

RESOLUTION OF THE GOVERNING BODY OF  
THE THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD RESERVATION

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

WHEREAS, the Constitution and Bylaws of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefit of the tribes and tribal members; and

WHEREAS, on September 16, 1980, the Three Affiliated Tribes will be conducting a General Election at which time five (5) Tribal Business Council positions will be open for election, to all eligible candidates; and

WHEREAS, the Tribal Business Council recognizes that Election Ordinance (72-1) is inadequate at this time to insure a fair election, and desires to amend said Ordinance; and

THEREFORE BE IT RESOLVED, that the Three Affiliated Tribes' Tribal Business Council hereby approves attached amendments to Election Ordinance (72-1).

C E R T I F I C A T I O N

I, the undersigned as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members of whom 7 constitutes a quorum, were present at a Special Meeting, thereof duly called, noticed, convened and held on the 29 day of May, 1980; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 8 members, 0 members opposed, 1 members abstained, 0 members not voting, and that said resolution has not been amended or rescinded in any way. Chairman (voting) (not voting).

Dated this 29 day of May, 1980.

SECRETARY,

Zilli Walker  
Tribal Business Council

ATTEST:

CHAIRMAN,

Austin H. Dillotte  
Tribal Business Council

ELECTION ORDINANCE  
(72-1)  
AMENDMENTS

PART II. ELIGIBILITY OF VOTERS AND CANDIDATES; FILING FOR OFFICE  
Section 2 - Eligibility for Tribal Office

- e) Anyone who owes the Tribe (not limited to but including loans, rents including Tribal Housing Authority, leases, court fines, costs, etc.) who is delinquent shall not be eligible to run for Tribal Office;
- f) When a Tribal employee wishes to run for membership on the Tribal Business Council, in an election year, the Tribal employee must inform the Personnel Director and Human Resources Committee, and submit his resignation in writing to them upon filing of his candidacy for Tribal Office. If the Tribal employee does not get on the Tribal Business Council, and providing his position has not been filled, he shall be re-established in his former position.

Section 3 - Filing for Office

- a) HOW TO BECOME A CANDIDATE. Any person eligible for election to a Tribal Office, as provided herein, may become a candidate by filing a notice of his/her candidacy with the Secretary of the Tribal Business Council at least sixty (60) days before the election in which he/she desires to run. The notice of candidacy must conform to the example provided in Appendix A of this Ordinance. At the time of the filing of notice, the candidate must render the filing fee of ten dollars (\$10.00) non-refundable, to the Secretary of the Tribal Business Council. It shall be the Secretary's duty to promptly inform the Election Board of each notice of candidacy.
- b) NOMINATION BY PETITION. If thirty (30) days before the election a segment (as defined in Article III, Section 3 of the Tribal Constitution as amended), has two (2) or less qualified candidates, such segment may nominate one or more candidates by petition signed by at least ten (10) qualified voters of that segment. The candidates who are so nominated must meet the qualifications set forth in Section 2 of this Ordinance and must pay the filing fee of ten dollars (\$10.00). Such nominating petition must conform to the example provided in Appendix B of this Ordinance and be submitted no later than thirty (30) days before the election to the Secretary of the Tribal Business Council in order to be considered. It shall be the Secretary's duty to promptly inform the Election Board of each nominating petition submitted. The signature of any petition which appears on more than one nominating petition for the same Tribal Office shall be stricken from all nominating petitions for that office.

ELECTION ORDINANCE (72-1)  
Amendments Continued

PART II.

