

TITLE 12

ELECTIONS

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CHAPTER ONE

ELECTION COMMITTEE

Section 101. Election Committee Created

There is hereby created and established an Election Committee of the Kickapoo Tribe in Kansas which shall be an appointed body of the Kickapoo Tribe in Kansas having the duties and powers hereinafter mentioned, and which shall conduct all elections in compliance with this Title and in accordance with the Constitution and laws of the Kickapoo Tribe in Kansas.

Section 102. Committee Composition

The Election Committee shall consist of five (5) Election Committee members. Alternates may be appointed as needed.

Section 103. Appointment of Members

(a) Not later than 120 days prior to an election, the Kickapoo Tribal Council, by resolution, shall appoint at least five (5) persons to the Election Committee. The Election Committee shall select from among its members, a Chairman, Secretary.

(b) Copies of all such appointments shall be filed in the Tribal Secretary's Office.

(c) In the event a vacancy occurs on the Election Committee appointed under (a) above, such vacancy shall be filled by appointment by the Kickapoo Tribal Council.

Section 104. Election Committee Eligibility

In order to be appointed to the Election Committee, a person must:

- (a) Be a member of the Kickapoo Tribe in Kansas not less than Twenty-one (21) years of age.
- (b) Not be a current candidate for election to any Tribal office to be decided by that election, nor be a natural or adopted brother, sister, parent, child, or spouse to a current candidate.
- (c) Persons convicted of felony shall be ineligible to serve on the Election Committee.

Section 105. Term of Office

Each Election Committee shall continue in office until the time permitted by law for filing a petition for judicial review of final election results has expired without challenge to the election, or until any challenge to an election has been finally resolved, any necessary subsequent election conducted and deadline for challenges have expired.

Section 106. Oath of Office

Prior to entering into the duties of office, each Election Committee member shall take the

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following oath of office to be administered by the Chairman of the Kickapoo Tribal Council or a Judge or Justice of the Tribe: "I, do hereby solemnly swear, or affirm, that I will support, protect, and defend the Kickapoo Tribal Constitution and laws of the Kickapoo Tribe in Kansas, and will cause the elections of the Kickapoo Tribe in Kansas to be conducted fairly, impartially, and in accordance with the laws of the Kickapoo Tribe in Kansas, so help me God."

Section 107. Compensation

Members of the Election Committee may receive such stipend, as may be budgeted for the performance of Election Committee duties.

Section 108. Records

The Election Committee shall maintain complete and accurate minutes of its meetings and each record pertaining to an election. These records shall be filed in the Tribal Council Secretary's Office and shall be public records open to enrolled tribal members inspection during normal office hours and subject to the availability of the tribal Council Secretary. All such records shall be filed as they are available, and within thirty (30) days after certification of the election results in any case.

Section 109. Duties of the Members of the Election Committee

(a) Chairman. The Chairman shall be the presiding member of the Election Committee and shall be responsible for the overall activities of the Election Committee, including safe-keeping of the ballots and ballot box(es).

(b) Secretary. The Secretary shall record and maintain accurate minutes of meetings and records pertaining to an election. The Secretary shall verify the authenticity of these records.

(c) Counters. The Counters shall assist in the conduct of the elections and undertake such duties as may be assigned by the Committee.

(d) It shall be the duty of all members of the Election Committee to become thoroughly familiar with this Title, to see that it is rigorously followed, and to immediately document and report any violations of this Title or other laws to the Marshal or other law enforcement personnel.

(e) Alternates. Alternates shall assist in election procedures and shall perform such duties as may be prescribed by the officers of the Election Committee.

Section 110. Internal Procedure of Election Committee

(a) Quorum. A quorum of the Election Committee shall consist of a majority of the membership of said Committee.

(b) Meetings. Meetings may be called at any time by the Chairman, or by request of the majority of the Election Committee. In the event the Chairman fails to call a meeting as requested, the other members of the Election Committee who request it may convene upon proper notification to all members of the Committee. All meetings shall be at the Tribal office and notification of such meeting shall occur at least twenty-four hours prior to the meeting.

