

Wichita and Affiliated Tribes Election Ordinance

Article I. Purpose

This Ordinance shall govern all elections of the Wichita and Affiliated Tribes to ensure fair and equitable mechanisms are utilized in all Wichita tribal elections and that all elections uphold the Wichita and Affiliated Tribes Governing Resolution.

Article II. Scope

The scope of this Ordinance shall encompass the processes and procedures for Regular Elections, Special Elections, Run-off Elections, Recall Elections, and Referendum Elections.

Article III. Severability

If any provision of this Ordinance, or the application thereof, is held invalid by a court of competent jurisdiction, the remainder of the Ordinance, or other applications of such provision shall not be affected and shall remain in full force.

Article IV. Authority

This Election Ordinance is authorized pursuant to the Wichita and Affiliated Tribes Governing Resolution *Article VII-Elections: Amendment IV, Adopted May 21, 1977, Amendment VIII, Adopted February 9, 1992 and Amendment XIII Adopted July 16, 2016.*

Article V. Identification and Application

This Ordinance shall be known as the *Wichita and Affiliated Tribes Election Ordinance*. Upon its passage, this Ordinance as amended, shall supersede any prior election processes and procedures relating to elections of the Wichita and Affiliated Tribes.

Article VI. Definitions

The following terms and phrases, when used in this Ordinance shall be defined as follows:

- A. **Absentee Voter** means an Eligible Voter, who has successfully completed an Absentee Voter Registration Form and submitted the form to the Wichita and Affiliated Tribes Election Commission and is entitled to vote by absentee ballot according to prescribed rules.
- B. **Ballot** means a legal form created for the purpose of enabling an Eligible Voter to cast an official vote in a particular election.
- C. **Candidate** means a person who meets the qualifications, as set forth in the Governing Resolution, and is seeking an elected office of the Wichita and Affiliated Tribes.
- D. **Certification of Election Results** means verification of election results in written form, signed by the Commission Secretary or by an Election Commissioner as permitted herein.

- E. **Commissioner** means a voting member of the Wichita Election Commission.
- F. **Election Commission** means the Wichita and Affiliated Tribes Election Commission created pursuant to the Wichita and Affiliated Tribes Election Ordinance.
- G. **Election Counter** means an election official who has been selected to count the ballots cast during an election.
- H. **Election Official** means any person authorized by the Wichita and Affiliated Tribes Election Commission to assist in conducting elections and other election- related duties.
- I. **Electioneer** means to actively campaign for or against a particular candidate or a particular issue. Actively campaigning means:
1. Posting or displaying of campaign signs;
 2. Displaying of symbols, numbers, or letters intended to remind voters of a particular candidate or position;
 3. Distributing literature, cards, or any other item that could reasonably be considered campaign-related;
 4. Making any speech or sounds or playing any recording that could reasonably be considered campaign-related;
 5. Continuously occupying any space on or within one hundred (100) feet of the entrance of the polling place building for the purpose of greeting voters; or
 6. Any other work for a political candidate or a ballot issue with the intent to solicit an affirmative or negative vote or other support of the candidate or ballot issue.
- J. **Eligible Voter** means any member of the Wichita and Affiliated Tribes who is eighteen (18) years of age or older by or on the date of the election.
- K. **General Election** or **Regular Election** means an election held on the third Saturday of July of each fourth year after 1964 pursuant to the Wichita and Affiliated Tribes Governing Resolution.
- L. **General Council** means the supreme governing body of the Wichita and Affiliated Tribes comprised of all enrolled members of the Wichita and Affiliated Tribes who are at least eighteen (18) years of age.
- M. **Governing Resolution** means the Governing Resolution of the Wichita and Affiliated Tribes, as amended.
- N. **Immediate Family** means a person's biological or adopted parent; biological or adopted sibling; biological or adopted child or child by marriage; spouse; grandparent; grandchild; or members of the household regardless of biological or adoptive relation.

