

APRIL 2004 CROW TRIBAL LEGISLATURE

BILL NO. CLB04-05

**INTODUCED BY CARL E. VENNE, CHAIRMAN
CROW TRIBAL EXECUTIVE BRANCH**

**A BILL FOR AN ACT ENTITLED "AN ACT TO ADOPT AN AMENDED ELECTION
ORDINANCE FOR ELECTIONS OF CROW TRIBAL EXECUTIVE BRANCH OFFICIALS
AND MEMBERS OF THE CROW TRIBAL LEGISLATURE,
FOR RECALL AND REFERENDUM ELECTIONS, AND FOR ELECTIONS
TO AMEND THE TRIBAL CONSTITUTION."**

WHEREAS, Article IV, Section 1 of the Constitution and Bylaws of the Crow Tribe (the "Constitution") provides that Tribal Executive Branch Officers shall be elected in accordance with an Election Ordinance duly adopted by the Crow Tribe; and

WHEREAS, Article V, Section 1 and Article VI, Section 2 of the Constitution provide that after the initial election of the Legislature in 2001, the members of the Legislative Branch shall be elected in a duly adopted Election Ordinance; and

WHEREAS, Article VII of the Constitution provides that special elections to fill vacancies in the Executive and Legislative Branches shall be conducted in accordance with a duly adopted election ordinance; and

WHEREAS, Article VI, Section 5 of the Constitution requires the Legislative Branch to adopt a comprehensive election ordinance prescribing procedures for the conduct of elections, nominations, secret balloting, and resolving election disputes, and that such ordinance shall include provisions regarding the conduct of recall and referendum elections; and

WHEREAS, Article XII of the Constitution provides that the process to propose amendments to the Constitution shall be defined by the Legislative Branch in legislation with complies with Article XII; and

WHEREAS, the Tribal Legislature enacted a comprehensive Election Ordinance on September 29, 2003, as Act No. CLB03-08, which was approved by Chairman of the Executive Branch on September 29, 2003; and

WHEREAS, an election for members of the Legislature were successfully conducted pursuant to the Election Ordinance in November-December 2003, despite the closeness of several contests; and

WHEREAS, the Election Commission established pursuant to Article VI of the Election Ordinance has authority and responsibility to promulgate additional rules and regulations for the fair efficient conduct of Tribal elections, subject to approval by the Legislative and Executive Branches; and

WHEREAS, based on experience from the 2003 Legislative elections, the Election Commission has identified several parts of the Election Ordinance that the Commission recommends should be clarified or amended in order to make future elections more efficient, as set forth in the proposed Amended Election Ordinance submitted herewith;

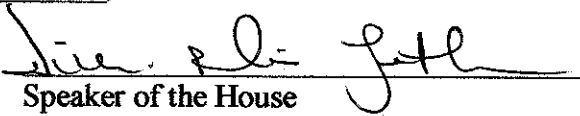
NOW, THEREFORE, BE IT ENACTED BY THE CROW TRIBAL LEGISLATURE:

ADOPTION: Section 1. Upon approval of this Bill, the following Amended Election Ordinance attached here is hereby adopted, and shall become effective immediately.

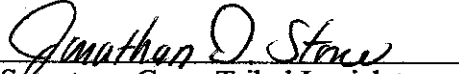
REPEALER Section 2. Upon approval of this bill, the Act entitled Election Ordinance enacted by CLB03-08 and approved on September 29, 2003, is hereby repealed and replaced in its entirety by the Amended Election Ordinance enacted by Section 1 above.

CERTIFICATION

I hereby certify that this Bill was duly approved by the Crow Tribal Legislature with a vote of 15 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 27 day of May, 2004.

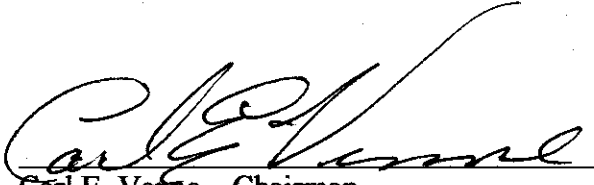

Speaker of the House
Crow Tribal Legislature

ATTEST:


Secretary, Crow Tribal Legislature

EXECUTIVE ACTION

I hereby ✓ approve, _____ veto this Bill pursuant to the authority vested in the Chairman of the Crow Tribe by Article V, Section 8 of the Constitution and Bylaws of the Crow Tribe of Indians, on this 18 day of June, 2004.


Carl E. Verne - Chairman
Crow Tribal Executive Branch

Election Ordinance

Bill or Resolution Number CLB04-05

Introduced by: Executive

Date of vote: 5/27

Representative

| | Yes | No | Abstain |
|----------------|---------------|---------------|---------------|
| D. Goes Ahead | <u>✓</u> | <u> </u> | <u> </u> |
| Cloud | <u>✓</u> | <u> </u> | <u> </u> |
| O. Costa | <u>✓</u> | <u> </u> | <u> </u> |
| Iron | <u>✓</u> | <u> </u> | <u> </u> |
| Plain Feather | <u>✓</u> | <u> </u> | <u> </u> |
| Crooked Arm | <u>✓</u> | <u> </u> | <u> </u> |
| Stewart | <u> </u> | <u> </u> | <u> </u> |
| L. Costa | <u>✓</u> | <u> </u> | <u> </u> |
| C. Goes Ahead | <u> </u> | <u> </u> | <u> </u> |
| Hogan | <u> </u> | <u> </u> | <u> </u> |
| Old Elk | <u>✓</u> | <u> </u> | <u> </u> |
| K. Real Bird | <u>✓</u> | <u> </u> | <u> </u> |
| Pease | <u>✓</u> | <u> </u> | <u> </u> |
| Medicine Horse | <u>✓</u> | <u> </u> | <u> </u> |
| Not Afraid | <u>✓</u> | <u> </u> | <u> </u> |
| P. Real Bird | <u>✓</u> | <u> </u> | <u> </u> |
| Wilson | <u>✓</u> | <u> </u> | <u> </u> |
| Stone | <u>✓</u> | <u> </u> | <u> </u> |
| Totals: | <u>15</u> | <u>0</u> | <u>0</u> |

Results of Vote:

Passed

Not Passed

Tabled

Veto Override

Signature of Officer:

Wm. Elmer J. H.

Date:

5-27-04

ELECTION ORDINANCE

ARTICLE I – GENERAL PROVISIONS

SECTION 1 – AUTHORITY

This Election Ordinance is authorized by and adopted pursuant to Article VI, Section 5 and Article XII of the Constitution and Bylaws of the Crow Tribe of Indians, Crow Indian Reservation, adopted July 14, 2001.

SECTION 2 – PURPOSE

The intent of the Election Ordinance is to establish procedures for fair elections and to insure the secrecy and sanctity of the ballot. This Election Ordinance shall govern all elections for tribal executive or legislative office and all special elections. The regulations and procedures contained in this Ordinance shall be administered by the Tribal Election Commission to accomplish this purpose, provided:

- (1) That no mere informality in the execution of the following provisions of this Ordinance shall invalidate any election; and,
- (2) That substantial compliance shall be recognized as adequate by the duly appointed Election Commission, and when deemed necessary, by the Crow Tribal Court.

SECTION 3 – SEVERABILITY

If the Crow Tribal Court finds any provision of this Ordinance to be invalid or illegal under applicable tribal law, such provision shall be severed from this Ordinance. The remainder of this Ordinance shall not be affected and will remain in full force and effect.

