

**MATCH-E-BE-NASH-SHE-WISH BAND
OF POTTAWATOMI INDIANS**

ELECTION ORDINANCE

As amended July 16, 2009



**ARTICLE I
PURPOSE**

To provide for an Ordinance duly adopted by the Tribal Council of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians establishing procedures for Tribal Elections.

**ARTICLE II
AUTHORITY**

This Election Ordinance is authorized by the Constitution of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, ARTICLE VI, Section 5.

**ARTICLE III
GENERAL PROVISIONS**

In computing a period of time for purposes of this Election Ordinance, days shall refer to calendar days. The last day of the period is counted unless that day is a Saturday, Sunday, legal holiday (under federal law) or a holiday in which the Tribal Offices are otherwise scheduled to be closed. In that event, the period runs until 5:00 p.m. on the next day that is not a Saturday, Sunday, legal holiday or a day in which the Tribal Offices are otherwise scheduled to be closed.

**ARTICLE IV
ELECTION COMMITTEE**

SECTION 1 The Tribal Council shall appoint a three (3) member Election Committee that will represent each voting district. The Election Committee shall have the responsibility and authority to conduct elections as directed by the Election Ordinance and the Constitution of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians.

SECTION 2 The Election Committee shall designate within themselves the positions of Chairperson, Treasurer and Secretary.

SECTION 3 Members of the Election Committee shall be ineligible for Tribal Council Office or any other tribal elected office unless the Election Committee Member resigns from the Election Committee at least sixty (60) calendar days prior to the Election Day. Tribal Council members may not serve on the Election Committee during their term in office.

SECTION 4 The Members of the Election Committee shall be available at all times during the Election process, beginning at least forty-five (45) days prior to the day of the Election and until the Election is deemed closed, following the third day after the Election, allowing for any disputes to be filed.

SECTION 5 Removal from Office

A) An Election Committee Member may be removed for cause, such as breach of confidentiality or for campaigning for a candidate, or for any of the reasons set forth in ARTICLE VI, SECTION 11(a) of the Tribe's Constitution.

Removal shall be done in accordance with the procedures set forth in ARTICLE VI, Section 11(a) and (c) of the Tribe's Constitution.

B) Election Committee Members may voluntarily remove themselves from office by submitting a signed and dated written resignation to the Tribal Chairperson via United States Mail to the following address:

1743 142nd Ave., # 7
PO Box 218
Dorr, Michigan 49323

The resignation is effective as of the date that the resignation is postmarked by the United States Postal Service.

C) The Tribal Council shall fill any vacancies on the Election Committee, pursuant to the procedure that the Tribal Chairperson deems appropriate.

SECTION 5 The Election Committee shall submit a budget to the Tribal Council and Finance Department for operation of the Election.

SECTION 6 The Records of Registry shall be the responsibility of the Secretary of the Election Committee.

SECTION 7 The Tribal Elections are to be conducted by the Election Committee in accordance with this Election Ordinance.

SECTION 8 The duties of the Election Committee shall be as follows:

A) Register Tribal members as voters.

B) Call all regularly scheduled meetings to the proper conduct of the Committee's business.

C) Perform all other duties as may be necessary and required by this Election Ordinance and the Constitution.

D) The Election Committee Secretary shall take minutes of all Committee meetings and make available these minutes to the Tribal Council and any other interested Tribal member.

SECTION 9 The Election Committee shall have the duty to obey all the Articles in the Ordinance and any other laws and regulations as may be prescribed.

In the event of any discrepancies between the Election Ordinance and the Constitution of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, the Constitution shall supersede the Election Ordinance.

**ARTICLE V
VOTER REGISTRATION**

SECTION 1 Eligible voters shall be those Tribal members who are duly registered to vote pursuant to ARTICLE III, Section 2 of this Ordinance.

SECTION 2 To be eligible to vote, a person must:

- A) Be an enrolled member of the Match-E-Be-Nash-She-Wish Band of Pottawatomini Indians.
- B) Be at least eighteen (18) years of age on the date of the election.
- C) Complete a current and up-to-date Voter Registration Form and have it approved by the Enrollment Department.

