

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 of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS, Article IV, Section 5 of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to make rules and regulations governing all Tribal elections; and
- WHEREAS, The revision of the Election Ordinance of the Three Affiliated Tribes has been necessitated by the recently-approved amendments to the Tribal Constitution, each of which amendments related to the Tribal election process; and
- WHEREAS, Based upon its review and consideration of the proposed amendments as presented by the Legal Department of the Three Affiliated Tribes, the Tribal Business Council has deemed such proposed amendments to be appropriate and necessary;

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby formally approves and adopts the attached amendments to the Election Ordinance of the Three Affiliated Tribes and the incorporation thereof in the Election Ordinance, a photostatic copy of which revised Ordinance is also attached hereto.

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

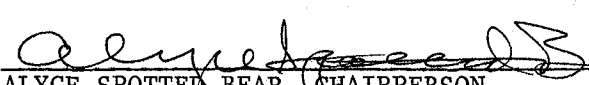
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation hereby certify that the Council is composed of 7 Members of whom 11 constitutes a quorum, 7 were present at a Special Meeting, called, noticed, convened, and held on the 30 day of June, 1986; that the Resolution was adopted by the affirmative vote of 7 Members, 0 Members opposed, 0 Members abstaining, 0 Members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairperson Voting ~~Not Voting~~

Dated this 30th day of June, 1986.


JOHN CHARGING, SECRETARY

ATTEST:


ALYCE SPOTTED BEAR, CHAIRPERSON
TRIBAL BUSINESS COUNCIL
THREE AFFILIATED TRIBES
FORT BERTHOLD RESERVATION

REVISION OF
TRIBAL ELECTION ORDINANCE
BASED UPON APPROVAL OF CONSTITUTIONAL AMENDMENTS
IN SECRETARIAL ELECTION HELD ON JUNE 26, 1986

PART II

GENERAL PROVISIONS

SECTION 2. PUBLICATION OF NOTICE OF ELECTION.

The Secretary of the Tribal Business Council, as early as practicable, but at least ~~seventy-five (75)~~ forty-five (45) days before the date on which a regular primary election is to be held, and as early as practicable before the date on which a special election is to be held, shall cause to be published, via posting and mail and, within the discretion of the Secretary, via newspaper and radio, notice of such election, which notice shall set forth (a) the date on which the election is respective dates on which the primary and general elections are to be held, (b) the purpose of the elections, (c) a designation of the Tribal Offices to which candidates shall be elected, (d) a designation of any issues to be voted on, (e) the place at which and the period of time within which Notices of Candidacy must be filed, (f) a designation of the locations of the respective polling places, (g) a designation of the hours during which the polling places shall be open, and (h) such other information as may be deemed appropriate. Copies of such written notice shall be conspicuously posted in each segment of the Fort Berthold Reservation at such locations as may be deemed appropriate. In addition, a copy of such written notice shall be mailed via first-class mail to each qualified voter of the Three Affiliated Tribes who will be eligible to vote in the election, as provided in Section 1 of Part III of this Ordinance.

SECTION 3. RESIDENCY FOR VOTING PURPOSES.

A. Resident Voters.

Except as provided in Part VII of this Ordinance, each qualified voter, who is a bona fide legal resident of the Fort Berthold Reservation on the date of the an election, whether a primary or a general election, shall register to vote and cast his/her ballot only at the polling place located in that particular segment of the Reservation of which he/she is a bona fide legal resident on the date of the election; provided, however, that any such resident voter, who for any reason cannot be present, during the designated poll hours, at the polling place located in that particular segment of the Reservation of which he/she is a bona fide legal resident, may register to vote and cast his/her ballot at the polling place located in the segment of his/her choice, although the casting of his/her ballot in such segment shall be subject to formal challenge on the ground of residency.

B. Nonresident Voters.

Each qualified voter, who is not a bona fide resident of the Fort Berthold Reservation both on the date on which written notice of the election is mailed and on the date of the so noticed election, but was a bona fide resident of the Reservation on the date of the next preceding election, shall register to vote and cast his/her ballot via mail in the segment of his/her choice. Such choice of segment, however, shall be binding upon such nonresident voter in the context of residency for voting purposes in subsequent elections, until such time as he/she establishes and maintains actual bona fide residence in a different segment of the Reservation and is thereby required to register to vote and cast his/her ballot at the polling place located in that segment in which he/she actually resides on the date of a subsequent election.

Each qualified voter, who is not a legal resident of the Fort Berthold Reservation on the date of an election, whether a primary or a general election, shall return to the Reservation in order to vote in the election and shall register to vote and cast his/her ballot at the appropriate segment polling place on the date of the election. In the initial election in which such nonresident voter actually votes, such voter shall be entitled to vote at the polling place located in the segment of his/her choice; provided, however, that such choice of segment shall be binding upon such nonresident voter in subsequent elections, until such time as he/she has established and maintains legal residence on the Fort Berthold Reservation in a different segment on the date of any subsequent election.

PART III

ELIGIBILITY OF VOTERS AND CANDIDATES

SECTION 1. CRITERIA FOR ELIGIBILITY AS VOTER.

Any enrolled member of the Three Affiliated Tribes, who is eighteen (18) years of age or older on the date of the an election, whether a primary or a general election, shall be deemed a qualified voter of the Three Affiliated Tribes and shall be eligible to vote in the election.

SECTION 2. CRITERIA FOR ELIGIBILITY AS CANDIDATE.

A. Any qualified voter of the Three Affiliated Tribes shall be eligible as a candidate for Tribal Office, including the Office of Chief Judge of the Fort Berthold Tribal Court, provided that:

1.) he/she, if a prospective candidate for the Office of a general member of the Tribal Business Council, has maintained his/her principal place of residence in that segment of the Reservation which he/she proposes to represent for a period of at least six (6) months next preceding the date of on which the primary election is to be held; and

[NOTE: In the conduct of the 1986 and subsequent Tribal elections, the residency requirement prescribed herein shall be increased from

six (6) months to twelve (12) months and each prospective candidate in each such subsequent election shall satisfy such twelve- (12-) month residency requirement in order to be eligible as a candidate for Tribal Office.]

3.) he/she has not been found guilty by a court of competent jurisdiction of a felony within the five (5) years next preceding the date on which the primary election is to be held, and

B. Any employee of the Three Affiliated Tribes who intends to file his/her Notice of Candidacy for Tribal Office, shall so notify the Director of the Tribal Personnel Office and the appropriate Tribal Business Council Committee of such intention, and shall submit in writing his/her resignation from his/her employment position to such Office and Committee upon the filing of the Notice of Candidacy. However, in the event that such candidate fails to be certified by the Tribal Election Board as eligible for candidacy or fails to be elected to Tribal Office, he/she shall be reinstated in the Tribal employment position from which he/she had previously resigned. Any such employee may continue to maintain his/her employment position; provided, however, that such employee shall, in no manner nor to any extent, engage in any form of campaigning during working hours or, at any time during the conduct of the election, use any Tribal property for the purpose of furthering his/her campaign efforts. The failure by any such employee to fully comply with this prescription shall result in his/her immediate termination from employment with the Three Affiliated Tribes. (NOTE: An incumbent member of the Tribal Business Council, the incumbent Chief Judge of the Fort Berthold Tribal Court, and a consultant to the Three Affiliated Tribes are not legally deemed "employees" of the Tribes and, therefore, are not subject to the requirements prescribed in this Subsection.)

SECTION 3. FILING, PUBLICATION, AND CHALLENGE OF CANDIDACY.

A. Filing Notice of Candidacy.

Any qualified voter eligible for election to Tribal Office may become a candidate therefor by filing a Notice of Candidacy, together with a nonrefundable filing fee in the amount of Twenty-Five and 00/100 Dollars (\$25.00), with the Secretary of the Tribal Business Council at least ~~forty~~ forty (40) days before the date on which the primary election is to be held. A copy of the Notice of Candidacy form can be secured by a prospective candidate from the Secretary. The Secretary shall promptly submit to the Tribal Election Board each Notice of Candidacy so filed.

B. Filing Petitions for Nomination.

(Second sentence)

Such nominating procedure, subject to the time periods prescribed in this Subsection, may also be utilized in the event that two (2) or fewer persons have filed as candidates for either the Office of Chairman of the Tribal Business Council or the Office of Chief Judge of the Fort Berthold Tribal Court, in which case the qualified voter(s) shall

be nominated by formal written petition, each such respective petition having been executed by at least twenty (20) qualified voters.

PART IV

REGISTRATION OF VOTERS

SECTION 1. RESIDENT VOTERS.

Except as provided in Part VII of this Ordinance, each qualified voter, who is a bona fide legal resident of the Fort Berthold Reservation on the date of the an election, whether a primary or a general election, shall be required to register to vote at the appropriate polling place, as provided in Subsection A of Section 3 of Part II of this Ordinance, on the date of the election in order to be entitled to vote. Each such qualified voter shall complete and execute an Affidavit for Voter Registration setting forth his/her name, address, date of birth, principal place of residence and period of such residence, and an affirmation that he/she is an enrolled member of the Three Affiliated Tribes and is eighteen (18) years of age or older.

SECTION 2. NONRESIDENT VOTERS.

Each qualified voter, who is not a bona fide resident of the Berthold Reservation on the date on which notice of the election is mailed, shall be granted nonresident voting status and shall be required to register to vote via mail in order to be entitled to vote. Each such qualified voter who requests receipt of an absentee ballot shall complete and execute an Affidavit for Voter Registration and shall mail such Affidavit, together with his/her marked absentee ballot, to the Secretary of the Tribal Business Council pursuant to Section 4 of Part VIII of this Ordinance. Such Affidavit shall set forth his/her name, address, date of birth, principal place of residence and period of such residence, an identification of the segment in which his/her ballot is to be cast, as provided in Subsection B of Section 3 of Part II of this Ordinance, and an affirmation that he/she is an enrolled member of the Three Affiliated Tribes and is currently eighteen (18) years of age or older or will be eighteen (18) years of age on the date of the election.

Each qualified voter, who is not a legal resident of the Fort Berthold Reservation on the date of an election, whether a primary or a general election, shall be required to register to vote at the appropriate polling place, as provided in Subsection B of Section 3 of Part II of this Ordinance, on the date of the election in order to be entitled to vote. Each such qualified voter shall complete and execute an Affidavit for Voter Registration setting forth his/her name, address, date of birth, principal place of residence and period of such residence, and an affirmation that he/she is an enrolled member of the Three Affiliated Tribes and is eighteen (18) years of age or older.

PART V
TRIBAL ELECTION BOARD
AND
SEGMENT ELECTION COMMITTEES

SECTION 1. APPOINTMENT OF TRIBAL ELECTION BOARD.

