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**TITLE 10
ELECTIONS**

**CHAPTER ONE
AUTHORITY; ELECTION BOARD; REVIEW BOARD**

Section 100. Definitions.

(a) Candidate.

A "Candidate" is a person who has filed to run in an election for elective office in the Seminole Nation of Oklahoma.

(b) Complainant.

"Complainant" shall mean a person who files a request for an election appeal pursuant to Section 412 through 416 herein.

(c) Election Appeals Board.

"Election Appeals Board" shall be defined as the Election Appeals Board of the Seminole Nation, established to hear election appeals pursuant to Sections 412 through 416 herein.

(d) Election Board.

"Election Board" shall be defined as the Election Board of the Seminole Nation established pursuant to Section 102 herein.

(e) Election Results.

"Election Results" shall be defined as the number of votes in favor of each candidate for office; and the number of votes in favor of and opposed to each referendum question.

(f) Election Outcome.

"Election Outcome" shall be defined as the determination of the candidate winning an election for office; and the determination of the passage or failure of a referendum question.

(g) Elective Office.

"Elective Office" shall mean the office of Chief, Assistant Chief, and General Council Member.

(h) Officers.

"Officers" shall mean the Chief, Assistant Chief and General Council Members.

[HISTORY: LAW NO. 93-10, April 3, 1993; Amended Law No.97-01B, May 10, 1997]

Section 101. Authority.

This ordinance, which shall be known as the "Seminole Nation Elections Act," is established pursuant to Article X, Section 2 and pursuant to Article XIII, Sections 1 and 2 of the Seminole Constitution approved April 15, 1969, as amended and approved March 10, 1989 which provides for the enactment of an ordinance by the General Council to conduct elections for Principal Chief, Assistant Chief and Council members subsequent to the first election, and which provides for the holding of special elections on proposed amendments to the Constitution of the Seminole Nation. The Seminole Nation Elections Act shall be effective immediately upon date of its passage. All prior inconsistent legislation of the Seminole Nation in effect as of the date of enactment of the Seminole Elections Act is hereby repealed, and shall have no force and effect immediately upon passage of the Seminole Nation Elections Act.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991. May 1997, Legislative history comment: this Election code may be amended according to the Constitution by an ordinance duly passed by the Tribal Council.]

Section 102. Election Board.

The Principal Chief shall appoint an Election Board consisting of three members of the Seminole Nation of Oklahoma, subject to the approval of the General Council, as provided in Section 3, Article X of the Constitution of the Seminole Nation of Oklahoma. Each member already approved to be an Election Board member pursuant to the terms of the Constitution and serving on the Election Board as of the date of enactment of this law shall not require reconfirmation and shall continue serving until expiration of his term. Thereafter, terms of office shall be for four years. No member of the Election Board shall be an elective official of the Seminole Nation or an employee of the Seminole Nation during his term of office on the Election Board.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991.]

Section 103. Duties Of The Election Board.

The three member Election Board shall have the responsibility of conducting all general and special elections to elect the Principal Chief, Assistant Chief, and Council members of the Seminole Nation of Oklahoma. The Election Board shall also have the responsibility of conducting special elections to amend the Constitution of the Seminole Nation pursuant to Article XIII, Section 1 of said Constitution. The Election Board shall engage in the following activities in the performance of its responsibilities:

- (a) Elect a chairman and secretary from within its membership;
- (b) Register voters;

- (c) Maintain a current list of registered and qualified voters, based on information provided by the Enrollment Office;
- (d) Determine the eligibility of all candidates for office pursuant to Section 301 herein;
- (e) Determine the number and locations of voting places;
- (f) Appoint as many assistants as it deems necessary to conduct elections;
- (g) Conduct all elections by secret ballot;
- (h) Issue and count ballots;
- (i) Certify all election results;
- (j) Have the first authority to decide protests; and
- (k) Engage in any other activities for the performance of its responsibilities as required by the provisions of this act.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law 94-9, August 13, 1994]

Section 104. Election Appeals Board.

