705, subdivisions (i), (j), and (k) shall apply to a special election initiated under this Section 706.

Sec. 707. Special Election on Recalled Tribal Council Member.

(a) **Initiation of Recall Election by Petition.** Any member of Chitimacha Tribal Council shall be subject to a recall election upon a petition submitted to the Chitimacha Tribal Election Board and signed by at least twenty percent (20%) of those listed on the Tribe's single list of registered voters under Section 304 of this Ordinance.

(b) **Petition Form.** The recall petition shall contain the following information:

(i) The heading of the petition shall read "PETITION FOR RECALL."

(ii) The body of the petition must clearly indicate the identity of the member of Tribal Council whose recall is being sought by including the following statement: "PETITION FOR THE RECALL OF [insert the name of the Tribal Council member whose recall is being petitioned for]."

Comment [A13]:

Council: The Election Board (not the Council) is the entity vested with the authority to vet and call an election on a recall petition.

(iii) The body of the petition shall further include the following language conspicuously located at the top of each page on which signatures are affixed so that each signing individual can read it and understand it:

“We, the undersigned registered voters of the Chitimacha Tribe of Louisiana, being duly enrolled, respectfully direct that a special election be called to determine whether or not [here insert the name of the Council member whose recall is petitioned for] be recalled and discharged from office.

By signing this petition, I for myself say: I have personally signed this petition; I am an enrolled member of the Chitimacha Tribe of Louisiana and registered to vote in tribal elections; my address is correctly stated; and to my knowledge I have signed this petition only once.”

(iv) There shall be no more than 20 signatures affixed to each page of the petition.

(v) For each qualified individual signing the petition, the person must include his or her (1) signature, (2) date of signature, (3) printed name, (4) residential address, including street number, (5) city, and (6) state. A signature will not be counted for purposes of establishing the number of signatures required under subsection (a) if the information accompanying the signature is not legible.

(vi) The petition must also include the name, address, and phone number of the person filing the petition under subsection (d).

(c) **Time for Circulation.** Any petition must be filed not more than ninety (90) days after the date of the first signature.

(d) **Filing of Petitions.** Petitions shall be filed in person with the Secretary of the Chitimacha Tribal Election Board. The person filing the petition must make a written declaration that it is his or her intent to make an official filing. Upon such declaration, the Secretary must enter the date of receipt on the first page of the petition and provide a written acknowledgement that contains:

_____ (i) the date of receipt;

(ii) the number of pages attached; and

 (iii) the number of signatures on the petition.

The person filing the petition will be deemed the spokesperson for the petitioners and will be the contact for purposes of all notices under this Section and presumed representative of the petitioners for any recounts.

(e) **Preliminary Determination of Sufficiency.** Immediately following the official filing of a petition, and in no event later than three (3) days after such filing, the Chitimacha Tribal Election Board shall determine by a majority vote whether the petition meets the form, content, and timing requirements of subsections (b) and (c), above, including that each signatory is on the Tribe's single list of registered voters under Section 304 of this Ordinance. If the Chitimacha Tribal Election Board determines that the petition does not satisfy the requirements of subsections (b) and (c), the Board shall deem the petition insufficient and return it to the spokesperson for the petitioners with a written explanation of the reason(s) for the determination. If the Board determines that the petition meets the requirements of subsections (b) and (c), the Board shall proceed as provided in subsection (f) below.

(f) **Challenges to Signatures.**

 (i) Not less than three (3) days following a determination of sufficiency, the Secretary of the Chitimacha Tribal Election Board shall prepare and post at the principal office of the Tribe a copy of the entire petition and a public notice advising the members that copies of the petition are available for examination upon request for fifteen (15) days follow the posting. The public notice shall advise adult members of their right to challenge signatures and the deadline for submitting a challenge consistent with the terms of this subsection (f).

 (ii) During the period when the petition is available for inspection, any adult member of the Tribe may challenge a signature on the grounds of (1) forgery or (2) that a signature appears more than once.

 (iii) A challenge to a signature must be in writing and supported by written documentation unless the challenge is based on multiple signatures of the same person.

(g) Certification and Sufficiency.

(i) Within ten (10) days following the end of the time allowed for challenges, the Chitimacha Tribal Election Board shall certify the number of valid signatures on the petition.

(ii) As part of its certification, the Chitimacha Tribal Election Board shall consider by majority vote the validity of any challenges raised under subsection (f), above, and shall disqualify signatures accordingly if the Board determines that any of the challenges are valid.

(iii) After certifying the number of valid signatures, the Chitimacha Tribal Election Board shall determine the sufficiency of the petition by assessing whether the valid signatures represent at least twenty percent (20%) of those listed on the Tribe's single list of registered voters under Section 304 of this Ordinance. If the number of valid signatures on the petition satisfies this threshold, the Board shall deem the petition sufficient.

(iv) The certification and determination of sufficiency shall be served upon the spokesperson for the petitioners, posted in the principal office of the Tribe, and made available to members upon request.