A. The Tribal Business Council, as early as practicable, but at least sixty-five (65) days before the date on which the election is to be held on the business day next succeeding the date of the deadline for filing Notices of Candidacy as prescribed by Subsection A of Section 3 of Part III of this Ordinance, shall appoint a Tribal Election Board constituted by five (5) qualified voters, none of whom is a member of the Tribal Business Council, an employee of the Three Affiliated Tribes, an employee of the Department of the Interior, a candidate or an intended candidate for Tribal Office, or a close relative of a candidate or an intended candidate. For the purposes of this Subsection, the term "close relative" shall mean husband, wife, father, mother, brother, sister, son, daughter, aunt, uncle, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and any relative maintaining a legal step, adoptive, or foster relationship in a degree of kinship identified immediately hereinabove. The Tribal Business Council shall designate one (1) of its five (5) appointees as Chairman of the Tribal Election Board and shall establish the compensation to be paid to the members thereof. [In addition, at least thirty (30) days before the date on which the primary election is to be held, the Tribal Business Council shall appoint a Tribal Certification Board constituted by three (3) persons from within its own membership whose terms are not due to expire in the election at issue, which Board shall certify the results of the election in the event that the Tribal Election Board should fail to do so, as provided in Subsection G of Section 2 of this Part. However, in the conduct of the 1986 Tribal Business Council election wherein all positions on the Council will be subject to election, the Tribal Business Council shall appoint a Tribal Certification Board constituted by three (3) qualified Tribal voters from outside the membership of the Council, each of whom shall not be a close relative of any of the candidates.]

SECTION 2. DUTIES OF TRIBAL ELECTION BOARD.

C. Certification of Eligibility of Candidates

The Tribal Election Board, after ruling on all challenges of eligibility for candidacy made by the Board itself (pursuant to Subsection B of this Section) and by qualified voters (pursuant to Subsection D of Section 3 of Part III of this Ordinance), shall certify the names of those persons who have been determined eligible for candidacy for Tribal Office no later than twenty-five (25) days before the date on which the primary election is to be held.

E. Preparation of Election Materials.

[NOTE: Any candidate or any qualified voter, who believes that any of the provisions set forth in the preceding Sections of this Ordinance, in Section 3 of this Part, or in Part VII or in Part VIII of this Ordinance, have been violated during the period from the date on which written notice of the election is mailed to the date ten (10) days before the date on which the primary election is to be held, may file with the Fort Berthold Tribal Court, as early as practicable before the date on which the primary election is to be held, a verified petition setting forth clear and convincing evidence of the alleged violation. The filing of the petition shall be accompanied by a filing fee in the amount of Fifty and 00/100 Dollars (\$50.00). Any such pre-election challenge shall be so filed with all due diligence, so that the challenge may possibly be resolved before the date of the primary election so as not to cause the delay thereof. Should the Court, after having held a formal hearing on the petition, rule that the alleged violation did, in fact, occur, the Court may issue an injunction directing that the violation be forthwith rectified or, in the alternative, may issue an injunction directing that the election be delayed should the circumstances surrounding the violation so warrant. No post-election challenge of the same alleged violation may be filed, pursuant to Part ~~X~~ X of this Ordinance, without the party desiring to file such challenge having first filed a pre-election petition seeking injunctive relief, as provided in this provision; provided, however, that such condition need not have been complied with, if the alleged violation could not have been reasonably discovered through due diligence.]

G. Certification of Election.

Upon completion of the canvassing of the ballots, as provided in Part ~~X~~ VIII of the Ordinance, the Tribal Election Board shall declare those candidates elected to Tribal Office, as provided in Article III, Section 2 and in Article IV, Section 3(c) of the Constitution of the Three Affiliated Tribes, and shall then, within a period of three (3) days from the date on which the election was held, certify the results of the election to the Tribal Business Council and to the public by written notice. Should the Election Board fail to so certify within said three (3)-day period, the Tribal Certification Board shall so certify the results of the election within a period of five (5) days from the date of the election. Upon such certification of the results of the election, the respective terms of office of those members of the Tribal Business Council whose seats thereon were up for reelection shall terminate and the respective terms of office of those candidates elected and so certified shall commence.

SECTION 3. APPOINTMENT OF SEGMENT ELECTION COMMITTEES.

A. The Tribal Election Board, as early as practicable, but at least twenty (20) days before the date on which the primary election is to be held, shall appoint a Segment Election Committee for each segment of the Reservation, each constituted by three (3) qualified voters resident within the respective segment, and a Sergeant at Arms for each such segment who will maintain order at the respective

segment polling place. No person appointed as a member of a Segment Election Committee shall be a member of the Tribal Business Council, an employee of the Three Affiliated Tribes, an employee of the Department of the Interior, a candidate for Tribal Office, or a close relative of a candidate, as such term "close relative" is defined in Subsection A of Section 1 of this Part. The Tribal Business Council shall establish the compensation to be paid to the members of the Segment Election Committees.

PART VI

PROCEDURES FOR RESIDENT VOTING AT SEGMENT POLLING PLACES

SECTION 1. VOTING PROCEDURES

B. Challenging Voter Eligibility.

(last two sentences)

The determination as to the validity of the challenge shall be made by the Tribal Election Board, as provided in Section 3 of Part ~~IX~~ VIII of this Ordinance. Each ballot which has been subject to a challenge so maintained may serve as a ground for an election contest brought pursuant to the procedures prescribed in Part ~~XI~~ X of this Ordinance.

SECTION 3. CHALLENGE OF VOTERS.

(last two sentences)

The determination as to the validity of the challenge shall be made by the Tribal Election Board, as provided in Section 3 of Part ~~IX~~ VIII of this Ordinance. Each ballot which has been subject to a challenge so maintained may serve as a ground for an election contest brought pursuant to the procedures prescribed in Part ~~XI~~ X of this Ordinance.

PART VII

PROCEDURES FOR RESIDENT VOTING BY ABSENTEE BALLOT

SECTION 1. RESIDENT VOTERS WHO MAY USE PROCEDURE.

(first clause)

A qualified voter, who is a bona fide legal resident of the Fort Berthold Reservation on the date of the an election, whether a primary or a general election, may register to vote and cast his/her ballot in accordance with the procedures prescribed in this Part, only if one of the following conditions is satisfied:

SECTION 6. MAINTENANCE OF RETURNED ABSENTEE BALLOTS.

All absentee ballots, together with the accompanying materials enclosed in the sealed return envelopes, which have reached the post office box maintained by the Tribal Election Board, in New Town, North Dakota, on or before the date of the election, shall remain continuously in the custody of such United States Post Office, until such time as the absentee ballots are secured therefrom by the Tribal Election Board on the date of the election for delivery to the place of the canvassing of the ballots, as provided in Subsection A of Section 1 of Part ~~IX~~ VIII of this Ordinance. The United States Postmaster shall issue to no one keys to such post office box.

PART VIII

PROCEDURES FOR NONRESIDENT VOTING

(Delete Part VIII in its entirety)

PART ~~IX~~ VIII

CANVASSING OF BALLOTS

SECTION 1. DELIVERY AND CANVASSING OF ABSENTEE BALLOTS.

(Delete Subsection B in its entirety)

~~6. B.~~ After such public report has been made, Upon delivery of such absentee ballot return envelopes to the place of canvassing, the Tribal Election Board shall commence to perform the preliminary duties inherent in the canvassing of the absentee ballots, i.e., opening the outer preaddressed return envelopes, checking the respective Affidavits for Voter Registration against the official Nonresident Voters Request Absent Voter Application List, depositing those small sealed official absentee ballot envelopes, containing obviously legal ballots, in the locked absentee ballot box, and setting aside, for subsequent ruling, each outer preaddressed return envelope which contained a potentially illegal ballot, enclosing therein any small sealed official absentee ballot envelope and any Affidavit for Voter Registration form originally enclosed therein by the respective nonresident absent voter.

Redesignate Subsection D as Subsection C.

Redesignate Subsection E as Subsection D.

Redesignate Subsection F as Subsection E.

~~6. F.~~ Upon completion of the tallying by the Election Board of the votes set forth on all of the legal absentee ballots, the final total(s) of all votes tallied for the respective Tribal Office(s) shall be computed thereby and such total(s) shall be recorded on a large summary tally board for public viewing.

SECTION 2. DELIVERY AND CANVASSING OF SEGMENT BALLOTS.

F. Upon completion of the tallying by a Segment Election Committee of the votes set forth on all of its legal ballots, the final total(s) of all votes tallied for the respective Tribal Office(s) shall be computed thereby and such total(s) shall be recorded on a large summary tally board for public viewing.

SECTION 4. RULING ON POTENTIALLY ILLEGAL BALLOTS.

(last paragraph)

Each such ballot which has been rejected, in whole or in part, for illegality may serve as a ground for an election contest brought pursuant to Part ~~XI~~ X of this Ordinance.

SECTION 5. CERTIFICATION OF ELECTION RESULTS.

(first sentence)

Upon completion of the tallying and computing the total number of votes cast for the respective Tribal Offices by the Tribal Election Board and the Segment Election Committees, the Election Board shall declare those candidates elected to Tribal Office, as provided in Article III, Section 2 and in Article IV, Section 3(c) of the Constitution of the Three Affiliated Tribes.

SECTION 6. PRESERVATION OF ELECTION RECORDS.

(first sentence)

After the results of the election have been formally certified, the Tribal Election Board shall forthwith place all ballots, official tally sheets, official pollbooks, Affidavits for Voter Registration, Requests for an Absentee Ballot, and all other documentation relating to the conduct of the election in the ballot boxes and shall then lock each box.

PART ~~X~~ IX

SPECIAL RUNOFF ELECTION

In the event that no candidate for the Office of Chairman of the Tribal Business Council should receive a majority of the votes cast for such Office in a regular election, a special runoff election shall be held in accordance with Article III, Section 2(c) of the Constitution of the Three Affiliated Tribes. In the event that two (2) candidates, who have received the highest number of votes for a particular position as general member of the Tribal Business Council or for the Office of Chief Judge of the Fort Berthold Tribal Court, should have received an equal number of votes, thereby resulting in a tie vote in a regular election, a special runoff election between such two tied candidates shall be held in accordance with Article IV, Section 3(a) of the Constitution of the Three Affiliated Tribes.

SPECIAL RUNOFF ELECTIONS

In case of a tie vote for any position on the Tribal Business Council in a general election, such that a qualified candidate for such position is not elected, a special runoff election shall be held between the tied candidates. The candidate who secures the higher number of votes cast in the runoff election shall be declared elected to such position. In the case of a tie vote in such a runoff election, a second runoff election shall be held between the two (2) tied candidates for such position and the candidate who secures the higher number of votes cast in the second runoff election shall be declared elected to such position. In the case of a tie vote in the second runoff election, the two (2) tied candidates shall draw straws in a special lottery conducted by the Tribal Election Board for the purpose of determining which candidate shall be declared elected to the position.

PART XI X

CONTEST OF ELECTION

SECTION 3. FILING APPEAL WITH FORT BERTHOLD TRIBAL INTERTRIBAL COURT OF APPEALS.

Any complainant(s), who has (have) properly filed a complaint with the District Court pursuant to Section 2 of this Part and is (are) aggrieved by the decision issued thereby, may file an appeal from such decision with the Fort Berthold Tribal Intertribal Court of Appeals pursuant to the rules of appellate procedure set forth in the Code of Laws of the Three Affiliated Tribes. Upon the filing of any such appeal, the Court of Appeals shall grant such appeal the highest priority in calendaring and shall set the matter for argument on the earliest practicable date.