An Election Appeals Board shall be established to serve in the capacity of a quasi-judicial body to conduct ballot recounts and to hear appeals regarding candidate eligibility pursuant to Chapter Four herein. The Election Appeals Board shall be composed of five (5) persons appointed by the Chief and confirmed by the General Council at a duly called General Council meeting. Term of office of Appeals Board members appointed for purposes of the 1993 general election shall end on September 30, 1993, and thereafter term of office shall be for a six month period commencing on April 1 of the year in which a general election is held and ending on September of that year; provided that in the event a special election is called by the General Council, the Election Appeals Board members who sat on the Board during the most recent General Election shall be reinstated as Appeals Board members commencing on the date of enactment of the General Council resolution authorizing the special election and continuing for a period of three months after the election date. Election Appeals Board members shall not hold any elective office, shall not be candidates for elective office, shall not be Election Board members and shall not be employees of the Seminole Nation of Oklahoma. Election Appeals Board members are not required to be members of the Seminole Nation.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 93-10, April 3, 1993; Amended by TO 2008-16, July 10, 2008]

CHAPTER TWO VOTERS; REGISTRATION

Section 201. Voter Qualifications.

Every member of the Seminole Nation of Oklahoma as defined in Article II of the Constitution of the Seminole Nation shall be eligible to vote in any general or special election, provided that he/she is at least eighteen years of age and provided that such person is registered to vote. A determination of membership shall be based on the records of the Enrollment Office of the Seminole Nation. The provisions of this section establishing eligibility to vote have no bearing on inheritance or participation in the distribution of assets in any manner.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by
Law 91-12, November 16, 1991; Amended by Law 93-17, June 5,
1993.]

Section 202. Registration to Vote.

The Election Board Office Personnel may register voters pursuant to rules and regulations established by the Election Board. The Election Board shall provide registration forms and determine eligibility to vote. The official enrollment card of the Seminole Nation of Oklahoma shall also be the official voter registration card. The enrollment card shall include the Voter's precinct number and location, Tribal Band, photograph, Social Security number, date of birth, address and signature. The Election Board's determination of eligibility for voter registration shall be final. Any person recognized by the Election Board to be a duly qualified and registered voter as of the date of enactment of this law shall continue to be so recognized and placed on the approved voter list, unless following enactment of this law the Election Board removes him/her from the approved registered voter list due to death or based on a specific finding of ineligibility, including but not limited to written notification to the Election Board by the Enrollment Office of the person's final disenrollment. The Election Board shall at a minimum provide a period of thirty (30) days before all general or special elections, in which Seminole tribal members may register to vote. Registration shall be closed thirty (30) days before the election.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by
Law 91-12, November 16, 1991; Amended by Law 94-9, August
13, 1994; Amended by Law 00-02, March 4, 2000.]

Section 203. Voting Lists.

The Election Board shall prepare separate lists of qualified voters for each voting precinct. Lists shall contain the voter's name, address, band membership and other identifying information required by the Election Board. Lists shall be maintained on an ongoing basis and periodically updated. Lists shall be finalized for use in the election no later than five days prior to the election. Precinct lists containing only the voter's name, address and band membership shall be available for public inspection. Each candidate for Principal Chief and Assistant Chief shall be entitled to obtain at no cost from the Election Board Office the public precinct lists on paper, provided that the lists on computer disks shall be available for \$20.00 for each disk per candidate and provided to such a candidate shall cost \$10.00 per each precinct list made payable to the

Seminole Nation Election Board. Each candidate for a General Council seat shall be entitled to purchase from the Election Board a voter list for his band at a cost of \$10.00. Requests shall be made at least ten days prior to the election. Lists must be provided within five working days of the date the request was made. Candidates for General Council shall be given a list of their respective band members at no cost.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 93-10, April 3, 1993 Amended by Law No. 97-01B, May 10, 1997.]

