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## **Chapter 1. Election Procedures**

### **Sec. 101. Definitions.**

For the purposes of this Chapter, the terms listed below shall mean:

- (a) District. One of the districts of the Reservation designated in the Tribal Constitution, which also serve as election districts;
- (b) Elector. A member of the Tribes qualified to vote;
- (c) Judge. A district election judge, appointed pursuant to Section 106(b) of this Chapter;
- (d) Secretary. The Secretary Accountant of the Tribe;
- (e) Supervisor. The Election Supervisor appointed pursuant to Section 106(a) of this Chapter;
- (f) Election Commission. The Election Commission appointed pursuant to Section 106(a) of this Chapter.
- (g) Central Tabulation Area. The area designated by the Executive Board for the location of the automatic scanning machines used to tabulate votes.

**(AMENDED AS PER RESOLUTION NO. 2405-91-7, DATED 07/22/91.)**

**Sec. 102. Who is qualified to vote.**

(a) Resident voters. Any member of the Tribes, as determined by Article III of the Constitution, who (1) is eighteen (18) years of age or over, (2) resides on the Reservation, (3) is duly registered to vote, and (4) did not fail to vote in any general election subsequent to his/her last registration, is eligible to vote in the district in which he/she has last resided for a full sixty (60) days immediately preceding the election. Registration for voting at a State or County election shall be conclusive as establishing the residence of a voter.

(b) Non-resident voters. Any member of the Tribes, as determined by Article III of the Constitution, who

(1) is eighteen (18) years of age or over,

(2) does not reside on the Reservation,

(3) is duly registered to vote in the last district of former affiliation at least thirty (30) days prior to the date of election, is eligible to vote by absentee ballot in the last district of his/her former affiliation.

**(AMENDED PER RESOLUTION NO. 169-91-12, DATED 12/09/91.)**

**Sec. 103. Registration of voters.**

(a) Secretary ex officio registrar of voters. The Secretary, or such other person as the Executive Board may designate, shall be ex officio registrar of voters and shall have custody and responsibility for all registration books, records and materials. The registrar may appoint not more than one (1) assistant registrar to register voters.

(b) Registration records. The official register shall be contained in a card index and a book designated as "Register of Electors" arranged alphabetically by districts and designed to record all requisite information.

(c) How to register as a voter. Any member of the Tribes, otherwise qualified to vote, may register to vote by appearing in person, before the Secretary or any member of the Executive Board, at least forty-five (45) days before a general, or thirty (30) days before a special, election in which the registrant seeks to vote, and completing and signing the registration card set out as Form 1 of this Title or a form containing the same information. The registrant shall be furnished a receipt evidencing his/her registration. Registration before a member of the Board shall not be effective unless the registration card is filed with the Secretary before the close of registration.

**(AMENDED PER RESOLUTION NO. 2420-91-7, DATED 07/22/91.)**

(d) How to transfer registration. The registration and voting district of any voter who changes his/her residence from one district to another, shall be correspondingly transferred by the Secretary upon written request by the voter made at least sixty (60) days before the next election.

(e) Cancellation of registration. Immediately after every general election the Secretary shall compare the list of electors who voted, as shown by the official poll books, with the list of registered voters and shall remove from the register the names of all persons who are known to the Secretary to be deceased, either on the Secretary's own knowledge, or on the basis of satisfactory information or other proof of death. The Secretary shall mark the registry cards of such deceased persons "Canceled" and shall place the cards in a separate file drawer marked "Canceled Deceased Registrants' File".

**(AMENDED PER RESOLUTION NO. 169-91-12, DATED 12/09/91.)**

(f) Close of registration. Registration shall close forty-five (45) days prior to a general election and thirty (30) days prior to a special election, and shall reopen on the day following election.

**(AMENDED PER RESOLUTION NO. 2420-91-7, DATED 07/22/91.)**

(g) Preparation and posting list of registered voters. Upon the close of registration, the Secretary shall prepare for each District a list signed and dated by the Secretary of all registered voters entitled to vote in that District as shown by the official registration records. In any district where there is more than one polling place (see Section 110 of this Title), the Secretary shall divide the voter registration list for that district into portions so that each polling place is assigned approximately an equal number of voters. At least fifteen (15) days prior to a general election, and at least five (5) days prior to a special election, the Secretary shall post such lists for each district in a conspicuous place in each district, and on the list shall designate the location of the polling place.