ELECTION ORDINANCE

OF THE

THREE AFFILIATED TRIBES

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PART I

APPLICABLE PROVISIONS EXCERPTED FROM
CONSTITUTION AND BYLAWS OF THREE AFFILIATED TRIBES

ARTICLE III - GOVERNING BODY

SECTION 1. The governing body of the Three Affiliated Tribes of the Fort Berthold Reservation shall be known as the Tribal Business Council.

SECTION 2. The Tribal Business Council shall consist of seven (7) members. The Chairman of the Tribal Business Council shall be elected at large by a majority of all of the votes cast for the Office of Chairman. The six (6) other Council members shall be elected from segments, one Council member to be elected from each of the following segments by a majority of all of the votes cast for the office of Council representative from that respective segment:

White Shield	1 representative
Twin Buttes	1 representative
New Town/Little Shell	1 representative
Mandaree	1 representative
Four Bears	1 representative
Parshall/Lucky Mound	1 representative

SECTION 3. The boundaries of the segments shall be described as follows:

White Shield: That part of the Reservation starting at a point intersecting the eastern boundary and the McLean-Mountrail County line, thence westerly on that line to its junction with Hwy. #37, thence southerly on that line to the thread of Deep Water Bay, thence along that thread to its junction with the thread of the Missouri River, thence southerly and westerly along the thread of the Missouri to the extreme southeasterly corner of the Reservation boundary, thence north approximately two miles, thence due west to the line of the eastern boundary, thence due north to the point of beginning.

Twin Buttes: That part of the Reservation starting at a point at the confluence of the Missouri and Little Missouri Rivers, thence southwesterly along the stream of the Little Missouri to the southern most border to a point on that line one mile beyond Beaver Creek Bay, thence in a northeasterly direction to the thread of the stream of the Missouri River, thence northwesterly along that stream to the point of beginning.

New Town/Little Shell: That part of the Reservation starting at a point at the junction of the thread of the stream of the Missouri River with the 48th parallel of north latitude, thence southward along

the thread of the Missouri River to the thread of the Van Hook Arm, thence northward along the thread of Van Hook Arm to the thread of Shell Creek, thence northeasterly along the thread of Shell Creek to its junction with the 48th parallel, thence due west along the 48th parallel to the point of beginning.

Mandaree: That part of the Reservation starting at a point at the junction of BIA Hwy. #4 and the western boundary of the Reservation, thence due south to the thread of the Little Missouri River, thence eastward and northward along the thread of the Little Missouri River to the thread of the Missouri River, thence northward and westward along the thread of the Missouri River to the northern boundary of this segment, the northern boundary starting at the point of origin eastward along BIA Hwy. #4 to the junction of Hwy. #22, thence along the line connecting the northern boundaries of Sections 32, 33, 34, 35, and 36 of T 151 N eastward to the thread of the Missouri River.

Four Bears: That part of the Reservation lying within the northern and western Reservation boundaries with the thread of the Missouri River as the eastern boundary, the southern boundary being a line running eastward along BIA Hwy. #4 to the junction of Hwy. #22, thence along the northern boundaries of Sections 32, 33, 34, 35, and 36 of T 151 N eastward to the thread of the Missouri River.

Parshall/Lucky Mound: That part of the Reservation starting at a point at the junction of the thread of the stream of Shell Creek with the 48th parallel, thence southward along the thread of Shell Creek to the thread of the Van Hook Arm, thence southward on the thread of the Van Hook Arm to the thread of the Missouri River, thence southward on the thread of the Missouri River to the thread of Deep Water Bay, thence easterly on a line to a point approximately one and one half miles due north to Hwy. #37 and continuing along Hwy. #37 to a point intersecting the McLean-Mountrail County line, thence easterly on that line to its junction with the line of the eastern boundary, thence north on that line to the point at the junction of the 48th parallel, thence westerly on that parallel to the point of beginning.

SECTION 4. The Tribal Council shall have authority to change the segment boundaries, subject to the approval of the voters of the Reservation at any regular or special election.

SECTION 5. Within three (3) days after the installation of the successful candidates for Council positions elected at the general election, the newly constituted Tribal Business Council shall meet and organize by electing a Vice Chairman, a Secretary, and a Treasurer from its own members; and from within or outside its own members, it may elect or appoint a Sergeant-at-Arms and such other officers and committees as it may find necessary.

SECTION 6. The members of the Tribal Business Council shall hold office until the next regular election and until their successors are elected or appointed and qualified.

ARTICLE IV - NOMINATIONS AND ELECTIONS

SECTION 1. All elections shall be by secret ballot.

SECTION 2(a). Any member of the Three Affiliated Tribes of the Fort Berthold Reservation, who is eighteen (18) years of age or over, shall be eligible to vote at any Tribal election.

SECTION 2(b). For the purpose of voting in Tribal Business Council elections exclusively, any eligible voter of the Three Affiliated Tribes, whose place of legal residence is located outside the exterior boundaries of the Fort Berthold Reservation on the date of an election, shall return to the Reservation in order to vote in the election and shall register to vote and cast his ballot at the appropriate segment polling place on the date of the election.

In the initial election actually voted in subsequent to the effective date of this Amendment, each such nonresident eligible voter shall be entitled to vote at the polling place located in the segment of his choice; provided, however, that such choice of segment shall be binding upon such nonresident voter in subsequent elections, until such time as he has established and maintains legal residence on the Fort Berthold Reservation in a different segment on the date of any subsequent election.

SECTION 3(a). The general election of the Tribal Business Council shall be held on the Tuesday next after the first Monday in November in every even numbered year. In the event, however, that the general election cannot be held on said date, the election shall be held on a date designated by the Tribal Business Council, which date shall be within a period of thirty (30) days from the day heretofore specified.

In case of a tie vote for any position on the Tribal Business Council in a general election, such that a qualified candidate for such position is not elected, a special runoff election shall be held between the tied candidates. The candidate who receives the higher number of votes in the special runoff election shall be declared elected to such position.

In the case of a tie vote in a runoff election for any position on the Tribal Business Council, a second runoff election shall be held between the two (2) tied candidates for such position and the candidate who secures the higher number of votes cast in the second runoff election shall be declared elected to such position. In the case of a tie vote in the second runoff election, the two (2) tied candidates shall draw straws in a special lottery conducted by the Tribal Election Board for the purpose of determining which candidate shall be declared elected to the position.

SECTION 3(b). A primary election shall be held for each vacant position on the Tribal Business Council, which election shall be held on the Tuesday next after the third Monday in September in every even numbered year. In the event, however, that, pursuant to the authority granted in Section 3(a) of this Article, the Tribal Business Council

should extend the date of the general election beyond the Tuesday next after the first Monday in November in a particular election year, the date on which the primary election will be held in such year shall be likewise extended for the same period as the general election has been extended.

SECTION 3(c). The two (2) qualified candidates for each position on the Tribal Business Council, for which an election is being held, who secure the highest number of votes in the primary election shall stand for election in the ensuing general election. In the event, however, that any one qualified candidate for a particular position on the Tribal Business Council should secure a majority of the votes cast for such position in the primary election, such candidate shall be declared elected to such position at the primary stage of the election and a general election shall not be held for such position in that election year.

SECTION 3(d). Notice of each primary and general election to be held in a respective election year shall be given by the Secretary of the Tribal Business Council to each eligible voter of the Three Affiliated Tribes at least thirty (30) days previous to the date on which the primary election is to be held, which written notice shall set forth the respective locations, dates, and times of both the primary and general elections. In the event, however, that the Secretary of the Tribal Business Council should fail to give the requisite notice in a timely manner as prescribed herein, the Secretary of the Interior, upon receipt of a petition signed by at least ten (10) percent of the eligible voters of the Three Affiliated Tribes, shall call such elections and give at least twenty-five (25) days notice to each such eligible voter, wherein are set forth the respective locations, dates, and times of both the primary and general elections.

SECTIONS 3(e). For the purpose of the 1986 Tribal Business Council election, the respective terms of office of each of the incumbent members of the Council shall expire upon the installation of those persons duly elected in the 1986 Council election. Each of the seven (7) positions on the Tribal Business Council shall be elected in the 1986 election. The three (3) segment representatives elected to the Council in the 1986 election by the first, second, and third highest proportionate percentage of votes cast in the respective segments and the person elected to the Office of Chairman shall each serve a four (4)-year term of office, each of which shall expire in 1990 upon the election and installation of the successors to such positions, unless any such Council member is unable to serve throughout such term, as provided for in Article V, Section 1. In the event that two (2) segment representatives elected to the Council should secure the same third highest proportionate percentage of votes, such tied Council members shall draw straws in a special lottery conducted by the Tribal Election Board for the purpose of determining which of such members shall serve a four (4)-year term. The remaining three (3) segment representatives elected to the Council shall each serve a two (2)-year term, each of which shall expire in 1988 upon the election and installation of the successors to such

positions, unless any such Council member is unable to serve throughout such term, as provided for in Article V, Section 1.

In the 1988 Tribal Business Council election and in the Council elections held every second year thereafter, three (3) segment representatives shall be elected to the Council, each of whom shall serve a four (4)-year term. The term of office of the Chairman of the Council shall expire in 1990, upon the election and installation of the successor to such office, and every four (4) years thereafter. The duly elected Council members shall serve for the respective specified terms of office, each of which term shall commence upon the installation of the elected Council member pursuant to Article I, Section 4 of the Bylaws of the Three Affiliated Tribes and shall expire upon the installation of the successor to such Council position, unless such Council member is unable to serve throughout such term, as provided for in Article V, Section 1.

SECTION 4. Special elections may be called by a two-thirds (2/3) vote of the Tribal Business Council in favor of such special election, or by a petition signed by at least ten (10) percent of the qualified voters of each community as provided in Article VIII.

SECTION 5. All elections shall be held under the supervision of the Tribal Business Council or an Election Board appointed by the Council, and the Tribal Business Council or the Election Board appointed by it, shall make rules and regulations governing all elections, and shall designate the polling places and the election officers.

SECTION 6. In the first election after the adoption of this Amendment, any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate to represent said segment on the Tribal Business Council by filing a notice of his candidacy with the Secretary of the Tribal Business Council at least fifteen (15) days before the election in which he is to be a candidate. In all succeeding elections a qualified voter, to be eligible to become a candidate, must have resided in the segment he proposes to represent for a period of at least six (6) months next preceding the date of the election. At least ten (10) days before the election, the Secretary of the Tribal Business Council shall post the names of all candidates in each voting community. In the event that any community has no qualified candidate, as provided herein, such community may nominate one or more candidates by petition, signed by at least ten (10) qualified voters of such community.

Any qualified voter of the Three Affiliated Tribes of the Fort Berthold Reservation who is a bona fide resident of one of the segments described herein may become a candidate for the Office of Tribal Chairman by filing a notice of candidacy with the Secretary of the Tribal Business Council at least fifteen (15) days before the election in which he is to be a candidate.

BYLAWS

ARTICLE I - DUTIES OF OFFICERS

SECTION 4. The Tribal Business Council, or an Election Board appointed by it, shall certify to the election of the duly elected Council members within three (3) days after the election, and the newly elected Councilmen who have been certified shall be installed at the first meeting of the Tribal Business Council thereafter, upon subscribing to the oath of office as follows:

"I do solemnly swear that I will support and defend the Constitution of the United States and the Constitution and Bylaws of the Three Affiliated Tribes of the Fort Berthold Reservation, and will faithfully and impartially discharge the duties of Councilman to the best of my ability."