(h) **Action on a Sufficient Petition.** If the Chitimacha Tribal Election Board determines that a petition is sufficient under subsection (g), it shall within ten (10) days of such determination give written notice of the determination to the Tribal Council member whose recall is being petitioned for, authorize the recall election, and fix a date for the election no more than 120 days after the determination of sufficiency is made.

(i) **Conducting the Recall Election.** The Chitimacha Tribal Election Board shall conduct a recall election authorized under subsection (h) as a special election consistent with the requirements of this Ordinance.

(j) **Removal from Office Based on Results of Recall Election.** A member of the Chitimacha Tribal Council subject to a recall election under this Section 707 shall be removed from office and divested of his or her authority to perform that office's duties upon the vote of the majority of the registered voters voting in a recall election authorized under subsection (h). If a Tribal Council member is so removed, the resulting vacancy

shall be filled pursuant to Article VI, Section 6 of the Constitution and Bylaws of the Chitimacha Tribe of Louisiana.

(k) Limitations on Recall Elections. No more than one Tribal Council member may be the subject of any one recall election. Further, a Tribal Council member can only be subject to one recall petition per term of office.

Sec. 7084. Procedures.

The Chitimacha Tribal Election Board will follow the procedures set forth in this Ordinance in conducting the special elections under this Chapter.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

(Sections 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, and 622 Omitted by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

CHAPTER 8. ABSENTEE VOTING

Sec. 801. Qualified Voters.

Any person duly qualified and registered to vote, as identified by the list of registered voters maintained pursuant to Section 304 of this Ordinance who will be unable to cast their ballot on the day of election may vote by absentee ballot.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 802. Preparation of an Absentee Ballot Request Form.

The Chitimacha Tribal Election Board shall prepare an Absentee Ballot Request Form that includes separate fields for the absentee voter to identify his/her full legal name, date of birth, and permanent address. The Absentee Ballot Request Form must inform the absentee voter that he/she must complete the form in its entirety and deliver it on time in order to obtain an absentee ballot. A Chitimacha Tribal Election Board Member shall authenticate each Absentee Ballot Request Form with the Chitimacha Tribe of Louisiana watermark seal. The Chitimacha Tribal Election Board shall ensure that the Absentee Ballot Request Form is mailed to all registered members of the

Chitimacha Tribe of Louisiana who ~~are eighteen (18) years of age and older~~ satisfy the minimum age requirement for voting in the election together with the Notice of Election in accordance with Section 212 of this Ordinance and otherwise ensure that the Absentee Ballot Request Form is made readily available to the public.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 803. How to Obtain an Absentee Ballot.

Persons requesting an absentee ballot must fax, email, mail, or hand deliver a completed Absentee Ballot Request Form to the Chitimacha Tribal Election Board such that the Chitimacha Tribal Election Board receives it no later than the close of business on the third Monday in May or, if a special election, at least three weeks prior to the date of the special election. No person shall request absentee ballots for any other person(s). Only those voters who will not be present on the date of the election can receive an absentee ballot. All others will be required to cast their ballot at the designated polling place. Persons who are handicapped or illiterate may have someone assist them in the voting process. However, each absentee ballot must be completed according to the enclosed instructions. Ballots that do not conform to these instructions will be considered spoiled and not counted. In order for the absentee ballot to be accepted, it must be accompanied with an Affidavit and a copy of a Valid Identification, including an unexpired driver's license, Tribal identification, or passport.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Revised by Tribal Council: February 23, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 804. Roster of Absentee Voters.

The Chitimacha Tribal Election Board shall maintain a Roster of Absentee Voters who delivered an Absentee Ballot Request Form on time. The Roster of Absentee Voters shall be finalized no later than ~~twenty-two (22) days prior to election day~~ the third Wednesday in May. The Roster of Absentee Voters shall identify each absentee voter by their full legal name, date of birth, permanent address, and enrollment number.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 805. Delivery of Absentee Ballots.

The Chitimacha Tribal Election Board shall ensure that each absentee voter who delivered an Absentee Ballot Request Form in a timely fashion receives an absentee ballot. The Chitimacha Tribal Election Board shall ensure that each absentee ballot to be mailed to the eligible voter or personally delivered to a homebound voter is sealed in an envelope along with a pre-addressed envelope to the Chitimacha Tribal Election Board, a separate envelope marked on the front “**ABSENTEE VOTER’S BALLOT**”, instructions for the return of the ballot, and the following affidavit:

I, _____, do solemnly swear that I am entitled to cast the enclosed ballot and duly qualified to vote by absentee ballot and understand that I am required to return said absentee ballot to the Chitimacha Tribal Election Board no later than election day at 6:00 p.m.