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Section 111. Rules

The Election Committee shall have the authority to prescribe such rules, not inconsistent with this Title or with the Kickapoo Constitution as may be necessary or proper for the conduct of Tribal elections. Copies of such rules shall be filed in the Tribal councils Secretary's Office, website, and posted in prominent places in the Tribal offices and such other places as the Election Committee may deem advisable. Whenever possible, they shall be published on the Tribal website.

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CHAPTER TWO

GENERAL PROVISIONS

Section 201. Election Days

Tribal Council elections, unless otherwise specifically provided by law, shall be held on the second Saturday of September.

Section 202. Forms

All forms of ballots and other forms of papers needed for Tribal elections shall be prescribed and provided by the Election Committee. Cost of producing all such forms shall be borne by the Tribe.

Section 203. Instructions to Polling Voters

(a) Instructions to voters prescribing the manner of casting one's vote shall be posted outside the polling place by the Election Committee.

(b) A ballot shall be issued to each voter only after the voter signs the poll register.

Section 204. Public Information

The Election Committee shall disseminate information about the dates and times of election, locations of polling place and other data necessary to inform the public of the same. Whenever possible, print and electronic media of general circulation in the area shall be used to publish the notice of election.

Section 205. Polling Place

(a) One polling place shall be designated for the Tribal Council election on the Kickapoo Reservation in Kansas.

Section 206. Ballot Box

(a) There shall be one locked ballot box for the polling place. Each ballot box shall be constructed of substantial material and shall be equipped with a lock so that the keys of one lock will not unlock the others. Each box shall be equipped with a slot or opening in the top through which a ballot may be inserted, so that the box must be unlocked before the ballots can be removed. The Election Committee Chairman or his designated representative shall retain the keys in his custody until the election be finally certified.

(b) Only Election Committee members shall have access to the ballot box during the election.

(c) New lock and keys shall be provided for each election.

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Section 207. Voting Booths

At least two voting booths shall be provided at the polling place. Said booths shall be constructed with a counter or shelf in such a manner that a member of the Election Committee may ensure that no more than one person is in the booth, but in such manner as to insure secrecy by the voter in marking the ballots.

Section 208. Poll Watchers

Each candidate may designate in writing one person, not a candidate, to watch the activities at the polls. Such designation shall be presented to Election Committee Officials prior to the election. Such persons may not interfere in any way with the conduct of the election, but may observe only. Any poll watcher interfering with the election or attempting to electioneer in any way shall be ejected from the poll area by a law enforcement officer.

Section 209. Electioneering and Loitering

No person shall be allowed to electioneer within 100 yards of the polling place where and when the election is in progress. Neither will any loitering be permitted in the polling places during voting hours. It shall be the duty of the election officials at the polling place to obtain such assistance as may be required to maintain order about the building during the progress of the election.

Section 210. Voter Conduct

No intoxicated and/or impaired person will be permitted in the polling place. No person will be permitted to engage in conduct which may interfere with the election process. No person shall engage in any activity which serves as a detriment to the election process or which inhibits the rights of another to vote. Any individual interfering with the election in any way shall be ejected from the poll area by a law enforcement officer.

Section 211. Publication of Election Information

The Election Committee is authorized to publish on the tribal website or other newsprint media names of candidates, election dates, polling place, election results, and such other information as it may deem necessary in the discharge of its duties.

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CHAPTER THREE

VOTERS

Section 301. Eligibility

Every member of the Kickapoo Tribe in Kansas, twenty-one (21) years of age or older on the date of the election, shall be entitled to vote in all Tribal elections with the following exception:

- (a) Persons banished from the tribe are ineligible to vote.

Section 302. Voting Lists

(a) All voters must register to vote. Registration means the act whereby persons, who are eligible to vote, become entitled or qualified to cast ballots by having their names placed on the list of persons who will be permitted to vote. This is done by completing a registration form with the Election Office upon attaining the age of 21 years and shall be verified by the Enrollment Officer. Any member of the Tribe, otherwise qualified to vote may register at any time up until ninety (90) days prior to any election. Registration for voting is considered permanent and a person need not re-register for each election.

(b) It shall be the duty of the Tribal Council Secretary to compile from the Tribal membership rolls a list of all persons who will be eligible voters on the date scheduled for the election and to present certified copies of this list to the Election Committee no later than sixty (60) days prior to the election.