SECTION 4 – DEFINITIONS

In this Ordinance, unless the context otherwise requires:

- (1) “Ballot” means any media by which votes may be cast for candidates or measures.
- (2) “Chairperson” means the duly elected Tribal Chairperson of the Crow Tribe of Indians or any person required to fulfill the duties of Chairperson pursuant to the Constitution and Bylaws of the Crow Tribe of Indians.
- (3) “Commission” means the seven member Election Commission, whose membership shall be comprised of the Chief Election Judge from each District and the Secretary

of the Crow Tribe.

- (4) "Constitution" means the Constitution and Bylaws of the Crow Tribe of Indians, Crow Indian Reservation, effective July 14, 2001.
- (5) "Day" means Tribal working day(s) and not calendar day(s), unless otherwise indicated or specified.
- (6) "Candidate" means, an enrolled tribal member seeking an elected office of the Crow Tribe, that meets all the qualifications for candidacy set forth in this Election Ordinance.
- (7) "District" means one of the six districts on the Crow Reservation namely: Mighty Few, Big Horn, Valley of the Chiefs, Black Lodge, Arrow Creek, and Center Lodge.
- (8) "Electioneer" means to work for a political candidate or ballot issue with the intent to solicit votes or other support for the candidate or ballot issue.
- (9) "Eligible Voter" means Crow Tribal General Council member who is eighteen (18) years of age or older at the time of election and is registered in one of the six (6) Districts, as it applies to legislative elections.
- (10) "Employment" for purposes of the candidacy qualifications shall not include temporary, part-time service due to emergency situations, such as serving as a federal, state or tribal firefighter or serving in the National Guard, military reserve forces, or as tribal homeland security.
- (11) "Executive Branch" means Chairperson, Vice-Chairperson, Secretary, and Vice-Secretary, as defined in Article IV, Section 1, Constitution and Bylaws of the Crow Tribe of Indians.
- (12) "Filing fee", means monetary fee set by the Election Ordinance in order for a person to become a candidate.
- (13) "General Council" means all enrolled tribal members 18 years of age and over.
- (14) "Immediate family" means father, mother, siblings, children and spouse.
- (15) "Initiative" means proposed legislation originating from the people by petition.
- (16) "Legislative Branch" means the elected three (3) legislative members from each established districts, as defined in Article V, Section 1, Constitution and Bylaws of the Crow Tribe of Indians.
- (17) "Recall," means a method of removal of a tribal official in which power is granted

to or reserved by the people.

- (18) "Reservation" means any lands within the exterior boundaries of the Crow Indian Reservation in Montana.
- (19) "Residence" means the place where a person physically lives with the intent to remain for an indefinite period of time. The residence is a person's fixed and permanent home. Permanent means lasting, fixed, stable and not temporary, part time or transient. This definition applies to all eligible voters and candidates.
- (20) "Referendum" means to submit an issue for determination by vote of the Crow eligible voters.
- (21) "Secretary" means the duly elected Tribal Secretary of the Crow Tribe of Indians or any person required to fulfill the duties of the Secretary pursuant to the Constitution and Bylaws of the Crow Tribe of Indians.
- (22) "Substantial" means distinguishable and/or understandable.
- (23) "Tribal Election" means elections of the Crow Tribe, including general and primary elections and all special elections.
 - (a) "General Election" means elections held for the purpose of electing the Chairperson, Vice-Chairperson, Secretary, Vice-Secretary and all Legislative positions.
 - (b) "Primary Election" means elections held for the purpose of deciding the Executive and Legislative Branch candidates who will be placed on the general election ballots.
 - (d) "Special Election" means elections called to fill vacancies in elected positions, elections called for initiatives, referendums, recall, removal and/or elections called to amend the Crow Constitution.
- (24) "Tribal Election Judge" means the persons selected in each district to oversee the tribal elections pursuant to Article V of this Ordinance.
- (25) "Watcher" means a person designated by a candidate to observe the election process on the day of the election.
- (26) "Conflict of Interest" means it is presumed that a conflict of interest exists if a member of the district election judges immediate family is a candidate for the executive or legislative branch office.

ARTICLE II – VOTER QUALIFICATION AND IDENTIFICATION

SECTION 1 - ELIGIBILITY

- 1) Crow Tribal General Council members who are eighteen (18) years of age or older at the time of election shall be eligible to vote in any election of the Executive and Legislative Branches and initiative, referendum, and recall elections.
 - a) The Enrollment Committee shall provide 6 copies of a current enrollment book for purposes of determining voter eligibility.
- 2) District voter registration shall not apply to Executive, initiative, referendum or recall elections.
- 3) District voter registration list shall be enforced during the district Legislative elections. See Section 2 below.
- 4) All individuals seeking to vote must provide valid proof of his/her identification. A Crow Tribal Identification card is presumed to be
- 5) The Secretary of the Crow Tribe shall be responsible for maintaining an updated list of all eligible voters, based on the enrollment book for Executive, initiative, referendum and recall elections and based on the district voter registration lists for District Legislative elections. The Secretary shall also establish a voter registration guide for each district.

SECTION 2 - VOTER REGISTRATION FOR DISTRICT LEGISLATIVE ELECTIONS

- (1) **Selecting a District:** A member must vote in only one (1) district during the primaries and general Election Day. Under no circumstances may a voter cast a ballot in more than one district for the same election. Members who wish to vote in an election must choose a district in which to vote by registering in that district.
- (2) **Timing of Registration:** In order to vote in district Legislative elections, Eligible tribal members must register to vote in a particular district by completing a voter registration form (see appendix A). Registration forms may be completed at any time up to five (5) days before an election to permit the registration list to be printed and distributed to the polling places. Registration shall resume on Election Day and Enrolled members who register on Election Day shall be entitled to vote in that election. Registration forms will be available from the Tribal Secretary's office.

- (3) Registration List: The Secretary shall maintain a comprehensive list of all registered voters. Upon receipt of a voter registration form, the Secretary shall verify that the registrant is an eligible voter, and if so, add the individual to the voter registration list within the same working day and provide the voter with a registration card. The registration list must be kept current at all times and must be kept in a secure location. Registration will be closed five (5) days before the election to permit the registration list to be printed and distributed to the polling places. The Tribal Secretary shall update the voter registration list immediately following the election. If any individual's registration is rejected, the person must be notified of the reason for the rejection within seven (7) days of the determination of ineligibility, in writing.
- (4) Changing District Registration: A registered voter seeking to change the district in which he or she is registered, may do so by filing a new voter registration form and checking the appropriate box. Once a member is registered in a particular district, he or she may change his or her district registration once without any time constraints, except that he or she may not change districts between the Primary and General Elections in an election year. However, after changing his or her district, he or she may not change his or her district again for a period of four (4) years from the date of the initial change.

SECTION 3- ELECTION DAY PROCEDURES

- (1) Executive, Initiative, Referendum and Recall Elections: In order to cast a ballot on Election Day, an election judge will verify the name of the person against the current tribal enrollment book. An eligible person must sign the enrollment book(s) at the polling place.
- (2) Legislative Elections: In order to cast a ballot on Election Day, an election judge will verify the name of the person against the current tribal voter registration list. An eligible person must sign both the registry & enrollment book(s) at the polling place in their district. To be allowed to vote in any district, an eligible person's name must appear on that district's voter registration list on election day. If a person's name appears on another district's voter registration list, that person will be referred to that district, and will be allowed to vote in that district.