**(AMENDED AS PER RESOLUTION NO. 2995-85- 10, DATED 10/03/85.)**

(h) Preparation of poll books. After the close of registration, the Secretary shall prepare and furnish for each District poll books in the following form:

POLL BOOK OF \_\_\_\_\_ DISTRICT NO. \_\_\_\_\_

Ballots by Number and Name of

Elector Voting Same

Ballot Name of Ballot Name of

No. Voter No. Voter

\*\*\*\*\*

Return of Certification of

Election Judges and Clerk

DISTRICT NO. \_\_\_\_\_

No. unmarked ballots received \_\_\_\_\_

No. ballots spoiled \_\_\_\_\_

No. ballots rejected \_\_\_\_\_

No. ballots unused and returned \_\_\_\_\_

Account for any discrepancy: \_\_\_\_\_

Total No. votes cast at

District No. \_\_\_\_\_

We, the undersigned, Judges and Clerks of an election held at District \_\_\_\_\_ of the Fort Peck Indian Reservation on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ having first been severally sworn according to law, hereby certify that the foregoing is a true and correct statement of the number and names of persons voting at said district at said election; that the foregoing figures showing the number of ballots received, cast, spoiled, rejected and returned are true and correct and that the number of votes cast for each of the candidates by office and for each question presented on the ballot is as follows:

(List of names of candidates by offices and questions on the ballot and number of votes counted for each.)

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Sec. 104. Absentee voters.**

(a) Who may vote by absentee ballot. Any non-resident elector duly qualified to vote under Section 102 of this Chapter may vote by absentee ballot. Any resident elector duly qualified to vote under Section 102 of this Chapter, upon making written proof satisfactory to the Supervisor that he/she expects to be absent from the Reservation on the day of election, or who is physically incapacitated so as to be unable to go to the polls or who is a member of the Armed Forces of the United States stationed away from the Reservation, may vote by absentee ballot.

(b) How to obtain an absentee ballot. An elector, eligible to vote by absentee ballot, shall file with the Secretary, at least thirty (30) days before the election, a completed and signed application for an absentee ballot in the form set out as Form 2 of this Title, or a form containing the same information.

**(AMENDED AS PER RESOLUTION NO. 2420-91-7, DATED 07/22/91.)**

(c) Delivery of absentee ballots. Each absentee ballot shall be sealed in an envelope marked on the outside:

Absentee ballot within. Do not open, except in the presence of a notary public, or any other officer authorized by law to administer oaths, or before the Secretary of the Tribal Executive Board, or before some commissioned officer, if the applicant be in the Armed Forces.

The absentee ballot so sealed in an envelope shall be placed in an outer envelope marked "OFFICIAL BALLOT", together with a return envelope pre-address to the Secretary and marked "ABSENT VOTER'S BALLOT" on the front. On the back of the return envelope there shall be set forth the following:

State of \_\_\_\_\_) ss (for nonresidents)  
County of \_\_\_\_\_)

I, \_\_\_\_\_, do solemnly swear that I am at least eighteen (18) years of age, a member of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, duly registered and entitled to cast the enclosed ballot, and a nonresident of the Reservation, and the \_\_\_\_\_ District is the District of my last affiliation.

\_\_\_\_\_  
Voter's Signature

State of \_\_\_\_\_) ss (for residents)  
County of \_\_\_\_\_)

I, \_\_\_\_\_, do solemnly swear that I am at least eighteen (18) years of age, a member of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, duly registered and entitled to cast the enclosed ballot, and a resident of the Reservation, \_\_\_\_\_ District, duly qualified to vote by absentee ballot.

\_\_\_\_\_  
Voter's Signature

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_: and I hereby certify

that the affiant exhibited to me the enclosed ballot(s) for inspection before marking, and that the same was (were) then unmarked and that affiant then, in my presence, and in the presence of no other person, marked and folded said ballot(s) without assistance and without making known the manner of marking the same and in such manner that I could not see affiant vote. Affiant then and there placed the ballot(s) in this envelope, sealed the same and signed the voucher above in my presence. I further certify that the affiant was not solicited or advised by me to vote for or against any candidate or referendum.

\_\_\_\_\_  
Secretary,  
Executive Board

\_\_\_\_\_  
Tribal Notary Public

My commission expires:

Received by: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Absentee ballots shall be mailed certified mail, return receipt requested, or given to the applicant in person and to no one else. When an absentee ballot is delivered in person the Secretary shall obtain a receipt from the person to whom it is delivered. No absentee ballots shall be mailed on or after the fifth (5th) day preceding the election. A small absentee pencil, conforming to the standard required to make a mark readable by the automatic scanner, shall be provided to each absentee voter along with the ballot.

**(AMENDED AS PER RESOLUTION NO. 2405-91-7, DATED 07/22/91.)**

(d) How ballots are marked and returned. Upon receipt of the absentee ballot, the voter shall open the sealed envelope marked "Absentee Ballot within" only in the presence of a notary public or any other officer authorized by law to administer oaths, the Secretary, or in the case of an elector in the Armed Forces stationed outside the Reservation, any commissioned officer, and in the presence of such person as herein provided, shall separate the stub from the ballot and shall then and there mark and refold the ballot without assistance and without making known the manner of marking same, and shall place the ballot and the detached stub in the pre-addressed, return envelope provided for the purpose, seal the envelope and fill in and sign the affidavit printed on the back of the envelope in the presence of a notary or other person hereinabove provided, who shall execute the acknowledgment and certification printed on the envelope. The voter shall then mail the envelope registered or certified mail, return receipt requested, to the Secretary, or shall personally deliver the envelope to the Secretary. When an envelope is personally delivered, the Secretary shall give the voter a receipt for it.