(c) One copy of the voting list shall be maintained in the Tribal office and be open to enrolled tribal members for inspection during regular business hours not later than sixty (60) days prior to the election.

(d) One copy of the voting list shall be maintained at the polling place on Election Day to check the eligibility of those presenting themselves to vote.

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CHAPTER FOUR

FILING FOR OFFICE

Section 401. Eligibility for Office

To be eligible to file for office as a member of the Tribal Council of the Kickapoo Tribe in Kansas, a person, on the date of the election, must be:

- (a) A person must be an enrolled member of the Kickapoo Tribe in Kansas.
- (b) A person must be 25 years or older to qualify for a position on Tribal Council.
- (c) A person must be eligible to be bonded.
- (d) No individual may be a candidate for more than one position at any election.
- (e) If there are any positions on the Tribal Council which are vacant due to the lack of candidates, those positions shall be considered vacant filled in accordance with Article IV, Section 3 of the Kickapoo Tribe in Kansas Constitution.
- (f) Members of The Kickapoo Tribe in Kansas convicted of a felony are ineligible for candidacy.

Section 402. Filing for Office

To be eligible for election and have one's name placed upon the ballot, Notice of Candidacy for an elective office must be filed with the Election Board during regular business hours at the Tribal office complex not later than sixty (60) days prior to the date of the election.

Section 403. Form of Notice

No particular form of notice is required so long as the written notice states the name of the candidate, the office for which the person wishes to file, his age, birth date, social security number, phone number and place of actual residence and domicile. Such notice shall be valid if filed by the candidate. There is a \$250.00 filing fee that must be paid upon filing. This payment must be made by cash, cashier's check or money order. No checks will be accepted. Candidates must be willing to submit to a background check.

Section 404. Nicknames

Each candidate may specify one (1) nickname to be placed on the ballot alongside the candidate's true name. The candidate shall affirm that the candidate is known by that nickname and that the nickname is not being used for any other purpose than to accurately identify the candidate. No nicknames may be used if they are identical or substantially like the name or nickname of another candidate. The Election Committee's decision in such matters shall be final.

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Section 405. Withdrawals

Any candidate for office may withdraw by filing a written notice of withdrawal with the Election Committee at any time within ten (10) days after the closing date of filing for office. Such notice shall contain the candidate's name, the office filed for, a statement of withdrawal and shall be notarized or sworn to before a person authorized to administer oaths. No refund of filing fee with a withdrawal.

Section 406. Procedure on Withdrawal

If a candidate withdraws, The Election Committee shall post notices to that effect at all polling places and within the voting booths, and may line through or otherwise obliterate the candidate's name from the ballots. Any votes cast for a withdrawn candidate shall be disregarded.

Section 407. Contest of Candidate Eligibility

Any candidate or eligible voter may challenge a candidate's legal qualifications to run for office by filing a written petition with the Election Committee within three (3) business days of the closing of the filing period. Each petition shall state with particularity the reasons the candidate is not eligible for office.

Section 408. Procedure for Hearing

Upon receiving a petition pursuant to Section 407, the Election Committee shall immediately deliver a copy to the challenged candidate and set a hearing before the Election Committee to decide the contest. No formal pleadings are required. The Election Committee may subpoena witnesses and take testimony under oath. In all cases, the burden of proof shall be on the petitioner. The Election Committee decision is final.

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CHAPTER FIVE

BALLOTS

Section 501. Candidate's Names

The name of any candidate for office shall be printed on the official ballot as the candidate signed the declaration of candidacy without any prefix, suffix, or title. A nickname may be included if requested pursuant to Section 404.

Section 502. Unopposed Candidates

Any candidate who is unopposed shall be deemed to be elected, and the candidate's name shall appear on the ballot with the designation "unopposed" printed next to the name.

Section 503. Care of Ballots

- (a) Only one (1) ballot shall be cast by each eligible voter.
- (b) A ballot shall be issued only after the voter has signed the poll register.
- (c) Election Committee officials shall account for all ballots.

Section 504. Instruction on Ballots

Specific instructions to the voter may be printed at the top of the ballot. Ballots shall not be numbered or show any other lettering or identifiable markings. The Election Committee shall develop ballots pursuant to this Ordinance.