SECTION 4 - PENALTY FOR CASTING MORE THAN ONE BALLOT

- (1) Within ninety six (96) hours of each election, the election Judges will cross check the list of persons voting at each polling place to determine if any individual has voted in more than one district in the same election. If an individual has voted more than once, the Election Commission shall file a complaint with the Tribal Prosecutor against such person.
- (2) If convicted, a violator may be subject to a fine, not to exceed \$1000, or jail time, not to exceed one year in the Crow Tribal Jail.

- (3) The Crow Tribal Court shall have final authority to assess fines and impose sentences hereunder.
- (4) In addition to the individual penalties prescribed above, the Election Commission shall decide if the voter fraud described above necessitates a new election, under the standards contained in Article IX, Section 2 herein.

ARTICLE III – CANDIDATE QUALIFICATIONS AND NOMINATION

SECTION 1 - QUALIFICATIONS OF EXECUTIVE CANDIDATES

- (1) All candidates for Executive Branch elected offices (Chairperson, Vice-Chairperson, Secretary, and Vice-Secretary) must meet the candidate requirements established in Article VI, Section 4 of the Constitution.
- (2) All candidates for Executive Branch elected offices must have a physical residence within the exterior boundaries of the Crow Reservation for at least one year prior to being a candidate.
- (3) All candidates for Chairperson, Vice-Chairperson, Secretary, and Vice-Secretary, if elected, must resign from employment with the Crow Tribe, the United States, or the State of Montana or any subdivision thereof prior to taking the oath of office.
- (4) The Secretary will conduct background checks and verify the qualifications of all candidates, upon receipt of a candidate's Declaration of Candidacy and \$500.00 filing fee.

SECTION 2 - QUALIFICATIONS OF LEGISLATIVE CANDIDATES

- (1) All candidates for legislative branch elected offices must meet the candidate requirements established in Article VI, Section 4 of the Constitution.
- (2) All candidates for legislative branch elected offices must have a physical residence within the exterior boundaries of the Crow Reservation for at least one year prior to being a candidate.
- (3) All candidates for legislative branch elected offices, if elected, must resign from employment with the Crow Tribe, the United States, or the State of Montana or any subdivision thereof prior to taking the oath of office.
 - (a) Employment for purposes of the candidacy qualifications shall not include temporary, part-time service due to emergency situations, such as serving as a

federal, state or tribal firefighter or serving in the National Guard, military reserve forces, or as tribal homeland security.

- (4) The Secretary will conduct background checks and verify the qualifications of all candidates, upon receipt of the Declaration of Candidacy and \$250.00 filing fee.

SECTION 3 - NOMINATION OF CANDIDATES

- (1) The Secretary and Election Commission shall place the names of candidates for all executive and legislative offices on the Primary Election Ballot upon:
 - (a) submission of a properly completed and executed Declaration of Candidacy (see appendix B);
 - (b) receipt of the required filing fee;
 - (c) The Secretary's verification of qualifications and successful background check.
- (2) Persons shall file a properly completed and executed Declaration of Candidacy and filing fee for all legislative and executive offices to the Secretary's office no later than 5:00 p.m. on the 40th calendar day preceding the Primary Election. No candidate will be placed on the ballot if it is determined they do not meet the candidacy qualifications or if any of the above mentioned materials are received after the deadline.
- (3) The Secretary shall review and certify the validity of each Declaration of Candidacy, including a verification of qualifications and background check, no later than 30 working days prior to an election.
 - (a) Once a background check is completed, if felony convictions exists, the candidates' name will not be placed on the ballot for any elections, and the candidate shall forfeit filing fees, and will be disqualified.

SECTION 4 - WRITE IN CANDIDATES

The Crow Tribe shall not accept write-in candidates in Tribal Elections.

ARTICLE IV – GENERAL COUNCIL COMMITTEE AND COMMISSION ELECTIONS. (Reserved)

ARTICLE V – DISTRICT ELECTION JUDGES

SECTION 1 – COMPOSITION

- (1) Each legislative district shall nominate and select four (4) persons and an alternate

from their respective districts to serve as election judges. These four (4) persons constitute the district's election judges. At least one of the judges from each district must speak the Crow language fluently.

- (2) The nominated election judges must be approved by a majority vote of the district's three legislative representatives.
- (3) All election judges shall be eligible voters and possess a high school diploma or GED. No Election Judge shall hold an elected office nor intend to seek an elected office during his or her four-year term as election judge.
- (4) District election judges shall select one member to serve as chief election judge and represent the district on the Election Commission.
- (5) Prior to serving as an election judge, each person selected shall be required to take an oath of office, administered by the Secretary of the Tribe, to ensure ethical and fair administration of elections.

SECTION 2 - TIMING OF SELECTION

To provide for staggered membership, three (3) District Election Judges shall serve two-year initial terms and the remaining two (2) District Election Judges will serve four-year initial terms.

SECTION 3 - AUTHORITY AND RESPONSIBILITY

The District Election Judges shall:

- (1) Oversee election day activities at the polling place(s);
- (2) Protect the rights of voters at the polling place(s);
- (3) Check voter qualifications;
- (4) Determine challenges to voter qualifications at the polling place(s);
- (5) Distribute ballots at the polling place(s);
- (6) Assist persons with disabilities and/or language difficulties at the polling place(s);
- (7) Collect and count ballots at the polling place(s);
- (8) Enforce electioneering rules and regulations at the polling place(s);
- (9) Return all cast, unused, and spoiled ballots to the Election Commission; and
- (10) Verify the results of the district election.

SECTION 4 - CONFLICT OF INTEREST

- (1) A district election judge shall disqualify him/herself and withdraw from any and all functions of his/her position during a Tribal election if a conflict of interest exists. Such member may resume his/her duties if there is no longer a conflict of interest. It is presumed that a conflict of interest exists if a member of the district election judges' immediate family is a candidate for Executive or Legislative Branch office.

- (2) The Election Commission shall have the authority, by majority vote, to disqualify and replace a district election judge or Election Commissioner if a conflict of interest exists and such member fails to disqualify him/herself.

SECTION 5- COMPENSATION OF ELECTION JUDGES

All Election Judges shall be compensated at a rate of \$100.00 per day for services relating to required meetings, recounts, election challenges, training and any other expenses incurred (i.e., mileage and per diem) and \$200.00 per day for services relating to tribal election day responsibilities. Nothing in this section is intended to prohibit an Election Judge from volunteering to serve without compensation.

SECTION 6- TRAINING

The Secretary will be responsible for training the election judges/alternates, with respect to the requirements of this Election Ordinance and any other relevant policies or guidelines developed pursuant to this Election Ordinance.

ARTICLE VI - ELECTION COMMISSION

SECTION 1 - COMPOSITION

The Chief Election Judge from each district and the Secretary of the Crow Tribe shall constitute the Election Commission. The Secretary, or his-official designee, shall chair the Election Commission. The Secretary shall vote only in the event of a tie.

SECTION 2 - DUTIES, AUTHORITIES AND RESPONSIBILITIES

The Election Commission shall:

- (1) Promulgate all additional necessary rules and regulations, subject to approval by the legislature, with concurrence by the executive branches, necessary for the fair and efficient conduct of tribal elections;
- (2) Receive, inspect and distribute ballots to the district polling places on election day;
- (3) Canvass election results from all six districts;
- (4) Certify the final Tribal election results;
- (5) Hear all election contests;
- (6) Cross check voter lists to detect or prevent voter fraud;
- (7) Conduct recounts as necessary and if requested; and
- (8) The Election Commission when assembled must recognize the separate distinctive duties of Judges & Commissioners.