- O. **Majority Vote** means half (1/2) of the votes cast plus one, except as required by Article XI of the Governing Resolution.
- P. **Petition** means the power to propose ordinances, resolutions, laws, or other legislative measures and to enact or reject them by direct vote of Eligible Voters, independent of the Wichita and Affiliated Tribes Executive Committee or to request the recall of a vote for an elected office. These requests are written and must meet the requirements of a valid petition pursuant to the Governing Resolution.
- Q. **President** means the current elected leader holding the executive office of the Wichita and Affiliated Tribes.
- R. **Recall Election** means an election held pursuant to *Article IX Remov[al] of Officers*, of the Governing Resolution.
- S. **Referendum Election** means an election regarding an issue brought by petition from the General Council or referred by the Executive Committee to the General Council.
- T. **Registration** means the act of registering to vote by absentee ballot in accordance with the procedure set forth by this Election Ordinance.
- U. **Run-off Election** means an election held in the instance where there are two (2) or more candidates and no candidate receives a majority of the votes cast.
- V. **Special Election** means an election other than a General, Regular, or Run-off Election, scheduled to fill vacancies of the Wichita Executive Committee or to approve Amendments to the Governing Resolution.
- W. **Spoiled Ballot** means a ballot that does not meet the standard for being counted as an official vote for an election as determined by the Election Commission. Examples of a spoiled ballot include but are not limited to marks outside the designated area(s), selection of more than the number of candidates permitted to be selected, rejection by a voting machine for defect, or physical damage to the ballot itself.
- X. **Vacancy** means an elected or appointed position that has been declared vacant due to death, resignation, or removal.
- Y. **Wichita and Affiliated Tribes Executive Committee** means the elected officers of the Wichita and Affiliated Tribes empowered to collectively act on such matters in accordance with the Governing Resolution of the Wichita and Affiliated Tribes, and is comprised of the President, Vice-President, Secretary, Treasurer, and three (3) Committee Members.
- Z. **Wichita and Affiliated Tribes Voter Registry (“Voter Registry”)** means a list of Eligible Voters provided by the Wichita and Affiliated Tribes Enrollment Department to the Election Commission.

Article VII. Election Commission

Section 1. General Duties

A. The Election Commission shall serve as an impartial body and be responsible for conducting all tribal elections in accordance with this Ordinance and the Governing Resolution. Members of the Election Commission shall be referred to as Commissioner(s).

B. The Election Commission shall also engage in the following activities in the performance of its responsibilities:

1. Establish and submit an annual Wichita Election Commission budget to the Wichita and Affiliated Tribes Executive Committee for approval as required under the laws of the Wichita and Affiliated Tribes. The budget shall include all reasonable and foreseeable expenditures necessary to conduct the business of the Wichita and Affiliated Tribes Election Commission.
2. Provide regular updates of Commission business and activities as required under the laws of the Wichita and Affiliated Tribes.
3. Publish a schedule for its regular meetings in the Wichita and Affiliate Tribes Newspaper, Anadarko Daily News, Wichita and Affiliated Tribes Website, and official social media of the Wichita and Affiliated Tribes Election Commission.
4. Establish an agenda for each meeting and approve and maintain correct and accurate minutes of its deliberations.
5. Consult with independent legal counsel as needed, who shall not be employed in any other manner by the Wichita and Affiliated Tribes, its enterprises, or entities. Retained legal counsel must be approved by the Wichita Executive Committee.
6. Receive and scrutinize recommendations regarding hardware, software, and consultation services, if necessary, to conduct elections and to effectuate reasonable recommendations to conduct an election.
7. Oversee the registration of absentee voters in accordance with this Ordinance and the Governing Resolution.
8. Maintain a permanent postal box at the United States Post Office in Anadarko, Oklahoma for the Wichita Election Commission general business (P.O. Box 9).
9. Maintain a secondary seasonal postal box designated for the sole purpose of receiving absentee registrations and absentee ballots during an election.
10. Obtain from the Wichita and Affiliated Tribes Enrollment Office an annually updated list of all Eligible Voters to include correct contact information including names, Wichita enrollment numbers, birthdates, addresses, and phone numbers. This list shall become the Voter Registry and shall be updated weekly during an election by the Commission to

include persons who become eligible to vote and to remove voters who are no longer eligible to vote, prior to an election.