PART II

GENERAL PROVISIONS

SECTION 1. INTENT AND CONSTRUCTION OF ORDINANCE

The intent of this Ordinance is to establish specific procedures to ensure the conduct of fair elections and to give effect to all votes cast in elections in all instances wherein there is no appearance of fraud, tampering, or other wrongdoing. The language set forth in the provisions of this Ordinance shall be construed liberally to realize such intent. Substantial compliance in good faith with the requirements prescribed in the Ordinance shall fulfill such requirements, except in those instances wherein time limits or periods are prescribed. The strict enforcement of technicalities in procedure shall not serve as a basis for interfering with or delaying an election or for causing confusion with regard to or a loss of confidence in the election process of the Three Affiliated Tribes.

SECTION 2. PUBLICATION OF NOTICE OF ELECTION

The Secretary of the Tribal Business Council, as early as practicable, but at least forty-five (45) days before the date on which a primary election is to be held, shall cause to be published, via posting and mail and, within the discretion of the Secretary, via newspaper and radio, notice of such election, which notice shall set forth (a) the respective dates on which the primary and general elections are to be held, (b) the purpose of the elections, (c) a designation of the Tribal Offices to which candidates shall be elected, (d) a designation of any issues to be voted on, (e) the place at which and the period of time within which Notices of Candidacy must be filed, (f) a designation of the locations of the respective polling places, (g) a designation of the hours during which the polling places shall be open, and (h) such other information as may be deemed appropriate. Copies of such written notice shall be conspicuously posted in each segment of the Fort Berthold Reservation at such locations as may be deemed appropriate. In addition, a copy of such written notice shall be mailed via first-class mail to each qualified voter of the Three Affiliated Tribes who will be eligible to vote in the election, as provided in Section I of Part III of this Ordinance.

SECTION 3. RESIDENCY FOR VOTING PURPOSES

A. Resident Voters

Except as provided in Part VII of this Ordinance, each qualified voter, who is a legal resident of the Fort Berthold Reservation on the date of an election, whether a primary or a general election, shall register to vote and cast his/her ballot only at the polling place located in that particular segment of the Reservation of which he/she is a legal resident on the date of the election; provided, however, that any such resident voter, who for any reason cannot be present, during the designated poll hours, at the polling place located in that particular segment of the Reservation of which

he/she is a legal resident, may register to vote and cast his/her ballot at the polling place located in the segment of his/her choice, although the casting of his/her ballot in such segment shall be subject to formal challenge on the ground of residency.

B. Nonresident Voters

Each qualified voter, who is not a legal resident of the Fort Berthold Reservation on the date of an election, whether a primary or a general election, shall return to the Reservation in order to vote in the election and shall register to vote and cast his/her ballot at the appropriate segment polling place on the date of the election. In the initial election in which such nonresident voter actually votes, such voter shall be entitled to vote at the polling place located in the segment of his/her choice; provided, however, that such choice of segment shall be binding upon such nonresident voter in subsequent elections, until such time as he/she has established and maintains legal residence on the Fort Berthold Reservation in a different segment on the date of any subsequent election.

SECTION 4. PENALTY FOR ELECTION FRAUD OR TAMPERING

A. It shall be a criminal offense, designated as Election Fraud or Tampering, for any enrolled member of the Three Affiliated Tribes to knowingly and wilfully, in a fraudulent or deceptive manner, commit any act or engage in any conduct which would tend to influence the outcome of an election, which acts or conduct shall include, but not be limited to, voting more than once in any one election, delivering more than one marked ballot for deposit in a ballot box, and electioneering or campaigning on the date of the election. Upon conviction of said offense, the offender shall be sentenced to payment of a fine not to exceed Five Hundred and 00/100 Dollars (\$500.00) and/or to a term of imprisonment not to exceed One Hundred (100) days.

B. It shall be a criminal offense, designated as Election Fraud or Tampering, for any member of the Tribal Election Board or any member of a Segment Election Committee to knowingly and wilfully, in a fraudulent or deceptive manner, fail to or improperly perform any of the duties or responsibilities inherent in such Office as prescribed by this Ordinance. Upon conviction of said offense, the offender shall be sentenced to payment of a fine not to exceed Five Hundred and 00/100 Dollars (\$500.00) and/or to a term of imprisonment not to exceed One Hundred and Eighty (180) days.

SECTION 5. SEVERABILITY

Should any portion of any provision set forth in this Ordinance, or the application thereof to any person or circumstance, be held invalid by the Secretary of the Interior or by a court of competent jurisdiction, the full remainder of such provision, or the application of the provision to other persons or circumstances, shall not be affected thereby and shall remain effective, as shall all other provisions set forth in this Ordinance not so held invalid.

PART III

ELIGIBILITY OF VOTERS AND CANDIDATES

SECTION 1. CRITERIA FOR ELIGIBILITY AS VOTER

Any enrolled member of the Three Affiliated Tribes, who is eighteen (18) years of age or older on the date of an election, whether a primary or a general election, shall be deemed a qualified voter of the Three Affiliated Tribes and shall be eligible to vote in the election.

SECTION 2. CRITERIA FOR ELIGIBILITY AS CANDIDATE

A. Any qualified voter of the Three Affiliated Tribes shall be eligible as a candidate for Tribal Office, provided that:

1) he/she, if a prospective candidate for the Office of a general member of the Tribal Business Council, has maintained his/her principal place of residence in that segment of the Reservation which he/she proposes to represent for a period of at least six (6) months next preceding the date on which the primary election is to be held [NOTE: In the conduct of the 1986 and subsequent Tribal elections, the residency requirement prescribed herein shall be increased from six (6) months to twelve (12) months and each prospective candidate in each such subsequent election shall satisfy such twelve (12)-month residency requirement in order to be eligible as a candidate for Tribal Office.]; and

2) he/she has not been removed for cause from the Office of Tribal Business Council member, as provided in Article V, Section 2 of the Constitution of the Three Affiliated Tribes, or from the Office of Chief Judge of the Fort Berthold Tribal Court, as provided in Chapter 1, Subchapter 3, Section 3 of the Code of Laws of the Three Affiliated Tribes; and

3) he/she has not been found guilty by a court of competent jurisdiction of a felony; and

4) he/she has not received a discharge other than an honorable discharge from any branch of the Armed Forces of the United States; and

5) he/she, at 5:00 p.m., on the date by which he/she is required to submit to the Tribal Election Board proof of his/her eligibility as a candidate in response to any challenge of eligibility made by the Election Board itself (pursuant to Subsection B of Section 2 of Part V of this Ordinance) or by a qualified voter (pursuant to Subsection D of Section 3 of this Part), is not delinquent in the payment of any financial obligation in favor of the Three Affiliated Tribes, which financial obligations shall include, but not be limited to, (a) rental and mutual self-help payments to the Fort Berthold Housing Authority, (b) fines and court costs due and owing to the Fort

Berthold Tribal Court, (c) loan payments, including payments on Tribal emergency loans and loans for which the Tribes cosigned, (d) lease payments, including payments on farming, grazing, commercial, residential, and personal property leases, (e) proper reimbursement of travel and per diem advances, and (f) payments due and owing to any Tribal business venture.

B. Any employee of the Three Affiliated Tribes who intends to file his/her Notice of Candidacy for Tribal Office, shall so notify the Director of the Tribal Personnel Office and the appropriate Tribal Business Council Committee of such intention. Any such employee may continue to maintain his/her employment position; provided, however, that such employee shall, in no manner nor to any extent, engage in any form of campaigning during working hours or, at any time during the conduct of the election, use any Tribal property for the purpose of furthering his/her campaign efforts. The failure by any such employee to fully comply with this prescription shall result in his/her immediate termination from employment with the Three Affiliated Tribes. (NOTE: An incumbent member of the Tribal Business Council, the incumbent Chief Judge of the Fort Berthold Tribal Court, and a consultant to the Three Affiliated Tribes are not legally deemed "employees" of the Tribes and, therefore, are not subject to the requirements prescribed in this Subsection.)

C. In the event that an incumbent general member of the Tribal Business Council, who is not up for reelection and has two (2) years remaining in his/her elected term, should become a candidate for the Office of Chairman, such member shall continue his/her membership on the Council pending the outcome of the election for the Office of Chairman. In the event that such member should be elected as Chairman, he/she must resign as general member of the Council on the date of the installation of the newly-elected and certified Chairman, and the newly-constituted Tribal Business Council shall appoint a qualified Tribal member from the segment in which the vacancy occurs to serve the remaining two (2) years of the unexpired term of such member, pursuant to Article V, Section 1 of the Constitution of the Three Affiliated Tribes. On the other hand, in the event that such member should fail to be elected as Chairman, he/she shall continue membership on the Tribal Business Council and shall serve the remaining two (2) years of his/her unexpired term.

SECTION 3. FILING, PUBLICATION, AND CHALLENGE OF CANDIDACY

A. Filing Notice of Candidacy

Any qualified voter eligible for election to Tribal Office may become a candidate therefor by filing a Notice of Candidacy, together with a nonrefundable filing fee in the amount of Twenty-Five and 00/100 Dollars (\$25.00), with the Secretary of the Tribal Business Council at least forty (40) days before the date on which the primary election is to be held. A copy of the Notice of Candidacy form can be secured by a prospective candidate from the Secretary. The Secretary shall promptly submit to the Tribal Election Board each Notice of Candidacy so filed.

B. Filing Petitions for Nomination

In the event that, on the date of the initial publication of the list of candidates, as provided in Subsection C of this Section, a segment should have two (2) or fewer candidates who have filed for a particular position on the Tribal Business Council, such segment may nominate one (1) or more candidates by formal written petition, each such respective petition having been executed by at least ten (10) qualified voters of such segment. Such nominating procedure, subject to the time periods prescribed in this Subsection, may also be utilized in the event that two (2) or fewer persons have filed as candidates for the Office of Chairman of the Tribal Business Council, in which case the qualified voter(s) shall be nominated by formal written petition, each such respective petition having been executed by at least twenty (20) qualified voters. Each person so nominated shall satisfy the criteria for eligibility as a candidate, as prescribed in Section 2 of this Part. Each person so nominated shall satisfy the criteria for eligibility as a candidate, as prescribed in Section 2 of this Part. Each person so nominated shall file the Petition for Nomination, together with a nonrefundable filing fee in the amount of Twenty-Five and 00/100 Dollars (\$25.00), with the Secretary of the Tribal Business Council no later than seven (7) days from the date of the initial publication of the list of candidates, as provided in Subsection C of this Section. A copy of the Petition for Nomination form can be secured from the Secretary. The Secretary shall promptly submit to the Tribal Election Board each Petition for Nomination so filed. Any signature which is set forth on more than one (1) Petition for Nomination filed for the same Tribal Office shall be stricken from each such Petition filed for that Office.

