

TENTH LEGISLATURE
OF THE
CHEYENNE AND ARAPAHO TRIBES
REGULAR SESSION
AUGUST 9, 2025
LCR, CONCHO, OK

RESOLUTION:	A Bill to Amend the Cheyenne and Arapaho Election Law
RESOLUTION NO:	10L-RS-2025-08-001
DATE INTRODUCED:	July 8, 2025
SPONSOR:	Kendricks Sleeper, A2 District
CO-SPONSOR:	Bruce Whiteman, Jr., C1 District

LEGISLATIVE HISTORY:

[NOTE: This bill would supersede the 2021 Act to Amend the Election Law, 2 CAC § 2.801 et. seq, enacted into Law by the Eighth Legislature of the Cheyenne and Arapaho Tribes, in the 16TH Regular Session, by a roll call vote on April 10, 2021 by Resolution No. 8L-RS-2021-04-002].

SUBJECT: A Bill to Amend the Cheyenne and Arapaho Election Law.


WHEREAS: The Cheyenne and Arapaho Tribes are a federally recognized Indian tribe organized pursuant to a Constitution approved by tribal membership on April 4, 2006 and approved by the Secretary of the Interior; and

WHEREAS: Article VI, Section 5(a) of the Constitution provides that Legislative power shall reside with the Legislature; and

WHEREAS: Article VI, Section 5(a) of the Constitution grants the Legislature the “power to make all laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes;” and

WHEREAS: The Cheyenne and Arapaho Tribes Tenth Legislature finds a need for the Tribes to repeal and replace the 2021 Act to Amend the Election Law in an effort to properly regulate its own elections.

NOW THEREFORE BE RESOLVED the Cheyenne and Arapaho Tribes Tenth Legislature, pursuant to its constitutional authority, adopts the Cheyenne and Arapaho Election Law, as attached herewith.


Kendricks Sleeper,
Speaker of the Tenth Legislature
Cheyenne and Arapaho Tribes



ATTEST:

I, Jodi White Buffalo, Legislative Clerk, hereby certify that the foregoing is a True and Accurate Copy of the Original Bill No. 10L-RS-2025-08-001 which was acted upon by the Legislature of the Cheyenne and Arapaho Tribes in the Tenth Legislature Regular Session, by a roll call vote on the 9th day of August 2025, by a vote.

VOTE RECORD:

DISTRICT	LEGISLATOR	YES	NO	ABSTAIN	ABSENT
A1	Diane Willis	✓			
A2	Kendricks Sleeper	✓			
A3	Travis Ruiz	✓			
A4	Rector Candy	✓			
C1	Bruce Whiteman, Jr.	✓			
C2	George Woods	✓			
C3	Thomas Trout	✓			
C4	Byron Byrd	✓			
TOTAL		8			
Passes (X) Fails () Tabled () Allowed to Die () No Action ()					


Jodi White Buffalo, Legislative Clerk
Tenth Legislature, Cheyenne and Arapaho Tribes



ATTEST:


Pursuant to Article VI, Section 7, subsection (a)(iv) of the Tribes Constitution reads in part: "All Bills passed by the Legislature shall be presented to the Governor for signature or veto. All laws shall take effect thirty days after signature by the Governor or veto override by the Legislature unless any Member of the Tribes submits to the Coordinator of the Office of Tribal Council a petition signed by at least one hundred fifty Members of the Tribal Council seeking to repeal the law or resolution at the next Tribal Council meeting. If the Tribal Council fails to repeal such law or resolution at the next Tribal Council where the matter has been properly placed on the agenda for the Tribal Council meeting, such law or resolution shall become effective immediately."

Pursuant to Article VII, Section 4, subsection (g) of the Tribes Constitution reads: "The Governor shall have the power to sign any enactment passed by the Legislature into law or to veto any enactment passed by the Legislature within ten days of passage with a written explanation of any objections; and if the Governor takes no action within ten days, then the enactment shall become law in accordance with this Constitution."

{ ☒ } APPROVED

{ ☐ } VETOED: Attachment ____; Governor's written explanation of any objections.

On the 13th day of August, 2025.



Reggie Wassana, Governor
Cheyenne and Arapaho Tribes

TRANSMITTAL OF DOCUMENTS:

From the Legislative Branch to the Office of Records Management

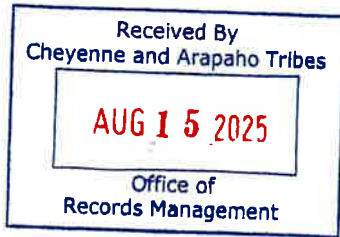
ATTEST:

Pursuant to Article VI, Section 7, subsection (a)(v), of the Tribes Constitution reads, "The Office of Records Management shall compile all Laws and Resolutions into a comprehensive Code in an orderly manner that shall be published annually."

Office of Records Management Staff, hereby certify that the foregoing is a True and Accurate Original Resolution No. 10L-RS-2025-08-001.

Space below is reserved for Stamp:

Received (Date) Office of Record Management



Signature: Cheryl Blind

Print Name: Cheryl Blind

Title: Director

Date: August 15, 2025

Office of Records Management
Department of Administration, Executive Branch
Cheyenne and Arapaho Tribes



CHEYENNE AND ARAPAHO CODE (CAC)
TITLE 2: TRIBAL GOVERNMENT – CHEYENNE AND ARAPAHO TRIBES
ELECTION LAW

SECTION 2.801– ENACTED BY LEGISLATURE: [AUGUST 9, 2025]
CITE AS: 2 CAC § §2.801

Section 1. SUBJECT

This Act repeals, rescinds, and supersedes all prior Election laws, codes, and statutes of the Cheyenne and Arapaho Tribes.

Section 2. FINDINGS

The Cheyenne and Arapaho Tribes are a federally recognized Indian tribe, organized under a Constitution approved by Tribal membership on April 4, 2006 and approved by the Secretary of Interior; and

A. Article VI, Section 5(a) and (c) in the Constitution provides that "Legislative power shall be vested in the Legislature" and "[t]he Legislature shall have the power to make laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes ...Laws and resolutions which have been enacted shall remain valid until amended or repealed [;]" and

B. The Election Commission is created pursuant to Constitution Article IX, and the Commission is "to conduct all elections in a fair and impartial manner in accordance with laws of the Tribes." Constitution Article IX, Section 3 (a). The Legislature has deemed it necessary and proper to amend the following election law to ensure fair elections and to ensure the secrecy and sanctity of the ballot and the election process.

Section 3. SUBSTANTIVE PROVISIONS

The Legislature of the Cheyenne and Arapaho Tribes hereby creates and adopts the following Cheyenne and Arapaho Tribes Election Law.

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ARTICLE I - GENERAL PROVISIONS

§2.801 Short Title

This Act shall be known as the “Cheyenne and Arapaho Tribes Election Law”.

§2.802 Purpose

The purpose of this Act is to provide election laws for the Cheyenne and Arapaho Tribes under which the Election Commission may conduct elections in a fair and impartial manner; to clarify, outline, and further delineate the authority, duties and responsibilities of the Election Commission; and, to further establish the process for the eligibility, nomination, candidacy and election of candidates for public office in the Cheyenne and Arapaho Tribal government.

§2.803 Authority

A. The Cheyenne and Arapaho Tribes are a sovereign federally recognized Indian Tribe with all rights, privileges and powers attended thereto. The Tribes are organized pursuant to a duly approved constitution approved by the adult members of the Tribes on April 4, 2006 ("Constitution").