11. Develop rules and regulations necessary to conduct elections of the Wichita and Affiliated Tribes. Rules and regulations shall be sent by mail notice or published on the Wichita and Affiliated Tribes official website and in the Wichita and Affiliated Tribal Newspaper no later than sixty (60) days prior to an election. No rule or regulation shall be retroactive to prior elections of the Wichita and Affiliated Tribes and shall not contradict the Governing Resolution.
12. Determine the eligibility of all candidates for office pursuant to the requirements of the Governing Resolution.
13. Conduct all election administrative functions including:
 - a) Provide notice of elections;
 - b) Oversee the preparation of official ballot(s);
 - c) Issue ballots and supporting materials necessary to hold a proper election;
 - d) Be responsible for the collection, storage, and safekeeping of all election ballots and related documents for no less than ninety (90) days after the close of election in accordance with the procedures established by the Election Commission; and
 - e) Engage in any other reasonable activities for the performance of its responsibilities as required by the provisions of this Ordinance.
14. Select a reasonable amount of election officials to assist with election day duties prescribed by the Election Commission.
15. Provide election officials with proper training, instruction, and supervision in the perform their respective duties.
16. Select three (3) election counters and three (3) alternates from the pool of election officials to count or oversee the count of electronic counting of ballots at the close of an election.
17. Conduct ballot recounts.
18. Other appropriate election-related duties.

Section 2. Qualifications, Composition, Terms, and Oath

A. The Election Commission shall be comprised of Commissioners who are impartial and available to perform the duties of the Election Commission.

B. Any Commissioner that files a Notice of Candidacy for any Wichita tribal office must resign immediately. Should a Commissioner have an immediate family member file a Notice of Candidacy, that Commissioner must inform the Commission of the conflict but may remain on the Commission subject to affirming their ability to perform their Commissioner duties in accordance with this Ordinance and the Governing Resolution.

C. The Election Commission shall consist of four (4) enrolled members of the Wichita and Affiliated Tribes who are at least twenty-one (21) years of age at the time of appointment. There shall be a Chairperson, Secretary, and two (2) Commissioners. All Commissioners shall be appointed by the Wichita Executive Committee. The Chairperson of the Election Commission shall be elected by the Wichita Executive Committee. The Secretary of the Election Commission shall be elected by the Election Commission.

D. The Chairperson of the Election Commission shall have the authority to perform the following duties:

1. Chairing meetings of the Election Commission;
2. Designating another Commissioner to chair meetings of the Commission in his or her absence;
3. Encouraging full participation from other members of Election Commission;
4. Be a full voting member of the Commission;
5. Representing the Election Commission in all matters relating to the Commission;
6. Provide regular reports to the Wichita Executive Committee as required under the laws of the Wichita and Affiliated Tribes;
7. Other appropriate duties and responsibilities as required.

E. The Secretary of the Election Commission shall have the authority to perform the following duties:

1. Keeping an accurate account of all proceedings and official records of the Election Commission;
2. Be responsible for the prompt and efficient handling of all correspondence pertaining to the Election Commission;
3. Facilitating inspection of all business and documents relating to the Election Commission when appropriate;
4. Certifying Election results;
5. Transferring all accounts, documents and information to successors of the office;
6. Other appropriate duties and responsibilities as required.

F. Commissioners shall serve in staggered terms commencing with the initial effective date of this Ordinance.

7. Initial Commission: The initial Election Commission shall be appointed as soon as practical by the Wichita and Affiliated Tribes Executive Committee in the same manner of appointment as other boards and commissions of the Tribe. Commissioners shall meet all the requirements as stated herein.
8. Staggered Terms: Beginning with the initial appointments, the Election Commission shall consist of one (1) Commissioner serving a four (4) year term; one (1) Commissioner serving a three (3) year term; one (1) Commissioner serving a two (2) year term; and one (1) Commissioner serving a one (1) year term.
9. Hold Over: Commissioners shall remain in office until a successor is duly appointed to fill that vacancy. Newly appointed or reappointed Commissioners shall hold the appointment for the remainder of the specific term they are appointed.
10. Vacancy: Should a vacancy occur, whether by death, incapacity, resignation, or removal, the Wichita and Affiliated Tribes Executive Committee shall appoint a qualified person to fill the vacancy. The Chairperson of the Election Commission shall inform the Wichita Executive Committee of vacancies no later than seven (7) days of the vacancy. The Wichita Executive Committee shall fill the vacancy as reasonably possible.