C. Publication of List of Candidates

Within a period of three (3) days from the date of the deadline for the filing of Notices of Candidacy as provided in Subsection A of this Section, the Tribal Election Board shall cause to be published throughout the Fort Berthold Reservation, via posting, newspaper, and/or radio, a list setting forth the names of the persons who have so filed for candidacy for Tribal Office. In addition, the Tribal Election Board shall promptly cause to be so published any and all appropriate modifications of such list, in the event that, after the initial publication thereof, (1) persons have been nominated as candidates by the filing of Petitions for Nomination or (2) Notices of Candidacy or Petitions for Nominations have been withdrawn voluntarily by candidates themselves or by the Tribal Election Board upon ruling that candidates are ineligible for candidacy for Tribal Office. A copy of the current list of candidates can be secured, in person or by mail, by any qualified voter upon request made therefor to the Tribal Election Board.

D. Challenge of Eligibility of Candidates

The Tribal Election Board shall promptly review each Notice of Candidacy and Petition for Nomination, upon its receipt thereof, for the purpose of ruling on the eligibility of the respective candidates in the manner and within the time periods prescribed in

Subsection B of Section 2 of Part V of this Ordinance. In addition, any qualified voter may challenge the eligibility of any candidate by filing with the Tribal Election Board a duly verified written affidavit setting forth the ground(s) for the challenge, within a period of three (3) days (exclusive of Sundays and holidays) from the date of publication of that particular list on which the name of such challenged candidate is initially included. Upon the receipt of each such written challenge, the Election Board shall forthwith notify the respective challenged candidate, in writing via certified mail, that his/her eligibility for candidacy has been challenged, identifying the ground(s) therefor, and that proof of eligibility must be received by the Election Board within a period of three (3) days (exclusive of Sundays and holidays) from the date of receipt by the candidate of such notice or within a reasonably longer period established by the Election Board, should it determine that unavoidable circumstances would render impossible the receipt of such proof of eligibility within said three (3)-day period. Should the challenged candidate fail to submit to the Election Board any proof of eligibility whatsoever within the prescribed or established time period, the Election Board shall rule that such candidate is ineligible for candidacy for Tribal Office and that his/her Notice of Candidacy or Petition for Nomination shall be withdrawn and his/her name shall not be placed on the ballot. Upon the making of such ruling, the Election Board shall forthwith so notify such candidate, in writing via certified mail. On the other hand, should the challenged candidate submit to the Election Board proof of eligibility within the prescribed or established time period, the Board shall, within a period of three (3) days from the date of receipt of such proof (exclusive of Sundays and holidays), review the proof submitted and rule on the challenge. Should the Election Board determine such proof submitted to be unsatisfactory, it shall rule that such candidate is ineligible for candidacy for Tribal Office and that his/her Notice of Candidacy or Petition for Nomination shall be withdrawn and his/her name shall not be placed on the ballot. Upon the making of such ruling, the Election Board shall forthwith so notify such candidate, in writing via certified mail. On the other hand, should the Board determine such proof submitted to be satisfactory, it shall rule that such candidate is eligible for candidacy for Tribal Office and shall forthwith so notify such candidate, in writing via certified mail, in addition to so notifying the person having made the challenge. Any ruling made by the Tribal Election Board pursuant to this Subsection may be challenged in a court proceeding by the person aggrieved thereby (i.e., either the challenged candidate or the person having made the challenge), pursuant to the procedure prescribed in the Note set forth after Subsection E of Section 2 of Part V of this Ordinance.

PART IV

REGISTRATION OF VOTERS

SECTION 1. RESIDENT VOTERS

Except as provided in Part VII of this Ordinance, each qualified voter, who is a legal resident of the Fort Berthold Reservation on the date of an election, whether a primary or a general election, shall be required to register to vote at the appropriate polling place, as provided in Subsection A of Section 3 of Part II of this Ordinance, on the date of the election in order to be entitled to vote. Each such qualified voter shall complete and execute an Affidavit for Voter Registration setting forth his/her name, address, date of birth, principal place of residence and period of such residence, and an affirmation that he/she is an enrolled member of the Three Affiliated Tribes and is eighteen (18) years of age or older.

SECTION 2. NONRESIDENT VOTERS

Each qualified voter, who is not a legal resident of the Fort Berthold Reservation on the date of an election, whether a primary or a general election, shall be required to register to vote at the appropriate polling place, as provided in Subsection B of Section 3 of Part II of this Ordinance, on the date of the election in order to be entitled to vote. Each such qualified voter shall complete and execute an Affidavit for Voter Registration setting forth his/her name, address, date of birth, principal place of residence and period of such residence, and an affirmation that he/she is an enrolled member of the Three Affiliated Tribes and is eighteen (18) years of age or older.

PART V

TRIBAL ELECTION BOARD AND SEGMENT ELECTION COMMITTEES

SECTION 1. APPOINTMENT OF TRIBAL ELECTION BOARD

A. The Tribal Business Council, on the business day next succeeding the date of the deadline for filing Notices of Candidacy as prescribed by Subsection A of Section 3 of Part III of this Ordinance, shall appoint a Tribal Election Board constituted by five (5) qualified voters, none of whom is a member of the Tribal Business Council, an employee of the Three Affiliated Tribes, an employee of the Department of the Interior, a candidate for Tribal Office, or a close relative of a candidate. For the purposes of this Subsection, the term "close relative" shall mean husband, wife, father, mother, brother, sister, son, daughter, aunt, uncle, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and any relative maintaining a legal step, adoptive, or foster

relationship in a degree of kinship identified immediately hereinabove. The Tribal Business Council shall designate one (1) of its five (5) appointees as Chairman of the Tribal Election Board and shall establish the compensation to be paid to the members thereof. [In addition, at least thirty (30) days before the date on which the primary election is to be held, the Tribal Business Council shall appoint a Tribal Certification Board constituted by three (3) persons from within its own membership whose terms are not due to expire in the election at issue, which Board shall certify the results of the election in the event that the Tribal Election Board should fail to do so, as provided in Subsection G of Section 2 of this Part. However, in the conduct of the 1986 Tribal Business Council election wherein all positions on the Council will be subject to election, the Tribal Business Council shall appoint a Tribal Certification Board constituted by three (3) qualified Tribal voters from outside the membership of the Council, each of whom shall not be a close relative of any of the candidates.]

B. In the event that a vacancy should occur on the Tribal Election Board or any member thereof should become unable to properly perform his/her duties, the Tribal Business Council shall promptly fill such vacancy or replace such member by appointment.

C. Each person so appointed as a member of the Tribal Election Board shall, prior to assuming such Office, take an oath as follows:

"I, (name of person), do solemnly swear that I shall faithfully perform the duties of a member of the Tribal Election Board as prescribed by the Tribal Election Ordinance and shall, to the best of my ability, endeavor to ensure a fair election."

SECTION 2. DUTIES OF TRIBAL ELECTION BOARD

A. Supervision of Election

The Tribal Election Board shall perform general supervision over the election and over the respective Segment Election Committees.

B. Ruling on Eligibility of Candidates

The Tribal Election Board shall promptly review each Notice of Candidacy and Petition for Nomination, upon its receipt thereof, for the purpose of ruling on the eligibility of the respective candidates. In the event that the Election Board should deem any such person potentially ineligible for candidacy, the Board shall forthwith notify such challenged candidate, in writing via certified mail, that the Board challenges his/her eligibility for candidacy, identifying the ground(s) therefor, and that proof of eligibility must be received by the Election Board within a period of three (3) days (exclusive of Sundays and holidays) from the date of receipt by the candidate of such notice or within a reasonably longer period established by the Election Board, should it determine that unavoidable circumstances would render impossible the receipt of such proof of eligibility within said three (3)-day period. Should the challenged candidate

fail to submit to the Election Board any proof of eligibility whatsoever within the prescribed or established time period, the Election Board shall rule that such candidate is ineligible for candidacy for Tribal Office and that his/her Notice of Candidacy or Petition for Nomination shall be withdrawn and his/her name shall not be placed on the ballot. Upon the making of such ruling, the Election Board shall forthwith so notify such candidate, in writing via certified mail. On the other hand, should the challenged candidate submit to the Election Board proof of eligibility within the prescribed or established time period, the Board shall, within a period of three (3) days from the date of receipt of such proof (exclusive of Sundays and holidays), review the proof submitted and rule on the challenge. Should the Election Board determine such proof submitted to be unsatisfactory, it shall rule that such candidate is ineligible for candidacy for Tribal Office and that his/her Notice of Candidacy or Petition for Nomination shall be withdrawn and his/her name shall not be placed on the ballot. Upon the making of such ruling, the Election Board shall forthwith so notify such candidate, in writing via certified mail. On the other hand, should the Board determine such proof submitted to be satisfactory, it shall rule that, based upon the ruling on the challenge made by the Board itself pursuant to this Subsection, such candidate is eligible for candidacy for Tribal Office and shall forthwith so notify such candidate, in writing via certified mail. Any ruling made by the Tribal Election Board pursuant to this Subsection may be challenged in a court proceeding by the candidate aggrieved thereby, pursuant to the procedure prescribed in the Note set forth after Subsection E of this Section.

C. Certification of Eligibility of Candidates

The Tribal Election Board, after ruling on all challenges of eligibility for candidacy made by the Board itself (pursuant to Subsection B of this Section) and by qualified voters (pursuant to Subsection D of Section 3 of Part III of this Ordinance), shall certify the names of those persons who have been determined eligible for candidacy for Tribal Office no later than twenty-five (25) days before the date on which the primary election is to be held.

D. Training

The Tribal Election Board, as early as practicable after the respective appointments of the Election Board and of the Segment Election Committees, shall cause to be conducted at least one (1) training session for all members of the Election Board and at least one (1) training session for all members of each Segment Election Committee.

E. Preparation of Election Materials

The Tribal Election Board shall cause to be prepared all election materials, including ballots. The ballots shall be printed on good quality paper, including good quality colored paper, with all printing thereon in black ink. Only the names of those persons certified as eligible for candidacy for Tribal Office by the Election

Board shall be placed on the ballot and such names shall be appropriately placed in alphabetical order. The names of such candidates shall be printed in the English language, with a box printed opposite each name for the purpose of marking by the voters.

[NOTE: Any candidate or any qualified voter, who believes that any of the provisions set forth in the preceding Sections of this Ordinance, in Section 3 of this Part, or in Part VII of this Ordinance, have been violated during the period from the date on which written notice of the election is mailed to the date ten (10) days before the date on which the primary election is to be held, may file with the Fort Berthold Tribal Court, as early as practicable before the date on which the primary election is to be held, a verified petition setting forth clear and convincing evidence of the alleged violation. The filing of the petition shall be accompanied by a filing fee in the amount of Fifty and 00/100 Dollars (\$50.00). Any such pre-election challenge shall be so filed with all due diligence, so that the challenge may possibly be resolved before the date of the primary election so as not to cause the delay thereof. Should the Court, after having held a formal hearing on the petition, rule that the alleged violation did, in fact, occur, the Court may issue an injunction directing that the violation be forthwith rectified or, in the alternative, may issue an injunction directing that the election be delayed should the circumstances surrounding the violation so warrant. No post-election challenge of the same alleged violation may be filed, pursuant to Part X of this Ordinance, without the party desiring to file such challenge having first filed a pre-election petition seeking injunctive relief, as provided in this provision; provided, however, that such condition need not have been complied with, if the alleged violation could not have been reasonably discovered through due diligence.]