(e) Cut-off for delivery of absentee ballots to Secretary. No absentee ballots shall be counted unless received in hand by the Secretary of the Executive Board before the official hour for opening the polls on election day. The Secretary shall check at the post office for absentee ballots at approximately 5:00 p.m. on the day prior to election day. The Secretary shall be in his/her office at least one (1) hour before the polls open on election day to receive absentee ballots.

(f) Absentee voting by residents after ballots are printed. Any resident elector who duly qualifies himself/herself under subsection (a) hereof to vote by absentee ballot by reason of expected absence from the Reservation on election day, or who is physically incapacitated so as to be unable to go to the polls, and who is present in his/her district after the official ballots have been printed, may vote before the Secretary in the same manner as provided in subsection (d) hereof up

to but not including the day of election.

(g) Record of absentee ballots. The Secretary shall make and keep a record of ballots mailed or delivered, to whom mailed or delivered, the date of mailing or delivery, the address on the envelope, the date and time of return of the ballot and from whom received. The Secretary shall preserve all receipts received in connection with mailing or delivery of ballots.

(h) Delivery of absentee ballots to districts. The Secretary shall deliver to the Supervisor all absentee voters' ballots sealed and intact together with the applications for such ballots as soon as possible after the polls open on election day. The Supervisor shall deliver the ballots sealed and intact to the election judges of the respective districts. The absentee ballots shall be held, sealed and intact, until the polls close. After the polls close and immediately before removal of the ballot boxes to the central tabulation area, the clerk of each election district, in public and in the presence of all persons assembled, shall note on the poll book the name of each elector who voted by absentee ballot and shall open the sealed envelope, remove the stub and deposit it in the box for detached stubs and remove the folded ballot without disclosing its marking and deposit it in the ballot box for counting with the other ballots.

**(AMENDED AS PER RESOLUTION NO. 2405-91-7, DATED 07/22/91.)**

**Sec. 105. Scheduling of elections.**

(a) Time of general elections. General elections of the Board shall be held on the last Saturday in October in every odd-numbered year. If such day is a holiday, the election shall be held on the first subsequent day that is not a holiday.

(b) Time of special elections. Special elections shall be held on dates specified by the Executive Board.

(c) Election proclamation. At least ninety (90) days before a general election the Executive Board shall cause a proclamation of the election and a notice that registration will close forty-five (45) days prior to the election, to be printed in a newspaper or newspapers of general circulation on the Reservation. As early as practicable but not less than fifty (50) days before a special election, the Board shall cause a proclamation of the special election and a notice that registration will close twenty (20) days prior to the election to be similarly printed.

**(AMENDED AS PER RESOLUTION NO. 2420-91-7, DATED 07/22/91.)**

**Sec. 106. Election officials.**

(a) Election Supervisor and Election Commission. The Executive Board, at least forty-five (45) days before a general election and as early as practicable but at least thirty (30) days before a special election, shall appoint an Election Supervisor, made up of two (2) members from any district where the last registration showed eight hundred (800) or more voters, and one member from each district of the Reservation to constitute an Election Commission. The Supervisor shall be the head of the Commission. Each of the other members of the Commission shall serve as one of the election judges or his/her respective district. The Board shall designate one of these Commission members as the alternate Election Supervisor. The alternate Supervisor shall become the Supervisor if the original Commissioner resigns or if the Board disqualifies the original Commissioner from service, either under subsection 106(d) of this Section, or because the Supervisor fails to carry out the duties of the office.

**(AMENDED AS PER RESOLUTION NO. 2995-85- 10, DATED 10/03/85, AND RESOLUTION NO. 3290-87-9, DATED 09/30/87, AND RESOLUTION NO. 2420-91-7, DATED 07/22/91.)**

(b) Election judges. The Tribal Executive Board, at least ten (10) days before a general election, shall appoint ten (10) judges of election for each district where the last registration showed eight hundred (800) or more voters, five (5) judges of election for each district where such registration showed two hundred (200) or more but less than eight hundred (800) voters and three (3) judges of election for each district where such registration showed less than two hundred (200) voters. In each district where the last registration showed eight hundred (800) or more voters, two (2) of the judges shall be members of the Commission, and in each other district one (1) member of the Commission. If any person appointed by the Executive Board does not accept the appointment or fails to appear for duty, the supervisor shall appoint a replacement. The Executive Board, as early as practicable but at least five (5) days before a special election or runoff election, shall appoint judges for the district or districts affected.