G. All Commissioners shall, before entering upon the duties of their offices, accept and subscribe to the oath of office as prescribed by the Wichita and Affiliated Tribes Executive Committee. Said acceptance and oath shall be collected and retained by the Wichita and Affiliated Tribes Executive Committee Secretary.

Section 3. Meetings of the Commission, Voting, Budget(s), and Compensation

A. All meetings of the Commission shall be conducted pursuant to an approved agenda by the Commission. A quorum shall consist of three (3) Commissioners. A quorum is required for all actions taken by the Commission. Meeting agendas and minutes shall be made available upon request by the Wichita Executive Committee and/or any member of the General Council as stated herein or as required under the laws of the Wichita and Affiliated Tribes.

B. All members of the Election Commission shall have full voting power in business of the Commission. Commissions shall not be permitted to abstain from voting in any matter before the Commission unless a conflict of interest is announced by the conflicted Commissioner and accepted by the Chairperson at the call for any vote before the Commission.

C. Costs associated with conducting an election including supplies, printing of ballots, advertisements, miscellaneous materials, and compensation for Election Commissioners, shall be paid from the Wichita and Affiliated Tribes Election Commission annual budget. This budget shall be determined in cooperation with and be approved by the Wichita and Affiliated Tribes Executive Committee. The Commission shall submit the proposed budget to the Wichita Executive Committee no later than June 15 of each year.

D. Compensation of Commissioners shall be at a rate set by the Wichita and Affiliated Tribes Executive Committee and approved by Resolution. Compensation may include per meeting stipends, reasonable travel expenses, expenses associated with training or seminars directly related to the duties of the Election Commission, and other duties related to the responsibilities of a Commissioner.

Section 4. Complaints against a Commissioner and Procedures of Disposition

A. A complaint presented by a member of the General Council to the Secretary of the Election Commission showing good cause for removal, alleging unethical conduct, or action, shall be cause to initiate investigative proceedings of an Election Commissioner. A complaint shall include the name of the Commissioner alleged to have committed the unethical conduct or act, the name of the complainant, sufficient information detailing the nature of the unethical conduct or act, and the signature of the complainant. Complaints may only be submitted by members of the General Council, Wichita Executive Committee, or Election Commission.

B. The proceedings shall take place in the following manner:

1. Upon receipt of the signed complaint, the Election Commission Secretary shall immediately notify the Election Commission Chairperson and Wichita and Affiliated Tribes Executive Committee Secretary that a complaint has been lodged.
2. The Election Commission shall cause an investigation to be made no more than fifteen (15) business days after receipt of the complaint to investigate the allegations.
3. If the complaint is deemed valid by the Election Commission, the Commissioner subject to the complaint shall be notified via certified mail and given the opportunity to provide a written response within then (10) business days of receipt.
4. After considering the allegation(s), findings of the investigation, and response(s), the Election Commission shall submit a report and recommendation(s) to the Wichita and Affiliated Tribes Executive Committee for decision.
5. The Wichita and Affiliated Tribes Executive Committee shall enter a final decision by resolution regarding sanction(s) against or removal of the Election Commissioner subject to the complaint. Such sanction(s) or removal are final and not subject to reconsideration, appeal, or any other further review.

Article VIII. Elections

Section 1. Secret Ballots

Elections shall be held by secret ballot in accordance with this Election Ordinance and the Governing Resolution.