B. This Act is enacted pursuant to Article VI, Section 5(a) of the Cheyenne and Arapaho Tribal Constitution which states "Legislative power shall be vested in the Legislature. The Legislature shall have the power to make laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes. All actions by the Legislature shall be embodied in a written law or resolution. All actions by the Legislature shall be made by a majority vote of the Legislators present unless otherwise specifically indicated by this Constitution. Tie votes in the Legislature shall be decided by the Governor. Laws and resolutions which have been enacted shall remain valid until amended or repealed."

C. Article IX of the Constitution states: "There shall be an Election Commission to conduct all elections in a fair and impartial manner in accordance with the laws of the Tribes." This law is intended to implement this constitutional mandate.

§2.804 Finding of Necessity

The Cheyenne and Arapaho Legislature finds and declares that:

A. In order to preserve and improve standard of living, quality of life, welfare and well being of all persons within the territorial jurisdiction of the Tribes, it is the policy of the Tribes to establish guidance and direction for the Tribes' government and to advance the general welfare of the Tribes; and

B. The Cheyenne and Arapaho Legislature finds and declares it has the constitutional obligation and a public responsibility to the Tribes to enact laws for the welfare of the Tribes; and

C. As part of this obligation and public responsibility, the Legislature had identified, for the good of the Tribes, that there is a need to clarify, outline, and further delineate the authority, duties and responsibilities of the Election Commission and to further establish the process for the eligibility, nomination, candidacy and election of Tribal Members who run for public office in the Cheyenne and Arapaho Tribal government.

§2.805 Definitions

As used in this Act, the terms "day" or "days" shall mean calendar days. If the last day counted falls on a Saturday, Sunday or Legal holiday, the last day of the time period will be the next business day following such Saturday, Sunday or Legal holiday.

The terms "Ballot Measure" means an initiative, referendum, legislative referendum, legislative initiative, or any proposition or measure submitted to voters of the Tribes for their approval or rejection at a Cheyenne and Arapaho Tribal Election; "Candidate" means a person who seeks nomination or election to Tribal office. An individual is a candidate when the individual has filed a declaration of candidacy for any Cheyenne and Arapaho office with the Election Commission. The term "candidate" shall include a person whose candidacy is unopposed; "Committee" means a candidate committee, political action committee, or legislative committee; "Person" means an individual, corporation, association, proprietorship, firm, partnership, limited partnership, joint venture, joint stock company, syndicate, business trust, estate, trust, company, organization, committee, or club, or a group of persons who are voluntarily in concert; and, "Campaign material" means any literature, publication, speech, broadcast, or other material tending to influence voting at an election, except for news items or editorial comments by the news media.

ARTICLE II- ELIGIBLE VOTERS, CANDIDATES AND VOTING LIST

§2.806 Eligible Voters

Pursuant to Article IX, Section I of the Constitution, Members of the Tribes age 18 or older shall be eligible to vote in an Election.

§2.807 Voter Registration

A. All eligible voters are required to register in accordance with Article IX, Section 2 of the Constitution. Only those persons duly registered will be permitted to vote.

B. A standard Election Commission approved voter registration form shall be made available to the prospective voter upon request, and the voter registration forms will be made available at the Tribal Headquarters, Legislative offices, and the official Tribes website. The registration form shall require the following information to be submitted:

1. Full name as recorded in the Department of Enrollment
2. Physical Address
3. Mailing address, if different than physical address
4. Cheyenne or Arapaho District number
5. Date of Birth
6. Tribal I.D.#
7. Whether the registrant has been previously registered to vote
8. Whether the registrant will vote absentee or in-person
9. Electronic mail (e-mail) address - optional

C. Registration forms shall be filled out completely and mailed or hand delivered to the Election Commission for entry in the election database. The registration shall become effective on the date it is received, stamped and verified by the Election Commission. The Election Commission shall send a receipt, by e-mail or first class mail, that the registration has been received and if the person is eligible to vote.

D. Absentee voting shall be made available to any eligible voter who:

1. resides outside the voting district boundaries; or
2. resides within a voting district ("in-district voters") but, on Election Day:
 - a. expect to be absent from their resident voting district; or
 - b. is confined or otherwise physically unable to appear at the polls, due to illness, injury, disability, or lawful detention or incarceration.

E. Voters shall indicate on their registration form or file an application with the Election Board to receive an absentee ballot. The application shall be the same as the registration form set out in this Section at paragraph B. The Election Commission shall take reasonable means to insure that each voter receives the requested absentee ballot and is able to timely vote.

F. As required by the Tribes' Constitution, if a registered voter fails to vote in two consecutive tribal elections, he or she shall be removed from the voter rolls and shall be required to re-register to vote in future election.

G. As required by the Tribes' Constitution, any registered voter changing from a Cheyenne district to an Arapaho district may only do so once.

§2.808 Voting Registration List

A. Pursuant to Article IX, Section 8(b) of the Constitution, the Election Commission shall publish a preliminary list of eligible voters no later than June 15th of an election year. The Enrollment Department and the Election Commission shall cooperate in the development of the preliminary list of eligible voters. The preliminary list will be made available for viewing by any tribal member at the Election Commission office. Any member of the Tribes may challenge a name on, or the omission of a name from, the preliminary list of eligible voters no later than August 1st. The Election Commission shall publish a final list of eligible voters by August 15th.

B. The Enrollment Department shall prepare any necessary reports at the request of the Election Commission to assist with the formulation of the voter registration lists by verifying the death, relinquishments of tribal membership, dual registration, and/or enrollment information of registrants and/or tribal members.

C. Final voter registration lists shall be made available upon request, to any candidate for elected office, currently sitting elected official, and any registered voter who submits a Recall Petition Request Form. The voter registrations lists shall be prepared and issued within one week of such request being submitted, except that registered voters who submit a Recall Petition Request Form, also known as Recall Petitioners, shall not receive the voter registration list until after the fourteen (14) day notice period established under §2.835 (A) of this Ordinance. The Election Commission may charge a reasonable fee not to exceed \$25.00 for each additional district list that is requested. Registered voters are entitled to request and receive a copy of the registered voter list at any time provided their request is submitted with a \$25.00 copy fee.

D. All changes made to the Cheyenne and Arapaho voter registration list shall be the responsibility of the respective District Election Commissioner. All changes made to voter registration lists shall be preserved in a master log for permanent reference.

E. All voter registrations will be received stamped in and processed in a timely manner to ensure that all registrations are completed as intended by the registering party.

F. Access to software used by the Election Commission to process and record voter registration information shall be strictly limited to Election Commissioners. Election Commissioners shall be required to keep passwords confidential and secure and shall not permit any person to access voter registration or other election materials at any time under penalty of law. Passwords shall be changed immediately upon any changes made to the Election Commission staff or when the Commission or the Chairman determines it is necessary to prevent a breach in security. Passwords shall be required to be updated quarterly.

Any person charged with the task of installing, updating or maintaining voter registration software or other software utilized by the Election Commission shall be required to certify under oath and penalty of perjury that the software is secure and inaccessible by any Branch, individual or entity within or without the Cheyenne and Arapaho Tribes other than the persons for whom access is legally authorized under this Act.

§2.809 Qualifications for Candidacy

A. Qualifications for Legislators. Subject to the eligibility requirements of Article VI, Section 4 of the Constitution, any eligible voter may seek election, and if elected, hold a seat in the Legislature, provided that at the time of filing a nomination petition, a candidate shall

physically reside in his/her district at the time of filing for candidacy. The Election Commission shall charge a fee of \$200.00 for each person filing for Legislature candidacy.