SECTION 3 - COMPENSATION OF ELECTION COMMISSION

All election commission members, shall be compensated at a rate of \$100.00 per day for official services relating to required meetings, recounts, election challenges, training and any other expenses incurred (i.e., mileage and per diem) and \$200.00 per day for services relating to election day responsibilities. Nothing in this section is intended to prohibit an Election Commission Member from volunteering to serve without compensation.

ARTICLE VII - PRIMARY ELECTIONS

SECTION 1 - TIMING

Primary Elections shall occur on the second Saturday in October before the General Elections. The District Election Judges and the Election Commission shall conduct and oversee the Primary Elections as provided herein.

SECTION 2 - PRIMARY ELECTION BALLOTS

- (1) The primary election ballots shall list all eligible candidates for the offices of Chairperson, Vice Chairperson, Secretary, and Vice-Secretary, and the primary election ballots for each district shall list all eligible candidates for Legislators for the district.
- (2) No primary election shall be held for an office when there are only (2) certified candidates for the office.

SECTION 3 - PRIMARY ELECTION RESULTS

- (1) The two candidates receiving the highest number of votes for Chairperson, Vice-Chairperson, Secretary, and Vice-Secretary qualify as candidates for the General Election.
- (2) In any district electing only one legislative branch official, the two candidates receiving the highest number of votes in the Primary Election qualify as candidates for the General Election.
- (3) In any district electing two legislative branch officials, the four candidates receiving the highest number of votes in the Primary Election qualify as the candidates for legislative office in the General Election.

- (4) The Election Commission shall certify the results of the Primary Election.

SECTION 4 - SPECIAL ELECTION PRIMARY

- (1) Whenever a vacancy occurs in an elected office, a special election shall be held to fill the vacancy.
- (2) For special elections to fill vacancies in Executive and Legislative Branch elected offices, a primary special election and general special election shall occur. All candidates for Executive and Legislative Branch elected offices who file a Declaration of Candidacy which is certified as sufficient by the Secretary and the required filing fee at least ten (10) days before the primary special election shall be placed on the ballot for the primary special election. The provisions at Section 3 herein, governing primary election results, shall govern which candidates are placed on the general election ballot. The candidate receiving the highest number of votes during the general special election shall be declared the winner.
- (3) There shall be no primary special election for special elections called for initiatives, referendums, recall, removal and/or elections to amend the Crow Constitution.

SECTION 5 - DEATH, RESIGNATION, OR DISQUALIFICATION OF CANDIDATE AFTER THE PRIMARY

In the event of death, resignation, or disqualification of any candidate who by virtue of the primary election was placed on the general election ballot, the candidate who received the next highest number of votes in the primary election preceding the general election shall automatically be placed on the official general election ballot.

ARTICLE VIII – CONDUCT OF ELECTIONS

SECTION 1 - GENERAL ELECTION DATES AND TIME

- (1) Executive Officers shall be elected on the first Saturday in November, 2004 and every fourth year thereafter.
- (2) Legislative Elections will be conducted on the first Saturday in November, 2005 and every two years thereafter. In 2005, the other two Legislators in each district will be elected. All Legislators will serve staggered four-year terms.
- (3) Polling hours are from 9:00 a.m. until 8:00 p.m. on Election Day. The polling

places may not close at anytime during polling hours.

SECTION 2 - VOTING DISTRICTS

The Constitution names six districts: 1) Giveaway or Big Horn, 2) Black Lodge, 3) Valley of the Chiefs or Lodge Grass, 4) Arrow Creek or Pryor, 5) Center Lodge or Reno, and 6) Mighty Few or Wyola.

SECTION 3 - POLLING PLACES

- (1) Except for Executive Branch primary and general elections, all elections must be conducted in the six districts. The district election commissioner for each district shall determine the polling place within their respective district.
- (2) All primary and General Elections for Executive Branch Officers shall be conducted at a central polling place in Crow Agency at a polling place determined by the Election Commission. The Election Commission, who shall perform the functions of Election Judges as further provided in this Article, shall oversee such elections.
- (3) Once a voter has voted and leaves the polling place, they will not be allowed to re-enter the polling place.

SECTION 4 - ELECTIONEERING

Electioneering, in the form of literature, campaign signs, and candidates campaigning will not be allowed inside the polling area or within 200 feet of the polling places during the hours of the election. Any Election Judge witnessing electioneering within this area shall have the Bureau of Indian Affairs police and/or the Crow Tribal security physically remove violators from the polling area. The Crow Tribe shall provide security for each district election, with such security to be appointed by the Election Commission.

SECTION 5 - BALLOTS

- (1) Voting shall be by secret ballot.
- (2) The Secretary shall prepare and supervise the printing and distribution of primary and general election ballots. The ballots shall be numbered consecutively and provided in consecutive numbers to each polling place. The Secretary and Election Commission shall keep a record of the number of all ballots printed and distributed. The Election Commission shall account for all ballots and report such results in its election minutes.

- (3) A number of ballots plainly marked "Sample Ballot" and printed on a paper of different color from that of the official ballots shall be distributed and posted in public places in each district to acquaint voters with the ballot and voting procedures at least seven (7) days before the Election.

SECTION 6 - NOTIFICATION AND PUBLICATION

The Secretary shall post notice of all elections in the United States Post Office in each town located on the Crow Indian Reservation and in the Bureau of Indian Affairs Office at Crow Agency. The Secretary shall also publish notice in the public section of the local newspaper at least ten (10) days before the election.

SECTION 7 - VOTING BY PERSONS WITH DISABILITIES OR LANGUAGE BARRIERS

If a voter presents him or herself and states that he or she, because of a physical disability or language barrier, is unable to mark the ballot, one (1) election judge and one (1) security will give assistance.

SECTION 8 - COUNTING BALLOTS FOR LEGISLATIVE ELECTIONS

Immediately after the polls are closed all ballot boxes shall be taken to a secure room for counting by the Election Judges at the district polling places. The only persons who may be present for the counting are the district Election Judges and candidates' official watchers. Two of the Election Judges will be designated to keep the vote tally. The Chief Election Judge and one other Election Judge will read the ballots. The District's Chief Election Judge will unlock the ballot box. The Chief Election Judge and the other designated judge shall simultaneously read the result of the ballot aloud to the tallying judges. After the last ballot has been read, the tallying judges shall compare their tally sheets. When the tally sheets are identical and deemed correct, the election judges present shall sign the tally sheet. All used and unused ballots and tally sheets shall be relocked in the ballot box. Unofficial results of the voting in each district shall be posted on the exterior door of the voting place.

SECTION 9 - PREPARATION OF CONSOLIDATED RETURN FOR LEGISLATIVE ELECTIONS

The Chief Election Judge, escorted by a BIA Police Officer, shall take the locked ballot box and the unofficial results to Crow Agency. The six members of the Election Commission will unlock the six ballot boxes and canvass the results. The ballot boxes will be opened only if there is an automatic recount or a valid contest/protest. Immediately after the election, the Election Commission shall prepare and sign a consolidated return of the election results and post the results in accordance with Section 15 (1) and (2) herein.