CHAPTER THREE CANDIDATES; FILING

Section 301. Candidate Qualifications.

(a) Chief: Any member of the Seminole Nation who is at least thirty-five (35) years of age and who possesses no less than one-quarter degree Seminole blood and be an enrolled member of the Seminole Nation of Oklahoma may be eligible for the office of Chief.

(b) Assistant Chief: Any member of the Seminole Nation who is at least thirty-five (35) years of age and who possesses no less than one-quarter degree Seminole blood and be an enrolled member of the Seminole Nation of Oklahoma may be eligible for the office of Assistant Chief.

(c) Council Member: Candidates for Council members shall be at least eighteen (18) years of age and possesses no less than one-quarter degree Indian blood and be an enrolled member of the Seminole Nation of Oklahoma. Freedman candidates must be at least 18 years of age and provide documentation of their freedman ancestry.

(d) No person who has been convicted of a felony by a court of competent jurisdiction shall be considered eligible for the offices of Chief, Assistant Chief or General Council member until either pardoned or five years have passed since release from confinement or probation. The Election Board will obtain information from the Oklahoma State Bureau of Investigation in order to certify that this requirement has been met for each candidate, provided that such information shall be destroyed following final certification of election results and following a requested recount or the expiration of the time period allowed for a request for a recount.

(e) No person may run for two or more elected offices (including Chief, Assistant Chief and General Council Member) in the election period. A candidate may only run for one position per each election.

(f) A Three hundred dollar (\$300) filing fee for each candidate for Principal Chief shall be posted with the Seminole Nation Election Board. Such fee shall be in the form of a money order or a certified check payable to the Seminole Nation Election Board.

(g) A Two hundred dollar (\$200) filing fee for each candidate for Assistant Chief shall be posted with the Seminole Nation Election Board. Such fee shall be in the form of a money order or certified check payable to the Seminole Nation Election Board.

(h) A Fifty dollar(\$50) filing fee for each candidate for Council member shall be posted with the Seminole Nation Election Board. Such fee shall be in the form of a certified check or money order payable to the Seminole Nation Election Board.

(i) The Election Board will issue an official letter certifying the eligibility of each candidate or denying said eligibility, within five (5) working days after the close of the filing period. Filing fees will be used by the Seminole Nation Election Board for Election Board

funding purposes pursuant to a budget duly approved by the General Council, and no fees shall be refunded.

(j) Each Council Member candidate running in the general election shall pay a filing fee. After at least one person has paid a filing fee for an elective office for the applicable four year term, a fifteen (\$15) processing fee for Band Members indicating a replacement for a vacancy shall be required for anyone subsequently filling for said office during said term.

(k) Any candidate that challenges another candidate's qualification for office must first pay a fifty dollar (\$50) "challenge fee" to the Election Board to cover costs of handling the challenge.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 93-10, April 3, 1993 Amended by Law No. 97-01B, May 10, 1997.]

Section 302. Filing for Candidacy.

Candidates shall file their candidacy at the Seminole Nation Election Board Office during the hours from 8:00 a.m. to 5:00 p.m. daily for a five (5) day filing period commencing on the third Monday in May and ending the following Friday. Each candidate shall pay the fee prescribed for the office for which he seeks election at the time of filing.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 93-10, April 3, 1993]

CHAPTER FOUR ELECTIONS

Section 401. Date and Notice of General Elections.

General elections shall be held on the second Saturday in July of an election year. The Election Board shall give notice of said election by publication in the Seminole Producer weekly for four consecutive weeks, the first notice to be published at least forty-five (45) days prior to the election date. The Election Board shall also give notice of said election by publication in a newspaper issued by the Seminole Nation, said notice to be published at least once no more than forty-five (45) days prior to the election date. The Election Board may also publish notice at any time prior to the election date in other publications of general circulation, and may use other available media to publicize the election. The Seminole Producer shall be the official news media for election information, dates and registrations.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by
Law 91-12, November 16, 1991; Amended by Law No. 93-10,
April 3, 1993]

Section 402. Date and Notice of Special Elections To Fill Chief and Assistant Chief Vacancies.