SECTION 3 Voter Registration Forms:

- A) Voter Registration Forms will be mailed out to all eligible, non-registered voters at least forty-five (45) days before the Election.
- B) Additional Voter Registration Forms will be available upon request only.
- C) All Voter Registration Forms must be submitted to the Election Committee at least thirty (30) days before the Election. Voter Registration Forms received after the stated date shall be declared ineligible to vote in the current Election.
- D) Voter Registration Forms will be approved by the Enrollment Department.
- E) All registered voters must keep their membership listing current and up to date (i.e. change of address, change of name, etc.). The Enrollment Department will update Voter Registration Forms to coincide with the most current membership listing.
- F) All registered voters will be posted fourteen (14) days prior to the Election.

**ARTICLE VI
QUALIFICATIONS FOR OFFICE**

SECTION 1 The Election Committee shall have the duty and power to determine the eligibility of the prospective candidates for Tribal political office and shall provide any and all prospective candidates with a proper form with which they may file, with the Election Committee, in order to be a candidate.

SECTION 2 Prior to being declared a candidate for any elective office or being appointed to any office, the individual must meet the minimum qualifications pursuant to ARTICLE VI, Section 10 of the Match-E-Be-Nash-She-Wish Band of Pottawatomini Indians Tribal Constitution, which states:

Any person elected to the Tribal Council must be a member of the MBPI, and must be twenty-one (21) years of age or older, and be a resident of the district from which elected for at least one (1) year immediately preceding such election. No person shall be qualified to hold office who is an employee of the Bureau of Indian Affairs, or who has been convicted of a felony.

Special consideration may be extended by Tribal Council to a potential Tribal Council candidate if the felony he or she is convicted of was to protect the sovereign rights of Indians.

SECTION 3 In the event that the Election Committee finds that a prospective candidate does not meet the minimum qualifications imposed, the prospective candidate will not be allowed to become a candidate nor will he or she be allowed to run for political office until such time as he or she can meet those minimum qualifications.

A) If it is determined after an election that an elected official does not or did not meet minimum qualifications after having been elected by the voters, the elected official shall be removed from office as in accordance with ARTICLE 6, Section 11 of the Match-E-Be-Nash-She-Wish Band of Pottawatomí Indians Tribal Constitution.

SECTION 4 Any person who wishes to announce their candidacy for an elective position for regular elections shall be required to make the announcement to the Election Committee at least forty (40) calendar days prior to the Election Day. The announcement must be made on a form set forth herein and received by the Election Committee or its written designee prior to 5 p.m. on the 40th calendar day prior to Election Day.

SECTION 5 Special Election Candidacy Announcements shall be made by the candidate at least thirty (30) calendar days prior to the Election Day. Such announcements shall be made to the Election Committee on a form set forth herein and received by the Election Committee or its written designee prior to 5pm on the 30th calendar day prior to Election Day

SECTION 6 All announcements mentioned in Section 2 and Section 3 shall be made in writing in the following manner:

I, _____, am declaring candidacy for the office of **TRIBAL COUNCIL MEMBER** on this date, _____.

My Tribal Roll number is: _____.

I certify that I will provide a **notarized** statement that I have resided within the _____ **District** for the one-year period preceding the Election date.

ADDRESS: _____

PHONE NUMBER: _____

BIRTHDATE: _____

I further certify that I have not been convicted of any felony.

(Initials)

Candidate's Signature

SECTION 7 All written announcements shall be verified and signed by the Election Committee.

SECTION 8 A candidate for elective office must file for only one (1) office.

SECTION 9 In the event there is no candidate that has filed for an elective office forty (40) days prior to the Election Day, the vacancy shall be filled pursuant to ARTICLE VI, Section 10b of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians Tribal Constitution.

ARTICLE VII CAMPAIGNING

SECTION 1 The Election Committee shall determine the rules and regulations for campaigning for Tribal Council.