Notwithstanding any other provision of law, the Election Board may authorize the use of electronic data processing equipment or electronic voting machines for the purpose of establishing and maintaining the registration records, producing central registries, producing poll books, canvassing and tabulating election returns or for any other reasonable purpose.

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CHAPTER SIX

ABSENTEE VOTING

Section 601. Eligible Absentee Voters

Any eligible voter may vote by absentee ballot.

Section 602. Application for Absentee Ballot

Qualified voters wishing to cast absentee ballots shall notify the Election Committee not later than sixty (60) days prior to the election. Such notice must be in writing and must include the correct mailing address of the person making the request.

Section 603. Delivery of Absentee Ballot

As soon as the filing period for candidates has closed (60 days before the election), the Election Committee will prepare a special ballot and send one to each qualified voter who has requested same. The Election Committee shall maintain a record of all absentee ballots so issued, including the name and address of the voter to whom the ballot was issued, and the date of issue.

Section 604. Return of Absentee Ballots

All absentee ballots must be marked, sealed in an inner envelope and mailed in an outer envelope to reach the Election Committee not later than 4:00 p.m. Monday prior to the election. Only the outer envelope shall have the voters name and return address written upon it.

Section 605. Absentee Ballots to Remain at Post Office

All absentee ballots received by the Election Committee shall remain in a locked post office box provided for that purpose. The Chairman of the Election Committee, or an election official designated by the Chairman, and at least one other election official shall receive the ballots from the post office and shall personally transport them to the canvass site where they shall be delivered immediately, still sealed, to the remaining members of the Election Committee. No absentee ballot will be received by any other means than provided for in this Chapter, which is by U.S. Mail.

Section 606. Handling Absentee Ballots

Said ballots shall be deposited unopened in a special locked ballot box and tabulated by regular election officials in accordance with the provisions of Chapter Seven of this Title.

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CHAPTER SEVEN

CONDUCT OF ELECTIONS

Section 701. Hours of Voting

The poll shall be open at each polling place from 7:00 a.m. until 7:00 p.m. Any voter in line at the polling place but unable to cast a ballot before 7:00 p.m. shall be allowed to finish voting. Prior to beginning the voting, the Election Committee shall open the ballot boxes and display the empty box to all persons present to ensure that no ballots are contained therein.

Section 702. Method of Voting

All ballots cast shall be by secret ballot by the qualified voters at the time and place designated for the election. Each prospective voter, upon being identified as being on the official voters' list by photo identification, shall sign the voter register kept for that purpose to acknowledge receipt of a ballot, and shall be handed an unused ballot by an election official. The voter shall vote in privacy, in a voting booth, by making an identifiable mark opposite the name of each candidate for whom voting, shall fold the ballot so the voter's choice cannot be seen by others, and shall personally deposit the ballot in the ballot box. The Election officials may allow a voter to obtain the assistance of any person in casting a vote if physically unable to cast a ballot and the voter requests assistance without previous suggestion. The Election Committee, or its members present shall decide whether assistance may be rendered, and their decision shall be final.

Section 703. Marking the Ballot

A ballot shall show only the marking of the voter's choice and shall not show more choices than the election calls for. A person may vote for fewer candidates or offices designated by the election without having the ballot affected. Ballots written upon or marked with more choices than designated by the election or bearing other such abuses will be rejected.

Section 704. Mutilated Ballots

If a voter mutilates a ballot or renders the ballot unusable the voter may obtain another, and the mutilated ballot shall be folded and marked "mutilated" in ink. Each member of the Election Committee on duty at the polling place shall sign the mutilated ballot below this marking and the mutilated ballot shall be placed in a large envelope marked "mutilated ballots." The envelope containing all mutilated ballots shall be placed in the ballot box at the end of the voting.

Section 705. Unused Ballots

Ballots unused at the end of the voting shall be tied together, marked "unused" in ink, signed by at least two election officials, and placed in the ballot box at the end of the voting.