Section 2. Types of Elections

A. Pursuant to Wichita and Affiliated Tribes Governing Resolution Articles IV, VII, VIII, IX, and XI:

1. Regular Elections shall be held the third Saturday in July, every fourth year beginning from the 1964 adoption of the Wichita and Affiliated Tribes Governing Resolution.
 2. Special Elections shall be called by the President of the Wichita and Affiliated Tribes for purposes of filling vacancies or voting on any amendments to the Wichita and Affiliated Tribes Governing Resolution.
 3. Run-Off Elections shall be called by the President of the Executive Committee according to approved Procedures. Where there are more than two (2) candidates for office and no one (1) candidate receives a majority vote. The low candidate(s) shall be eliminated, and a run-off election shall be called by the President according to this Ordinance until one (1) candidate receives a majority of the votes cast.
 4. Recall Elections in accordance with Article IX-Remov[al] of Officers in the Governing Resolution, upon a signed petition of 20 members of the Council, the President shall call a special meeting of the Council to act upon complaints of misconduct in office of members of the Wichita and Affiliated Tribes Executive Committee, provided such complaints are supported by affidavits. The Council shall have power, by majority vote, after giving the accused a hearing and if found guilty of charges to remove him or her from office and proceed to elect a successor.
- B. There shall be a non-refundable \$500 fee payable to “Wichita and Affiliated Tribes Election Commission” to offset the election costs of any recall.
- C. All run-off elections are encouraged to be completed within forty-five (45) days of the previous election and are encouraged to follow the same applicable timelines that fall within those forty-five (45) days. However, the authority to call a run-off election shall remain with the President of the Wichita Executive Committee.

Article IX. Qualifications of Candidates

All candidates shall meet the following qualifications:

1. Be an enrolled member of the Wichita and Affiliated Tribes;
2. Be at least twenty-one (21) years of age at the time of filing for elected office; and
3. Have properly filed a Notice of Candidacy and paid the appropriate filing fee.

Article X. Filing

Candidates must file their Notice of Candidacy and filing fee, with the Secretary of the Wichita Executive Committee forty-five (45) days prior to the date of any regular election or special election.

1. Filing Fees:
 - a. For the office of President, Vice President, Secretary, or Treasurer: \$500.00
 - b. For the office of Committee Member: \$300.00

2. Acceptable forms of payment shall be by certified check or money order.
3. Notice of Candidacy must be filed by the candidate himself/herself on the form provided by the Wichita Election Commission.

Article XI. Election Notices

Section 1. Election Notice

An election notice shall be mailed no later than thirty (30) days before an election to all eligible voters with identifiable addresses as listed in the Voter Registry. The notice shall contain:

1. A list providing the names of all candidates;
2. The position each candidate is running for;
3. Time, place, and manner of the election; and
4. Other non-partisan information to assist the voter.

Section 2. Amendments to Governing Resolution Notice

For elections called pursuant to *Article XI-Amendments*, the notice and proposed amendment(s) shall be mailed to eligible voters no later than thirty (30) days before such election.

Article XII. Polling Place(s) and Hours

Section 1. Location of Polling Place(s)

The polling place(s) shall be determined by the Wichita and Affiliated Tribes Election Commission provided that the election shall take place within the jurisdictional boundaries of the Wichita and Affiliated Tribes.

Section 2. Loitering

There shall be no loitering by the public in or around the lobby area of the polling place:

1. During the set-up and take-down of the polls;
2. While polls are open;
3. During the counting of the ballots; or
4. During the recounting of the ballots.

Section 3. Hours and Check In

- A. Polls shall be open from 9:00 a.m. CST and remain open for eight (8) hours. The polls shall close at 5:00 p.m. CST. The official clock shall be designated by the Election Commission and shall be displayed conspicuously at the polling place(s).
- B. Final ballot(s) shall be dispersed to any eligible voter physically situated in line to vote at the polling place(s) by 5:00 p.m. CST.
- C. All eligible in-person voters shall check in with the election official in order to verify their right to vote in the election.

Article XIII. Election Officials

Section 1. Qualifications

Election officials may be any person of the general public that is eighteen (18) years of age limited to members of the General Council and/or employees of private companies hired to conduct electronic voting. Election officials shall not be members of any other tribal or state election board or committee or hold any elected office for any other tribal or state government. Election officials shall serve for only the day of the election. The Election Commission may select a reasonable number of election officials needed to efficiently complete an election.