SECTION 2 The Election Committee will:

- A) Post all candidates running for Tribal office in the Tribal newsletter and on the Tribal website.
- B) Send out Candidate bios for all candidates running for Tribal office to the membership. A Candidate Bio shall not exceed one (1) page in length. Candidate bios will also be posted on the Tribal website.
- C) Display Candidate bios at polling site on the day of the Election.

No campaigning shall be conducted within 500-feet of the polling site on the date of the election.

SECTION 3 In order to protect the privacy of the membership, the Election Committee does not condone the publishing or submittal of membership listings, which contains addresses, phone numbers, E-mail addresses and any other personal information, to candidates for campaigning purposes.

ARTICLE VIII ELECTIONS

SECTION 1 Elections shall be held bi-annually on the fourth Tuesday of August.

The Election Committee reserves the right to change the date of the Election, subject to the restrictions set forth in this Section. . In the event that the election date is changed after the deadline for Candidacy Announcements has passed, the deadlines for Candidacy Announcements set forth in Article IV Sections 4 and 5 shall continue to be calculated from the original date set for the Election. The Election Committee shall not change the date of the Election to a date that is less than 45 days from the date of the Notice of new Election date.

SECTION 2 Special Elections shall be called where appropriate by the Tribal Council to remove/recall elected officials and/or submit initiatives and referendums to the membership and/or fill vacated Tribal Council seats for the remainder of the vacated term of office, which runs longer than twelve (12) months.

Special Elections to fill vacated Tribal Council seats shall be called by the Tribal Council at the first scheduled Tribal Council meeting following such vacancies.

ARTICLE IX POLLING SITE

SECTION 1 The polling site for Tribal Elections shall be designated by the Election Committee and shall be announced to all eligible voters at least forty five (45) calendar days prior to the Election.

SECTION 2 The polling site shall be open from 8:00 a.m. to 8:00 p.m. on the day of the Election. NOTICE of the Date of Election, the Voting Place and Hours of Voting shall be given to the Registered Voters by the Election Committee forty-five (45) calendar days prior to the Election Day.

SECTION 3 No alcoholic beverages or illegal substances shall be allowed within 100 feet of the polling site.

ARTICLE X BALLOTING AND VOTING

SECTION 1 All votes cast in any Tribal Election shall be cast by Secret Ballot.

SECTION 2 Ballots used for regularly scheduled and special elections will be in the form of professional cards.

SECTION 3 A voting room shall be the type that has non-transparent walls to ensure privacy while marking the ballot. There shall be a minimum of two (2) rooms for the polling place in an election. The room shall consist of a shelf, counter top, or table to mark ballots.

SECTION 4 A member of the Election committee shall verify the name against a current Tribal membership listing and mark, check, highlight or otherwise VALIDATE the printed name of the listing.

SECTION 5 An individual must show some means of identification WHEN CHALLENGED by a member of the Election Committee or by an official Watchman.

- SECTION 6 A member of the Election Committee shall remove the ballot number from the top of the ballot and mark the number next to the name of the voter who shall receive the ballot.
- SECTION 7 The registered voter shall then be given the necessary ballot(s) and use only the ballot(s) given to him at the time of signing the roll book.
- SECTION 8 There shall be NO write-in candidates.
- SECTION 9 There shall be NO proxy voting.
- SECTION 10 There shall be one person in a voting room at a time. Exceptions:
- A) A physically disabled person may have assistance in marking a ballot.
 - B) Visually disabled persons may have assistance in marking a ballot.
 - C) Non-reading and non-English speaking persons may have assistance in marking ballot.
 - D) The person assisting the disabled shall swear that he or she shall not discuss the voter's casting of his or her ballot with any person. They will not influence the voter in casting a ballot. They will assist only in marking a ballot as the voter wishes.
- SECTION 11 The voter, after receiving an official ballot shall immediately enter an unoccupied voting room. If all rooms are occupied, the voter shall wait in an orderly line and enter the first unoccupied room when his or her time comes to enter a room.
- SECTION 12 Ballots shall be marked in indelible ink and in spaces provided on ballot.
- SECTION 13 After marking of the ballot, the voter shall fold the ballot and physically put the ballot into slot in ballot box.
- SECTION 14 If for any reason a ballot becomes spoiled, the voter shall return all ballots in his or her possession to the issuing clerk where they will be marked as void and placed in a non-transparent envelope in the presence of the voter and a new set will be issued. The roll book will be noted that a spoiled ballot has occurred and a new ballot has been issued.
- SECTION 15 At the closing of the polls, all persons in line at the closing hour shall be given an opportunity to cast a ballot. NO ONE will be allowed to join the line past the closing hour.
- SECTION 16 Absentee Ballots and Forms
- A) Absentee Ballots shall be made available to all registered voters for all Tribal Elections forty-five (45) days prior to the day of the Election.
 - B) A registered voter, who will be unable to appear at the polling places on Election Day, shall be entitled to vote by Absentee Ballot.
 - C) Absentee Ballot Request Forms shall be mailed out to all registered voters at least forty (40) calendar days before the day of Election.