SECTION 10- COUNTING BALLOTS AND PREPARATION OF RETURN FOR EXECUTIVE ELECTIONS

Immediately after the polls are opened at the central polling place, all ballot boxes/cans will be placed in a secured room (with the exception of the Handicapped/Elderly ballot box/can). The Election Commission shall start counting at 11:00 a.m. until all ballots are counted. After the polls are closed, then the Handicapped /Elderly ballot box/can will be brought in for counting. The only persons who may be present for the counting are the Election Commissioners, B.I.A./Tribal police, security and each candidate's official watcher. Two of the Election Commissioners will be designated to keep the vote tally. The Election Commissioner Chairperson and one other Election Commissioner will read the ballots. The Election Commissioner Chairperson will unlock the ballot box. The Election Commissioner Chairperson and the other designated commissioner shall simultaneously read the result of the ballot aloud to the tallying commissioners. After the last ballot has been read, the tallying commissioners shall compare their tally sheets. When the tally sheets are identical and deemed correct, the election commissioners present shall sign the tally sheet. Marked ballots, invalid ballots, and tally sheets shall be relocked in the ballot box along with all unused, invalid and spoiled ballots. Unofficial results of the voting shall be posted on the exterior door of the voting place.

SECTION 11 - WATCHERS

- (1) Any candidate in the primary election may name one (1) tribal member to act as a watcher in each polling place. The candidate is responsible for submitting (in writing) the name of the watcher to the Tribal Secretary's office three (3) days before the primary election. An alternate's name shall also be provided.
- (2) Any candidate in the general election may name three (3) tribal members to act as watchers in each polling place. The candidate is responsible for submitting (in writing) the names of the watchers to the Tribal Secretary's office three (3) days before the general election. For the Executive election, only one (1) watcher will be permitted in the counting area. An alternate's name shall also be provided.
- (3) A search will be conducted on all watchers upon entering the polling place. All communication devices shall be removed from watchers and kept with BIA police until all proceedings of the elections are completed at which time said communication devices shall be returned.
- (4) Watchers shall only listen and observe the election process. Watchers may observe the counting of ballots. Watchers shall view the ballots as they are removed from the ballot box and read aloud by the Judges.
- (5) Under no circumstances shall a watcher leave the polling place until all proceedings of the elections are concluded. Once a watcher leaves the polling place he/she will not be permitted to re-enter the polling place.

SECTION 12 - SPOILED BALLOTS

A ballot shall be considered spoiled/invalid if it has a substantial erasure or markings other than

those authorized on the ballot rendering it impossible for the Election Judges to clearly determine the voters' intent. Election Judges shall keep all spoiled and invalid ballots and return them with the cast ballots to the Election Commission following each election.

SECTION 13 - RECOUNTS

- (1) Automatic Recount: If the margin deciding the election is equal to or less than 1% of the number of votes cast for any office or on any petition, there shall be an automatic recount.
- (2) Recount Request: Any candidate may, by written request directed to the Election Commission, request a recount in any election. Any request for a recount shall be made within seventy-two (72) hours after the election results have been announced.
- (3) Recount Cost: Each candidate request shall be accompanied by a \$500.00 money order, which shall be held by the Tribal Secretary's office. If the recount changes the results of the election, the Secretary shall return the \$500.00 to the candidate. If the recount does not change the results of the election, the candidate shall forfeit the deposit and if the costs of the recount exceed \$500.00, the candidate requesting the recount shall pay to the tribe the amount exceeding the \$500.00 deposit. Recount costs include printing of ballots, compensation to election judges, postage, telephone charges, and other costs directly related to the recount.
- (4) Notice of Recount: If a request for a recount is filed, the Election Commission, not later than two (2) business days after the filing of the first demand, shall notify the remaining Candidates personally (if possible) or by certified or registered mail, that a recount is to be conducted and the date, time, and place of the recount. Candidates are permitted to have watchers present at the recount according to the same procedures set forth in Article VIII, Section 11 above.

SECTION 14- TIE VOTES

- (1) In the case of a tie vote among the top two candidates in the primary election, both candidates will be placed on the general election ballot as the top candidates. In the case of a tie vote among the second and third top vote getters in the primary election, the top three candidates will be placed on the General Election Ballot as the top candidates.
- (2) In the case of a tie vote in the General Election, the election judges shall conduct an automatic recount of the general election ballots. If a tie exists after the automatic recount, a special election shall be held within (10) working days in the manner specified herein for the General Election.

SECTION 15- CERTIFICATION OF ELECTION RESULTS

- (1) The results of all elections will be posted in the Tribal Headquarters Building, each United States Post Office in each town located on the Crow Reservation, the Bureau of Indian Affairs Office at Crow Agency, Montana, a designated place within each of the six districts, and in any other public place deemed appropriate by the Election Commission, by the first Monday after the election results are final.
- (2) The Election Commission shall certify the results of an election within forty-eight (48) hours after the election notwithstanding recounts in Section 13.

SECTION 16 – OATH OF OFFICE

- (1) Regular Elections. Following certification, the elected candidates for Executive Branch and Legislative Branch offices shall officially take office thirty (30) days after the general election in which they were elected. The elected candidate shall take an oath of office that is administered by the Chief Judge of the Crow Tribal Court prior to taking office, or at such later time as any contest for that election has been finally determined.
- (2) Special Elections to Fill Vacancies. See Section 1, Article X, Special Election Procedures, herein.
- (3) Any elected candidate who is employed in any office prohibited by Section 4, Article VI of the Crow Constitution, shall resign from such employment prior to taking the oath of office. Similarly, any elected candidate who is serving as an elected official in another office of the Crow Tribe, shall resign from such elected office prior to taking the oath of office.

SECTION 17 - ABSENTEE VOTING. (Reserved)

SECTION 18 – ELECTRONIC VOTING (Reserved)

ARTICLE IX – CONTESTING ELECTION RESULTS

SECTION 1 - PROCEDURES TO CONTEST

Any candidate may contest the results of the election. A candidate contesting the results of the election shall prepare a written statement under oath setting forth his/her grounds and reasons and file the original with the Election Commission and a copy filed at the Secretary's office. A candidate contesting the results of the election shall pay a \$500.00 deposit (by money order),

which shall be held by the Secretary's office to cover recount costs including printing, compensation to election commission members, postage, telephone charges, and other costs directly related to the contest. Such contest must be made within Five (5) days of announcement of the election results. If it is determined that the protest is valid the \$500.00 shall be returned to the candidate. However, if the protest is deemed invalid, the candidate shall forfeit the deposit and shall pay to the tribe those costs of the recount in excess of the \$500.00 deposit, at which point the funds shall be used to replenish the Election Commission's budget.

SECTION 2 - GROUNDS FOR A CONTEST

- (1) An election result may be challenged on the basis of allegation of fraud if the candidate who's right to the office is contested, or any person authorized to act for such candidate, has given to a voter or election judge a bribe or reward, or has offered such bribe or reward for the purpose of advancing his/her election; or
- (2) An election result may be challenged on the basis of an allegation of irregularities if such challenge alleges a sufficient number of irregularities and of such a nature that: the irregularities complained of would affect the outcome of the election or it is impossible to determine with mathematical certainty which candidate is entitled to be certified as elected, or in an election concerning a referendum, that the outcome of the election is impossible to determine with mathematical certainty.

SECTION 3 - ELECTION COMMISSION PROCEDURES

Within five days of receiving the challenge, the Election Commission shall accept or deny the challenge.