B. Qualifications for the Governor and Lieutenant Governor. Subject to the eligibility requirements of Article XII, Section 3 of the Constitution, any eligible voter may seek election, and if elected, serve as the Governor or Lieutenant Governor of the Tribes, provided that at the time of filing a nomination petition, a candidate for Governor or Lieutenant Governor shall physically reside in a voting district at the time of filing for candidacy. The Election Commission shall charge a fee of \$200.00 for each person filing as a candidate for Governor or Lt. Governor.

C. Residency. Residency requirements apply for the following elected officials and candidates for their respective offices: Election Commissioners, District Legislators, Governor, and Lieutenant Governor. At time of filing a nomination petition, a candidate for District Legislator shall physically reside in such District. Each District Legislator shall reside in the District from which they are elected for the duration of their term. At time of filing a nomination petition, a candidate for Governor or Lieutenant Governor shall physically reside in a voting District. The Governor and Lieutenant Governor shall be residents of any of the voting District for the duration of their terms. Once elected, the residency requirement is satisfied by the elected official maintaining a residence in the required district.

For purposes of determining residency, the candidate or elected official must reside in a personal home with an individual address. The home may be a house, apartment complex, duplex, a modular home, a skirted mobile home fixed to the land or other dwelling reasonably relied upon as a permanent residence. The land upon which the modular or skirted mobile home is located shall be rented, leased, or personally owned by the candidate. A motel, hotel camper or similar facilities intended for short term occupancy shall not constitute a residence for purposes of this section. Post office box addresses shall not be accepted as proof of residency. Proof of residency shall be established by the candidate's name and address within the corresponding district by providing at least two of the following categories of documents:

1. A current driver's license or State issued ID and/or Tribal ID showing the claimed residence;
2. A deed, lease or rental agreement in the candidate's name. If the home that the candidate lives in is not owned or leased in his or her name, then the candidate shall submit sworn statements, made under penalty of perjury, from the person in whose name the deed, lease, or rental agreement has been issued stating A) that the candidate has been physically residing there; B) the length of time the candidate has resided there; and C) has permission to remain there indefinitely;
3. Two or more utility bills in the candidate's name;

The Election Commission can require a candidate to submit additional information if there is any reasonable doubt regarding the candidate's residency.

D. Tribal Employees as Candidates.

1. Employees of the Tribes can file as a candidate in any election for which they are qualified. Employees running as candidates are not required to resign or take a leave of absence from their employment during the campaign.

2. For purposes of this section, Tribal elected officials shall be considered Tribal employees.

§2.810 Nomination Petition, Candidate Registration, and Fees.

A. Each candidate for elective office shall file with the Election Commission a signed declaration of candidacy, a signed waiver authorizing the Election Commission to conduct a National Background Check to verify their eligibility, a nomination petition signed by at least ten registered voters, and a filing fee. The filing shall be made after the public posting of the Election Announcement, and before the posted closing date of candidate registration. The closing date of candidate registration shall be June 1st, as established by Article IX, Section 8 (a) of the Tribal Constitution. The Election Commission shall announce said closing date in the Election Announcement.

B. At the time of registration and payment of fees, each candidate shall receive a copy of this Election law, a voter's registration list for their electorate, and a schedule of all dates for the Election. The registration fee receipt shall verify that a candidate has received such copies and is aware of such law, voter's registration list, and the schedule of dates as posted on the Public Notice. All updates to the voter's registration list shall be made available to the registered candidates once the scheduled challenge to voter's registration is closed and the voter list is finalized.

C. The filing fees are listed as follows:

Governor Candidate Fee -----	\$200.00
Lt. Governor Candidate Fee -----	\$200.00
Legislative Candidate Fee -----	\$200.00
Election Commissioner Fee -----	\$200.00
Recall Fee -----	\$300.00
All Protests and Challenges to Election Results -----	\$200.00
Challenge to Candidate Residency -----	\$200.00
Voter Registration List (per copy) -----	\$ 25.00

All fees shall be paid by money order or cashier's check and made payable to the Cheyenne and Arapaho Election Commission. All fees are NON-Refundable.

§2.811 Certification of Candidates

A. The Election Commission will conduct a reasonable investigation into each candidate who files for an office to verify that the person meets the eligibility requirements for the office sought. Any confidential information received by the Election Commission shall be kept confidential and only those persons with an official need to know will have access to such confidential information.

B. The Election Commission shall post a list of the persons who have filed for candidacy and whether they have been certified as eligible to hold office. Such list shall be posted at the Tribal Public Bulletin Boards in Concho, Election Commission offices, Bureau of Indian Affairs'

Concho Agency, Cheyenne & Arapaho Housing Authority, tribal websites, and any other appropriate newspapers.

§2.812 Challenges to Candidates and Disqualification

A. Any tribal member wishing to challenge the eligibility of a candidate must file with the Election Commission, a written and signed statement or complaint setting forth the grounds for such a challenge. The Election Commission shall charge a fee of \$200.00 to file a challenge to eligibility.

B. The only appropriate grounds for challenging the eligibility of a candidate are any one of the following:

1. The candidate has not met the age requirements;
2. The candidate has been convicted of a felony within the last 10 years;
3. The candidate has not paid the filing fee
4. The candidate is not an enrolled Tribal member;
5. The candidate is not a registered voter;
6. The candidate is registered to vote in a different district than the one he/she is running for office in; or
7. The candidate must not owe any money or debt to the Tribes, provided that the candidate shall have a 30-day notice to satisfy any money or debt owed to the Tribes. This provision does not apply to housing or Cheyenne and Arapaho Community Development Corporation debts, unless such debts are more than 30 days' delinquent.

F. *Withdrawing Candidacy.* Candidates who wish to withdraw their candidacy shall submit a notarized notice of withdrawal. Withdrawal of candidacy shall have the effect of disqualification upon receipt of the written notice of withdrawal. In the case of a Governor-Lt. Governor team candidate, withdrawal of one candidate will act to disqualify the team. The rules of disqualification as set forth in subsection E, above, shall apply. In non-team elections, where only two opposing candidates are running against each other, if one of the two candidates withdraws his or her candidacy, the remaining opponent candidate is to be declared the winner.

G. *Withdraw Due to Incapacity.* Nothing within this Act shall disqualify a Governor-Lt. Governor team candidate if a team member becomes incapacitated due to illness or death. Should either of the team candidates become incapacitated due to death or illness, the remaining team member shall have twenty (20) days from the date of incapacity to choose a new running mate. If a running mate is not chosen within the twenty (20) days permitted, the remaining team member shall be disqualified.

1. No Governor-Lt. Governor team candidate shall exercise this provision within the thirty (30) day period prior to the date of the primary election.

§2.813 Confidentiality Requirements

Confidentiality must be upheld and preserved by Election Commission members at all times. Unless otherwise required by law or ordered by the Cheyenne and Arapaho Court, all information, including criminal history reports, reviewed by the Election Commission to determine the eligibility of candidates shall not be made available to anyone but Election Commission members.

ARTICLE III - ELECTION COMMISSION

§2.814 Establishment of Election Commission

A. Election: The Members of the Election Commission shall be elected from their respective districts to serve a term of four years. Members of the Executive, Legislative, and Judicial Branches shall not be eligible to serve on the Election Commission.

B. Composition: The Election Commission shall be composed of eight members ("Commissioners") with one Cheyenne Commissioner and one Arapaho Commissioner elected from each district. Once established, the Commissioners shall elect a Chairman, Vice Chairman, Secretary and Treasurer to serve as officers of the Election Commission in accordance with Section 2.817 of this Article.

C. Qualifications: Each Commissioner shall possess at a minimum a High School degree or its equivalent. No person convicted of a felony shall serve on the Election Commission. Members of the Election Commission who are convicted of a violation of the Election laws or who have violated the Election laws as determined by the Judicial Branch shall not be eligible to serve on the Election Commission.