A special election to fill vacancies in the office of the Chief or Assistant Chief shall be held on a date set by the General Council, provided that such special election is deemed necessary by the General Council pursuant to Article IX, Section 4 of the Constitution of the Seminole Nation. Notice of a special election called pursuant to § 402 herein shall be published in accordance with the requirements of § 401 herein.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by
Law 91-12, November 16, 1991; Amended by Law No. 93-10,
April 3, 1993]

Section 403. Date and Notice of Special Elections on Constitutional Amendments.

The Constitution of the Seminole Nation may be amended by a majority vote of the qualified voters of the tribe who vote in a special election called for that purpose by the Chief of the Seminole Nation of Oklahoma pursuant to Article XIII of the Constitution of the Seminole Nation. A special election shall be held on a date set by the General Council of the Seminole Nation. A notice in the form of a resolution duly adopted by the General Council as to the time and place of any election to adopt or reject any proposed amendment must be given not less than sixty (60) days before election day. Such notice must include the full text of any proposed amendment and must appear subsequently at fifteen day intervals in the Seminole Producer and in at least one other prominent newspaper published or distributed within Seminole County including, without limitation, the Shawnee News-Star. The Seminole Producer shall be the official news media for election information, dates and registrations.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law
91-12, November 16, 1991; Amended by TO 2008-16, July 10, 2008]

Section 404. Date and Notice of Special Elections to Repeal, Revoke, and/or Replace the Constitution.

The constitution of the Seminole Nation may be repealed, revoked, and/or replaced by a majority vote of the qualified voters of the tribe who vote in a special election called for that purpose by the Chief of the Seminole Nation of Oklahoma. A special election shall be held on a date set by the General Council of the Seminole Nation. A notice in the form of a resolution duly adopted by the General Council as to the time and place of any election to repeal, revoke, and/or replace the Constitution must be given not less than sixty (60) days before election day. Such notice must include the full text of any proposed amendment and must appear subsequently fifteen (15) day intervals in the Seminole Producer and in at least on (1) other prominent newspaper published within Seminole County. The Seminole Producer shall be the official news media for election information, dates, and registrations.

Section 405. Voting Precinct.

- (a) The voting precincts of the Seminole Nation shall be as follows:

Precinct 1: Sasakwa
Precinct 2: Mekusukey
Precinct 3: Strother
Precinct 4: Oklahoma City
Precinct 5: Tulsa

(b) The Election Board shall establish the number of voting places and voting locations for each precinct, which shall be open from 7:00 a.m. to 7:00 p.m. on election day. The Election Board shall also establish additional and/or temporary voting places for the conduct of special or general elections by a resolution of the General Council.

(c) Except as otherwise provided in this Title, a voter must vote at his or her assigned voting precinct.

(d) Open voting. For purposes of special elections only, the General Council may permit voters to vote at any voting precinct regardless of precinct assignment. Such permission shall be included in the resolution passed pursuant to Section 403 of this Title. For elections in which the General Council has authorized open voting, the Election Board shall take whatever additional steps are reasonably necessary to ensure that voters do not cast ballots at more than one polling place.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991; Amended by Ordinance No. 2006-03, June 3, 2006; Amended by TO 2008-16, July 10, 2008]

Section 406. Precinct Committees.