Section 706. The Tally

At the end of the voting, the absentee ballots, voter registers, and ballot box shall be

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transported to the Conference room of the Tribal Office. The Election Committee shall unlock the ballot box, shall remove the ballots one by one, and as each one is removed, the clerks shall read off the names of the candidates marked thereupon. At least two election officials shall view each ballot, and each counter shall keep a separate tally of the votes cast. Each candidate may select a watcher of their choice, not a candidate, to observe and keep a separate record of the tally of the ballots, and who shall not interfere, verbally or physically, with the tally process. Watchers must remain at least six feet in distance from the actual counting.

Section 707. Counting Absentee Ballots

After the count of the regular ballots, the Election Committee or its designee shall count the absentee ballots. Each outer envelope shall be opened, but the inner envelope shall remain unopened at that point. The Chairman or designee shall then determine whether the person whose name is signed to the envelope and affidavit is a qualified voter and check said voter against the absentee voting list. The sealed inner envelope shall be dropped into the official absentee ballot box and remain there until the actual count of all absentee ballots is started. Any ballot not properly submitted in accordance with the instructions for absentee balloting will not be counted. The absentee ballots shall then be counted in the same manner as regular ballots.

Section 708. Rejection of Ballots

If, during the tallying of the votes, the members of the Election Committee are unable to determine from a ballot the choices of the voter, the ballot shall be rejected. A rejected ballot shall be marked "rejected" in ink. Each member of the Election Committee shall sign the ballot below this marking. Rejected ballots shall be kept together, and placed in the ballot box at the end of the tally.

Section 709. The Abstract

At the end of the tally, the Election Committee shall determine the total vote cast for each candidate including the absentee ballots. These shall be written down, together with the number of rejected ballots, mutilated ballots, unused ballots, and total ballots printed, and shall be certified to by each member of the Election Committee signing the abstract. The abstract of votes shall be read aloud to the public and one copy each delivered to the Tribal Council, the Kickapoo Tribal Court Clerk, and the Election Committee files in the Tribal Secretary's office.

Section 710. Certification of Election

The election shall be certified by the Election Committee immediately not more than twenty-four (24) hours after the election.

Section 711. Recounts

If the votes cast for two or more candidates (with the highest vote) is tied, there shall be an automatic and immediate recount. The Election Committee shall open the ballot box and shall recount the vote for that office on all the un mutilated, unrejected ballots, rejecting any on which it is unable to determine the choice of the voter. The recounts shall continue until two consecutive counts agree, and a new abstract shall then be prepared and read aloud to the public.

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Section 712. Run-off Elections

A candidate for membership on the Tribal Council must receive the highest number of votes cast to be elected. If the abstract shows that the vote cast for two or more candidates for an office is tied, a run-off election shall be held within sixty (60) days after the general election. The Election Committee shall supervise the run-off election following the same rules and procedures followed in the general election. Subsequent run-off elections may be held in the same manner if necessary. As soon as some candidate has received a higher vote than any other candidate, no further run-off elections will be held.

Section 713. Installment in Office

Successful candidates for office whose election results are uncontested or are not involved in a run-off election shall be sworn in at a regular Tribal Council meeting in September, or, if there has been a delay due to election contests, run-off elections, special elections, or other cause, then as soon as reasonably practical after the election results are certified.

Section 714. Retention of Ballots

The Election Committee upon completion of the election and announcement of the winners shall deposit all ballots and records with the Clerk of the Tribal District Court to be held by said clerk for safekeeping until:

- (a) The time for filing a contest to the election is passed,
- (b) Any protest which has been filed has been finally determined.

Upon final certification and installation of candidates the Kickapoo Court Clerk shall return all ballots and election records to the Tribal Council Secretary to be placed in permanent tribal records for a period of five (5) years. From and after the date of final installation of said elected officials and after the five-year period is completed, the Tribal Secretary without any other authorization than this Act may remove the election ballots and records, except the final certification of successful candidates, and destroy them.

The final certification of election results entered by the Election Committee shall not be removed but shall be retained as a permanent public record.