§2.815 Election Commission as an Independent Commission

To ensure fairness and impartiality the Election Commission shall conduct elections independently from all Branches of the Cheyenne and Arapaho Government and except for financial matters, as specifically required under Article VII, §4(b) of the Constitution, shall not be under the direction, supervision or subordination of the Executive or Legislative Branch.

§2.816 Oversight

The Election Commission may be subject to oversight by Legislative Oversight Committees, by Executive Regulatory Boards and by Ethics Commissions created by law. Oversight bodies may investigate the activities of the Election Commission when such is deemed necessary.

Investigations and oversight may be conducted by public investigative hearings, auditing, and any other means necessary for ensure that ethical and fair standards and procedures are being upheld by the Election Commission.

§2.817 Duties of the Election Commissioners

The duties of the Election Commission Officers shall include the following:

A. The Chairman shall preside over all meetings of the Commission. The Chairman shall exercise any authority delegated to him by the Commission. The Chairman shall not vote on Election Commission matters unless necessary to break a tie vote. The Chairman shall have the authority to convene meetings of the Commission and to recommend the agendas for all meetings. The Chairman shall have the authority to delegate other duties, as he/she deems necessary, to other members of the Commission.

B. The Vice-chairman shall do roll call and declare a quorum present at the opening of each meeting. In the absence of the Chairman, the Vice-Chairman shall assume the duties and responsibilities of the Chairman.

C. The Secretary shall record the minutes of each meeting. The Secretary shall prepare a typed version of the meeting minutes either during or after the meeting. The minutes will include the subject of discussions, the expressed opinions and identity of persons speaking, and the votes on any question. The Secretary shall call to the attention of the Commission any unfinished

business from previous meetings. The Secretary shall read the minutes of the previous meeting upon request. The Secretary shall provide all communications, which have been received, to the Commission. The Secretary shall answer all correspondence with a Commission approved response. In the absence of the Secretary, the Chairman shall appoint an Acting Secretary for the duration of the Secretary's absence.

D. The Election Commission Treasurer shall be custodian of all Election Commission monies that are budgeted for the Election Commission. Candidate registration fees and any other funds received by the Election Commission shall be deposited with the Tribal Treasury. The Election Commission's Treasurer shall coordinate with the Tribal Treasurer in tracking all expenditures and current balances. The Election Commission's Treasurer shall keep a set of books which shall be subject to audit or inspection at any time at the discretion of the Election Commission or Tribal Treasurer. Said books shall be maintained at the Tribal Headquarters Election Commission Office.

E. It shall be the duty of each individual Election Commissioner to maintain a copy of the Voter Registration List and Registration Books of the registered voters in their respective Voting District.

F. Maintain Voter Registrations.

G. Assist/Maintain Election Commission Office.

H. Maintain communication with the Election Commission.

I. Responsible for filing and updating Voter Registrations/Voter Listings.

J. Follow/Abide by C&A Tribal Election Laws.

K. During the term of each Election Commissioner, the Election Commissioners have a duty "to conduct all elections in a fair and impartial manner in accordance with the laws of the Tribes." Election Commissioners shall use due diligence when certifying candidate eligibility, even if this requires researching the information given to the Election Commission by the candidate.

§2.818 Election Commission Meetings

A. The Election Commission may hold meetings as often as needed and determined by the Election Commission. Notice of regular or special meetings shall be reasonably publicized at least 2 days in advance. Meetings of the Election Commission will be held between the hours of 8 A.M. and 10 P.M. and shall be open to the public.

B. Meetings of the Election Commission may be called at the discretion of the Chairman, Vice-Chairman, or by five members of the Election Commission and shall be open to the public. The Election Commission shall give notice to the Governor, Legislature, any candidates who have filed, and Tribal Council Coordinator and post public notice of special meetings at the Tribal Office at least 48 hours prior to the date of the meeting. Special Meetings of the Election Commission will be held at the Tribal Headquarters between the hours of 8 A.M. and 10 P.M. and shall be open to the public.

C. Executive Session shall include only Election Commissioners. Only discussion of confidential background information or litigation shall be discussed in Executive Session. Public

records shall be discussed in public. The Election Commission shall not take any final action or make any final decisions in Executive Session.

D. Five members of the Election Commission shall constitute a quorum. A quorum is required for the Election Commission to conduct official business.

E. Daily business decisions of the Election Commission may be made by those Commissioners authorized and present for daily office activities or as such need may arise.

F. Official decisions, such as the disqualifications of candidates or answers to challenges etc., shall be made by official action by the Election Commission Quorum during a duly called meeting.

G. All Election Commission meetings shall be conducted in accordance with "The Robert's Rules of Order".

H. When a conflict of interest involving an Election Commissioner(s) and any candidate and/or sitting elected official, the Election Commissioner involved shall be recused by the Election Commission chairman or self-recused. If the conflict of interest involves the Election Commission chairman, any other election commissioner shall recuse the Election Commission chairman for conflict of interest. Any Election Commissioner may raise the issue of conflict of interest of a fellow Election Commissioner at any time and if the Election Commissioner does not self-recuse, a majority vote of the remaining Election Commissioners shall determine whether the Election Commissioner in question shall be recused. Any candidate or other person having standing may petition the tribal court to issue an injunction prohibiting an Election Commissioner from taking part in an issue that is a conflict of interest for the Commissioner.

§2.819 Vacancies

A. The Election Commission shall declare a vacancy on the Election Commission following the death of a Commissioner, resignation of a Commissioner upon receipt of a written resignation to the Election Commission; or removal of a Commissioner. Removal of an Election Commissioner is governed by Section 2.820 of this Article.

B. Resignation may be withdrawn within 5 days from date on resignation or by official Election Commission action.

C. The Election Commission shall notify the Governor of vacancies within 10 days of the date that a vacancy is declared effective by the Election Commission.

D. Vacancies on the Election Commission shall be filled as mandated by Article XII, § 12 of the Constitution. The appointee shall be a member of the same Tribe and registered within the same voting district as the former Commissioner. If there is more than 12 months left in the term, an official election is to be held. If there is less than 12 months left in the term, the nomination (executive)/confirmation (legislative) process will be held.

E. Any Election Commissioner seeking to run for office in the Legislative or Executive Branch shall submit a written letter of resignation to the Election Commission prior to filing for candidacy. The Chairman of the Election Commission shall immediately inform the Governor of such vacancy upon receiving the written letter of resignation.

§2.820 Removal

A. Election Commissioners shall be removed from office for engaging in the commission of a felony, for egregious ethical misconduct during their tenure, or for any misconduct involving Commissioners' duties as fair and impartial election commission officials, and/or for violating the Commissioner's Oath of Office. If misconduct is suspected, tribal members, officers, agents and employees have a duty to report Election Commissioners to the Cheyenne and Arapaho Tribes' Ethics Commission or other appropriate Executive Regulatory Boards or Legislative Oversight Committees for investigation, disciplinary action and/or referral to the Tribes' Attorney General or Special Prosecutor for prosecution under the Tribes' Law and Order Code. The Governor does not have authority to remove Election Commissioners from office.

B. The Election Commission may remove a Commissioner for the following:

1. Deliberate conduct of a Commissioner that purposefully favors or disfavors any specific candidate; or,
2. Deliberate conduct of a Commissioner that changes or attempts to change the outcome of an election; or,
3. Deliberate conduct of a Commissioner involving either tampering with voter registrations, destroying voter registrations, adding fake, forged or fabricated documents to the records, destroying Election Commission documents or records without prior approval; or knowingly influencing voter registrants, or using his/her position on the Election Commission to change the outcome of any election; or
4. Abuse of authority as an Election Commissioner, neglect of duty, failure to maintain confidentiality of Election Commission records, or concealing, removing, tampering with, or destroying tribal records or property.
5. Using the registered voter list for any purpose other than what is necessary to conduct the election or allowing another person to do so, or giving a copy of the list to a person not authorized to receive it pursuant to this Law.
6. Failure to attend 3 consecutive meetings properly called Commission meetings without a reasonable excuse for the absence.