Section 3 - Filing for Office Continued

- c) POSTING OF CANDIDATE'S NAMES. At least fifty (50) days before the election, the Secretary of the Tribal Business Council shall post the names of all candidates in each voting segment. The Secretary shall update the list in the event a candidate has been duly nominated under Section 3 (b) above, of this Ordinance. The Secretary shall mail a current list of qualified candidates who have filed to anyone who shall request such a list no later than forty (40) days before the election.
- d) CHALLENGE OF CANDIDATES. Any qualified voter may challenge the eligibility of any person seeking to be a candidate by filing with the Tribal Election Board, New Town, North Dakota, a sworn affidavit setting forth the grounds for challenge within three (3) days after the challenged candidate's name appears on the notice of candidates sheet as provided in Section 3 (c) above of this Ordinance. After the filing of the sworn affidavit, the Board shall rule on all challenges of candidates who have filed within forty-two (42) days before the election, and within twenty-five (25) days for those candidates who have been nominated by petition. The Board shall promptly notify the candidate in writing of the challenge and the ground for the challenge and shall direct the candidate to furnish within a specified and reasonable time satisfactory proof that the candidate is eligible to be a candidate for the office he seeks. The Tribal Election Board shall rule on each challenge within five (5) working days giving reasons for its decision. The Board must notify the candidate in writing if ruled to be ineligible. The decision of the Election Board may be challenged pursuant to Part IV, Section 2 (f) and Part IV, Section 3 of this Ordinance.

PART IV. REGISTRATION OF VOTERS

Section 1 - The Tribal Election Board

- a) APPOINTMENT OF TRIBAL ELECTION BOARD. The Tribal Business Council, as early as practicable, but at least seventy-five (75) days before an election, shall appoint a Tribal Election Board of five (5) qualified voters, none of whom is an employee of the Tribe; the Department of Interior; or candidate; or intended candidate; close relative of candidate or intended candidate, defined as father, mother, brother, sister, aunt, uncle, father-in-law, mother-in-law, brother-in-law, sister-in-law; or a member of the Tribal Business Council. The Tribal Business Council shall designate one of its five appointees as Chairman of the Tribal Election Board. The Tribal Business Council shall fix the compensation of members of the Tribal Election Board. In the event of a vacancy on the Tribal Election Board, or if any member is unable to perform his/her duties, the Tribal Business Council shall only fill the vacancy by appointment.

ELECTION ORDINANCE (72-1)  
Amendments Continued

PART IV

Section 1 - The Tribal Election Board Continued

- b) At least thirty (30) days before the election, the Tribal Business Council shall appoint from within three (3) members who are not up for re-election to serve as the Certification Board in the event the Tribal Election Board fails to certify.
- c) The Tribal Election Board shall conduct at least one training session for all election board members, and at least one training session for all Segment Election Committee members.

Section 2 - Duties of Election Board

- b) NOTICE OF ELECTIONS. The Tribal Business Council, as early as practicable, but at least ninety (90) days before a general, and as early as practicable before a special election, shall cause to be published a notice of election setting forth the date of election, the purpose of the election, the offices to be filled, the issues to be voted, on, the time and place for filing nominations or notice of candidacy, the location of the polling places, the opening and closing hours of the polling places, and any other information deemed appropriate. A copy of the notice shall be posted in each segment and such other places the Tribal Business Council deems appropriate. This notice shall be mailed along with all affidavits for registration as set in Part III, Section 1 (b) of this Ordinance.
- c) TESTING ELIGIBILITY OF CANDIDATES. The Tribal Election Board shall promptly review all filings for office, and all petitions for candidacy, whether challenged or not, to test the eligibility of each person to be a candidate. If the Tribal Election Board considers that person is not eligible to be a candidate, the Board, in the manner provided in Part II Section 3 (d) of this Ordinance, shall notify such person in writing that the Board challenges his/her candidacy, giving the reasons for the challenge, and that unless satisfactory proof of eligibility is not furnished within three (3) days, the notice of candidacy or petition for candidacy will be rejected and the name shall not be placed on the ballot. The Tribal Election Board shall make its final ruling no later than two (2) days after receiving the candidate's proof of eligibility. If as a result of such determination, a segment will be left without the required number of representatives when the election is over, a special election for that segment shall be held within thirty (30) days after the general election.