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CHAPTER EIGHT

ELECTION CONTESTS

Section 801. Grounds for Contest

Any candidate or qualified voter of the Kickapoo Tribe in Kansas may contest the election results on any of the following grounds:

- (a) For misconduct on the part of the Election Committee or any member thereof, or on the part of any official making or participating in a campaign, petition, or solicitation of votes for a tribal election.
- (b) That the candidate whose election is contested, or any person acting for the candidate had given to a voter, or election official, a bribe, or has offered such bribe or reward for procuring the candidate's election.
- (c) Misconduct on the part of any candidate or any person acting for the candidate at the polling place or in the immediate area.
- (d) Violation of the Kickapoo Tribe in Kansas Election Ordinance or the Rules promulgated thereunder.
- (e) Casting of ballots by unqualified voters.
- (f) That by reasons of erroneous rejection of ballots the person declared elected did not in fact receive the highest number of votes for the office.

Section 802. Contest Petition

A candidate or qualified voter contesting a Tribal election shall, within ten (10) days after completion of the tally of the election and declaration of the results, file with the Election Committee or its designated representative a statement in writing setting forth their grounds for the contest. The statement shall be verified by affidavit of the contestor(s) that they believe the matters and things therein contained are true. After the statement is filed the Election Committee shall set a time for a hearing of the contest, no later than ten (10) days after the date on which the statement of contest was filed.

Written notice of such hearing shall be mailed or delivered to each candidate for the office contested. Any party to the election protest and the Election Committee shall have the right to view the election ballots and records in the presence of the Kickapoo Tribal Court Clerk, in the clerk's office. Any party to the protest shall be entitled to receive a photocopy of said documents certified as true and correct copies by the Tribal Court Clerk upon payment to said clerk of the normal and customary charges.

Said certified copies shall be received as evidence by the Election Committee in like manner as an original. Alternatively, the Election Committee, upon request of a party or on its own motion, may convene a hearing for any protested election at the Tribal Courthouse for review of said election materials. After hearing the proofs and allegations of the contestants, the Election Committee shall make their findings

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and shall have authority to pronounce their judgment either setting aside, or confirming the election.

Section 803. Tribal Court Review

A contestee not completely satisfied with the findings and decision of the Election Committee, may appeal to the Kickapoo Tribal Court within five (5) days of being notified of the decision of the Election Committee. The Election Committee shall be a named party defendant along with the person whose election is challenged. Any other candidates for that office may intervene. The individual Election Committee members need not be made a party to such action, and the Tribal attorney shall represent the interests of the Election Committee. The Kickapoo Tribal Court shall conduct a trial de novo on the matter with the right of appeal as in other cases, and the decision of the court shall be final. The Court may order appropriate relief.

Section 804. Harmless Error

Neither the Election Committee nor the Courts shall invalidate any Kickapoo Tribal election unless it appears by clear and convincing evidence that the numerical accuracy of the Election results cannot be accurately determined to declare a clear winner with sufficient accuracy or that the error found in said election is so manifest and substantial that the error in and of itself destroys the integrity of the election.

Section 805. Request for Recount

Since the Election Title provides for automatic recount of ballots, any request for recount of ballots must list the reasons therefore in writing and be submitted to the Election Committee Chairman, or the Chairman's designated representative within five (5) days after the election. Such request must be accompanied by a non-refundable cashier's check of one Thousand Dollars (\$1000.00) made payable to the Kickapoo Tribe in Kansas. Said check shall be forwarded to the Kickapoo Election Board to be credited against the cost of the recount. The Election Committee shall meet and decide within ten (10) days of receipt of the notice whether the reasons listed in the request are sufficient to cause a recount of ballots.

Section 806. Finality

The declaration of election results which is uncontested, or the declaration of the election results following an election contest provided for herein shall be final.

Section 807. Amendments

The Tribal Council may amend this ordinance by majority vote of a quorum at any meeting of that body.

Section 808. Interpretation

The Election Board shall not possess any substantive rule making authority, but shall retain the ability to interpret and apply the Code and applicable Ordinances unless such interpretation or application is found by the Tribal Court to be contrary to the Constitution and laws of the Tribe.

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CHAPTER 9

RECALL PROCEEDINGS

Section 901. Purpose

The Tribal Council has determined that the best interests of the Tribe require an orderly process in which the Constitutional provision for removal of Council members may be carried out. The purpose of this chapter is to provide that orderly process.