C. If the Election Commission receives a written and signed statement, a complaint that a Commissioner has violated any provision of this Section, or any information indicating that a Commissioner may be ineligible to continue serving as Election Commissioner, the remaining members of the Election Commission shall review the allegations and/or information and if, in the Election Commission's discretion, the Election Commission finds that evidence exists to justify removal proceedings, whether by supporting affidavits or supporting documentary evidence such that probable cause exists to warrant removal, the Election Commission shall set a hearing date and provide written notice to the respective Commissioner of the charges alleged and the date and time of the hearing. If the Election Commission determines that sufficient evidence does not exist to sustain probable cause, the Election Commission shall dismiss the petition or complaint without prejudice and shall provide the challenger or protestor with a written statement of the grounds for dismissing the petition or complaint.

D. The hearing shall be set no earlier than ten days from the date that written notice is sent to the challenged Commissioner. The Chairman may decide to hold the removal hearing at the next regularly scheduled Election Commission meeting provided such meeting is at least ten days from the date that written notice is sent to the challenged Commissioner. A quorum of the remaining Election Commission shall preside over the hearing.

E. At the hearing, the role of the Election Commission is solely to review the evidence presented by the parties and to make a decision based on the evidence and this Election Ordinance and/or the Constitution.

F. The accused Commissioner also may be represented by counsel of his or her choice at the hearing and may present oral testimony and documentary evidence, and may also call witnesses.

G. The accused Commissioner shall be given full opportunity to present evidence to support his or her case, subject to the limitation that all evidence offered, whether written or oral, and whether offered by a party, or by other witnesses, must be relevant to the issues outlined in the notice of hearing. Evidence outside the scope of the hearing or not otherwise relevant to the issues outlined in the notice before the Election Commission may be excluded. New allegations, not found in the original written complaint shall not be raised in the hearing. The Election Commission has full authority to exclude evidence on the grounds that it is not relevant or is outside the scope of the hearing. The Election Commission also has authority to maintain order and decorum at the hearing. Witnesses shall be sworn and only one may testify at a time.

H. The accused Commissioner shall be removed from office if a majority of the presiding Commissioners finds that the accused Commissioner violated this Section. The accused Commissioner shall not be entitled to vote on his or her removal from office. The Election Commission shall prepare a written opinion setting forth its decision and findings. Such written decision shall be sent to the challenger and to the accused Commissioner. The decision of the Election Commission may be appealed and if appealed, shall be subject to de novo judicial review in Cheyenne and Arapaho Trial Court.

I. Election Commissioners may be removed from office by any of the following methods:

1. **Recall:** Recall provisions in the Constitution governing recall of elected legislative officials shall apply;
2. **Declaration of a Vacancy by the Election Commission:-**The Election Commission shall declare a vacancy in the Election Commission if it is determined, by clear and convincing evidence, that an Election Commissioner has been convicted of or pled guilty to a felony at any time prior to, during, or after their term of office. A vacancy may only be declared after providing to the affected Commissioner proper notice, a hearing, and an opportunity to be heard.

§2.821 Restrictions and Limitations for Election Commissioners

In order to promote public confidence in the fairness of the election process, Election Commissioners shall not participate in campaigns for candidates for public office during their tenure as Election Commissioners, nor may they participate in recall efforts for any publicly elected official. Violation of this provision shall constitute an egregious ethical violation requiring removal as Election Commissioner by any of the means or methods established by this Law.

§2.822 Required Amendments to Existing Rules and Regulations

The Rules and Regulations of the Election Commission shall comply with and not be inconsistent with this Act.

§2.823 Oath of Office for Election Commissioners; Requirement of Staggered Terms

Election Commissioners shall swear the oath of office as it is set forth in Article IX, § 14, of the Tribes' Constitution. Election Commissioners shall serve staggered four-year terms opposite of those established for the tribal legislature, e.g. if Districts C-1, C-3, A-3, and A-4, are up for re-election for the Legislature, then Districts C-2, C-4, A-1, and A-2 shall be up for re-election in the Election Commission.

ARTICLE IV - BALLOTS, POLLING PROCEDURES, RECOUNTS, PROTESTS & CHALLENGES

§2.824 Ballots

- A. Secret Ballot: All Elections shall be conducted by secret written ballots.
- B. Absentee Ballot: Absentee ballots shall be provided pursuant to Article II §2.807 (G) of this Ordinance. The Election Commission shall deliver absentee ballots to voters that requested absentee ballots at least 30 days prior to a Primary Election and 21 days prior to a General Election. No hand-delivered ballots will be accepted at any time.
- C. Absentee ballots mailed to registered voters shall be accompanied by a blank inner anonymity envelope and an outer return envelope addressed to the Election Commission. The voter shall indicate his/her selection on the ballot, seal it in the blank inner anonymity envelope, and insert the blank envelope into the outer return envelope addressed to the Election Commission. The voter shall affix his/her signature in ink across the back of the addressed envelope.
- D. Upon receipt by the Election Commission of the ballot, the name on the line outside of the addressed envelope shall be checked against the appropriate list of registered voters, and the blank envelopes containing the ballot cast by the eligible voter shall be separated from the other envelope and only the ballots that are mailed out by the Election Commission shall be permitted and recognized. Only one ballot shall be included in any envelope. If more than one ballot is included in any envelope, neither ballot shall be counted. Only one signature shall be on the envelope. The name and signature must be the same as it appears on the voter registration filed and on the voter registration list. An absentee ballot must be returned by mail and cannot be hand delivered.
- E. All absentee ballots cast shall remain in the El Reno Post Office Box until 3:00 P.M. on the election date. At least two members of the Election Commission and a Tribal Security Officer and/or BIA police shall secure the ballots received at the El Reno Post Office. Such ballots must be counted by the members present and be confirmed by the Postmaster. The ballots will then be transported by the Election Commissioners present, escorted by the Tribal Security Officer and/or BIA police, to the large conference room at the Tribal Complex and the box shall remain under security until that election process is complete, and shall remain in the possession of Tribal Security and/or BIA Law Enforcement until the election process (including any challenges, recounts, or hearings by the Election Commission) is complete and the election is certified. Tribal Security and/or BIA Law Enforcement shall be present during any and all

challenges, recounts, and hearings by the Election Commission, and shall transport the ballots to a secure location in the custody of Tribal Security and/or BIA Law Enforcement

F. Provisional Ballots will not be accepted at any time during the Election Process.

§2.825 Mutilated, Lost and Returned Ballots

A. Should any voter spoil or mutilate his/her ballot, the voter shall write the word "mutilated" across the face of the ballot, sign the voter's name thereon and mail, or deliver in person, such mutilated ballot immediately to the Election Commission at the Tribal Office. The Election Commission shall note on the mutilated ballot the date of receipt of the same and immediately mail, or deliver in person, to the voter a new ballot and if mailed, accompanied by a blank envelope and an envelope addressed to the Election Commission. The Election Commission shall maintain a record of each person returning a mutilated ballot, the date of receipt, and the date when a new ballot was mailed or delivered to the voter. Any mutilated ballot so returned shall become a part of the records of the Election Commission. The return of a mutilated ballot and receipt by a voter of a new ballot, as specified above, shall not be deemed in any way to extend the deadline for returning such new ballots to be counted. The new ballots must be mailed by the voters and received by the El Reno Post Office prior to 3:00P.M. on election date. This procedure shall not allow the voter to cast more than one ballot in any election.