F. Delivery of Ballots to Polling Places

The unmarked printed ballots shall be maintained in the custody of the Tribal Election Board at a secure location within the Tribal Administration Building designated thereby. On the date of the election, prior to the opening of the polling places, the Election Board shall deliver to the respective Segment Election Committees all requisite election materials, including the ballot boxes, ballots, and pollbooks, and shall secure from the first judge of each Committee a written receipt setting forth the number of ballots so delivered. There shall be maintained two (2) copies of the key to the padlock on each segment ballot box, one to be retained by the Chairman of the Election Board and the other to be retained by the first judge of the respective Segment Election Committee.

G. Certification of Election

Upon completion of the canvassing of the ballots, as provided in Part VIII of this Ordinance, the Tribal Election Board shall declare those candidates elected to Tribal Office, as provided in Article III, Section 2 and in Article IV, Section 3(c) of the

Constitution of the Three Affiliated Tribes, and shall then, within a period of three (3) days from the date on which the election was held, certify the results of the election to the Tribal Business Council and to the public by written notice. Should the Election Board fail to so certify within said three (3)-day period, the Tribal Certification Board shall so certify the results of the election within a period of five (5) days from the date of the election.

H. Lottery in Tied Election

In the event that two (2) candidates for a particular position on the Tribal Business Council should receive tie votes in two successive special runoff elections for such Office, the Tribal Election Board, immediately after the completion of the canvassing in the second runoff election, shall cause to be conducted a special lottery, in which the tied candidates shall draw straws for the purpose of determining which of the two candidates shall be declared elected to such Office.

SECTION 3. APPOINTMENT OF SEGMENT ELECTION COMMITTEES

A. The Tribal Election Board, as early as practicable, but at least twenty (20) days before the date on which the primary election is to be held, shall appoint a Segment Election Committee for each segment of the Reservation, each constituted by three (3) qualified voters resident within the respective segment, and a Sergeant at Arms for each such segment who will maintain order at the respective segment polling place. No person appointed as a member of a Segment Election Committee shall be a member of the Tribal Business Council, an employee of the Three Affiliated Tribes, an employee of the Department of the Interior, a candidate for Tribal Office, or a close relative of a candidate, as such term "close relative" is defined in Subsection A of Section 1 of this Part. The Tribal Business Council shall establish the compensation to be paid to the members of the Segment Election Committees.

B. In the event that a vacancy should occur on a Segment Election Committee or any member thereof should be unable to properly perform his/her duties, the Tribal Election Board shall promptly fill such vacancy or replace such member by appointment.

C. Each person appointed as a member of a Segment Election Committee shall, prior to assuming such Office, take an oath as follows:

"I, (name of person), do solemnly swear that I shall faithfully perform the duties of a member of the Segment Election Committee as prescribed by the Tribal Election Ordinance and shall, to the best of my ability, endeavor to ensure a fair election."

SECTION 4. DUTIES OF SEGMENT ELECTION COMMITTEES

A. General Responsibility

The Segment Election Committees shall be responsible for ensuring the conduct of a fair election in their respective segments in accordance with the applicable provisions set forth in this Ordinance and shall, in particular, be ever vigilant for potential election fraud or tampering occurring at their respective polling places.

B. Selection of Committee Officers

Each Committee shall select from within its respective membership a first judge, a second judge, and a clerk.

C. Provision for Voting Facilities

Each Committee shall provide adequate private voting booths, or other reasonably private facilities, at its respective polling place, so as to provide to voters the opportunity to mark their ballots in secrecy and privacy.

D. Reporting for Duty

All members of each Committee and the Sergeant at Arms shall report for duty at their respective polling place on the day of the election one-half (1/2) hour before the polling places are scheduled to open and shall remain thereat until the polling places have closed and the ballot boxes have been removed therefrom for delivery to the Tribal Election Board at the place of canvassing.

E. Counting of Ballots

The first judge of each Committee shall count the ballots delivered to the Committee at its respective polling place by the Tribal Election Board and shall then give to the member of the Election Board a written receipt setting forth the number of ballots so delivered and received.

F. Preparation and Maintenance of Ballot Boxes

Upon the opening of the polling places and prior to delivering any ballots to the voters, each Committee shall, in view of all persons present at its polling place, remove all election materials from its ballot box, display the empty box, and close and lock the box, with the key being retained by the first judge. Thereafter, the ballot box shall not be removed from the polling place or from the view of the persons present thereat, until such time as it is removed from the polling place for delivery to the Tribal Election Board at the place of canvassing after the polling place has closed. Nor shall the ballot box be opened, until such time as it has been delivered to the Tribal Election Board at the place of canvassing and the canvassing has commenced.

G. Performance of Clerical Duties

The first and second judges of each Committee shall be responsible for all record keeping duties and shall assist the voters in completing Affidavits for Voter Registration, entering their respective signatures and current addresses in the pollbook, and securing a ballot. In addition, the judges shall assist those disabled voters who request assistance in marking their ballots, as provided in Subsection G of Section 1 of Part VI of this Ordinance. The clerk shall assist in the performance of such duties as requested and directed by the judges.

H. Challenge of Voters

Each member of each Committee and each Sergeant at Arms shall have the absolute duty to be ever vigilant for potential improper voting, or other actions which would tend to indicate an irregularity at their respective polling place, and to challenge any and all such actions engaged in by voters, as provided in Section 3 of Part VI of this Ordinance.

PART VI

PROCEDURES FOR VOTING AT SEGMENT POLLING PLACES

SECTION 1. VOTING PROCEDURES

A. Registering Voters

Before being permitted to cast his/her ballot, each voter shall complete and execute an Affidavit for Voter Registration and enter his/her signature and current address in ink in the pollbook at the polling place.

B. Challenging Voter Eligibility

Before providing a voter who has registered with a ballot, a member of the Segment Election Committee shall review the voter's Affidavit for Voter Registration for completeness and verify that the voter's signature and current address have been entered in the pollbook. If no challenge of the voter's eligibility to vote is made by any member of the Segment Election Committee, by any member of the Tribal Election Board, by the Sergeant at Arms, or by any watcher duly appointed by a candidate, the voter shall be provided with a ballot. If, on the other hand, a challenge of the eligibility of the voter is made, the voter shall be permitted to furnish proof of his/her eligibility and, if the person having made the challenge is satisfied that the voter is eligible to vote and the challenge is withdrawn by such person, the voter shall be provided with a ballot. If, however, the person having made the challenge is not satisfied that the voter is eligible to vote and the challenge is maintained by such person, the voter will nonetheless be provided with a ballot and will be

entitled to cast his/her ballot, but the marked ballot, upon its delivery to the Segment Election Committee, shall be immediately enclosed in an envelope, on which are printed the words "CHALLENGED BALLOT." Such envelope shall then be immediately sealed by a judge of the Committee and the front thereof shall be initialed by the first judge and the clerk, and the name of the person having made the challenge, the ground(s) therefor, and the substance of any proof of eligibility furnished by the voter in response to the challenge shall also be set forth on the front of such envelope. One of the judges shall then deposit the sealed envelope containing the challenged ballot in the ballot box. The determination as to the validity of the challenge shall be made by the Tribal Election Board, as provided in Section 3 of Part VIII of this Ordinance. Each ballot which has been subject to a challenge so maintained may serve as a ground for an election contest brought pursuant to the procedures prescribed in Part X of this Ordinance.

C. Stamping Ballots

Before providing a voter with a ballot, a judge of the Committee shall stamp the words "OFFICIAL BALLOT, (name of segment) SEGMENT" and sign his/her initials on the unprinted side of the ballot, and shall then deliver the ballot so stamped and initialed to the voter.

D. Voting in Secrecy

Upon receipt of the ballot, the voter shall retire to a private voting booth, or other designated reasonably private facility, and mark his/her ballot in secrecy and privacy. Only one person shall occupy a voting facility at one time, except as provided in Subsection G of this Section.

E. Marking and Folding Ballots

In order that the marking of a box on the ballot be deemed valid and the resulting vote tallied, the voter must ensure that his/her mark is identifiable with the respective box for which it is intended. After the ballot has been marked as desired, the voter shall fold the marked ballot so that the printed and marked side thereof is completely concealed and the words "OFFICIAL BALLOT, (name of segment) SEGMENT" and the initials of the judge appear on the outside of the folded ballot.

F. Casting Ballot

The voter shall deliver the folded marked ballot to a judge, who shall immediately deposit the ballot in the ballot box. No ballot shall be deposited in the ballot box until the ballot has been properly folded.

G. Assisting Disabled Voters

Any voter, who, because of the inability to read the English language, blindness, or other physical disability, is incapable of

properly marking his/her ballot, may, upon request, be assisted by both judges of the Committee in the marking of his/her ballot. If such assistance is provided, the judges shall not, by word, expression or other conduct, influence or attempt to influence the voter in his/her choice of candidates.

H. Spoiling Ballots

If a voter spoils a ballot, he/she may secure new ballots successively, one at a time, not exceeding three (3) in all, upon delivery of each spoiled ballot to a judge of the Committee. Upon receipt of a spoiled ballot, the judge shall immediately enclose such ballot in a large envelope, on which are printed the words "SPOILED BALLOTS."

I. Write-in Voting

The writing in on the ballot by a voter of the name of a candidate is prohibited and any and all such votes cast for a candidate so written in shall not be tallied in the canvassing of the ballots.

J. Providing Sample Ballots

The Tribal Election Board shall provide sample ballots to each Segment Election Committee, each of which ballots shall be conspicuously stamped with the words "SAMPLE BALLOT" across the printed and unprinted sides thereof. Such sample ballots shall be used by the Committees exclusively for the purpose of illustrating to the voters the proper marking procedure and shall not be deposited in the ballot boxes.

SECTION 2. WATCHERS

Each candidate shall be entitled to maintain one watcher, not himself/herself, at each polling place, who may observe the voting proceedings on behalf of the candidate. In addition, each candidate shall be entitled to maintain one watcher, not himself/herself, at the location of the canvassing of the ballots, who may observe the canvassing proceedings on behalf of the candidate. Any such watcher maintained at a polling place may challenge any ballot as it is cast and any such watcher maintained at the location of the canvassing may challenge any ballot as the votes thereon are tallied. No watcher shall be entitled to be compensated by the Three Affiliated Tribes.

SECTION 3. CHALLENGE OF VOTERS

Any member of the Segment Election Committee, any member of the Tribal Election Board, any duly appointed Sergeant at Arms, and any duly appointed watcher may challenge the eligibility or conduct of any person attempting to vote at a polling place. Any such person making the challenge shall present the ground(s) therefor to the members of the Segment Election Committee. The voter challenged shall be permitted to promptly present to the members of the Committee a response to the challenge, after which presentation the person having

made the challenge may withdraw his/her challenge, thereby entitling the voter challenged to cast his/her ballot free of such challenge. If, however, the challenge is not so withdrawn, the voter will nonetheless be provided with a ballot and will be entitled to cast his/her ballot, but the marked ballot, upon its delivery to the Segment Election Committee, shall be immediately enclosed in an envelope, on which are printed the words "CHALLENGED BALLOT." Such envelope shall then be immediately sealed by a judge of the Committee and the front thereof shall be initialed by the first judge and the clerk, and the name of the person having made the challenge, the ground(s) therefor, and the substance of any response thereto furnished by the voter shall also be set forth on the front of such envelope. One of the judges shall then deposit the sealed envelope containing the challenged ballot in the ballot box. The determination as to the validity of the challenge shall be made by the Tribal Election Board, as provided in Section 3 of Part VIII of this Ordinance. Each ballot which has been subject to a challenge so maintained may serve as a ground for an election contest brought pursuant to the procedures prescribed in Part X of this Ordinance.