- (1) The Commission shall deny the challenge if it appears on the face of the challenge that the grounds for contest set forth at Section 2 above have not been met. Any denial must be in writing and provided to the challenger by personal service or certified mail.
- (2) The Commission shall accept the challenge if it appears on the face of the challenge that the grounds for contest set forth at Section 2 above have been met. If the challenge is accepted, the Commission shall schedule a hearing within five (5) days. The Commission shall notify the challenger and all candidates that may be affected by the challenge of the date, time and location of the hearing.
- (3) Hearings specifically shall be conducted in accordance with rules and regulations developed and approved by the Election Commission. Following a hearing, the Commission shall issue a decision in writing, including any actions ordered. The Commission may order a recount of the ballots or new election should it appear that such fraud or irregularities may have affected the outcome of the election.

SECTION 4 - TRIBAL COURT REVIEW

- (1) Any party to a hearing before the Election Commission may appeal the Election Commission's Decision to the Crow Tribal Court within five (5) days.
- (2) Any review of Election Commission decisions by the Tribal Court will be limited to a review only of procedures and constitutionality. The Tribal Court determination will be final. The Tribal Appellate Court may only hear appeals based upon constitutional grounds.
- (3) All appeals to the Crow Tribal Court and/or Crow Appellate Court shall be expedited and the Court shall schedule such appeals within five (5) days.
- (4) Nothing in this section should be construed as a waiver in whole or in part of the Crow Tribe's sovereign immunity.

SECTION 5 - DESTRUCTION OF ELECTION BALLOTS

Contents of ballot cans (paper products only) shall be destroyed three (3) months after all election processings has been determined final.

SECTION 6 - STATUS OF INCUMBENTS DURING CONTESTED ELECTION

Should an election be contested, the existing office holder shall remain in office until such time as the contested election is finally determined.

ARTICLE X - SPECIAL ELECTIONS

SECTION 1 - SPECIAL ELECTION PROCEDURES

- (1) Special Election to Fill Vacancies. The elected candidates for Executive Branch and Legislative Branch offices shall officially take office ten (10) days after the special general election in which they were elected.
- (2) All Special Elections shall comply, to the greatest extent practicable, with the provisions governing regular elections within this Ordinance.
- (3) All Special Elections shall be conducted by secret ballot.

SECTION 2- GENERAL PETITION REQUIREMENTS

- (1) For those special elections which are initiated by petition, the general petition requirements for preparing and submitting a petition shall be as follows:
- (a) Petitions for any purpose shall comply substantially with the form in Appendix D.
 - (b) The Tribal Secretary shall issue applications including the issuance of an official number to be printed on the lower right hand corner of both sides of every signature sheet of the petition. Numbers shall be assigned to petitions by the Secretary in numerical sequence and in the order of filing applications. A record shall be maintained by the Secretary of each application received and the number assigned and issued to the applicant.
 - (c) A person or organization intending to file a petition for any purpose shall, before receiving petition forms from the Tribal Secretary, file with the Secretary an application provided by the Secretary which shall be substantially the same form as shown in Appendix E, setting forth his or her name, or if an organization, its name and the names and titles of its officers, address, his or her intention to circulate and file a petition, a brief statement of the purpose of the petition, and any relevant proposed legislation or ordinance. In the event that the petition is for the recall of an elected official, the filing party shall include the name of the person whose recall is sought, a brief, verified and sworn specific statement of the charge or charges made, including, where appropriate, dates, places, and times.
 - (d) The complete petition must be filed with the Secretary no later than ninety (90) calendar days after the Secretary issues it an official number. The Secretary shall not consider petitions filed after ninety (90) calendar days.
 - (e) Every individual circulating a petition shall execute an affidavit of verification, subscribe and swear before a notary public, that each of the names on the sheet was signed and the name and address was printed in the presence of the circulator on the date indicated, and that in his/her belief each signer was an eligible voter of the Tribe.
 - (f) No member of a District Election Committee or the Tribal Election Commission shall circulate a petition. Any signatures collected by a member of an Election Committee or the Election Commission shall be void and not counted in determining the legal sufficiency of the petition.
 - (g) Every eligible voter signing a petition shall do so in the presence of the person circulating the petition and who is to execute the affidavit of

verification.

- (h) A person signing any name other than his/her own to a petition may be guilty of a criminal offense and subject to criminal prosecution in Crow Tribal Court.
- (i) Any person who gives or receives money or any other thing of value to induce a person to sign a petition may be guilty of a criminal offense and subject to criminal prosecution in the Crow Tribal Court.
- (j) Any person knowingly signing his/her name more than once for the same measure, or who is not at the time of signing a qualified voter of the Tribe may be guilty of a criminal offense and subject to criminal prosecution in the Crow Tribal Court.
- (k) Any person who, directly or indirectly, uses force, violence, destruction of personal property, or threat thereof, or any other form of intimidation upon another person, through him/herself or any other person, in order to induce or compel such other person to sign or not sign a petition or for having signed or refrained from signing a petition, may be guilty of a criminal offense and subject to criminal prosecution in the Crow Tribal Court.
- (l) When a petition is filed with the Secretary, the Secretary shall (within five (5) days of receipt):
 - 1. Check to determine that each signature sheet bears the number assigned to the petition, and shall count the signatures on only those sheets bearing the number;
 - 2. Cause all signature sheets to be grouped together and attach them to one or more printed copies of the referred enacted or proposed ordinance or resolution;
 - 3. Number in the lower right hand corner both sides of the signature sheets in consecutive order. The same number shall appear on both sides of the sheet; and
 - 4. Verify that the signatures correspond with eligible voters.
- (m) After the verification of all signatures is complete, if the number of valid signatures on the Petition sheets, after subtracting ineligible names, equals or exceeds the minimum number required by the Constitution, the Secretary shall issue a receipt to the person or organization that submitted the petition, acknowledging the filing of the petition, the verification of signatures, and the number of signatures found to be valid. The signatures found to be ineligible shall be noted in the receipt, including the page on which such signatures were found.

- (n) In the event that the number of valid signatures on the Petition sheets, after subtracting ineligible names, fails to equal or exceed the minimum required by the Constitution, the Secretary shall retain a copy of the signatures sheets and promptly return the original signature sheets to the individual/organization that submitted them, together with a certified statement indicating which signatures were invalidated and the page(s) on which such invalid signatures were found.

SECTION 3 - INITIATIVE ELECTIONS (Authority: Constitution Art. IX, Sec. 2)

- (1) Upon receipt of an Initiative Petition signed by not less than twenty-five percent (25%) of the total number of members of the General Council setting forth a proposed ordinance or resolution, the Tribal Secretary shall promptly verify the petition and if it is deemed adequate, shall call a special election to vote on the initiative measure within thirty (30) days of its receipt.
- (2) The Secretary shall publish notice of the election, including the date, time, and locations of the election; the terms of the initiative; and prepare Ballots.
- (3) An initiative passes when approved by a two-thirds (2/3) majority of General Council Members voting in the initiative election. Approval of an initiative by a two-thirds (2/3) majority vote shall be final and binding, provided that at least twenty-five (25%) of the total number of members of the Crow Tribal General Council voted in the election.
- (4) The votes in an Initiative Election shall be counted by the district Election Judges and the Crow Tribal Election Commission.
- (5) The results of any Initiative Election in which voter participation is less than twenty-five percent (25%) of the total number of members of the General Council shall not be ratified by the Crow Tribal Election Commission, and are therefore void.