B. Any voter who does not receive his/her absentee ballot shall submit to the Election Commission a written, signed, and notarized statement that the ballot was not received by the voter. Upon receipt of the voter's written, signed, and notarized statement, the Election Commission shall provide the voter with a new ballot. In no event shall the procedure extend the deadline for returning such new ballots to be counted. The new ballots must be mailed by the voters and received by the El Reno Post Office prior to 3:00 P.M. on the election date. In addition, this procedure shall not allow the voter to cast more than one ballot in any election.

§2.826 Polling Sites

Votes may be cast after 7 P.M. only by those who both arrive before the polls have closed and remain in line until his or her vote has been cast.

§2.827 Counting Ballots

A. The Election Commission shall properly account for all official ballots and shall employ security features such as bar codes on ballots to ensure the integrity of the official ballots. Ballots that are not original ballots will be deemed fraudulent and will be turned over to Tribal Security and/or BIA police for investigation. Fraudulent ballots shall not be counted.

B. On the date set for counting ballots, the Election Commission with its designated election officer shall prepare the ballots in the large conference room at the Tribal Complex for tabulation. When all ballots are returned to the Tribal Headquarters, the Election Commission shall begin the counting process by check the name and signature on the back of the addressed envelope against the appropriate list of registered voters to ensure that they are the proper voter. The envelopes containing such ballots shall be opened. The outside envelope (business reply) shall be opened, separated from the ballot (small) envelope, then the ballot (small) envelope shall be opened, and the ballot separated from the envelope. All the envelopes (business reply) and ballots shall be retained as a part of the records of the election, for a period of at least two years and not more than five years.

C. If during the tabulating of ballots, the Election Commission is unable to determine from the ballot the choice of the voter, the ballot will be "disallowed." The Election Commission will call for a vote to determine if the ballot will be allowed/disallowed. A disallowed ballot will be marked as disallowed and recorded. Disallowed ballots will be kept together, and retained as part of the records of the election, for a period of at least two years and not more than five years.

D. Only the following persons shall be allowed in the large conference room during the opening of envelopes and tabulation of the ballots:

1. Members of the Election Commission;
2. A Tribal Security Officer must be present from the beginning of picking up the ballots at the Post Office to the end of counting of the ballots;
3. Two neutral observers not affiliated with any candidate and selected by the Election Commission;
4. One observer for each candidate selected by the candidate; and
5. The Election Commission attorney or other neutral tribal attorney not affiliated with any candidate, if requested by the Election Commission to serve as an additional observer.

E. The Election Commission may adopt any rules of conduct it deems necessary to instill order during the tabulation process. Such rules shall be posted conspicuously in the counting area and shall be strictly enforced by Tribal Security and/or BIA police.

F. The Election Commission shall post the preliminary election results after the initial count at the Tribal Complex, Concho Agency, and on the official tribal website. Results may also be posted at other places where tribal members are likely to see such results.

G. Unless a recount is required, the Election Commission shall publish final certification of all election results within 24 hours of an election. A tie vote in a general election shall be decided in a Special Election.

§2.828 Recounts

A. Within 24 hours of the posting of the preliminary election results, a candidate may demand a recount of the ballots cast in that election.

B. In the event of a recount, all valid ballots will be hand counted unless another recount method is approved by the Election Commission.

C. A recount may be requested by a candidate and/or challenger, pursuant to 4.6 of this election law. Once the recount process is complete, then the election results will be Final.

§2.829 Protests and Challenges

All protests and challenges to the results of an election shall be initially filed with the Election Commission. The Election Commission shall render a final determination on any protest or challenge within 48 hours setting forth in writing separate findings of fact and conclusions of law. If the Election Commission fails to render a final determination on any protest or challenge within 48 hours, the original certification of the election results shall be deemed final for purposes of judicial review. The final determination of a protest or challenge, or the original certification, in the event a final determination is not made within 48 hours, shall be subject to de novo review by the Cheyenne and Arapaho Supreme Court pursuant to Article VIII, Section 5(b)

of the Tribal Constitution. Article IX, Section 13 on the Tribal Constitution grants the Supreme Court only 20 days from the filing of such an appeal to rule.

ARTICLE V - ELECTIONS, EXPENSES, CAMPAIGN RESTRICTIONS AND LIMITATIONS, & AUDITS

§2.830 Regular Elections

A. In accordance with Article IX, Section 8(a) of the Tribal Constitution, beginning on May 1st of an Election year, nominations for elective office shall be open to qualified candidates. Nominations shall close on June 1st. The Election Commission shall make all determinations regarding the eligibility of candidates to seek elective offices and shall publish a preliminary list of qualified candidates no later than June 15th. Any member of the Tribes may challenge a person on or the omission of a person from the preliminary list of candidates by filing a written protest with the Election Commission by July 15th. The Election Commission shall decide all written protests to the preliminary list of candidates no later than August 1st. The Election Commission shall publish a final list of candidates no later than August 15th.

B. No less than 50 days prior to the date set for any general election, the Election Commission shall prepare an Election Announcement and post the Election Announcement at the Tribal Office and other appropriate locations and newspapers.

C. Each registered absentee voter shall be furnished a ballot by first class mail containing the names of candidates from his/her district at least 30 days prior to a General Election and 21 days prior to a Primary Election. Election winners shall be determined by those ballots returned by mail to the El Reno Post Office not later than 3:00 P.M. on the date set in the Election Announcement for counting ballots.

D. In the event that there is no more than one candidate registered for any one elective office, sole candidates shall be declared default winners, and a formal election shall be deemed unnecessary.

§2.831 Special Elections

A. Pursuant to Article IX, Section 11 of the Constitution, a Special Election shall be held when called for by the Legislature by law or by the Constitution.

B. If a Special Election for filling a vacant office is necessary, the Election Commission shall prepare an Election Announcement and post it at the Tribal Complex, Concho Agency, and the official tribal website. The Election Announcement may be posted at other appropriate locations and newspapers. To the extent practicable, the Election Commission shall follow the timelines established for regular elections under Section 2.830 of this Article. If, however, it is not practicable to provide proper timeframes between preparation of the Election Announcement and the counting of Special Election ballots, the Election Commission shall determine, in its reasonable discretion, the appropriate timeline for the Special Election, keeping in consideration the interests of candidates and the voters of the district.

C. Except where this Act provides otherwise, a Special Election shall be conducted in the same manner as a regular Primary or General Election, including the establishment of in-person polling places within each District; and the issuance and processing of absentee ballots for all voters who qualify under § 2.807(D).

§2.832 Election Expenses

All expenses for any election shall be paid from Election Commission funds appropriated from the Tribal Budget/Election Fees paid. Funds shall be appropriated to cover all reasonable expenses associated with tribal elections. "Reasonable expenses" shall include, but is not limited to, compensation for poll workers, observers, runners, and other election support personnel that must be hired to conduct elections.

§2.833 Campaign Restrictions and Limitations

A. It shall be unlawful for any person to intentionally participate in the preparation, dissemination, or broadcast of paid or unpaid political advertising, campaign material, or a letter to a newspaper editor that is false and that such person knows is false or communicates to others with reckless disregard of whether it is false if such advertising or material:

1. Relates to the personal or political character, voting record or acts of a candidate, or relates to the effect of a ballot measure; and
2. Is designed or intended to elect, injure, promote, or defeat a candidate or to promote or defeat a ballot measure.