Section 902. Initiating Recall Proceedings

Whenever any qualified voter of the Kickapoo Tribe in Kansas desires to demand the recall and discharge of a Tribal Council member, he or she shall prepare a printed or typewritten statement reciting the reason the recall petition is being filed. The statement shall set forth the act or acts complained of, if any, the mailing address of the petitioner and be signed by him or her in the presence of the Tribal Council Secretary.

Section 903. Petition – Where Filed

Any person making a statement shall file it with the Tribal Council Secretary who shall promptly serve a copy on all Tribal Council members.

Section 904. Petition - Form

The recall petition shall contain the following information:

- (a) The heading shall read “PETITION FOR RECALL.”
- (b) The body of the petition shall be substantially in the following form:

All columns below must be complete for a voter’s signature to be valid. In addition, a signature will not be valid if it appears on more than one petition.

PETITION FOR THE RECALL OF (here insert the name of the Council member whose recall is petitioned for).

We, the undersigned members of the Kickapoo Tribe in Kansas, being duly enrolled, respectfully direct that a special election of the General Council be called to

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determine whether or not (here insert the name of the Council member whose recall is petitioned for) be recalled and discharged from office because (here insert the reason for the recall petition), in that he or she (here insert a description of what happened) and each of us for himself or herself says: I have personally signed this petition; I am a qualified voter of the Kickapoo Tribe in Kansas, aged 21 or older; my address is correctly stated and to my knowledge I have signed this petition only once.

Petitioner's	Print name	Residence address	City	State
Signature		Street and number		

(There follow 20 numbered lines divided into columns as below)

1. _____

2. _____

3. _____

etc.

DATE/TIME RECEIVED _____ DATE/TIME OF EXPIRATION _____

NUMBER OF SIGNATURES REQUIRED as verified by the Election Committee chairperson: _____.

SIGNATURE OF PETITIONER: _____.

SIGNATURE OF PETITION CARRIER: _____.

SIGNATURE OF TRIBAL COUNCIL SECRETARY: _____.

Section 905. Petition - size

Each recall petition at the time of circulation, signing and filing with the Tribal Council Secretary shall be stamped with the date of submittal and with the prescribed warning, title and form of petition on each sheet, and a full, true and correct copy of the original statement filed against the Council member referred to therein, printed on a sheet or sheets of paper of like size and quality as the petition, firmly fastened together.

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Section 906. Number of Signatures Required

When the person(s) demanding the recall of a Council member has secured sufficient signatures upon the recall petition he or she may submit the same to the Election Committee. The number of signatures required for an election to be called is one-third of the qualified voting membership of the Kickapoo Tribe in Kansas, such total being determined as of the date the petitioner's printed or typewritten statement is filed with the Tribal Council Secretary.

Section 907. Rescinding Signature

A voter who has signed a petition may rescind his or her signature from the recall petition, provided a written request is submitted to the Election Committee before the expiration of the time for filing.

Section 908. Filing Supporting Signatures – Time Limit

The sponsor(s) of a recall demanded of a Council member shall have a maximum of 90 days in which to obtain and file supporting signatures after filing the printed or typewritten statement with the Tribal Council Secretary. This expiration date shall be included on the Petition for Recall. Any petition with supporting signatures which is filed after the ninetieth day shall be invalid.

Section 909. Verification Date

Upon the filing of a recall petition with the Election Committee there shall be stamped on each petition the date of filing and each petition shall then be numbered sequentially, e.g., 1 of 28, 2 of 28. The Election Committee shall then notify the person(s) filing the petition and the Council member whose recall is demanded of the date when the recall petitions will be verified, which date shall not be less than five or more than 10 days from the date of its filing.

Section 910. Verification of Signature

Upon the filing of a recall petition, the Election Committee shall proceed to verify the names of qualified voters on the petition. The verification of signatures on the petition may be observed by persons representing the advocates and opponents of the proposed recall. The Election Committee may limit the number of observers to not fewer than two on each side, if, in its opinion, a greater number would cause undue delay or disruption of the verification process.

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If the Election Committee finds the same name signed to more than one petition, it shall reject all such signatures.

Section 911. Fixing Date for Recall Election

If, at the conclusion of the verification, it is found that a petition for recall bears the required number of valid signatures of qualified Tribal members aged 21 or older, the Election Committee shall promptly certify the petition as sufficient and request the Tribal Council to fix a date for the special meeting to determine whether or not the Council member charged shall be recalled and discharged from office. The special meeting shall be held within 60 days from the date of certification by the Election Committee. Notice shall be given in the manner required for general elections within the Tribe.