ELECTION ORDINANCE (72-1)  
Amendments Continued

PART IV  
Section 2 - Duties of Election Board Continued

- d) CERTIFICATION OF ELIGIBILITY. The Tribal Election Board shall certify the names of those persons who are eligible candidates within twenty (20) days.
- f) 1. The Tribal Court may issue an injunction postponing any election or rectifying any violation of this Ordinance upon the filing of a petition setting forth by clear and convincing proof upon sworn testimony of violations of any section of this Ordinance stated above, when filed by any candidate or eligible voter.
2. The filing fee for this pre-election challenge shall be fifty dollars (\$50.00).
3. No subsequent challenge of any alleged violations, committed within ten (10) days prior to the election, of the preceding sections of this act shall be permitted without first seeking an injunction or corrective relief as set forth in section (1) above, however, any irregularities that could not have been discovered through due diligence may be challenged pursuant to Part IV, Section 3 of this Ordinance.
4. Any action seeking relief under this section shall be filed with all due diligence. The intent is to have the matter filed so that the matter might be resolved prior to the election.
- g) DELIVERY OF BALLOTS, BOXES, ETC. The printed numbered blank ballots shall be kept in security in the Tribal Business Office, New Town, North Dakota. Prior to delivering the respective ballots to each segment, those numbered ballots shall be randomly shuffled so as to have no specific numerical order. Before the opening of the polls, the Tribal Election Board shall deliver to the respective Segment Election Committee the proper ballots, ballot boxes, registration books and other necessary materials and shall obtain a receipt showing the number of numbered blank ballots delivered. There shall be two keys for each padlock to the ballot boxes, one to be retained by the Chairman of the Election Board and the other by the first judge of the Segment Election Committee.

ELECTION ORDINANCE (72-1)  
Amendments Continued

PART IV.

Section 2 - Duties of Election Board Continued

- h) CERTIFICATION OF ELECTION. The Tribal Election Board, upon return of the ballot boxes and remaining items from the segments, shall canvass the results of the election in public, as provided in Part IV, Section 1, herein. The Tribal Election Board shall complete its canvass and shall certify the results to the Tribal Business Council and by public notice not more than three (3) days from the date of the election. If the Tribal Election Board fails to certify the election within three days, the Certification Board shall so certify within five (5) days of the election. Upon certification, all Tribal Business Council's members up for re-election term of office shall be terminated and all certified winning candidates become members of the Tribal Business Council.

PART V. - RULES TO BE FOLLOWED AT POLLS

Section 4 - No Electioneering or Campaigning

There shall be no electioneering or campaigning on the day of the election.

Section 6 - Alcohol

Any member of the Three Affiliated Tribes in a drunken condition shall not be permitted to vote. The members of the Segment Election Committee shall make all determinations under this section and their majority decision shall be final, and all bars within the boundaries of the Fort Berthold Reservation shall be closed during the hours that the polls are open.

Section 8 - Voting Hours

Voting hours shall be from 8:00 a.m. to 7:00 p.m., Central Day Light Savings Time, or Central Standard Time, whichever might be in effect at the time of the election. No ballots shall be given out before 8:00 a.m. or after 7:00 p.m. Those voters who have been duly given a ballot before the closing of the polls shall be allowed to cast their ballot after the polls close.

PART VI. - TALLYING THE VOTES

Section 1 - Canvassing the Votes

- c) ORDER OF CANVASSING. The canvassing shall be done, one segment at a time, and in the following manner:

ELECTION ORDINANCE (72-1)  
Amendments Continued

PART VI.

Section 1 - Order of Canvassing Continued

- 1) The Secretary of the Tribal Business Council shall report prior to the counting of any segment ballots the following information regarding absentee ballots:
  - a) The number of affidavits for registration sent out pursuant to Part III, Section 1 (b);
  - b) the number of requests for absentee ballots;
  - c) the number of absentee ballots returned;
  - d) the number of absentee ballots timely returned.
- e) PRESERVATION OF ELECTION RECORDS. It shall be the duty of the Tribal Election Board to preserve the numbered ballots, the illegal numbered ballots, the challenged numbered ballots, the tally sheets, registration and voting books for a period of one hundred-eighty (180) days following the day of election and retained in the vault of the Fort Berthold Agency Office, or as long as a Court of Law has jurisdiction over the election matter, if longer than one hundred-eighty (180) days.