Section 2. Duties

- A. Election officials shall conduct the election in both balloting and counting procedures.
- B. It shall be the duty of the election official who assists with balloting:
 - 1. To count and record the blank ballots prior to the opening of the polls;
 - 2. To verify the total number of in-person ballots cast, plus the number of in-person spoiled ballots, and the number of unused ballots, equals the number of blank ballots available at the beginning of the in-person balloting;
 - 3. To verify that the names of each voter requesting an in-person ballot is listed on the Voter Registry;
 - 4. To require each voter to present a valid: federal photo identification (ID), state photo identification (ID), or tribal membership photo identification (ID);
 - 5. To deny any voter who is reasonably believed to be under the influence of drugs or alcohol (intoxicated);
 - 6. To require each voter place his or her signature beside their corresponding name on the Voter Registry. Any voter who signs with an "X" or thumbprint shall have that mark initialed by two (2) election officials;

7. To clearly mark the Voter Registry with the word “voted” beside the name of the voter;
8. To issue one (1) ballot to each eligible in-person voter. In the event that any voter spoils or mutilates his or her ballot(s), he or she shall fold it in such a manner that the election officials cannot view the vote and return it to the table where ballots are being issued. Such voter shall then in the presence of the election officials, destroy the ballot. The election officials shall make a record of such destruction and shall provide such voter with another ballot(s);
9. To visually observe the ballot is marked and deposited in the locked ballot box or electronic balloting machine;
10. To ensure the security of the ballot box or electronic balloting machine at all times;
11. To ensure that no person is allowed to electioneer within fifty (50) feet of the polling place. Security may be hired to perform this function;
12. To ensure that there is no loitering in or around the lobby area of the polling place while the polls are being set up, while the polls are open, and during the counting of the ballots. Security may be hired to perform this function; and
13. To ensure that each voter goes to the voting booth alone and marks his or her own ballot.

Article XIV. Assistance to Infirm Voters

Section I. Affirmation of Infirmary

When any otherwise eligible voter presents his or herself for an in-person ballot and states that he or she, because of physical disability or infirmity, is unable to mark his or her ballot, an election official shall require such voter to verbally affirm to the following:

I, (state your name), do solemnly swear or affirm that I am unable to mark and prepare my ballot for voting because of physical disability or infirmity.

Section 2. Assistance by Election Official(s)

- A. Should the voter so qualify him or herself, it shall be the duty of two (2) election officials to give the voter such assistance as reasonably necessary, without influencing the voter. The voter must affirmatively state the way he or she wishes to vote.
- B. Such assistance shall be given at the ballot box, all voters, other than election officials shall be kept sufficiently distanced from hearing or visually observing how the infirm voter cast his or her vote.
- C. No in-person ballot shall be taken from the polling place for voting. Any voter that might require off-site voting must request an absentee ballot pursuant to the provisions stated herein.

Article XV. Absentee Voters

Section 1. Process and Conduct

Absentee voters and balloting shall be processed and conducted in a manner prescribed by the Election Commission. This may be as noted below or by utilizing an outside election service and following the procedures laid out in that agreement either by individual handling or electronic means.

Section 2. Absentee Voter Registration

- A. Any eligible voter of the Wichita and Affiliated Tribes shall be entitled to vote by absentee ballot by filing an Absentee Voter Registration Form as provided by the Election Commission.
- B. The Absentee Ballot Voter Registration Form must be returned via certified mail to designated Wichita Election Commission post office xox.
- C. The Absentee Ballot Voter Registration Form shall be accepted if postmarked no later than thirty (30) days prior to an election.
- D. It is the responsibility of the absentee voter to update their address with the Election Commission or to notify the Election Commission if they no longer wish to receive absentee ballots.
- E. A voter reminder to update contact information and addresses shall be sent by mail notice or published annually in the Wichita Tribal Newspaper, the Wichita and Affiliated Tribes website, and the Anadarko Daily News, no later than sixty (60) days prior to an election.

Section 3. Absentee Voting

- A. A certified absentee voter shall receive an Absentee Voter Packet via the United States Postal Service no later than twenty-five (21) days prior to an election. The packet shall include:
 - 1. An official election ballot;
 - 2. Supporting election documents to include return instructions;
 - 3. An envelope marked "OFFICIAL BALLOT" in which the election ballot must be inserted and sealed after the voter has marked his or her vote; and
 - 4. A prepaid postage envelope with a signature line located on the back, which must be signed by the Absentee Voter. Failure to include a signature will result in a forfeiture or the ballot causing it to be uncounted.
- B. Absentee ballots shall only be returned in the official postage paid envelop. Failure to do so will result in the ballot being uncounted.
- C. Absentee ballots mailed to any address other than the address designated by the Election Commission, shall be considered void.