The provisions of this subsection shall not apply to any person or organization whose sole law is, in the normal course of business, the printing, manufacturing, broadcasting, or other dissemination of the false advertising or material.

B. It shall be unlawful for any person to knowingly make, directly or indirectly, a false claim stating or implying that a candidate or ballot measure has the support or endorsement of a particular committee or person, or to state in written campaign material that a candidate or ballot measure has the support or endorsement of an individual or committee without first getting written permission from the individual or committee to do so.

C. No person may campaign within 100 feet of any polling-place entrance or official ballot-drop site on Election Day. The Election Commission is authorized to remove, or cause to be removed, any sign or individual violating this subsection.

§2.834 Election Audits

Oversight/Monitoring bodies may require the participation of a neutral election auditor in any election for which it is deemed necessary by said oversight bodies to perform pre- and post-election audits and to monitor ballot counting.

ARTICLE VI - RECALLS

§2.835 Recall Petitions

A. **Notice:** The person or persons presenting a petition to recall a District Legislator, Governor, or Lt. Governor shall post a notice of their intent to pursue a petition for a period of at least 14 days prior to beginning the collection of signatures for the petition. The notice shall be posted at the Tribal Public Bulletin Boards in Concho, Election Commission offices, Bureau of Indian Affairs' Concho Agency, and the Cheyenne & Arapaho Housing Authority. The notice may also be posted in other appropriate locations and newspapers. The notice and every copy of the petition must describe in detail the specific actions of the member of the Legislature subject to the petition that are thought to justify the recall, and the basis for the recall petition.

B. **Signatures Required:** No petition requesting the recall of a District Legislator, Governor, or Lt. Governor shall be valid unless the petition contains the signatures of at least thirty percent of the number of registered voters of the district that such member represents. The petitioner shall be required to secure a list of registered voters for the relevant district, as that list has been approved by the Election Commission.

C. **Carrying Petition:** A person seeking to recall a political official shall pay a fee of \$300.00 to the election commission to begin the recall process for each recall attempt against any elected official. The purpose of recall fees is to cover recall election expenses and to discourage frivolous and unwarranted multiple recall efforts against elected officials.

D. The person or persons carrying, distributing, or posting the petition for recall must be enrolled members of the same district and be a registered voter(s) as the member of the Legislature for whom recall is sought. Those seeking to post or carry a petition must register with the Secretary of the Election Commission on or before the start of the 120-day period for gathering signatures. Once the recall fee has been paid, the person who paid the fee has the approval of listing who is going to be carrying the petition. The approved carriers must register with the Election Commission within 14 days.

§2.836 Contents of Petition

To be valid, a recall petition shall contain:

A. a heading specifying the official who is the subject of the recall, the official's district affiliation, and the purpose of the petition; said heading must appear clearly at the top of each page on which signatures are gathered; and,

B. a brief description of the official's conduct thought to justify the recall petition; and,

C. by separate line, the signature of each eligible member requesting the recall; and,

D. on each signature line, the birthdate, address, and printed name of the person signing and the date on which the signature was given (the birthdate, address, and date shall be used to determine whether the signature is that of an eligible voter affiliated with the same district as the person against whom the recall petition is directed and to ensure that the signature was affixed not more than 120-days prior to presentation of the petition); and,

E. a statement that tribal members may not seek the recall of more than one official on a single petition; and,

F. the valid signatures of at least thirty percent of the registered voters of the district seeking the recall; and

G. be circulated for signature only by a/an eligible voter(s) affiliated with the same district as the person against whom the recall petition is directed; and,

H. a certification, under penalty of perjury, executed by the eligible voter(s) circulating the petition that he or she acquired the signatures appearing on the petition, that such signatures are not the result of promises, threats or other improper circumstances, and that he or she was present when the names appearing on the petition were affixed to the petition.

§2.837 Timely Signatures

All signatures appearing on a petition for recall shall be gathered in a 120-day period from the end of the 14-day notice period pursuant to Section 2.835 (A) of this Ordinance. The petition shall be submitted to the Election Commission at the end of this 120-day period. Any signature that is determined to have been affixed prior to the start of that 120-day period shall not be counted in determining whether the petition contains the required number of signatures as specified in Sections 2.835 (B) and 2.837 of this Ordinance.

§2.838 Petition Presentation

Recall petitioners, or their representative(s), shall present and file their petition for recall with the Election Commission.

§2.839 Verification and Certification

A. No later than 20 days after receipt of a recall petition by the Election Commission, the Election Commission shall verify the signatures and district affiliation of the petitioners appearing thereon, and shall certify the petition as valid or invalid.

B. If the petition is determined to be invalid, the Election Commission shall render its decision in writing, notify the petition organizer, the official sought to be removed, the Governor, Speaker of the Legislature, Tribal Council Coordinator, and Tribal Newspaper.

C. If the petition is certified as valid, a recall election shall be held within 45 days following verification of the petition as valid by the Election Commission. Notice of the recall election shall be posted at the Tribal Public Bulletin Boards in Concho, Election Commission offices, Bureau of Indian Affairs' Concho Agency, Cheyenne & Arapaho Housing Authority, tribal websites, and any other appropriate newspapers.

§2.840 Judicial Review

Any decision of the Election Commission calling or declining to call a recall election shall be reviewable by the Trial Court (with appeal rights to the Supreme Court), provided that such review may not result in the award of monetary damages, attorneys' fees, or costs against the Tribes, its officers, agents or employees, other than employee labor. The Trial Court may only set aside the Election Commission's decision, reviewable under this Section, if the Tribal Court finds that the Election Commission's decision was an abuse subject to this Election Law. In the event of such a finding, the Court shall remand the case back to the Election Commission with instructions to reconsider their decision, hold or cancel the election based upon the Court's decision.

§2.841 Recall Elections

A. **Calling of Election:** Following the referral by the Legislature pursuant to Constitution Article XII, Section 1, or the certification of a recall petition as valid, the Election Commission shall call an election in which the eligible voters of a district will determine whether to recall the member who is the subject of the petition. Recall elections shall be held within 45 days in the case of a Legislative referral and 60 days after certification of the recall petition.

B. **Votes Required for Recall:** A simple majority of votes cast in a recall election shall be required to recall the Governor, Lieutenant Governor, or a member of the Legislature from office; provided that no such official shall be recalled, regardless of the outcome of any recall election, shall be recalled from office unless the votes cast for recall equal or exceed the votes cast for the official in their current position. If the official had no opponent in the last election

and was declared the winner by default, then the number of votes cast in the most recent election shall be one for purposes of a recall election.

C. **Conduct of Elections:** Recall elections shall be held in accordance with this Ordinance in the same manner as General Elections. Recall elections shall be overseen and are the responsibility of the Election Commission.

D. **Recalled Officials:** The official against whom a recall petition is directed shall continue to serve as an elected official, with all authorities and powers pertaining to the office until the certification of a successful recall election and declaration of a vacant seat.

The seat shall remain vacant until the 20-day time for Supreme Court review has passed. If the Supreme Court affirms the recall election or does not make a decision, then the vacancy shall be final and a Special Election shall be held within 45 days pursuant to Constitution Article XII, Section 8.

§2.842 Recall Limits

The following Constitutional limits to recall apply:

A. A person who is successfully recalled from office shall not be eligible to serve in an elective office until a period of six years has elapsed.

B. No recall petition shall be initiated against any elected official until six months have elapsed from their inauguration into office.

C. No recall petition shall be initiated against any elected official who has six (6) months remaining in his or her term.

D. Any elected official may only be subject to one recall election under Article XII, § 6 of the Tribes' Constitution, during their term of office.