**(AMENDED AS PER RESOLUTION NO. 2995-85- 10, DATED 10/03/85.)**

(c) Chief Judge and Election Clerk. The election judge of each district shall designate one of their members as Chief Judge and another member as Clerk of Election for that district.

(d) Qualifications of election officials. The Supervisor, all other members of the Commission and election judges must be qualified voters and none shall be a candidate for office in the election, a member of the Executive Board, an employee of the Tribes or of the United States, or the spouse, brother, sister or parent of a candidate for office. No person may serve as an election official if they have been convicted of a felony in any Tribal, Federal or State Court, unless such person has received a full pardon from an appropriate official authorized to grant such pardon by the government in which they received the felony conviction.

**(AMENDED AS PER RESOLUTION NO.2346-89-5, DATED 05/08/89.)**

(e) Oath. All election officials, before entering upon their duties, shall take the same oath as taken by a member of the Executive Board before taking office.

(f) Compensation of election officials. The compensation of election officials shall be fixed by the Executive Board, provided that it shall not exceed the rate of compensation of members of the Executive Board.

(g) Duties of the Election Supervisor. The Election Supervisor, or such other person as the Executive Board may designate, shall be responsible for the maintenance, preparation and operation of the automatic scanning equipment used to tabulate ballots pursuant to Section 111(e) hereof. The Election Supervisor shall familiarize himself or herself with all operating manuals, manufacturer's instructions and technical requirements necessary for the operation of the ballot scanner. The Election Supervisor shall also be responsible for maintaining an inventory of supplies necessary for the operation of the scanner and shall further be responsible for programming and preparing the automatic scanner prior to each election.

**(AMENDED AS PER RESOLUTION NO. 2405-91-7, DATED 07/22/91.)**

**Sec. 107. Duties and powers of the Election Commission.**

(a) Testing eligibility of candidates. The Commission shall test the eligibility of each person seeking to become a candidate in accordance with Section 204 of this Title, and rule on challenges in accordance with Sections 205 and 206 of this Title.

(b) Board of canvassers. The Commission shall constitute the board of canvassers as set forth in Section 111(k).

(c) Finality of rulings. The rulings of the Commission within the scope of its authority shall be final.

**Sec. 108. Duties of Election Supervisor.**

(a) Publication of notice of election. The Supervisor shall cause a notice of election to be published for two (2) successive issues before any general election and for one (1) issue in any special election in a newspaper or newspapers of general circulation on the Reservation. The notice shall state the date and time of the election and list the names of all candidates, the respective offices, the questions on any referendum, and the polling places.

(b) Preparation of ballots and election materials. The Supervisor shall arrange for all election supplies including the printing of all ballots and for the printing or other reproduction of poll list, tally lists, lists of electors and shall arrange for the delivery of the same to the judges before opening of the polls.

(c) Ballots. The ballot shall consist of a ballot and a stub printed on the same leaf and divided by a perforated line. The ballots shall be uniform in size, white in color, of good quality paper. The ballot shall be printed and produced in conformance with specification for machine-readable ballots set by the manufacturer of the automatic scanner equipment used to scan and tabulate the ballots.

**(AMENDED AS PER RESOLUTION NO. 2405-91-7, DATED 07/22/91.)**

(d) Form of ballot. The ballot shall set forth the name of the office and list all candidates under each office with the incumbents' names listed first in order of filing and the names of all other candidates listed in the order of their filing, with ovals for the voter's mark. Questions on a referendum shall be fairly and clearly stated with ovals for the voter's mark "For" and "Against".

(e) Form of stub. The portion of the ballot above the perforated line is the stub. On the face of the stub shall be printed appropriate instructions to the voter as to the manner of designating his/her vote. On the back of the stub shall be printed or stamped by the Secretary the consecutive number of the ballot beginning with number "1" for each district through the total number required for each district.

(f) Delivery and receipt for ballots. The Supervisor shall cause to be delivered to the election judges of the respective districts the printed blank ballots and the other election materials including ballot boxes, each with a lock, and fitted with one (1) opening, and no more, of sufficient size to admit a single folded ballot. The key to the lock shall be given to the election judge who is the member of the Commission. A duplicate key shall be retained by the Supervisor.

The election judges for each district shall count all ballots delivered to them and shall receipt for the ballots and all election materials to the Supervisor or his/her authorized representative, and shall be responsible for an account for all ballots until delivered as provided in Section 111(h).

**Sec. 109. Duties of district election judges.**

(a) Voting booths. The election judges shall provide sufficient private booths or other places for the voters to mark their ballots in secrecy and privacy. Instructions for marking ballots and for handling spoiled ballots shall be posted in the booths or voting places.

(b) Present at polls. The election judges shall be presented at the district polling place on election day an hour before the polls open and shall remain until the polls close, and the ballot boxes have been removed for delivery to the central tabulation area pursuant to Section 111(a). At least two of the judges shall accompany the ballot boxes to the central tabulation area.