- D) Registered voters who will be unable to appear at the polls on Election Day, shall be required to return their Absentee Ballot Request Form to the Election Committee thirty(30) calendar days prior to the day of the Election in order to be officially designated and permitted to vote by Absentee Ballot.
- E) An Absentee Ballot will be sent out immediately following the return and approval of an Absentee Ballot Request Form.
- F) All Absentee Ballot request forms shall be subject to the approval of the Election Committee.
- G) Additional Absentee Ballot Request forms will be available upon request only.

SECTION 17 Absentee Ballots shall be retrieved from the post office by an Election Committee Member at 4:45 p.m. on the day of the Election and shall be officially stamped as such. Absentee Ballots received after the stated time shall be declared invalid and shall not be used.

SECTION 18 The Election Committee shall maintain a record of all Absentee Ballot Request Forms, together with names and addresses of all persons to whom Absentee Ballots are mailed or delivered. All applications, ballots and associated forms and records shall be clearly date stamped.

SECTION 19 Materials and information to accompany the Absentee Ballot:

- A) One (1) plain unmarked opaque envelope and sealed.
- B) The marked ballot must be placed in a plain unmarked opaque envelope and sealed.
- C) The plain unmarked envelope containing the ballot is to be placed in the self-addressed, stamped envelope, with a signature in the Voter Validation Signature Box, for return to the Election Committee.

ARTICLE XI CANVASS OF ELECTION RETURNS

SECTION 1 Immediately after the polls are closed, the counting of the Ballots shall commence. The official counters shall be the Election Committee and an Impartial Reader of Ballots. PROVIDED, there is no conflict of interest, the Election Committee shall be the official recorder of the counting process. The Election Committee shall be responsible to determine conflict of interest situations and, if so determined, the Committee shall have the duty and authority to correct the situation by replacing the counter(s). The Impartial Reader of Ballots shall be arranged by the Election Committee.

SECTION 2 Opening of the Ballot Box:
Any opening of ballot box must be witnessed by the Election Committee.

SECTION 3 Procedures for Counting of Ballots:

At the time of poll closing and the last ballots have been cast, the ballot box shall be shaken in a manner to thoroughly mix ballots. The ballot box will be taken to a private room. There shall be present at the counting:

- A) Election Committee
- B) Impartial Reader of Ballots
- C) Watchmen (See Article XII)

An Impartial Reader of Ballots shall be an individual selected by the Election Committee who shall not be a Tribal member or a Tribal member's spouse and is deemed reputable to hold the position.

The Ballot Box will be unlocked by the Election Committee. There shall be no candidate for election among those counting votes or in the counting room. As each ballot is pulled from the ballot box, the reader will read the ballot and announce the vote to the tally counters, who will mark their tally sheets. As the last ballot is tallied the ballot box will be shown to all that it is empty and all legal votes have been tallied. The tally sheets will be compared and if discrepancies appear the votes will be re-tabulated. When tally sheets are identical and correct in count, each tally sheet will be signed by the Election Committee and Impartial Reader of Ballots. Marked ballots and tally sheets will be relocked in the ballot box and kept in a secure place accessible only to the Election Committee for sixty (60) days.