Section 3 - Contest of Election

- a) A contest of election may be brought by filing with the Tribal Election Board a complaint duly verified under oath along with a copy filed with the Certification Board, setting forth a concise statement of the facts on which the contest is based. No complaint shall be considered unless filed within three (3) days after certification of the election results by the Election Board. Each complaint must be accompanied by a fee of one hundred dollars (\$100.00) which is non-refundable. The Tribal Election Board shall consider in each contest the evidence presented by the complaining parties and other evidence brought to its attention by interested parties. It shall report its final decision within five (5) days after the election is certified. Should the Election Board fail to make its decision within five (5) days, the Certification Board shall make a decision on the matter. However, such decision shall be made within seven (7) days of the filing of the complaint, exclusive of weekends and holidays.

ELECTION ORDINANCE (72-1)  
Amendments Continued

PART VI.

Section 3 - Contest of Election Continued

- b) A candidate who has complied with Part III, Section 2 above and who wishes to challenge the decision of the Election Board or if the Election Board fails to make its decision on the complaint contesting the election within five (5) days of certification of the election, then the decision of the Certification Board or if the Certification Board fails to make its decision within seven (7) days exclusive of weekends and holidays, of certification of the election, the candidate shall file a complaint with the Tribal Court within five (5) days of the decision of the Election Board or Certification Board or if neither issued a decision within twelve (12) days including weekends and holidays of the certification of the election.
- c) Appeal of the Tribal Court's decision shall be perfected pursuant to the Rules of Appellate Procedure in effect at the time of appeal. Any election appeals shall be of the highest priority and expedited in all possible manners.

PART VII - ABSENTEE BALLOTS

Section 1 - Method of Receiving Absentee Ballots

- a) WRITTEN REQUEST. Any enrolled member of the Three Affiliated Tribes who otherwise meets the qualification for voting, as enumerated in Section 1, Part II of this Ordinance, shall be sent an absentee ballot for his/her segment, as determined by Section 1, Part VII of this Ordinance, if written request is made to the Secretary of the Tribal Business Council at least forty-five (45) days before the election. Only one ballot will be sent for each written request, and that ballot shall be sent to the return address shown on the request within five (5) days of receipt of the written request. The Tribal Election Board shall include with all affidavits for registration, a request for an absentee ballot as required under Part III, Section 1 (b) of this Ordinance. Every absentee ballot mailed out shall have the official absentee ballot seal affixed thereto. An absentee ballot shall not be counted unless the official absentee ballot seal is affixed thereto.



ELECTION ORDINANCE (72-1)  
Amendments Continued

PART VIII. - RESIDENCY; PENALTY FOR FRAUD & GENERAL PROVISION  
Section 3 - Penalty For Election Fraud or Tampering

- 1) It shall be an offense, defined as Election Fraud, for any person to vote more than once at each election, to place more than one ballot in the ballot box, to electioneer or campaign on the day of the election, or in any other way not enumerated to knowingly commit an act which would tend to influence an election through the use of fraudulent or devious means. Upon conviction thereof, said person shall be sentenced to pay a fine of not more than five hundred dollars (\$500.00) or to a term in the Tribal Jail of not more than one hundred (100) days, or both such fine and imprisonment.
  
- 2) It shall be an offense for any election board member to knowingly violate any of the provisions contained in the Constitution and Election Ordinance. Upon conviction thereof, said election board member shall be sentenced to pay a fine not more than five hundred dollars (\$500.00) or to a term in the Tribal Jail of not more than one hundred-eighty (180) days, or both such fine and imprisonment.