**(AMENDED AS PER RESOLUTION NO. 2405-91-7, DATED 07/22/91.)**



(c) Preparation of ballot boxes and ballots. Before receiving any ballots, the judges must, in the presence of all persons assembled at the polling place, open and exhibit the ballot box and remove any contents thereof, and then close and lock the same, delivering the key to the judge who is the member of the Commission. Thereafter, the ballot box must not be opened until after the polls are finally closed as provided in Section 110(b), nor must the ballot box be removed from the polling place or from the presence of the public until it is removed for delivery to the central tabulation area as provided in Section 111(a).

**(AMENDED AS PER RESOLUTION NO. 2405-91-7, DATED 07/22/91.)**

(d) General duties. The judges shall judge the election, be responsible for the ballots, voting records and materials for their respective district, for supervising the automatic tabulation of the ballots for their respective district, and for certifying the votes. The judges for each district shall be responsible for the security and integrity of the ballots cast in their respective district throughout the process of balloting and tabulation.

**(AMENDED AS PER RESOLUTION NO. 2405-91-7, DATED 07/22/91.)**

**Sec. 110. Polling places: procedure at the polls.**

(a) Polling places. Each district where the last registration showed eight hundred (800) or more voters shall maintain two (2) polling places, which may be either in the same or different locations. Other districts shall maintain one (1) polling place. In districts with two (2) polling places, five (5) judges shall be assigned to each polling place, and the judges shall perform their duties at the polling place to which they are assigned.

**(AMENDED AS PER RESOLUTION NO. 2995-85- 10, DATED 10/03/85.)**

(b) Voting hours. The polls in each district shall open at 8:00 a.m. of election day and shall remain open until 8:00 p.m. of that day when they must be closed, provided that when all registered voters in any district have voted the polls shall be closed.

(c) Elector must sign registration book. Each elector must sign the district registration book before such elector may vote. If the elector cannot write his/her name, he/she shall sign by mark before two (2) witnesses. The judges shall note by marking "X" or some other appropriate mark in the register book on the line opposite the name of the elector to show that the elector voted and the elector shall then be given a ballot.

(d) Voting and casting ballot. Upon receipt of a ballot, the elector shall retire to one of the private voting booths or other designated places and there vote his/her ballot in secret. Only one (1) person shall occupy a voting booth at one time, except as provided in subsection (e). The elector must mark and cast his/her ballot without leaving the polling place. The elector shall mark the ballot by using a pencil to fill completely the oval space or spaces on the ballot as appropriate to reflect the elector's vote. After the ballot is so marked, the elector shall tear off the stub, and shall place the ballot in a secrecy sleeve so that the marked portion of the ballot is completely concealed, and shall deposit the ballot in the ballot box and deposit the stub in the box for detached stubs.

**(AMENDED AS PER RESOLUTION NO. 2405-91-7, DATED 07/22/91.)**

(e) Disabled electors. Any electors who cannot read the English language or, because of blindness or other disability, cannot mark the ballot, may, upon request, be assisted by two (2) election judges in marking the ballot, but the judges shall neither by word, action or expression influence or attempt to influence the elector.

(f) Spoiled ballots. Any elector who spoils a ballot shall be entitled to a new ballot upon

surrender of the spoiled ballot to the election judges. No elector shall receive more than one additional ballot. A judge shall place the name of the elector and the judge's initials on the back of the spoiled ballot. All spoiled ballots shall be kept in a separate envelope, securely sealed, marked "SPOILED BALLOTS". All spoiled ballots shall be accounted for separately on the tally sheets.

(g) Removing voting materials. No person shall take or remove from the voting place any ballot, ballot box, or other voting records or materials furnished by the Secretary, the Commission or the Supervisor, except as provided in Section 111(h).

(h) No electioneering. There shall be no electioneering within the polling place or within fifty (50) feet of the polling place.

(i) No loitering. There shall be no loitering in the polling places during voting hours.

**Sec. 111. Delivery of ballots; Tabulating the votes.**

(a) Ballots to be delivered to central tabulation area after polls close. After the polls close and after the absentee ballots are deposited in the ballot box as prescribed in Section 104(h) of this Chapter, the judges shall take the ballot box, and without unlocking or opening the ballot box, shall deliver forthwith the ballot box to the central tabulation area, along with the poll books, check lists, detached stubs from voted ballots and the unused ballots. At the time the polls close, the Election Supervisor shall be present at the central tabulation area and shall cause a written record to be made of the districts and polling places that have delivered ballot boxes to the central tabulation area, and the time that each ballot box was delivered.

(b) Tabulation of ballots. When all ballot boxes have been delivered to the central tabulation area, the ballots shall be tabulated. The tabulation process shall be open and in the presence of the public and shall be continued without adjournment until completed and the result thereof publicly declared.