SECTION 4. ELECTIONEERING OR CAMPAIGNING

No person shall engage in electioneering or campaigning on the date of the election.

SECTION 5. LOITERING

No person shall loiter in or around the polling places during voting hours. However, after the polling places have closed and all ballots have been cast, the public shall be permitted to be present inside the polling places, provided that such presence does not interfere with the performance of the duties of the respective Segment Election Committees.

SECTION 6. ALCOHOL

No qualified voter deemed to be in a drunken condition at a polling place shall be permitted to vote. The members of the respective Segment Election Committees shall make all determinations herein and their majority decision shall be exclusive and final. All retail alcoholic beverage establishments situated and doing business within the exterior boundaries of the Fort Berthold Reservation shall be closed throughout the hours during which the polling places are open.

SECTION 7. POLLING PLACES

The locations of the polling places for each segment shall be identified in the notice of election.

SECTION 8. VOTING HOURS

The voting hours in all segments shall extend from 8:00 a.m. to 7:00 p.m., Central Daylight Saving Time or Central Standard Time, whichever is in effect on the date of the election. No person shall

be permitted to enter a polling place for the purpose of voting before 8:00 a.m. or after 7:00 p.m. Those persons, who have entered the polling places for the purpose of voting at or shortly before the time of the closing thereof, shall be permitted to cast their ballots, notwithstanding the fact that the polling places have officially closed.

PART VII

PROCEDURES FOR RESIDENT VOTING BY ABSENTEE BALLOT

SECTION 1. RESIDENT VOTERS WHO MAY USE PROCEDURE

A qualified voter, who is a legal resident of the Fort Berthold Reservation on the date of an election, whether a primary or a general election, may register to vote and cast his/her ballot in accordance with the procedures prescribed in this Part, only if one of the following conditions is satisfied:

A. he/she will be absent from the Reservation on the date on which the election is to be held and will be unable to be present at any segment polling place during the designated poll hours (e.g., absence due to a prior business commitment or due to hospitalization); or

B. he/she will be present on the Reservation on the date on which the election is to be held, but will be physically unable to travel to the appropriate segment polling place (e.g., inability due to extreme physical disability or due to hospitalization).

Any such qualified voter who satisfies either of such conditions shall hereinafter be referred to as an "absent voter."

SECTION 2. TIME AND METHOD FOR APPLICATION FOR RECEIPT OF BALLOT

A. An absent voter may make application for receipt of an absentee ballot at any time during the period from the date on which the Tribal Election Board has in its custody the printed ballots to 3:00 p.m. on the day before the date on which the election is to be held, provided that such application shall have been made to or reached the Election Board by such date and time.

B. An absent voter who has previous knowledge of his/her absence on the date on which the election is to be held (e.g., due to business off the Reservation or to hospitalization on or off the Reservation) may request receipt of an Application for an Absentee Ballot form from the Election Board either by mail or in person. In all other cases, requests for receipt of such Application shall be made exclusively by mail. An absent voter shall request receipt of such Application himself/herself and shall not be permitted to use an agent for such purpose.

C. The Application for an Absentee Ballot form shall be maintained and furnished by the Tribal Election Board and shall require the following information to be furnished by the absent voter: (a) his/her name, (b) his/her current mailing address, (c) the designation of the segment in which he/she resides, (d) the reason why he/she will be unable to be present at the appropriate polling place during the designated poll hours on the date on which the election is to be held, (e) an affirmation that he/she is a qualified voter of the Three Affiliated Tribes, and (f) an affirmation that he/she understands that it is a criminal offense to make a false statement in order to obtain an absentee ballot. Upon receipt of such Application, the absent voter shall fully complete and execute the same and shall deliver such application, by mail or in person as authorized in Section 3 of this Part, in a timely manner so as to ensure that such Application is made to or reaches the Tribal Election Board within the period prescribed in Subsection A of this Section.

SECTION 3. DELIVERY OF ABSENTEE BALLOT

A. Upon the timely receipt by the Tribal Election Board of an Application for an Absentee Ballot, the Election Board shall forthwith review such Application to ensure that it has been fully completed and executed by the absent voter. The Election Board shall refer to its listing of all qualified voters who are eligible to vote in the election, so as to ensure that such absent voter is so eligible. Upon confirming that such absent voter is eligible to vote in the election, the Election Board shall deliver an absentee ballot and accompanying materials to the absent voter in the appropriate manner, as provided for in either Subsection B or Subsection C of this Section.

B. Should an absent voter make a timely application for receipt of an absentee ballot to the Tribal Election Board in person, the Election Board, upon confirming that such absent voter is eligible to vote in the election shall personally deliver the absentee ballot and accompanying materials to the voter, at the time such application is made. The absent voter shall not cast his/her ballot in the presence of the Election Board.

C. Should an absent voter make a timely application for receipt of an absentee ballot to the Tribal Election Board by mail, the Election Board, upon confirming that such absent voter is eligible to vote in the election, shall, on the day of receipt of such application, deliver the absentee ballot and accompanying materials to the voter by first-class mail at the mailing address set forth on the Application for an Absentee Ballot.

D. Together with the absentee ballot, the Tribal Election Board shall deliver to each absent voter an Affidavit for Voter Registration, a small envelope, on the outside of which are printed the words "ABSENTEE BALLOT," and a large return envelope, on the outside of which is printed the address of the post office box maintained by the Election Board in New Town, North Dakota. Each absentee ballot delivered shall have affixed thereto the official absentee ballot seal and any absentee ballot returned, not having affixed thereto such

official seal, shall not be counted in the canvassing of the ballots on the date of the election.

SECTION 4. PROCEDURE FOR CASTING ABSENTEE BALLOT

Upon receipt of the absentee ballot and accompanying materials, the absent voter shall strictly comply with the following procedure in casting his/her ballot:

A. mark his/her ballot as desired and enclose the ballot so marked in the small envelope, on the outside of which are printed the words "ABSENTEE BALLOT," and seal said envelope; and

B. fully complete and execute his/her Affidavit for Voter Registration form; and

C. enclose the sealed small envelope containing only the marked ballot and enclose the completed and executed Affidavit for Voter Registration form in the large envelope, on the outside of which is printed the address of the post office box maintained by the Election Board in New Town, North Dakota, and seal said large envelope; and

D. deposit said large return envelope in the U.S. Mail with the requisite postage prepaid.

SECTION 5. TIMELY AND PROPER RETURN AND RECEIPT OF ABSENTEE BALLOT

Only those absentee ballots properly cast by the absent voters in compliance with the procedure prescribed in Section 4 of this Part, which are returned to and reach the post office box maintained by the Tribal Election Board, in New Town, North Dakota, on or before the date of the election, shall be counted in the canvassing of the ballots on the date of the election. The hand-delivery of an absentee ballot to the Tribal Election Board, a Segment Election Committee, or the Secretary of the Tribal Business Council is prohibited and any such attempted delivery shall not be accepted thereby.

SECTION 6. MAINTENANCE OF RETURNED ABSENTEE BALLOTS

All absentee ballots, together with the accompanying materials enclosed in the sealed return envelopes, which have reached the post office box maintained by the Tribal Election Board, in New Town, North Dakota, on or before the date of the election, shall remain continuously in the custody of such United States Post Office, until such time as the absentee ballots are secured therefrom by the Tribal Election Board on the date of the election for delivery to the place of the canvassing of the ballots, as provided in Subsection A of Section 1 of Part VIII of this Ordinance. The United States Postmaster shall issue to no one keys to such post office box.

PART VIII

CANVASSING OF BALLOTS

SECTION 1. DELIVERY AND CANVASSING OF ABSENTEE BALLOTS

The delivery and canvassing of the absentee ballots shall be conducted in the following manner:

A. After 3:00 p.m. on the date of the election, one (1) member of the Tribal Election Board, accompanied and assisted by two (2) Bureau of Indian Affairs Police Officers, shall secure from the United States Post Office, in New Town, North Dakota, all absentee ballot return envelopes having reached and been maintained at said Post Office on or before said date, for delivery thereof to the place of canvassing of the ballots at 4:00 p.m. on said date.

B. Upon delivery of such absentee ballot return envelopes to the place of canvassing, the Tribal Election Board shall commence to perform the preliminary duties inherent in the canvassing of the absentee ballots, i.e., opening the outer preaddressed return envelopes, checking the respective Affidavits for Voter Registration against the official Absent Voter Application List, depositing those small sealed official absentee ballot envelopes, containing obviously legal ballots, in the locked absentee ballot box, and setting aside, for subsequent ruling, each outer preaddressed return envelope which contained a potentially illegal ballot, enclosing therein any small sealed official absentee ballot envelope and any Affidavit for Voter Registration form originally enclosed therein by the respective absent voter.

C. Upon completion of such preliminary duties inherent in the canvassing of the absentee ballots, the Tribal Election Board shall commence to rule on those absentee ballots previously set aside as potentially illegal. The ruling on the legality of each such ballot shall be made by majority vote of the five (5) members of the Election Board in public view. Each absentee ballot so ruled legal shall be deposited in the locked absentee ballot box for subsequent tallying. Each absentee ballot so ruled illegal shall not be deposited in the ballot box, but shall be enclosed in the outer pre-addressed return envelope in which it had been originally enclosed, together with any other related absentee ballot materials which had accompanied such ballot. The words "REJECTED FOR ILLEGALITY," the basis for the ruling of illegality, and the initials of those members of the Board who voted in favor of the majority ruling and of those members who voted against such ruling shall be set forth on the back of each such envelope. Each such envelope shall then be enclosed in a large envelope, on which are printed the words "ABSENTEE BALLOTS REJECTED FOR ILLEGALITY."

D. Upon completion of the ruling on all those absentee ballots set aside as potentially illegal, at least three (3) members of the Election Board shall commence the tallying of the votes set forth on those absentee ballots previously deposited in the absentee ballot

box, both on the official absentee tally sheet and on the large absentee tally board for public viewing; provided, however, that the members of the Election Board, in the course of so canvassing the ballots, shall set aside, for subsequent ruling, any and all ballots which the members should deem potentially illegal on their face.

E. Upon completion by the members of the Election Board of the canvassing of all absentee ballots which have been deemed thereby as obviously legal on their face, the full Tribal Election Board shall rule on any and all ballots deemed potentially illegal on their face in the manner prescribed in Section 4 of this Part.

F. Upon completion of the tallying by the Election Board of the votes set forth on all of the legal absentee ballots, the final total(s) of all votes tallied for the respective Tribal Office(s) shall be computed thereby and such total(s) shall be recorded on a large summary tally board for public viewing.