In the event that a tie exists at the completion of the recount, the Election Committee will call a special "run off" election limited to the tied candidates. The "run off" Election shall be held not more than twenty-one (21) days from the date of the Election in which the tie vote occurred. Current members shall serve until the newly elected Tribal Officers are sworn in.

SECTION 4 Reason for Failure to Count Ballot:

At ballot counting, the Election Committee shall act as umpire in determining if a ballot is mutilated. A mutilated ballot must be one of the following:

- A) If more than the specified number of marks appears on a ballot in any category.
- B) Or any human made marks that may distinguish a ballot from others.
- C) The disqualified ballot will be signed by the Election Committee and labeled with reason for disqualification.

SECTION 5 Method of Handling Absentee Ballots:

Upon the return of an Absentee Ballot, the Election Committee will validate, sign and date the outside envelope and place the entire, unopened, inner envelope containing the ballot, in the locked ballot box which will be located in a safe and secure place.

SECTION 6 The opening of envelopes containing the Absentee Ballot and the placing of Ballots in the Ballot Box:

On the day of the Election, Absentee Ballots will be picked up by an Election Committee Member at 4:45 p.m. Signatures on the outside on the envelope shall be verified and compared, by the Election Committee, to the signature on the voter's Voter Registration Form. The Absentee Ballot will then be accepted or rejected. Upon acceptance the outside envelope will be removed and the inside privacy envelope, with the Absentee Ballot, shall be placed inside the ballot box. Upon rejection, the outside envelope will be marked as invalid with a written explanation for reason of rejection and shall be signed by the Election Committee and placed into a separate opaque envelope.

**ARTICLE XII
ELECTIONEERING AND WATCHMEN**

SECTION 1 Appointment and Duties

- A) A Watchman may be appointed by a candidate for Tribal Office.
- B) The Watchman's duties shall be limited to monitoring the polling site and witnessing the Counting of Ballots and shall have no other authority.
- C) The Watchman may not disrupt the Counting of Ballots.
- D) The Watchman shall be identified by a badge, armband or other appropriate identification to be issued by the Election Committee.
- E) A letter of authorization from a candidate for a Watchman is to be filed with the Election Committee no later than one (1) day prior to the Election.

**ARTICLE XIII
ANNOUNCING ELECTION RESULTS**

SECTION 1 Election results shall be posted on an official form from the Election Committee in the following manner:

- (A) Bradley District
 - a. Candidates and their individual voting results
 - b. The winning candidate will be highlighted
- (B) Salem District
 - a. Candidates and their individual voting results
 - b. The winning candidate will be highlighted
- (C) At-Large District
 - a. Candidates and their individual voting results
 - b. The winning candidate will be highlighted

SECTION 2 Election results shall be posted immediately following the counting of the ballots at the polling site.

SECTION 3 Election results shall be posted the following business day at the locations noted below:

- (A) Tribal Offices
- (B) Website

SECTION 4 Election results shall be posted in the next publication of the tribal newsletter.

**ARTICLE XIV
BALLOTS AND ELECTION RECORDS**

SECTION 1 The Election Committee shall have the duty and responsibility to make up and update ballots and any other documents that may be necessary to conduct Tribal Elections. This shall include but NOT be limited to the order of offices on the ballot, and the posting of sample ballots.

SECTION 2 The Election Committee shall utilize a random, neutral method for determining the order of how names appear on the ballot. Candidates' names shall appear on the ballot as they appear on the Tribal Council rolls.

SECTION 3 Election Records shall be maintained by the Election Committee. The result of official voting returns and other pertinent documents shall be stored as official documents of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians and shall be kept in a secured location accessible only by the Election Committee.

SECTION 4 Election Records, *i.e.*, Voter Registration Forms, Absentee Ballot Request Forms, Absentee Ballots, Ballots, and any other additional records, shall be MAINTAINED by the Election Committee for a period of at least sixty (60) days after the election secured location accessible only by the Election Committee.

SECTION 5 There shall be one (1) ballot box.