(c) Opening of ballot boxes; determining the number of ballots. The judges shall unlock and open the ballot box of each district or polling place and remove the ballots unopened. If two or more ballots are found so folded together so as to present the appearance of a single ballot, they shall be laid aside until the number of ballots is determined. A judge shall count the number of ballots in the ballot box of each district and compare the number of ballots to the number of names on the poll list for that district. If, on comparison and further considering the appearance of ballots which are laid aside as noted above, a majority of the judges are of the opinion that ballots thus folded together were voted by one single elector, such ballots must be rejected; otherwise they must be added to the other ballots for tabulation. The ballots for each district shall be kept together and apart from the ballots for each other district.

(d) Where ballots are in excess of the names on the poll lists. If the number of ballots cast in the ballot box for any district are found to exceed the number of names on the poll list, this fact shall be noted in writing by the clerk. No ballots shall be destroyed.

(e) Ascertaining the number of votes cast for each candidate, office or issue. The number of votes cast for each candidate, office or issue shall be determined by automatic scanning of the ballots. The scanning process shall be conducted by the Secretary at the central tabulation area under the supervision of the Election Supervisor. After the ballots from each district have been scanned, they should be removed from the automatic scanner and held by the Supervisor.

(f) Ballots rejected by automatic scanner. The automatic scanner shall be set to sort out any

blank ballots, over voted ballots or otherwise damaged or defective ballots. Any such ballots sorted out by the scanner shall be presented to the judges who shall view such ballots. Any ballot sorted by the scanner as damaged or defective such that it cannot be automatically scanned shall be manually tabulated as determined by a majority of the judges and added to the automatic tabulation. Any ballots sorted by the scanner as blank shall be presented to the judges and examined by them to verify whether the ballot is truly blank or was marked with a non-detectable marking devise. If it is determined that the ballot was marked with a non-detectable marking devise, it shall be manually tabulated as determined by a majority of the judges and added to the automatic tabulation. Any ballot that is over marked or otherwise rejected by a majority of the judges as illegal shall be initialed on the back by judges voting for rejection before it is strung as provided in subsection (h) hereof.

(g) Reporting of result of tabulation. After all ballots have been scanned, the Election Supervisor shall cause a report of the results of the balloting to be generated. This report shall be provided to the Supervisor who shall announce the results to the judges and the public.

(h) Ballots to be strung and enclosed in sealed envelopes; Election materials to be enclosed in separate sealed envelopes. The ballots, as soon as automatically scanned or rejected for illegality, must be strung upon a string by one of the judges, and must not thereafter be examined by any person, but must, as soon as all legal ballots are scanned, be carefully sealed in a strong envelope, each of the judges writing his or her name across the seal. The check lists, poll books, detached stubs from voted ballots and unused blank ballots should be separately sealed in a strong envelope.

(i) Watchers. Each candidate shall be entitled to one watcher who shall not be compensated by the Board. The watcher may watch the tallying and scanning of the votes and may challenge any ballot rejected by the automatic scanner. The judges shall immediately rule on the challenge of the ballot. The judges shall write the word "CHALLENGED", their decision on the challenge and their initials on the back of any challenged ballot before it is strung as provided in Section 111(h).

(j) Securing the ballots. Upon completion of the scanning and tabulation of the ballots, the sealed envelope containing the strung ballots, and the sealed envelopes containing the check lists, poll books, detached stubs from the voted ballots and the unused blank ballots shall be placed by the judges in a strong outer envelope which shall be addressed to the Supervisor and security sealed. Each judge shall sign his or her name on the outside of the envelope. The outer envelope and its contents and the key to the ballot box lock shall be placed in the ballot box. The ballot box shall then be locked and delivered to the Supervisor.

(k) Board of canvassers. The Commission shall constitute the board of canvassers who shall meet the day following the election and canvass the results of the election in public. Upon completion of the canvass the Commission shall certify the results of the election to the Executive Board and the Supervisor of the Fort Peck Indian Agency.

(l) Tie votes. In the event of a tie vote for an office, if the tied candidates agree, the election shall be decided by the toss of a coin or by drawing lots under the supervision of the Supervisor. If there is no agreement, a run-off election between or among the candidates tied for office shall be held thirty (30) days after the completion of the canvass.

(m) Election Supervisor responsible for security of ballots. The Election Supervisor shall be responsible for the security of the ballots and election material after delivery to him/her. Except when the results of the election are being canvassed under subsection (l), or are being recounted under Section 113, the ballots and election materials shall be placed in security in the safe or other

appropriate place of safekeeping, in the Fort Peck Indian Agency.

**(AMENDED AS PER RESOLUTION NO. 2405-91-7, DATED 07/22/91.)**

**Sec. 112. Partial invalidity shall not invalidate the entire ballot.**

Where the vote for one or more offices or issues on a single ballot is rejected as illegal, it shall not affect the validity of the vote for other offices or issues on the same ballot.