SECTION 4 - REFERENDUM ELECTIONS (Authority: Constitution Art. IX Sec. 1)

- (1) No ordinance or resolution previously submitted for initiative vote shall be subject to a referendum election under this chapter. These regulations provide the exclusive procedure for a referendum election.
- (2) The Secretary shall submit any enacted or proposed tribal legislation for referendum vote at the Crow Tribal General Council as follows:
 - (a) If the Secretary receives a Referendum Petition that substantially complies with the requirements of Subsection 3 signed by not less than twenty-five percent (25%) of the qualified voters; or

- (b) If the Chairperson of the Executive Branch of the Tribe requests a referendum vote on any legislation vetoed by the Chairperson that has been overridden by the Legislature. The purpose of a referendum under this subsection shall be to overturn the Legislature's override. If the referendum does not pass, pursuant to subsection (4) below, the Legislature's override shall remain effective.
- (3) Upon receipt of a valid petition or request hereunder, the Secretary shall call for a referendum election within thirty (30) days of such receipt. The Secretary shall prepare ballots and publish notice of the election in at least one (1) local newspaper and post notices of the election in all six (6) reservation districts at least fourteen (14) days prior to the election. The notices must contain the date, time and polling places for the election and a short description of the terms or issues presented for referendum vote.
- (4) A referendum passes when approved by a two-thirds (2/3) majority of General Council Members voting in the referendum election. Approval of a referendum by a two-thirds (2/3) majority vote shall be final and binding, provided that at least twenty-five (25%) of the total number of members of the Crow Tribal General Council voted in the election.
- (5) The district election judges and Election Commission shall count the ballots in all referendum elections.
- (6) The Election Commission shall not ratify or recognize the results of any referendum election in which voter participation is less than twenty-five percent (25%) of the total number of members of the General Council
- (7) The Petition in subsection (2) of this Section must contain:
 - (a) The enacted or proposed ordinance for consideration; and
 - (b) A signature, printed name, enrollment number, address and voting district of each General Council member who signs the Petition.

SECTION 5 - RECALL ELECTIONS (Authority: Constitution Art. VII, Sec. 3)

- (1) Upon receipt of a Recall Petition signed by at least twenty-five percent (25%) of the Crow Tribal General Council demanding a recall of any member of the Executive or Legislative Branches of government, the Secretary shall promptly verify the contents of the petition and if it is deemed adequate, call a special election at a Crow Tribal General council meeting to vote on the recall measure within thirty (30) days of its receipt.

- (2) The Secretary shall publish notice of the election, including the date, time, and places of the election; the terms of the recall; and prepare Ballots.
- (3) The Secretary shall provide the petition and charges to the person subject to recall at least ten (10) days prior to the Crow Tribal Council meeting called to vote upon the recall election. The officer or member subject to the recall petition must be given an opportunity to answer any and all charges prior to the vote.
- (4) An official shall be recalled from his/her elected position when a recall petition is approved by a two-thirds (2/3) majority of General Council Members voting in the recall election. Approval of a recall petition by a two-thirds (2/3) majority vote shall be final and binding, except as provided in (5).
- (5) A Recall Election is valid only when at least twenty-five (25%) of qualified Crow Tribal General Council Members participate by casting ballots.
- (6) The results of any Recall Election in which voter participation is less than twenty-five percent (25%) of the total number of members of the Crow General Council shall not be ratified by the Crow Tribal Election Commission.
- (7) The Election Commission shall count votes in all recall elections.

SECTION 6 – REMOVAL ELECTIONS (Authority: Constitution Art. VIII Sections 1 and 2)

Part A – Removal of Executive Officials

- (1) An elected Executive Branch official may submit a petition for the removal of any other elected Executive Branch official for any of the following reasons:
 - (a) Indictment or charged with a felony crime;
 - (b) Serious illness that interferes with the ability to fulfill Executive responsibilities;
 - (c) Misuse of Tribal funds;
 - (d) Abuse of authority; and
 - (e) Abuse of drugs and/or alcohol.
- (2) The petition may not be submitted to the General Council without the unanimous vote of the remaining officials not named in the petition.
- (3) The petition, properly approved and submitted by the Executive Branch officials, shall be provided to the subject Official along with a complete statement of the charges against him/her. The petition and charges shall be provided to the Official at least ten (10) days before a scheduled hearing on the petition.

- (4) A hearing before the Crow Tribal General Council on the petition shall be conducted by the Chairperson of the Executive Branch or his/her designee at the Crow Multi-purpose Building. The hearing shall allow the Official named in the petition full opportunity to address allegations against him/her.
- (5) Following the hearing, the General Council shall vote upon the removal petition by secret ballot.
- (6) Removal Elections for Executive Branch officials shall be conducted at the Crow Multi-purpose Building, overseen and staffed by Election Commission members and the District Election Judges
- (7) The Election Commission shall count votes in all Removal Elections for Executive Branch officials.
- (8) A Removal Election for an Executive Branch official must pass by a two-thirds (2/3) majority vote of General Council members voting in the removal election.
- (9) A Removal Election will not be valid unless at least twenty-five (25%) of the Crow Tribal General Council vote in the recall petition election.
- (10) If a removal petition is approved by the Crow Tribal General Council, the Secretary or Vice-Secretary (if necessary) shall declare that office vacant and commence procedures for new elections, as provided in this Ordinance.
- (11) The decision of the Crow Tribal General Council is final.
- (12) No member of the Executive Branch shall preside over a meeting at which his/her removal is being considered.

Part B – Removal of Legislative Officials

- (1) An elected Legislative official may submit a petition to expel any other member of the Legislative Branch for any of the following reasons:
 - (a) Indictment or charged with a felony crime;
 - (b) Serious illness that interferes with the ability to fulfill Legislative responsibilities;
 - (c) Misuse of Tribal funds;
 - (d) Abuse of authority; and
 - (e) Abuse of drugs and/or alcohol.
- (2) The petition may not be submitted to the General Council without a least two-thirds (2/3) majority vote of the remaining legislators not named in the petition.
- (3) The petition, properly approved and submitted by the Legislative Branch officials,

shall be provided to the subject Official along with a complete statement of the charges against him/her. The petition and charges shall be provided to the subject Official at least ten (10) days before a scheduled hearing on the petition.

- (4) A hearing before the Crow Tribal General Council on the petition shall be conducted by the Chairperson of the Executive Branch or his designee at the Crow Multi-purpose Building. The hearing shall allow the Legislative Member full opportunity to address allegations against him/her.
- (5) Following the hearing, the General Council shall vote upon the Removal Petition by secret ballot.
- (6) Removal Elections for Legislative Officials shall be conducted at the Crow Multi-purpose Building, overseen and staffed by Election Commission members and the District Election Judges.
- (7) The Election Commission shall count votes in all Removal Elections for Legislative Officials.
- (8) A removal petition for a Legislative Official must pass by a two-thirds (2/3) majority vote of the General Council members voting in the removal election.
- (9) A removal election is not valid unless at least twenty-five percent (25%) of the Crow Tribal General Council vote in the removal petition election.
- (10) If a Removal petition is approved by the Crow Tribal General Council, the Secretary shall declare that office vacant and commence procedures for a new election as provided in this Ordinance.
- (11) The decision of the Crow Tribal General Council is final.