There shall be five precinct committees, which will consist of an Election Board member or persons appointed by the Election Board. The Chairman of each precinct committee will be either the member of the Election Board or the person designated as Precinct Committee Chairman of that precinct by the Election Board. Additionally, the Chairman of the Election

Board may be posted at a central voting location on the day of the election. Each Precinct Worker, Precinct Committee Chairman and Election Board Member shall cast their votes by absentee ballot. The precinct committees shall supervise the election at each voting precinct, and shall each have the following specific duties:

- (a) To ascertain that the name of each person offering to vote is on the official voting list.
- (b) To see that each ballot is cast by the voter himself, that the voter list is checked, and that the voter signs or marks the precinct voter registration list.
- (c) Any question of eligibility for prospective voters on election day shall be decided by the respective precinct committee, whose decision shall be final.
- (d) To keep the ballot boxes locked at all times, except when the ballots are being counted.
- (e) To count the ballots cast and to make a tally thereof.
- (f) To make a certified election return to the Election Board and post a copy thereof at the voting precinct.
- (g) To preserve spoiled and mutilated ballots.
- (h) After counting is completed, to return all the ballots cast to the election boxes, lock and mark the boxes with the name of the voting precinct.
- (i) To return the unused, spoiled and mutilated ballots and locked ballot boxes to the Election Board immediately following the election.
- (j) No member of the precinct committee shall leave the voting precinct during voting hours without the permission of the Precinct Committee Chairman.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991 Amended by Law 97-01B, May 10, 1997; Amended by Ordinance No. 2006-03, June 3, 2006.]

Section 407. Voting Procedure and Ballots for Voting at Precinct Locations.

(a) Regular Voting Procedure.

The Precinct Chairman shall show the first voter that the ballot box is empty and then lock it in his presence. Any registered voter may vote at their prescribed voting precinct by announcing to the precinct worker, his name after proper identification of eligibility. After signing the precinct register, a ballot will then be issued with the voter marking the ballot and then placing it in the ballot box provided by the Election Board. If it is necessary to verify a voter's qualifications, the precinct worker may request to see the voter's registration card or if the

voter produces his proper card, and his name is inadvertently omitted from the precinct list, a ballot will be issued and corrections made to the precinct voting list.

(b) Regular Ballots.

Official ballots used by voters at precinct voting locations shall be called "regular ballots." They shall be issued by the Election Board to each precinct committee. Regular ballots shall be printed in the English language with interpretation, assistance to the blind and disabled being provided by the Precinct Committee Chairman or designated bi-lingual precinct worker. Regular ballots shall be consecutively numbered. Regular ballots must have printed thereon the following:

SEMINOLE NATION OF OKLAHOMA
OFFICIAL BALLOT
GENERAL [OR SPECIAL] ELECTION, [DATE]

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law 94-10, August 13, 1994 Amended by Law 97-01B, May 10, 1997.]

Section 408. Voting Procedure and Ballots for Absentee Voting.

(a) Request for Absentee Ballots.

Absentee ballot forms shall be available at the Election Board Office for those registered voters unable to vote at their proper precinct. The request for an absentee ballot must be made in writing, must be properly signed, and must be received by the Election Board Office at least thirty (30) days prior to the general election date. Absentee ballot requests for a run-off election shall be automatically mailed to those who requested an absentee ballot in the general election. Absentee ballot requests for a run-off election by persons who did not vote by absentee ballot in the general election must be received by the Election Board Office at least twenty (20) days prior to the run-off election date. No more than one request per individual signature for each election date shall be accepted.

(b) Form of Absentee Ballots.

Absentee ballots shall have printed thereon the following:

SEMINOLE NATION OF OKLAHOMA
ABSENTEE BALLOT
GENERAL [OR SPECIAL] ELECTION, [DATE]

Absentee ballots shall be placed in an unmarked inner envelope. The unmarked inner envelope shall be placed in an outer envelope. The following shall be stamped on the back of the outer envelope:

SEMINOLE NATION OF OKLAHOMA
ABSENTEE BALLOT OUTER ENVELOPE

"I will be unable to vote at my designated precinct and have enclosed my ballot in the GENERAL [OR "RUN-OFF" OR "SPECIAL"] ELECTION, [DATE]"

Voters

signature

Printed Name & Date

(c) Issuance of Absentee Ballots and Use of Absentee Ballots and Records on Election Day.