ARTICLE VII- VACANCY ELECTIONS

§2.843 Declaration of Vacancy

The Election Commission shall declare a position vacant within five days of the occurrence of any of the following events:

A. The posting of results by the Election Commission that the majority of eligible voters at a recall election voted to recall a member of the Legislature, or the issuance of a final election challenge decision affirming the vote in favor of a recall, whichever is later.

B. The posting of results by the Election Commission that the majority of eligible voters at a recall election voted to recall the Governor or Lieutenant Governor, or the issuance of a final election challenge decision affirming the vote in favor of a recall, whichever is later.

C. The death, resignation, removal or permanent departure from the territory of the Tribes of a member of the Legislature, the Governor or Lieutenant Governor, Election Commission.

D. Seven members of the Legislature voting affirmatively to remove any member for good cause pursuant to Article XII, Section 1 of the Constitution; AND, the subsequent posting of results by the Election Commission that the majority of eligible voters at a Special Election (at which at least thirty percent (30%) of the eligible voters of a district cast a ballot) voted to

remove a member of the Legislature, or the issuance of a final election challenge decision affirming the vote in favor of removal, whichever is later.

E. Unanimous vote of the Legislature to impeach and remove the Governor or Lieutenant Governor for good cause pursuant to Article XII, Section 2 of the Constitution.

F. Conviction of a felony as provided in the Tribes' Constitution art. XII, § 4.

§2.844 Vacancy Elections

A. Calling of Election: If more than three months remain in the term of the vacant position on the Legislature, the Election Commission shall call and set the date(s) for vacancy election(s) within five days of declaration of the vacancy.

§2.845 Seating of Members Filling a Vacancy

A person elected to fill a vacancy on the Legislature shall be installed at the first regular meeting of the Legislature following a vacancy election and shall serve the remaining term of the seat to which he/she was elected.

ARTICLE VIII- REFERENDUM ELECTIONS

§2.846 Calling of Referendum

Upon receipt of a petition signed by at least 250 registered voters of the Cheyenne and Arapaho Tribes or request supported by a two-thirds affirmative vote of the Legislature, any enacted or proposed resolution or ordinance of the Legislature shall be submitted to the voters in a Special Election.

§2.847 Notice

The person or persons presenting a referendum petition shall post a notice of their intent to pursue a petition for a period of at least 14 days prior to beginning the collection of signatures for the petition. The notice shall be posted at the Tribal Public Bulletin Boards in Concho, Election Commission offices, Bureau of Indian Affairs' Concho Agency, Cheyenne & Arapaho Housing Authority, tribal websites, and any other appropriate newspapers. The notice may be posted in other public places and newspapers. The notice and every copy of the petition must contain a certified copy of the ordinance or resolution that is the subject of the Petition.

§2.848 Procedural Requirements

All petitions seeking a referendum vote on a law shall be submitted to the Election Commission. Upon request, the Election Commission shall prepare and issue a petition form to a petitioner along with the names and addresses of the eligible voters of the Tribes listed by district. No member of the Election Commission may request, circulate, or sign a referendum petition without having first recused him or herself from all matters concerning the referendum effort.

§2.849 Contents of Referendum Petition

To be valid, a referendum petition shall:

A. specify the resolution or ordinance to be placed at issue in a referendum and the purpose of the petition, which heading shall appear at the top of each page on which signatures are gathered and contain a certified copy of the ordinance or resolution; and,

B. contain the signatures of at least 250 registered voters of the Cheyenne and Arapaho Tribes; and,

- C. by separate line, contain the signatures of each eligible voter requesting the referendum; and,
- D. on each signature line, identify the address and enrollment number of the person signing and the date on which the signature was given; and,
- E. seek a referendum on only one resolution, law, or ordinance; and,
- F. Contain a certification, under penalty of perjury, executed by the eligible voter(s) who circulated the petition that he or she acquired the signatures appearing on the petition, that such signatures are not the result of promises, threats or other improper circumstances, and that he or she was present when the names appearing on the petition were affixed to the petition.

§2.850 Timely Signatures

Members of the Tribes shall have 120 days to collect the requisite number of signatures on the referendum petition. The 120-day time for collecting signatures will begin at the end of the 20-day notice period in Section 2.848. The petition shall be submitted to the Election Commission at the end of this 120-day period. Any signature that is determined to have been affixed more than 120 days prior to submission of a petition shall not be counted in determining whether the petition contains the required number of signatures, as specified in Sections 2.847 and 2.850 of this Article.

§2.851 Petition Presentation

Referendum petitioners, or their representative(s), shall present and file their petition for referendum with the Election Commission.

§2.852 Verification and Certification

- A. Within 30 days of receiving the petition, the Election Commission shall verify the signatures of the petitioners appearing thereon, and shall certify the petition as valid or invalid.
- B. If the petition is determined to be invalid, the Election Commission shall render its decision in writing and post the same at the Tribal Complex, Concho Agency, official tribal website, and at other places likely to be noticed by tribal members.
- C. If the referendum petition is certified as valid, a Special Election shall be held within 45 days following verification of the petition as valid by the Election Commission.

§2.853 Special Elections

- A. Calling of Election: Following the certification of a referendum petition as valid, the Election Commission shall call a Special Election in which the eligible voters of the Tribes will determine whether to approve the enacted or proposed resolution or ordinance which is the subject of the petition. The Special Election shall be held within 45 days after certification of the referendum petition.
- B. Votes Required for Recall: A simple majority of votes cast in a referendum election shall determine whether the action presented to the eligible voters is accepted or rejected.
- C. Conduct of Elections: Special Elections for referendum shall be held in accordance with this Ordinance in the same manner as General Elections. Special Elections for referendum shall be overseen by and are the responsibility of the Election Commission.

§2.854 Punishment for Violating this Act

Any person, not a member of the Election Commission, who is guilty of a violation of this law or any other election law shall not be allowed to serve on the Election Commission, and such conviction or violation shall be punishable by a jail term of up to one year and a fine of up to \$1000.00 per offense.

§2.855 Punishment for Violating Election Laws

As provided in the Tribes' Constitution, Members of the Election Commission who are convicted of a violation of the Election laws or who have violated the Election laws as determined by the Judicial Branch shall not be eligible to serve on the Election Commission, and such conviction or violation shall be punishable by a jail term of up to one year and a fine of up to five thousand dollars per offense.

§2.856 Amendments

Amendments to this Ordinance shall only be considered for enactment after seeking the input and comments of the Election Commission.

END OF SUBSTANTIVE PROVISIONS

§ 2.857 CONSTRUCTION

This Act shall be liberally construed to carry out its purpose. The effectiveness and enforceability of this Act shall not be dependent upon the adoption of any regulations unless otherwise required by law. Nothing contained in this Act or regulations promulgated hereunder shall be construed to diminish, limit or otherwise adversely affect any right, remedy held or available to the Cheyenne and Arapaho Tribes.

§ 2.858 SEVERABILITY

If any section of this Act, or any part thereof, or any application thereof to any party, person or entity or in any circumstance shall be held invalid for any reason whatsoever by a court of competent jurisdiction, the remainder of the section or part of the Act shall not be affected and shall remain in full force and effect as though no section or part has been declared to be invalid.

§ 2.859 STATEMENT OF SUPERSEDES

This Act shall supersede any law in place before it, which conflicts with its intent and purpose.

§ 2.860 GOVERNANCE CLAUSE

If any provision in the foregoing Act conflicts with the existing rules and regulations drafted by the Election Commission, the provisions enumerated herein shall govern. If any provisions within the existing Rules and Regulations conflict with or otherwise violate the Constitution of the Cheyenne and Arapaho Tribes, such provisions shall be deemed null and void.