- A) The ballot box shall be locked. During the election process, the keys shall be kept solely by the Election Committee. No combination locks shall be used.
- B) The ballot box shall remain locked at all times except when necessary for the canvassing of ballots.
- C) The ballot box shall at all times be kept in a safe and secure place. At all times during the Election and until the time has expired for any protests, or if a protest is filed, until said protest is resolved, the ballot box shall be under the constant control and supervision of at least one member of the Election Committee.
- D) The ballot box shall be MAINTAINED by the Election Committee and shall be moved only by a member of the said Committee. The Election Committee shall keep records of the custody and changes in custody and location of the ballot box.

**ARTICLE XV
SETTLING OF ELECTION DISPUTES**

- SECTION 1 In the event a candidate for Tribal Office wishes to contest any election results, the candidate must notify the Election Committee, in writing within three (3) days; excluding weekends and Holidays, of the notification of the Election results.
- A) The notification to contest an Election must be in writing to the Election Committee and must include the following:
 - 1. The contestant's name, address and enrollment number.
 - 2. Which election the contestant wishes to contest.
 - 3. The contestant must state, with specificity, the reason why he or she wishes to contest the election.
 - 4. The contestant's desire for the Election Committee to recount the ballots.
 - B) In the event of an Election Protest, the Election Committee shall, within five (5) days, excluding weekends and Holidays, recount those ballots of the election protested, in the same manner as the original election.
 - C) All those present at the original ballot count shall be permitted to attend the recount, with the possible exception of a change in the Impartial Reader of Ballots, PROVIDED: The person or persons filing the protest shall also be permitted to sit in attendance at the recount of the ballots.

- SECTION 2 The Election Committee's Decision as to the Recount:
- A) The Election Committee after the recount shall announce to the parties their decision as to whether the original election count will stand and the protest will be held invalid or whether the original election count shall not stand and the election protest will be held invalid. The decision of the Election Committee shall be final and not subject to judicial review or appeal to the Tribal Council.

**ARTICLE XVI
CLOSING OF ELECTION**

- SECTION 1 The election will be deemed officially closed after the following conditions have been met:
- A) All absentee and regular ballots have been counted and confirmed; and
 - B) Three (3) days have passed allowing for any filing of an election dispute
 - a. If a dispute has been filed, official closing of the election will not occur until the dispute is settled in accordance with the terms of this ordinance.

**ARTICLE XVII
TERMS OF OFFICE**

- SECTION 1 The Terms of the Office of the Tribal Council shall be four (4) years as pursuant to ARTICLE VI, Section 6 of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians Tribal Constitution.
- SECTION 2 Respective Voting Districts shall be as pursuant to Article VI, Section 2 of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians Tribal Constitution.
- SECTION 3 In the event of the death of a Tribal Council member, or should any Tribal Council member voluntarily resign his or her office, or should a vacancy occur by order of removal or recall, the Tribal Council shall:
- A) Appoint a duly qualified member, as deemed such by Tribal Council, to fulfill the term of the vacant office, if the remainder of the vacated term of office is twelve (12) months or less.
 - B) Call for a Special Election by the general membership to fulfill such vacancies for which the vacated term of office has more than twelve (12) months.

**ARTICLE XVIII
INSTALLATION OF ELECTED OFFICERS OF THE
MATCH-E-BE-NASH-SHE-WISH BAND OF POTTAWATOMI INDIANS**

- SECTION 1 The installation of the newly elected officers of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians shall be at the first regular meeting of the Tribal Council following the official closing of an election.
- SECTION 2 The swearing in of the elected officers of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians shall be within thirty (30) days following the certification of the election results at a time and place designated by the Tribal Council.
- SECTION 3 The Tribal Council shall designate an individual of their choice to administer the Oath of Office to the newly elected officers.
- SECTION 4 The Oath of Office shall be as follows:

“I do solemnly swear, or affirm, that I will faithfully execute the duties of (state elected or appointed title) of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan, and will, to the best of my ability, preserve, protect and defend the Constitutions of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan, and the United States of America. I swear or affirm further, that I will do everything within my power to promote the culture, heritage and traditions of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan.”