Absentee ballots shall be consecutively numbered and issued to qualified voters with the Election Board maintaining a separate precinct record of voters to whom such ballots were issued. Absentee ballots must be received through the mail no later than the last mail run on the election date. Each precinct committee shall have the precinct's absentee ballot voter list on hand at all voting places on election day, and if the voter appears and requests to vote in person, he will be allowed to do so, provided that the absentee ballot list will so reflect that his absentee ballot is void, and his absentee ballot shall be voided after the polls close, prior to the count of the absentee ballots. Absentee ballots shall not be removed from the outer envelope containing the voters name until after the close of the polls and after the voiding of any absentee ballots received for voters who appeared to vote in person. Absentee ballots so voided shall be placed in a separate envelope designated "Voided Absentee Ballots," and shall be locked in the applicable precinct ballot box following the count.

(d) No officer of the Seminole Nation, employee, candidate for office, and the candidates' immediate family members, or any person(s) acting in an office capacity for the Seminole Nation, except the Election Board members and the company assisting in the election, be directly involved in the issuance and validation of absentee ballots.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 93-10, April 3, 1993; Amended by Law 94-10, August 13, 1994; Amended by Law 97-01B, May 10, 1997; Amended & Clarified by Law 97-4, June 7, 1997.]

Section 409. Election Returns.

(a) Ballot boxes shall be locked with three separate locks, and shall not be unlocked or removed from the voting location at any time prior to the close of the polls. Immediately following the close of the polls, the locked ballot boxes shall be moved by a tribal security officer and the precinct chairperson to a central location designated by the Election Board. Each ballot box will be unlocked by three individual keyholders. The ballots cast shall then be counted and tallied by each precinct committee at the designated central location in the presence of the poll watchers. Absentee ballots shall be counted pursuant to the provisions of Section 408(c) herein.

(b) Results of the voting shall be submitted by each precinct committee to Election Board on prescribed Election Board forms. The form shall be signed by all precinct committee members. The precinct chairman shall post a copy of the results at the voting precinct.

(c) After counting, all ballots cast shall be placed in the ballot boxes, locked, and marked with the name of the voting precinct and date of election and date given to the Election Board. All unused and spoiled or mutilated ballots shall also be given to the Election Board. The Election Board shall store the ballots in a safe place for a minimum period of forty-five days after the election.

(d) The Election Board shall within three working days, after the election, prepare a consolidated return of the election results, certify and forward such results to the Principal Chief. Copies shall be furnished to the Bureau of Indian Affairs Superintendent, Wewoka Agency and to the Area Director, Muskogee Area office. A copy shall be retained for use by the Election Board. The official results of the election shall be published in the Seminole Producer. Other available news media shall also be furnished the official results.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by
Law 91-12, November 16, 1991; Amended by Law No. 93-10,
April 3, 1993]

Section 410. Run-off Elections.

(a) Run-off Elections for Chief.

Election of Chief and Assistant Chief shall be at large. No candidate for Chief or Assistant Chief shall be considered elected unless he or she has received the majority of the votes cast. If there is any executive office in which a candidate for Principal Chief or Assistant Chief does not receive the required majority of votes, a run-off election shall be held four weeks after the election, and subject to all the rules and requirements of the regular general election. In the event of a run-off election, only the names of the two candidates with the highest number of votes shall appear on the ballot.

(b) Run-off Elections of Council Members.

Councilmen shall be elected by a plurality of the votes cast. A tie vote for councilmen shall be decided by their band. Election of council members shall be by band and all qualified voters shall be entitled to cast one vote for each seat his or her band has on the General Council to be filled.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by
Law 91-12, November 16, 1991; Amended by Law No. 93-10,
April 3, 1993]

Section 411. Electioneering.

No person shall be allowed to electioneer within 100 feet of the building where and when the election is in progress.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991.]

Section 412. Poll Watchers.

Candidates for the office of Principal Chief and the office of Assistant Chief shall be allowed to have one poll watcher at each precinct to watch the election process. Such poll watcher must be properly identified to the Election Board.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991.]