D. It is the Absentee Voter's responsibility to ensure that the Absentee Ballot is completed by no one other than the voter, appropriately packaged, mailed, and received by the date of the election.

E. Only the Absentee Ballots received by the date of the election will be counted. Any ballot received after the election shall not be counted and shall be denoted as being received after election day.

F. Any absentee voter who chooses not to cast their absentee ballot, and wishes to vote in person must:

1. Surrender his or her absentee ballot prior to casting an in-person ballot; or
2. Sign an affidavit stating they requested an absentee ballot but did not cast it.

E. Absentee ballots shall remain in the designated P.O. Box until no earlier than 4 p.m. CST on the day of the election and transferred by an election official to the secured locked ballot box. The locked ballot box shall be brought to the polling place by (1) election official under the supervision of (1) Commissioner and held until the polls close.

F. Absentee ballots shall be automatically sent to all voters who requested an absentee ballot for the regular election in the event a run-off election is required.

G. Absentee voter registration and absentee balloting shall remain closed after the initial deadline for absentee registration has passed. Absentee voter registration and absentee balloting shall not be made available for the remainder of that specific election. Voters that anticipate the inability to vote in-person for an election or in any subsequent run-off elections are encouraged to register for absentee voting.

Article XVI. Counting Ballots

Section 1. Delivery of the Ballot Lock Box

Immediately following the closing of the polls, the election officials who have assisted with the in-person balloting shall deliver the locked boxes holding the in-person ballot to the election officials designated by the Election Commission to count the ballots. Immediately following the closing of the polls, the election official who has collected the absentee ballots from the P.O. Box shall deliver the locked boxes holding the absentee ballots to the election officials designated by the Election Commission to count the ballots. The Election Commission shall designate the location for the counting of ballots provided that the ballots are counted within the jurisdiction of the Wichita and Affiliated Tribes.

Section 2. Candidate Observers

A. Each candidate will be allowed to have (1) representative to serve as an observer for the counting of ballots. The observer shall not make inquiries, record in any manner, or be disruptive during the counting of ballots. Failure of the observer to follow these rules will result in his/her dismissal and his/her candidate's right to have an observer present during the counting.

B. Each candidate will provide written verification of their selected observer to the Election Commission Secretary no later than twenty-four (24) hours prior to the closing of polls. Failure to submit the name of an observer will result in the forfeiture of the candidate to have an observer present during the counting.

Section 3. Person(s) Permitted to be in Attendance

A. Commissioners, candidate observers, three (3) election officials designated as election counters, and three (3) election officials designated as election counter alternates shall be the only persons present during the counting of the ballots.

B. The ballot box shall be opened in the presence of Commissioners, election counters, election counter alternates, and observers.

Section 4. Ballot Counting

A. All ballots shall be counted only by the (3) designated election counters. No Election Commissioner or any other observer shall be permitted to handle or count the ballots whether counting is completed by hand or by electronic services. Commissioners may only count ballots when a recount is required as stated herein.

B. Ballots shall be manually counted unless the Commission has retained electronic election services.

Section 5. Absentee Ballot Counting

A. Election counter(s) shall determine whether the outside envelop of an absentee ballot has been signed. If not, the absentee ballot shall be set aside as spoiled.

B. Each outer envelope shall be opened, but the inner envelope containing the official ballot shall remain unopened at that point.

C. The sealed envelopes containing the official ballot will then be opened by election counters and made available for the counting process.

Article XVII. Recount Process

Section 1. Automatic Recount

A. An automatic recount of votes shall be required where there are no more than ten (10) votes between the winning candidate and any other candidate(s) for that specific election. The recount shall be limited only to those offices triggering a recount and not to the entire election.

B. Only the Election Commissioners and (3) election counters shall conduct or oversee the recount.

C. Each candidate who is the subject of the specific election recount, has the option to appoint a recount representative to monitor the respective recount on the candidate's behalf. Recount

representatives may be determined at the time of the recount and unlike Candidate Observers, do not need to be submitted to the Election Commission Secretary ahead of time.