Voter’s Signature

The voter must mail the pre-addressed envelope, completed absentee ballot, and affidavit to the Chitimacha Tribal Election Board. If the absentee voter is homebound, he/she may request that a Chitimacha Tribal Election Board Member pick up the envelope. This request must be made within a time period that is reasonable under the circumstances in order for the Chitimacha Tribal Election Board to receive the envelope before election day at 6:00 p.m.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Revised by Tribal Council: February 23, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 806. Cut-Off Date for Return of Absentee Ballots.

No absentee ballots shall be counted unless received by the Chitimacha Tribal Election Board before the polls close on election day at 6:00 p.m.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 807. Record of Absentee Ballots.

The Chitimacha Tribal Election Board shall make and keep a record of absentee ballots cast. This record must contain the absentee voter’s full legal name, permanent address, date of birth, the date the ballot was issued, and the date the ballot was returned if mailed or personally delivered.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 808. Handling of Absentee Ballots.

All absentee ballots, when received, will be placed in the absentee ballot box under the supervision of the Secretary of the Chitimacha Tribal Election Board or designee.

All absentee voters presenting themselves in person to vote absentee shall sign the poll book in the space used to denote an absentee voter at the time of voting and the election officer shall initial the same. The voter shall then place the absentee ballot in the absentee ballot box or the machine reserved for absentee voting.

Should an absentee ballot be lost, stolen or defaced, an affidavit or statement indicating the same shall be filed by the absentee voter with the Chitimacha Tribal Election Board prior to receiving a new absentee ballot or being allowed to cast a vote on election day.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 809. Counting of Absentee Ballots.

The absentee ballot will be counted according to the normal counting procedure on election day. The absentee ballot box will be opened and the ballots counted after the ballots from the voting machine and/or regular box are counted.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

CHAPTER 9. DAYS DEFINED

“Day” as used in the Ordinance shall mean calendar days. With the exception of election “day”, a deadline date falling on a weekend or legal holiday shall be deemed to fall on the following business day.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

CHAPTER 10. INTENT OF THIS ORDINANCE

The intent and purpose of this Ordinance is to establish procedures for fair elections and to ensure the secrecy and sanctity of the ballot. This Ordinance shall be construed to accomplish such purpose and intent. Problems of form shall not destroy the privilege of voting so long as the intent of the voter can clearly be determined based on the contents of the ballot.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013; Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

(Sections 801, 802, 803, 804, 805, 806, 807, and 901 omitted by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Sections 506, 507, 508 522(a) and 522(b) added by Ordinance #1-12; Adopted: December 18, 2012; Effective: March 12, 2013; Sections 205, 206, 211, 401(2), 401(3), 401(d), 401(e), 401(f)(1), 401(f)(2), 406, 501, 502, 503(a), 503(b), 503(c), 601, 603, 606(a), 606(b), 616, 619(c), 802, 804 added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

(Chapter 5 and Chapter 9 Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

(Added by Ordinance #01-12; Adopted: December 18, 2012; Effective: March 12, 2013)

(Election Policies and Procedures I thru X omitted by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

(Schedule I added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

(Revised by Ordinance #02-15 Adopted: February 19, 2015; Effective: February 19, 2015; Revised by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016; Revised by Ordinance #04-18; Adopted: April 19, 2018; Effective: April 19, 2018)

CHITIMACHA TRIBE OF LOUISIANA
SCHEDULE I – TITLE X, ELECTION VOTING MACHINES
SYSTEM STANDARDS

Sec. 1. Voting Machine System Standards.

The electronic voting machine shall be a computer (microprocessor) controlled direct electronic tabulation system. The operating software shall be stored in a non-volatile memory "firmware" and shall include internal quality checks such as purity or error detection and/or correction codes. The firmware shall include comprehensive diagnostics to ensure that failures do not go undetected. The voting system shall be a battery back-up system that will, as a minimum, retain voter information and be capable of retaining and restoring processor operating parameters in the event of power failures, and shall provide alpha/numeric printouts of the vote totals at the closing of the polls. Subsistence, i.e. printer, power sources, microprocessor, switch and indicator matrices, etc., shall be modular and pluggable. Electronic components shall be mounted on printed circuit boards. The unit shall be supplied with dust and moisture-proof cover for transportation and storage purposes. The voting machine's memory pack must be able to accept over 1,500 voting positions and tabulate over 65,000 votes for each position. The machine shall accept a ballot inserted in any orientation. The tabulator must recognize all errors and be able to reject or return the erred ballot. The tabulator must automatically be able to detect an over voted ballot. The vote tabulator must contain a public display counter to record number of ballots processed.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)

Sec. 2. Voting Machine Operating and Storage Specifications.

(a) **Operating specifications.** The operating temperature for each voting machine used during an election shall be between 50°F and 90°F. The line voltage for each voting machine shall be 115 VAC +/- 15%, 60 HZ.

(b) **Storage specifications.** The storage temperature for each voting machine shall be between 0°F to 120°F. The humidity of the designated location in which a voting machine is stored shall be between 30% to 80% non-condensing.

(Added by Ordinance #01-16; Adopted: March 3, 2016; Effective: March 3, 2016)