Section 413. Election Recounts

(a) Request for Recount.

A written request for recount of any election results, including appeals of special elections on constitutional amendments, must be filed in the Election Board Office in writing within five (5) days after certification of election results and returns.

(b) Person Authorized to Request Recount.

In appeals of elections for office, only the defeated candidate shall be permitted to request a recount. In appeals of referendum elections, any registered voter of the Seminole Nation may request a recount.

(c) Filing Fee When Recount Sought.

The request for recount shall be accompanied by a certified check, cashiers check or money order in the amount of \$200 per box made payable to the Election Board. Said fee shall be refunded to the complainant only if the recount produces an election outcome different from the outcome originally certified as correct by the Election Board.

(d) Recount Procedure.

The Election Appeals Board shall recount the ballots of the election protested within five days of the date of receipt of said request. The Election Board members may each be present during the recount. The complainant and all other candidates for the elective office involved in the recount, or their designated representatives, shall be permitted to attend the recount.

(e) Recount Results.

Following the recount, the Election Appeals Board shall verbally announce the number of votes in favor of each candidate or referendum question, and the number of votes opposed to each referendum question. If the recount results are identical to the original count, the Election Appeals Board members shall each certify on the original certificate that a recount was held, the date of the recount, and that the Election Appeals Board confirmed the accuracy of

the results. In the event the recount produces election-voting results different than those originally certified as correct by the Election Board, the Election Appeals Board members shall each execute the corrected certificate of results. A corrected certificate of results shall result in invalidation of the election only if the correction changes the election outcome. The Election Appeals Board shall send by certified mail a copy of the final certificate of results to each candidate for the office involved in the recount, and to the complainant. The Election Appeals Board shall post a copy of the final certificate in the Election Board Office. The decision of the Election Appeals Board shall be final and unappealable to the General Council, the Court of Indian Offenses or any other court of law.

[HISTORY: Ordinance No. 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991; Amended by Law No. 93-10, April 3, 1993]

Section 414. Election Appeals; General.

(a) Types of Election Appeals.

Election appeals shall be limited to appeals of one of the following types of actions:

(1) Election Board decisions regarding candidate eligibility; and

(2) Alleged violation of Title 10 herein or of any election procedures adopted by the Election Board and in force at the time of the alleged violation, provided that the said alleged violation was of a substantial nature sufficient to affect the outcome of the election, and that the complainant alleges that said alleged violation affected the outcome of the election.

(b) Time to Appeal.

Any election appeal, including appeals of special referendum elections, must be filed in the Election Board Office in writing within five (5) days after receipt of notice of denial of eligibility for candidacy by the Election Board or within five (5) days after certification of election results and returns.

(c) Person Authorized to Appeal.

In appeals of elections for office, only the person denied eligibility or the defeated candidate shall be permitted to file an appeal. In appeals of referendum elections, any registered voter of the Seminole Nation may file an appeal. The Election Board Chairman shall deliver copies of each appeal notice and related documents to each member of the Election Appeals Board in a timely manner.

(d) Contents of Notice.

The notification to the Election Appeals Board must be in writing and must include the following: The complainant's name, address and enrollment number; the nature of

the complaint; any information relevant to the complainant's eligibility for office where such eligibility is at issue; specific statement regarding each alleged violation of Title 10 herein or of any election procedures adopted by the Election Board and in force at the time of the alleged violation, including the date of the alleged violation and the identity of the person involved in the violation; and the relief sought by the complainant.

[HISTORY: Law No. 93-10, April 3, 1993]

Section 415. Appeal of Election Board Finding of Candidate Ineligibility; Special Procedures.