SECTION 2. DELIVERY AND CANVASSING OF SEGMENT BALLOTS

The delivery and canvassing of the segment ballots shall be conducted in the following manner:

A. After the respective segment polling places have closed and all ballots have been cast, the first judge of each Segment Election Committee shall promptly deliver to the place of canvassing the locked ballot box, together with all election materials used and maintained at its polling place. Upon such delivery, the first judge shall be given by the Chairman of the Tribal Election Board a written receipt for the delivery of the ballot box, a written receipt setting forth the number of unmarked ballots delivered to the Election Board [which ballots had been enclosed in a large envelope, on which are printed the words "UNMARKED BALLOTS, (name of segment) SEGMENT"], and a written receipt setting forth the number of spoiled ballots delivered to the Election Board [which ballots had been enclosed in a large envelope, on which are printed the words "SPOILED BALLOTS, (name of segment) SEGMENT"]. The first judge shall also return his/her key to the lock on the ballot box to the Chairman of the Election Board. In the event that the first judge, for any reason, should be unable to perform the duties prescribed in this Subsection, the second judge shall act on his/her behalf.

B. Upon delivery of the first segment ballot box to the place of canvassing, the Chairman and one (1) member of the Tribal Election Board shall remove themselves from the canvassing of absentee ballots and shall commence to perform the duties inherent in checking in such segment ballot box and other election materials, which duties include, in addition to those prescribed in Subsection A of this Section, the opening of the ballot box and the removal therefrom and setting aside of any and all sealed challenged ballot envelopes by the Chairman. Such two (2) members of the Election Board shall continue to perform such duties with respect to each of the remaining segment ballot boxes, one at a time, in the order in which such ballot boxes are delivered to the place of canvassing.

C. Upon completion by the two (2) members of the Tribal Election Board of the duties inherent in checking in a segment ballot box and other election materials, a judge of that respective Segment Election Committee shall secure any and all challenged ballot envelopes and, together with the two (2) members of the Election Board, shall proceed to the location at which the other members of the Election Board are canvassing the absentee ballots. The full Tribal Election Board shall then immediately rule on each of the challenged ballots in the manner prescribed in Section 3 of this Part. Upon completion of such ruling, the Committee judge shall return to the location of his/her Committee and, together with the other members thereof, shall commence to perform the duties inherent in the canvassing of the respective segment ballots; provided, however, that each Segment Election Committee, in the course of canvassing its ballots, shall set aside any and all ballots which said Committee should deem potentially illegal on their face, for subsequent ruling thereon by the full Tribal Election Board.

D. For the purpose of the simultaneous canvassing of ballots by the Segment Election Committees, each Committee shall maintain its own official tally sheet and large tally board for public viewing, on each of which the votes shall be tallied.

E. Upon completion by a Segment Election Committee of the canvassing of all its ballots which have been deemed thereby as obviously legal on their face, the full Tribal Election Board shall rule on any and all ballots deemed by such Committee as potentially illegal on their face in the manner prescribed in Section 4 of this Part.

F. Upon completion of the tallying by a Segment Election Committee of the votes set forth on all of its legal ballots, the final total(s) of all votes tallied for the respective Tribal Office(s) shall be computed thereby and such total(s) shall be recorded on a large summary tally board for public viewing.

SECTION 3. RULING ON CHALLENGED BALLOTS

The full Tribal Election Board shall rule, by majority vote, on each challenged segment ballot. The Election Board shall review and consider the facts surrounding the challenge as they appear on the envelope in which the challenged ballot was enclosed by the respective Segment Election Committee. Should a majority of the Board rule that the challenge is without merit and, therefore, invalid, the envelope shall be opened and the folded ballot shall be removed therefrom and deposited in the respective segment ballot box. The word "CHALLENGED," the ruling on the challenge and the basis therefor, and the initials of those members of the Board who voted in favor of the majority ruling and of those members who voted against such ruling shall be set forth on the back of the challenged ballot envelope. On the other hand, should a majority of the Board rule that the challenge is meritorious and, therefore, valid, the envelope shall remain sealed with the challenged ballot enclosed therein. The word "CHALLENGED," the ruling on the challenge and the basis therefor, and the initials of those members of the Board who voted in favor of the majority

ruling and of those members who voted against such ruling shall be set forth on the back of the challenged ballot envelope. All such challenged ballot envelopes, with the respective rulings thereon set forth on the backs thereof, shall be enclosed in a large envelope, on which are printed the words "ELECTION BOARD, CHALLENGED BALLOTS, (name of segment) SEGMENT."

SECTION 4. RULING ON POTENTIALLY ILLEGAL BALLOTS

An illegal ballot is defined as any ballot which fails to comply with the applicable provisions set forth in this Ordinance, in the context of the casting thereof (e.g., an absentee ballot unaccompanied by an Affidavit for Voter Registration) or in the context of the marking thereof (e.g., a ballot on which the name of a candidate has been written in), or which has been so marked as to place in doubt the intention of the voter or has been otherwise incorrectly marked; provided, however, that, in the instance of mismarking, the Tribal Election Board shall rule illegal only that portion of the ballot which has been mismarked and shall cause to be tallied all votes cast on the remaining portion of the ballot.

The full Tribal Election Board shall rule, by majority vote, on each ballot which as been set aside for potential illegality, either by the Election Board or by the Segment Election Committees. The Election Board shall review and consider the circumstances surrounding the potential illegality of the ballot. Should a majority of the Board rule that the ballot, in its entirety, is legal, the ballot shall be placed in the respective ballot box and the votes set forth thereon shall be tallied. On the other hand, should a majority of the Board rule that the ballot, in its entirety, is illegal, the ballot shall be rejected for illegality and the votes set forth thereon shall not be tallied. The words "REJECTED FOR ILLEGALITY," the ruling on rejection and the basis therefor, and the initials of those members of the Board who voted in favor of the majority ruling and of those members who voted against such ruling shall be set forth on the unprinted side of the ballot. The ballot shall then be enclosed in a large envelope, on which are printed the words "BALLOTS REJECTED FOR ILLEGALITY." Should a majority of the Board rule that only a portion of the ballot is illegal, only that portion of the ballot so ruled illegal shall be rejected for illegality and the votes set forth on such portion shall not be tallied, but the votes set forth on the remaining portion of the ballot shall be tallied. The words "REJECTED IN PART FOR ILLEGALITY," the ruling on rejection and the basis therefor, and the initials of those members of the Board who voted in favor of the majority ruling and of those members who voted against such ruling shall be set forth on the unprinted side of the ballot.

The votes set forth on that portion of the ballot not ruled illegal by the Election Board shall be tallied and the ballot shall then be enclosed in the large envelope, on the outside of which are printed the words "BALLOTS REJECTED FOR ILLEGALITY."

Each such ballot which has been rejected, in whole or in part, for illegality may serve as a ground for an election contest brought pursuant to Part X of this Ordinance.

SECTION 5. CERTIFICATION OF ELECTION RESULTS

Upon completion of the tallying and computing of the total number of votes cast for the respective Tribal Offices by the Tribal Election Board and the Segment Election Committees, the Election Board shall declare those candidates elected to Tribal Office, as provided in Article III, Section 2 and in Article IV, Section 3(c) of the Constitution of the Three Affiliated Tribes. Each of the official tally sheets shall then be certified by the signature of each member of the Election Board. Within a period of three (3) days from the date on which the election was held, the Election Board shall certify the results of the election to the Tribal Business Council and to the public by written notice.

SECTION 6. PRESERVATION OF ELECTION RECORDS

After the results of the election have been formally certified, the Tribal Election Board shall forthwith place all ballots, official tally sheets, official pollbooks, Affidavits for Voter Registration, and all other documentation relating to the conduct of the election in the ballot boxes and shall then lock each box. The Election Board shall then deposit the locked ballot boxes in the vault located at the Fort Berthold Agency of the Bureau of Indian Affairs, New Town, North Dakota, at which location the ballot boxes shall be preserved and maintained for a period of one hundred and eighty (180) days from the date on which the election was held or for as long as a court of competent jurisdiction continues to retain jurisdiction over a contest of the election, if such period of retained jurisdiction should exceed a period of one hundred and eighty (180) days.

PART IX

SPECIAL RUNOFF ELECTIONS

In case of a tie vote for any position on the Tribal Business Council in a general election, such that a qualified candidate for such position is not elected, a special runoff election shall be held between the tied candidates. The candidate who secures the higher number of votes cast in the runoff election shall be declared elected to such position. In the case of a tie vote in such a runoff election, a second runoff election shall be held between the two (2) tied candidates for such position and the candidate who secures the higher number of votes cast in the second runoff election shall be declared elected to such position. In the case of a tie vote in the second runoff election, the two (2) tied candidates shall draw straws in a special lottery conducted by the Tribal Election Board for the purpose of determining which candidate shall be declared elected to the position.

PART X

CONTEST OF ELECTION

SECTION 1. FILING WITH TRIBAL ELECTION BOARD

A defeated candidate or ten (10) qualified voters, who desire to contest an election after the results thereof have been formally certified, shall file with the Tribal Election Board a duly verified written complaint setting forth a concise statement of the facts upon which the contest is based, together with a nonrefundable filing fee in the amount of One Hundred and 00/100 Dollars (\$100.00), within a period of three (3) days for the date on which the election results were certified, exclusive of Sundays and holidays. As early as practicable, but within a period no greater than three (3) days from the date of the filing of the complaint, exclusive of Sundays and holidays, the Election Board shall hold a formal hearing on the complaint, at which hearing the Election Board shall admit evidence, testimonial and documentary, presented by the complainant(s) and by other interested persons having relevant evidence to present. As early as practicable, but within a period no greater than two (2) days from the date on which the hearing was held, exclusive of Sundays and holidays, the Election Board shall issue its written decision on the complaint based upon the evidence presented at the hearing.

SECTION 2. FILING WITH FORT BERTHOLD TRIBAL DISTRICT COURT

Any complainant(s), who has (have) exhausted the administrative remedy provided for in Section 1 of this Part and who is (are) aggrieved by the decision issued by the Tribal Election Board, may file with the Fort Berthold Tribal District Court, within a period of five (5) days from the date of the issuance of the written decision of the Tribal Election Board, a duly verified written complaint setting forth a concise statement of the facts upon which the contest of the election is based. In the event that the Election Board has failed to hold a hearing or issue its written decision on a properly filed complaint within the applicable time periods prescribed in Section 1 of this Part, any complainant(s) aggrieved by such failure shall be entitled to file a complaint with the District Court within a period of five (5) days from the date on which the Election Board should have held the hearing or from the date on which the Election Board should have issued its written decision. Upon the filing of any such complaint, the District Court shall grant such election contest the highest priority in calendaring and shall set the matter for hearing on the earliest practicable date.

SECTION 3. FILING APPEAL WITH INTERTRIBAL COURT OF APPEALS

Any complainant(s), who has (have) properly filed a complaint with the District Court pursuant to Section 2 of this Part and is (are) aggrieved by the decision issued thereby, may file an appeal from such decision with the Intertribal Court of Appeals pursuant to the rules of appellate procedure set forth in the Code of Laws of the Three Affiliated Tribes. Upon the filing of any such appeal, the

Court of Appeals shall grant such appeal the highest priority in calendaring and shall set the matter for argument on the earliest practicable date.