D. All ballots of any recount shall be returned and retained in the same manner as all other ballots.

Section 2. Limitation of Recounts

A. Recounts may not exceed one (1) instance of recount as requested by a Candidate. Any additional recounts must be unanimously approved by all Commissioners.

B. The Wichita Election Commission may authorize additional recounts as determined necessary by the Election Commission and is not subject to limitation.

Article XVIII. Certification of Results and Announcement of Results

Section 1. Certification of Election

A. Following the completion of the counting, the election counters shall sign the tally sheets of the count and submit it to the Election Commission.

B. The Commission Secretary shall certify the Election Results by signature and deliver the certified results to the Chairperson of the Commission. If the Secretary is unavailable or refuses to certify the Election Results, any other (2) Commissioners may certify the results.

Section 2. Announcement of Results

The Commission Chairperson shall then make publicly known the results of the election. The official results shall be posted on the door of the Wichita Tribal Administration Building. Results may also be published on the Wichita And Affiliated Tribes official webpage and other official social media of the Tribe.

Article XIX. Records

Section 1. Storage of Records

A. The Election Commission shall certify, maintain, and store in a safe and secure manner, complete and accurate agendas and minutes of all Election Commission meetings (“meeting records”). All other records pertaining to elections (“other records”) shall be collected and stored in a safe and secure manner in their original form by the Secretary of the Election Commission. The Election Commission may elect to create a temporary office within the territorial boundaries of the Wichita and Affiliated Tribes and employ a temporary worker during an election season in which case all meeting records and other records shall be kept at the Wichita and Affiliated Tribes Election Commission Office (“Commission Office”) by a designated custodian employed at the pleasure of the Election Commission.

B. After each election, meeting records, other records, and election results shall be certified by the Election Commission Secretary as true and accurate. A certified copy of meeting records, other records, and election results shall be sent to the Wichita Executive Committee no later than fifteen

(15) days after the certification of the election results by the Election Commission. Meeting records and other records may be destroyed by the Wichita Election Commission after certified copies are submitted to the Wichita Executive Committee.

C. After certification, all meeting records, other records, and election results shall be made available to any [Wichita and Affiliated Tribes] Tribal Member upon reasonable request to the Election Commission. The Commission Office shall keep all personal information of voters private and may provide redacted records to a requestor.

D. Election ballots shall not constitute “other records” and shall be held until for no less than (90) days after the final election results are certified, at which time they shall be properly destroyed by the Election Commission.

Section 2. Access to Records by Wichita and Affiliated Tribes

The Election Commission shall furnish to the Wichita Executive Committee all documentation, reports, and other items in the form and timeline as required under the laws of the Wichita and Affiliated Tribes. The Secretary of the Wichita and Affiliated Tribes Executive Committee and on behalf of the Wichita Executive Committee shall have access to Election Commission records at all times.

Article XX. Electronic Elections Procedures

Section 1. Third Party Election Services

The Election Commission may contract electronic election services through a third-party vendor.

Section 2. Conflicts of Service Contract and Election Ordinance

In the event that an agreement for electronic voting services (“election services agreement”) is entered and that agreement conflicts with any election procedure laid out in this Ordinance as determined by the Election Commission, the procedure which allows the efficient execution of the election shall be presented to the Wichita Executive Committee for a waiver of the respective provision of this Ordinance or any other law of the Wichita and Affiliated Tribes. No election services agreement shall contradict any provision set forth in the Governing Resolution.

Section 3. No Waiver of Sovereign Immunity

The Wichita Election Commission shall not have the authority to waive the sovereign immunity of the Wichita and Affiliated Tribes or its entities. Any waivers of sovereign immunity must be approved by resolution of the Wichita Executive Committee.

Article XXI. Certificate of Enactment

We the undersigned, as President and Secretary of the Executive Committee of the Tribe, do hereby certify that a quorum was present at a special called meeting of the Executive Committee of the Wichita and Affiliated Tribes on the 18th day of June, 2020, and that the foregoing Ordinance was adopted with the affirmative vote of 5 for, 0 opposed and 1 abstentions.

Therefore, the Ordinance is duly enacted, and the date of this meeting shall be the effective date of the provisions of this Ordinance.

PRESIDENT

ATTEST:

SECRETARY

DRAFT