Within three working days of receipt by the Election Board Office of an appeal of an Election Board finding of candidate ineligibility, the Election Appeals Board shall issue notice of hearing to the complainant, said hearing to be held no later than ten days from date of issuance of said notice. Said notice of hearing shall be mailed to the complainant by certified mail, and a copy shall be hand delivered to the complainant if possible. The appeal hearing shall be held pursuant to the provisions of Section 416 herein. The Election Appeals Board's decision shall be in writing, and shall be served on the complainant by registered mail or in person no later than five days following the date of the hearing. The Election Appeals Board's decision may be appealed to the General Council of the Seminole Nation pursuant to Article IV, Section 3 of the Constitution of the Seminole Nation, provided such written appeal is filed with the Election Board within five days of issuance of the Election Appeals Board decision. The General Council shall hold a special meeting to hear the appeal within fifteen (15) days of date of filing said appeal. The decision of the General Council shall be final and unappealable to the Court of Indian Offenses or any other court of law.

[HISTORY: Law No. 93-10, April 3, 1993]

Section 416. Appeals Alleging Election Law Violations; Special Procedures.

Within ten (10) days of receipt by the Election Board Office of such an appeal based upon allegations of violations of Title 10 herein or of any election procedures adopted by the Election Board and in force at the time of the alleged violation, the Election Board shall file an answer in response to each allegation with the Election Board Office and shall send a copy of said answer to the complainant by certified mail. Within ten (10) days of the filing of the answer, the Election Appeals Board shall issue notice of hearing to the complainant, said hearing to be held no later than twenty (20) days from date of filing of the Election Board answer. Said notice of hearing shall be mailed to the complainant by certified mail, and a copy shall be hand delivered to the complainant if possible. The appeal hearing shall be held pursuant to the provisions of Section 416 herein. The Election Appeals Board's decision shall be in writing, shall be issued no later than five (5) days following the date of the hearing and shall be served on the complainant by registered mail or in person. The decision shall require the invalidation of election results and a new election only if the complainant proves beyond a reasonable doubt that substantial violations of Title 10 occurred and that said violations affected or had a strong likelihood of affecting the election outcome. The Election Appeals Board's decision may be appealed to the General Council of the Seminole Nation, provided such written appeal is filed with the Election Board within five days of issuance of the Election Appeals Board decision. The General Council shall hold a special meeting to hear the appeal within fifteen (15) days of date of filing said

appeal. The decision of the General Council shall be final and unappealable to the Court of Indian Offenses or any other court of law.

[HISTORY: Law No. 93-10, April 3, 1993]

Section 417. Conduct of Appeal Hearings.

All appeal hearings shall be conducted by the Election Appeals Board. Hearings shall be governed by the following rules of procedure:

(a) The complainant and the Election Board may present testimony of witnesses and other evidence and the complainant may be represented by counsel at his own expense.

(b) The Chairman of the Election Appeals Board or the vice-Chairman shall preside and the Appeals Board shall proceed to ascertain the facts in a reasonable and orderly fashion.

(c) The Election Appeals Board may consider any evidence which it deems relevant to the hearing, and conduct of the hearing shall be governed by the rules of practice and procedure which may be adopted by the Appeals Board.

(d) The Election Appeals Board shall not be bound by technical rules of evidence in the conduct of hearings, and no informality in any proceeding, as in the manner of taking testimony, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Appeals Board.

(e) No stenographic record of the proceedings and testimony shall be required except upon arrangement by, and at the cost of the party requesting said record.

(f) The hearing may be adjourned, postponed and continued at the discretion of the Election Appeals Board.

(g) At the final close of the hearings, the Election Appeals Board may take immediate action or take the matter under advisement.

[HISTORY: Law No. 93-15, April 3, 1993; Amended by Law No. 93-50, April 22, 1993]

[REFERENCE COMPLETE HISTORY OF ALL ELECTION LAWS: Ordinances 72-3, 72-3, 73-1, 73-2, 77-2, 81-1, 81-2, 81-3, 85-1, 88-2, 89-2, as amended by Ordinance 91-06, August 24, 1991; Codified by Law 91-12, November 16, 1991; as amended by Law 97-01B, May 10, 1997; as amended by Law 00-02, March 4, 2000.]