SECTION 7 - ELECTIONS TO AMEND THE CROW CONSTITUTION (Authority: Constitution Art. XII)

- (1) A Proposal to amend the Crow Constitution may be placed on a special election ballot in the following manner:
 - (a) Initiative Petition - All proposed amendments through the Initiative process must comply with the requirements contained in Section 3, Initiative Elections, within this Ordinance.
 - (b) Referendum Petition - All proposed amendments through the referendum petition process must comply with the requirements contained in Section 4, Referendum Elections, within this Ordinance.

- (c) Proposed amendments may be submitted for General Tribal Council vote through certified Legislation duly approved by the Crow Tribal Legislature and Chairperson of the Executive Branch.
- (2) Upon approval of legislation proposing amendments to the Crow Constitution, the Secretary shall call a special election within thirty (30) days of receiving the certified legislation from the Crow Tribal Legislature and Chairperson Executive Branch.
- (3) Upon receipt of an Initiative or Referendum Petition signed by at least twenty-five per cent (25%) of the Crow Tribal General Council setting forth a proposed amendment to the Crow Constitution, the Secretary shall promptly verify the petition and if it is deemed adequate, call a special election to vote on the amendment within thirty (30) days of its receipt.
- (4) The Secretary shall publish notice of the election, including the date, time and places of the election, the proposed amendment language; and prepare ballots.
- (5) An amendment to the Constitution passes when approved by two thirds (2/3) majority vote of the Crow Tribal General Council Members voting in the election, provided that at least 30% of the Crow Tribal General Council vote in the election called for the purpose of amending the Constitution.
- (6) The district election judges and the Election Commission shall count all votes in a Constitutional amendment election.
- (7) No amendment to the Constitution shall become effective until approved by the Secretary of the Interior or his duly authorized representative.

SECTION 8 - VACANCY OF ELECTED OFFICES (Authority: Constitution Art. VII)

Part A – Executive Branch Vacancies

- (1) If an officer of the Executive Branch dies, resigns, is removed or recalled, or is convicted of a felony while in office, the Chairperson of the Executive Branch or his/her official designee shall immediately declare the office vacant and direct the Secretary or his/her official designee to hold an election within sixty (60) days of the declaration of vacancy to elect a successor to fill the unexpired term.
- (2) The election for a vacancy shall, to the greatest extent practicable, occur in accordance with the procedures established in Articles VII and VIII of this ordinance for Primary and General Elections.

- (3) Changes in the procedures for holding elections, including expedited time constraints, shall be recommended to the Executive and Legislative Branches for consideration by the Election Commission. Such changes shall be approved in a duly adopted Joint Action Resolution.
- (4) If the position of Chairperson should be declared vacant, the Vice-Chairperson shall act as Chairperson until a new Chairperson is duly elected. No individual shall be elected or appointed to fill the vacant Vice-Chairperson position during this interim period.
- (5) If the position of Secretary should be declared vacant, the Vice-Secretary shall act as Secretary until a new Secretary is duly elected. No individual shall be elected or appointed to fill the vacant Vice-Secretary position during this interim period.
- (6) The Secretary or his/her official designee shall do all in his/her power to hold a new election and fill the vacant Executive Office in accordance with Article VII, of the Crow Constitution.

Part B – Legislative Branch Vacancies

- (1) If a member of the Legislative Branch dies, resigns, is removed or recalled, or is convicted of a felony while in office, the Speaker of the House or his/her official designee shall immediately declare the office vacant and direct the Secretary of the Executive Branch or his/her official designee to hold an election in the appropriate district within sixty (60) days of the declaration of vacancy to elect a successor to fill the unexpired term.
- (2) In the event that a member of the legislature fails to attend one half ($\frac{1}{2}$) or more of the scheduled meetings within a legislative session, the Speaker of the House Legislature shall submit a petition for the removal of that legislator pursuant to Section 5, Part B of this Article. If the removal petition is approved by the legislature and passes in a removal election, the office of that legislator shall be declared vacant.
- (3) The election for a vacancy shall, to the greatest extent practicable, occur in accordance with the procedures established in Articles VII and VIII of this ordinance for Primary and General Elections.
- (4) Changes in the procedures for holding elections, including expedited time constraints, shall be recommended to the Executive and Legislative Branches for consideration by the Election Commission. Such changes shall be approved in a duly adopted Joint Action Resolution.
- (5) The Secretary or his/her official designee shall do all in his/her power to hold a new election and fill the vacant Legislative Office in a timely manner, in

accordance with Article VII of the Crow Constitution.

SECTION 9 – INVALIDATION OF ELECTION

If the results of an election is invalidated for any reason, other than the lack of the required percentage of voter participation, by a final and binding decision of the Election Commission or a judgment by the Crow Tribal Court, the Secretary shall call another election as soon as practicable, in no event to exceed a period of thirty (30) days from the date upon which the decision or judgment became final and binding.

ARTICLE XI – CAMPAIGN EXPENSES AND CONTRIBUTIONS

SECTION 1 – (Reserved)

SECTION 2 – (Reserved)

SECTION 3 – (Reserved)

SECTION 4 – CONTRIBUTIONS BY CORPORATIONS AND NONMEMBERS OF THE CROW TRIBE

It is unlawful for any corporation or nonmember of the Crow Tribe to make any contribution of money or anything of value for the purpose of campaigning or influencing a Crow election, or for any member of the Crow Tribe to receive such a contribution for such a purpose. However, it shall not be unlawful for a radio or television station to make free time available to any candidate for Crow Tribal Office, provided that equal time is made available to all other candidates for the same office. Any person who violates this section shall be guilty of an offense and upon conviction shall be fined not more than \$1000 or imprisoned in tribal jail for not more than 1 year. Any non-Indian who violates this provision shall similarly be fined and may be expelled from the Crow Indian land, pursuant to applicable expulsion procedures.

SECTION 5- USE OF TRIBAL RESOURCES FOR CAMPAIGN

Employees of the Tribe who become candidates for tribal office shall be permitted to continue in their jobs. However, they shall be prohibited from campaigning during working hours. Employees of the tribe who would like to campaign without pay must take leave without pay. No candidate for elected office may use any tribal vehicle, materials, equipment, or any other resources, nor incur expenses of any kind to the Tribe for the advancement of their campaign or the campaign of others. Any person who violates this section may be guilty of a misdemeanor offense and in addition to losing their job and making restitution to the Tribe, upon conviction be fined not more than \$1000.00 or imprisoned in tribal jail for not more than twelve (12) months.

ARTICLE XII – OTHER AND PRIOR ELECTION ORDINANCES

- (1) Tribal Court Judges. This Election Ordinance does not apply to elections for Tribal Court Judges in accordance with Article X of the Constitution.
- (2) Boards and Committees. This Election Ordinance does not apply to district elections for members of Tribal committees and boards.
- (3) All other prior ordinances and resolutions governing Crow Tribal Elections for the Chairperson, Vice-Chairperson, Secretary and Vice-Secretary of the Crow Tribal Council, and for the Officers of the Executive Branch and the Members of the Legislature pursuant to the Constitution adopted effective July 14, 2001, are hereby repealed and rescinded.

ARTICLE XIII- AMENDMENTS

The Crow Tribal Legislature may amend this Election Ordinance from time to time with approval by the Executive Branch, in accordance with its policies and procedures and in accordance with the Crow Constitution, taking into consideration any recommendations made by the Election Commission.