Section 912. Ballot synopsis

When a date for special meeting is set the Election Committee shall serve a notice of the election on the person(s) who filed the recall petition. The manner of service shall be by certified mail. After having been served a notice of the date of the meeting the person(s) who filed the recall petition shall prepare a ballot synopsis, not to exceed 200 words in length, which shall be printed on the recall ballot. The ballot shall be printed in such a manner as to assist the petitioner(s) in the preparation of the ballot synopsis. In addition, the petitioner(s) may request the Tribe's Legal Department for assistance in preparation of the ballot synopsis. The ballot synopsis shall be submitted to the Election Committee within 10 days after receipt of the notice of special meeting.

Section 913. Response to Ballot synopsis

Within five days of receipt of the ballot synopsis, the Election Committee shall serve a copy of it upon the Council member whose recall is being sought. The Council member may then submit to the Election Committee a response, not to exceed 200 words in length, answering to the statement contained in the ballot synopsis. Such response shall be submitted to the Election Committee within 10 days after the ballot synopsis was served upon the Council member.

Section 914. Destruction of Insufficient Recall Petition

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If it is found that a recall petition does not contain the requisite number of signatures of qualified Tribal members, the Election Committee shall so notify the person(s) filing the petition and, at the expiration of 30 days from the conclusion of the count, it shall cause the petition to be destroyed unless prevented therefrom by the injunction or mandate of the Tribal Court.

Section 915. Fraudulent Names

The Election Committee shall keep a record of all names appearing on the recall petition which are not certified to be qualified voters of the Kickapoo Tribe in Kansas and shall report the same to the Tribal Prosecutor for possible prosecution.

Section 916. Conduct of Election – Form of Ballot

The special election to be called for the recall of a Council member shall be conducted in the manner as a general election is conducted. The Election Committee shall provide for the holding of a recall election, the necessary officers, ballot boxes, ballots, poll books, supplies and returns as are required for holding a general election. The ballots at any recall election shall contain a full, true and correct copy of the ballot synopsis of the charge, the Council member's response to the charge, if such has been filed, and shall be so arranged that any voter can, by making one cross (X), express his or her desire to have the Council member recalled from office or retained therein. Substantially, the following form shall be a compliance with the provisions of this section:

RECALL BALLOT

Why Council Member

Why Council Member

_____ should be removed:

_____ should not be removed:

He/She did:

When:

Where:

Prepared by: _____

Prepared by:

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FOR the recall of (here insert the
name of the Council Member)

AGAINST the recall of (here insert the
name of the Council Member)

Section 917. Ascertaining the Result

The votes on a recall election shall be counted and the results certified by the Election Committee. If a majority of all votes cast at the recall election is for the recall of the Council member charged, he or she shall thereupon be recalled and discharged from office and the office shall become vacant.

Section 918. Enforcement provision

The Tribal Court has jurisdiction to compel the performance of any act required of any Tribal officer or employee or to prevent the performance by any such officer or employee of any act in relation to the recall not in compliance with Tribal law. Any proceeding to compel or to prevent the performance of any such act shall be begun within 10 days from the time the cause of the complaint arises, shall be considered an emergency matter of Tribal concern, take precedence over other cases, and be speedily heard and determined. The decision of the Tribal Court is final and not subject to appeal.

Section 919. Violations by Signers

Every person who signs a recall petition with any other than his or her true name is guilty of a crime. Every person who knowingly prepares a false statement as to the cause of the recall petition is guilty of a crime as proscribed by the Law and Order Code of the Kickapoo Tribe in Kansas.

Section 920. Severability

If any provision of this chapter or the application of it to any person or circumstance is held invalid, this chapter shall be given effect without the invalid provision or application and, to this end, the provisions, sections, and subsections herein are declared to be severable.

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Section 921. Repeal of Prior Acts

All provisions of any Tribal ordinance, resolution or regulation previously enacted by the Kickapoo Tribe in Kansas and its Tribal Council which are inconsistent with this chapter or contradictory with its provisions are hereby repealed.