**Sec. 113. Recounts.**

(a) Conditions for recount. No recount of votes in any tribal election shall be made except in accordance with the provisions of this Section 113.

(1) Conditions for recount without charge. Any candidate defeated by a margin not exceeding one percent (1%) of the total votes cast for all candidates for the same office, or by a margin not exceeding seven (7) votes, whichever is greater, or who is tied with another candidate for an office, may, within three (3) days after the official canvass, file with the Election Supervisor a written request that the votes for the office be recounted. A recount under this subsection shall be without charge to any candidate.

(2) Conditions for recount on a referendum election. The votes deciding an issue presented at a referendum, by a margin not exceeding half ( $\frac{1}{2}$ ) of one percent (1%) of the total votes cast for a against the issue, or by seven (7) votes, whichever is greater, may be recounted upon request by resolution of the Executive Board presented to the Election Supervisor within three (3) days after the official canvass. The expense of the recount shall be a tribal expense.

(b) Appointment of recount board. The Election Supervisor, immediately upon receipt of a lawful request for a recount, shall designate a recount board for each District of three (3) persons, none of whom shall be a candidate for office, or member, or member-elect, of the Tribal Executive Board. The recount board shall be the Chief Election Judge for each District and two (2) other election judges for that District. The recount board shall employ such clerical aid as may be needed.

(c) Notice. The Election Supervisor shall fix the recount for a time as soon as practically convenient after he/she receives the request for a recount. The recount shall be held in the principal District polling place unless the Election Supervisor deems another place more appropriate. The Election Supervisor shall promptly notify, by telephone or messenger confirmed by certified letter, each candidate affected by the recount of the times and places of the recount.

(d) Recount shall be public. Any recount shall be open to the public and the news media but the audience may be limited to prevent interference with the procedures.

(e) Appearance of candidates or their representatives. Each candidate affected by a recount may be present at the recount, personally or by a representative, and shall have full opportunity to witness the opening of all ballot boxes and the count of all ballots.

(f) Representation at referendum recount. If the recount is upon a referendum issue, one qualified elector from each side of the question may be present and represent the elector's side.

(g) Procedure for recounting ballots. The Election Supervisor shall be responsible for management of the recount.

(1) Production of ballots. The Election Supervisor shall produce the ballots, and deliver them in sealed ballot boxes to the Chief Election Judge for each District.

(2) Tallying the votes. The Chief Election Judge for each District or a clerk designated by the Chief Judge shall read aloud each ballot for the offices for which the recount is made. As the ballots are read, the two (2) other members of the recount board, or clerks designated by the Chief Election Judge, shall write the votes cast for each individual in each polling place on

previously prepared tally sheets simultaneously announcing the vote each is tallying. The tally sheets shall identify the polling place or district where the ballots were cast, show the names of the respective candidates, and the office or issue for which a recount is made.

(3) Recount totals. After a recount is completed, the tally sheets shall be compared and the correctness of the tallies ascertained. Then, the totals for each candidate or each issue shall be compiled and checked for accuracy.

(h) Necessity of further recounts. Recounts shall continue until the two (2) tallies have identical totals. At that point the recount is finished and the new count shall be certified to the Election Supervisor by the Chief Election Judge for each District.

(i) Sealing ballots. When the recount has been finished, the ballots shall, in the presence of the Chief Election Judge and the recount board, be restored to the ballot boxes, and delivered to the Election Supervisor for deposit with the Superintendent of the Fort Peck Indian Agency for safekeeping.

**Sec. 114. Intent, purpose and construction of this Chapter.**

The intent and purpose of this Chapter is to establish procedures for fair elections and to ensure the secrecy and sanctity of the ballot. This Chapter shall be construed to accomplish such purpose and intent. Cognizance shall be given to substantial compliance. Want of form shall not cause an action or document to be invalid if the intent is clear. Technicalities, as such, shall not be employed to obstruct or impede elections, or cause confusion, or loss of confidence in the election system.

## **Chapter 2. Eligibility for and Filing for Tribal Office**

**Sec. 201. Eligibility for tribal office.**

To be eligible for nomination and election to the Tribal Executive Board, a person must:

- (a) be an eligible voter on the Reservation;
- (b) have resided on the Reservation at least sixty (60) days immediately preceding the election; and
- (c) not have been convicted of a felony for which he or she has not received a pardon.

**Sec. 202. Tribal employee.**

Any person who is an employee of the Tribes, or any program sponsored by the Tribes, or any tribal corporation or enterprise financed in whole or in part by the Tribes shall not be required to resign his or her position before filing a notice of candidacy for tribal office. Any such person may not campaign for office while on the job and shall continue to perform the duties of his or her job in a timely and efficient manner. Any such person who is elected shall be terminated.

