

JULY 2005 CROW TRIBAL LEGISLATURE

BILL NO. CLB05-15

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

A BILL FOR AN ACT ENTITLED "AN ACT TO AMEND THE COMPREHENSIVE ELECTION ORDINANCE"

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 and Bylaws of the Crow Tribe 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 which complies with Article XII; and

WHEREAS, the Tribal Legislature enacted and the Chairman approved a comprehensive Election Ordinance on September 29, 2003, as Act No. CLB03-08, and subsequently enacted in the April 2004 Session and approved the current amended comprehensive Election Ordinance as Act No. CLB04-05; and

WHEREAS, certain amendments are necessary to clarify the comprehensive Election Ordinance for purposes of the upcoming elections in October 2005;

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

ADOPTION: Section 1. The following section of the comprehensive Election Ordinance is hereby amended to read as follows:

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 Office 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 lists 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 valid.
- 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 lists 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:** Prior to Election Day 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 and 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 lists of persons voting at each polling place to determine in 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.
- 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.

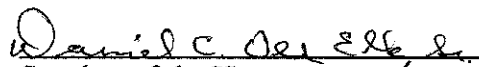
ARTICLE XII – OTHER AND PRIOR ELECTION ORDINANCES

- (1) Tribal Court Judges. This Election Ordinance only applies to elections for Tribal Court Judges in accordance with Article X of the Constitution as specified in Title 3 of the Crow Law and Order Code.

Section 2. Upon enactment of this Bill and approval of the Chairman of the Executive Branch, the foregoing amendments are hereby adopted with an immediate effective date.

CERTIFICATION

I hereby certify that this Bill, an Act to Amend the Comprehensive Election Ordinance, was duly enacted by the Crow Tribal Legislature with a vote of 13 in favor, 0 opposed, and 0 abstained and that a quorum was present on this 26th day of July, 2005.


Speaker of the House
Crow Tribal Legislature

ATTEST:

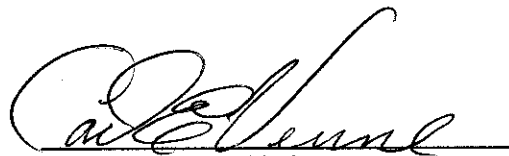

Secretary, Crow Tribal Legislature

EXECUTIVE ACTION

I hereby
_____ approve

_____ veto this Bill:

“AN ACT TO AMEND THE COMPREHENSIVE ELECTION ORDINANCE “
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 2 day of
Aug, 2005.


Carl E. Venne, Chairman
Crow Tribal Executive Branch

Amend Comprehensive Election Ordinance -

Bill or Resolution Number CLB-0515 Introduced by: Executive Date of Vote 7-26-05
 Representative

	Yes	No	Abstain
B. Cloud	_____	_____	_____
C. Goes Ahead	✓ _____	_____	_____
O. Costa	✓ _____	_____	_____
V. Crooked Arm	✓ _____	_____	_____
R. Iron	✓ _____	_____	_____
J. Stewart	✓ _____	_____	_____
E. Fighter	✓ _____	_____	_____
L. Costa	✓ _____	_____	_____
L. Hogan	✓ _____	_____	_____
D. Old Elk	✓ _____	_____	_____
K. Real Bird	_____	_____	_____
E. Pease	✓ _____	_____	_____
S. Medicine Horse	_____	_____	_____
L. Not Afraid	✓ _____	_____	_____
P. Real Bird	✓ _____	_____	_____
D. Wilson	_____	_____	_____
J. Stone <i>Secretary of the House</i>	✓ _____	_____	_____
W. Plain Feather <i>Speaker of the House</i>	_____	_____	_____
Totals:	<u>13</u>	<u>0</u>	<u>0</u>

Results of Vote:
 Passed Not Passed Tabled Veto Override

Signature of Officer: David C. Old Elk, Jr. Date: July 26, 2005
Speaker & Pro-Tem.