

ELECTION ORDINANCE

ARTICLE I

Section 1: The purpose of this Ordinance is to establish procedures for the conduct of tribal elections, and for the conduct of recall, referendum and initiative elections.

This Ordinance also provides a uniform procedure for submitting petitions, determining their validity and the procedure for handling election disputes.

Section 2: This Election Ordinance is enacted by the Tribal Council of the Sac & Fox Tribe of Missouri pursuant to the Tribal Constitution.

ARTICLE II

Section 1: Definitions

a. "Tribe" and all derivations thereof shall mean the Sac & Fox Tribe of Missouri.

b. "Tribal Council" shall mean the governing body of the Sac & Fox Tribe of Missouri.

c. "General Council" shall mean all enrolled members of the Sac & Fox Tribe of Missouri who are at least eighteen (18) years of age or older.

d. "Election Committee" shall be a committee established by the Tribal Council under the Tribal Constitution having certain responsibilities for conducting tribal elections as set forth in this ordinance.

e. "Eligible voter" shall mean any member of the Sac & Fox Tribe of Missouri, eighteen (18) years or older by or on the date of the election.

f. "Quorum" shall mean at least three (3) members of the Tribal Council present at all meetings, including General Council meetings, in order to conduct business.

g. "Petition" shall mean a request in writing to a person or group in authority. Petitioning provisions are set forth in Article VII of this Ordinance.

h. "Voting" all voting in elections for Tribal Council members shall be by raised hands unless general council determines to vote by secret ballot. The Tribal Council shall determine the voting procedures to be used in other tribal elections, except as otherwise provided by the Tribal Constitution. Elections shall be open to tribal members only.

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ARTICLE III

Section 1: The Election Committee shall consist of three (3) tribal members, a secretary and two (2) members. The secretary and the two members of the Election Committee shall be appointed by the Tribal Council and shall serve at the will of the Tribal Council.

Section 2: The Election Committee shall serve as an impartial body and shall be responsible for conducting tribal elections.

Section 3: The Election Committee shall serve for a term of four (4) years commencing with the effective date of this Ordinance.

Section 4: Should a vacancy occur, whether by death, resignation or removal, the Tribal Council shall appoint a person to fill the vacancy. If a member of the Election Committee is temporarily absent during a tribal election; the Tribal Council shall appoint a substitute for the purposes of that election only.

Section 5: The Election Committee shall be composed of members who are impartial, available to perform the duties of the Election Committee and who are not prospective candidates for tribal office. Should a member of the Election Committee become a candidate for office, then that member must resign from the Election Committee no later than ten (10) days prior to the date of the election.

Section 6: The Election Committee members shall be paid by the Tribal Council for duties performed and any reasonable expenses which may be incurred by the Election Committee in carrying out their duties. The amount of compensation shall be determined by the Tribal Council.

Section 7: The Election Committee is to be appointed immediately after adoption of this Election Ordinance by the Tribal Council. The Election Committee shall meet as soon as possible after appointment to promulgate other rules and regulations governing elections which are not so provided in this Election Ordinance.

Section 8: The duties and procedures of the Election Committee include, but are not limited to, the provisions of this Ordinance.

Section 9: With prior approval from the Tribal Council, the Election Committee shall notify all eligible voters of each tribal election and shall determine the method of noticing the election, whether by individually mailed notices or by tribal newsletter. The notice shall include, but is not limited to, the date and place of the election.

ARTICLE IV

Section 1: Tribal elections shall be conducted in the following manner:

a. The Chairman of the Tribal Council shall preside over all meetings where an election will be held.



on the third (3rd) day following the date the election results are certified. The Election Committee shall respond to the protests within two (2) days following the deadline for filing protests. The decision of the Election Committee shall be appealed to the Grievance Committee. The Grievance Committee, for purposes of hearing appeals from the Election Committee, shall be appointed by the Tribal Council two (2) months prior to the election.

Section 2: The decision of the Grievance Committee shall be final. Appeals must be filed with the Grievance Committee no later than 5:00 p.m. on the third (3rd) day after receipt of the decision from the Election Committee.

Section 3: If the decision of the Election Committee is overturned by the Grievance Committee, the Tribal Council shall call a General Council meeting for the purposes of conducting an election to fill the invalidated office. An invalidated election of an office is not considered a vacancy and cannot be filled according to the Tribal Constitution.

#### ARTICLE VI

Section 1: The Election Committee shall be responsible for handling protests resulting from other tribal elections as provided in Recall, Initiative and Referendum. The decision of the Election Committee in these elections may be appealed to the Grievance Committee. The same time frames as provided above shall apply to this section.

Section 2: The decision of the Grievance Committee shall be final.

#### ARTICLE VII

Section 1: Petitioning: The petition presented for purposes of recall, initiative and amendments shall be in an acceptable format, including a typed or printed heading on each sheet of signatures, stating the purpose of the petition and its constitutional basis.

Section 2: The petition shall be certified by the spokesperson for the petitioners, namely, that it comports with the constitutional provisions under which it is presented and secondly, that the petition contains the requisite number of signatures of tribal voters as required by the constitutional provision.

Section 3: The petition shall be effective when formally validated by the Tribal Council. The Tribal Council may delegate validation to the Election Committee if appropriate under the circumstances.

Section 4: The Tribal Council shall acknowledge the petition within fifteen (15) days after its receipt. The acknowledgement shall include a statement as to the date of the requested meeting or action.

Section 5: If the Tribal Council ignores the petition or refuses to act on the petition within the time specified, then the petitioner may determine the validity of the petition and act on it according to the specific constitutional provision under which it was presented.

Section 6: No petition shall be declared invalid solely on technicalities, but shall be reviewed objectively in accordance with the relevant constitutional provisions.

#### ARTICLE VIII

Section 1: Recall: Recall against a Tribal Council member shall be subject to the provisions of the Tribal Constitution.

Section 2: The Chairman shall call the meeting to order and announce the order of business.

Section 3: The first order of business shall be an election to determine if the Tribal Council person should be recalled.

Section 4: The second order of business shall be to fill the vacancy if it is determined that the Tribal Council person should be recalled.

Section 5: The Election Committee shall be responsible for conducting the election on recall and also to fill the vacancy, if any.

Section 6: The Election Committee shall follow the procedures set forth Article IV of this Ordinance.

Section 7: If more than one Tribal Council person has been recalled, the elections shall be held separately as to each person recalled.

#### ARTICLE IX

Section 1: Initiative and Referendum: The provisions as set forth in the Constitution shall be followed for initiative and referendum.

Section 2: The Chairman shall call the meeting and announce the purpose and explain the issue to be presented for vote.

Section 3: The Election Committee shall conduct the election,

following the procedures set forth in Article IV of this Ordinance,  
where applicable.