**(AMENDED AS PER RESOLUTION NO. 2898-85- 8, DATED 08/26/85.)**

**Sec. 203. Filing for office.**

Any person seeking to become a candidate shall, at least forty-five (45) days prior to election day in a general election and thirty (30) days prior to election day in a special election, file a notice of candidacy with the Secretary of the Tribal Executive Board, Tribal Office, Poplar, Montana, accompanied by a filing fee of one-half (1/2) of one percent (1%) of the salary of the office sought,

this fee to be deposited in a special account in the Fort Peck Agency. The notice of candidacy shall set forth the information as shown on Form No. 3 of this Title. The Secretary shall note the date, hour and minute of filing.

**(AMENDED AS PER RESOLUTION NO. 2420-91-7, DATED 07/22/91.; PER RESOLUTION NO. 1553-2005-02, DATED 02/28/05)**

**Sec. 204. Testing eligibility of candidates.**

Except for questions of residence, which must be resolved by the Executive Board pursuant to Article V, Section 5(c) of the Constitution, the Election Commission shall test the eligibility of each person seeking to become a candidate whether challenged or not. If the Election Commission determines that a person is not eligible to be a candidate, the notice of candidacy shall be rejected and there shall be no refund of the filing fee.

**Sec. 205. Challenge of candidates.**

Any qualified voter may challenge the eligibility of any candidate to hold office by filing, with the Election Supervisor, not later than the thirtieth (30th) day preceding the election, a written affidavit setting forth the ground for the challenge. The Election Supervisor shall promptly notify the challenged candidate and furnish him/her with a copy of the affidavit of challenge.

**(AMENDED AS PER RESOLUTION NO. 2420-91-7, DATED 07/22/91.)**

**Sec. 206. Ruling on challenges.**

The Election Commission shall rule on all questions presented by a challenge of the eligibility of a candidate, except questions of residence. If a question of residence is involved, the Supervisor promptly shall present it to the Executive Board for determination under Article V, Section 5(c) of the Constitution. The decisions of the Executive Board on questions of residence shall be by resolution and shall be final. After the Executive Board resolves the question of residence, the Election Commission shall rule on each challenge accordingly. The Election Commission shall rule on each challenge of the eligibility of a candidate in a general election at least twenty-five (25) days before the election date, and in a special election as soon before the election date as is practicable.

**(AMENDED AS PER RESOLUTION NO. 2420-91-7, DATED 07/22/91.)**

Form 1

ASSINIBOINE & SIOUX TRIBES  
OF THE FORT PECK INDIAN RESERVATION  
REGISTRATION CARD

(Complete in Duplicate)

Date \_\_\_\_\_

I hereby register to vote.

1. Name \_\_\_\_\_

2. Address \_\_\_\_\_

3. Date of Birth \_\_\_\_\_ 4. Age \_\_\_\_

5. Place of Birth \_\_\_\_\_

6. Member of the Assiniboine and Sioux of the Fort Peck Indian Reservation? (Answer "YES" or "NO")

\_\_\_\_\_

7. If you reside on the Reservation, set out the name of the District in which you now live and how

long you have continuously lived there.

\_\_\_\_\_

District

\_\_\_\_\_

Length of Time

8. If you do not reside on the Reservation, set out the name of the last District of your former affiliation

\_\_\_\_\_

\_\_\_\_\_

Signature of Elector

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

By \_\_\_\_\_.

Form 2

Date \_\_\_\_\_

Mr./Ms. \_\_\_\_\_

Secretary Accountant

Fort Peck Tribal Executive Board

P.O. Box #1027

Poplar, Montana 59555

Dear Mr./Ms. \_\_\_\_\_:

I am hereby requesting an Absentee Ballot for the forthcoming Tribal Election to be held October 29, 1977.

My name and address is as follows:

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Form 3

NOTICE OF CANDIDACY FOR TRIBAL OFFICE

Date \_\_\_\_\_

1. Name \_\_\_\_\_

2. Address \_\_\_\_\_

3. Date of Birth \_\_\_\_\_ 4. Age \_\_\_\_\_

5. Place of Birth \_\_\_\_\_

6. Member of the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation? (Answer "YES" or "NO") \_\_\_\_\_

7. Are you a registered voter of the Tribes? (Answer "YES" or "NO") \_\_\_\_\_

8. Have you ever been convicted of a felony for which you have not received a pardon? (Answer "YES" or "NO") \_\_\_\_\_

9. District in which you live \_\_\_\_\_

10. Length of time you have continuously lived in that District \_\_\_\_\_

11. Candidate for the office of \_\_\_\_\_ from the \_\_\_\_\_ District.

I hereby certify that the foregoing statements are true and correct and are made for the purpose of

establishing my qualifications as a candidate for tribal office. If any material statement made in this notice of candidacy is false, it shall be grounds for my disqualification as a candidate for tribal office, or, if elected, it shall constitute grounds for removal from office.

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Signature of Candidate

Filed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock  
(A.M.)(P.M.)

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Secretary, Tribal Executive Board