

## CROW TRIBAL ELECTION COMMISSION

### RULES FOR HEARINGS IN ELECTION CHALLENGES

1. Purpose and Authority. These rules are adopted pursuant to authority granted by Article IX, Section 3(2) of the Election Ordinance adopted and approved on September 29, 2003 (the "Election Ordinance"), and govern all hearings held by the Election Commission (the "Commission") when a candidate contests or challenges the results of an election under Article IX of the Election Ordinance.

2. Time and Notice of Hearing. (a) A hearing will be scheduled for a time within five (5) business days after the Commission has accepted a challenge according to Article IX, Section 3(2) of the Election Ordinance.

(b) A written Notice of Hearing shall be given to the challenger and all other candidates that may be affected by the challenge (the "other candidates"). The Notice shall be served by delivering a copy to the candidate personally, or by sending it via certified mail to the candidate's address set forth in his or her Declaration of Candidacy. The Notice shall state the date, time and location of the hearing. A copy of the challenge and these Rules shall be provided with the Notice.

3. Procedure for Hearing. At each hearing for each challenge, the following procedures shall apply.

(a) The challenger's statement filed according to Article IX, Section 1, shall be read by the challenger.

(b) The challenger shall be given the opportunity to explain and further document the challenge, and have witnesses testify in support of the challenge, according to the following process:

(i) The challenger will be permitted, but not required, to make an oral statement under oath to the Commission. At this time, the challenger may also provide additional papers or documents in support of the challenge.

(ii) The members of the Commission may ask the challenger questions, and the challenger shall be required to answer all questions under oath.

(iii) Other candidates in attendance may have questions asked of the challenger, by directing such questions to the Chairman of the Election Commission, who shall then ask those questions of the challenger, and the challenger shall be required to answer all questions under oath.



- (iv) The challenger may call witnesses in support of the challenge. The witnesses may make statements, provide documents, and be questioned by the challenger, and by the members of the Commission and other candidates (through the Chairman of the Commission).
- (c) Each of the other candidates who may be affected by the challenge shall be given the opportunity to explain and document their opposition to the challenge, and have witnesses testify in opposition to the challenge, according to the following process:
  - (i) The other candidate will be permitted, but not required, to make an oral statement under oath to the Commission. At this time, the other candidate may also provide additional papers or documents in opposition to the challenge.
  - (ii) The members of the Commission may ask the other candidate questions, and the other candidate shall be required to answer all questions under oath.
  - (iii) The challenger may have questions asked of the other candidate, by directing such questions to the Chairman of the Election Commission, who shall then ask those questions of the other candidate, and the other candidate shall be required to answer all questions under oath.
  - (iv) The other candidate may call witnesses in opposition to the challenge. The witnesses may make statements, provide documents, and be questioned by the other candidate, and by the members of the Commission and the challenger (through the Chairman of the Commission).
- (d) Any member of the Election Commission may call additional witnesses, who will be allowed to make a statement, provide documents pertinent to the challenge, be questioned by the members of the Commission, and be questioned by the by the challenger and the other candidates (through the Chairman of the Commission).
- (e) The challenger may present other witnesses or documents to address or rebut new matters brought forward by the other candidates, the other candidates' witnesses, or the Commissioners' witnesses. The challenger's rebuttal witnesses may be questioned by the challenger, members of the Commission, and by the other candidates (through the Chairman of the Commission).
- (f) The challenger may make a brief closing statement.
- (g) The other candidates may each make brief closing statements.
- (h) At the conclusion of the closing statements, the challenge will be deemed submitted to the Election Commission for decision.



4. General Conduct and Control of the Hearing.

- (a) The hearing will be conducted informally, and the Rules of Evidence applicable to court proceedings shall not apply.
- (b) The Commission may limit questions, responses and statements if they would be needlessly repetitious, inflammatory or not relevant. All rulings on limiting questions, responses and statements shall be made by the Chairman of the Election Commission, and the Chairman's ruling shall be final.
- (c) The Commission may consider affidavit testimony, and may take notice of all official records maintained by the Commission or the District Election Judges.
- (d) In all other matters of procedure not covered by these rules, the process shall be decided by majority vote of the Election Commission.

5. Oaths. Prior to providing any testimony, the challenger, the other candidates and all witnesses shall be sworn in by the Chairman of the Election Commission or a Notary Public.

6. Exclusion of Witnesses. With the exception of the challenger and the other candidates (and their respective representatives), all individuals expected to testify shall not be present in the hearing room except to provide their testimony.

7. Representatives. The challenger and the other candidates may be represented by having legal counsel, a lay advocate, or other representative in attendance at the hearing. The representative may advise the challenger or other candidate during the hearing, and assist in preparing written questions for witnesses, but may not make statements or otherwise address the Commission.

8. Decision. Upon the conclusion of the hearing, the Election Commission shall recess to make a decision on the challenge. Such decision shall be made in writing, provide an explanation of the basis for the decision, and order any actions authorized by Article IX, Section 3(2) of the Election Ordinance. The Commission's decision shall be promptly served on the challenger and the other candidates by personal service or certified mail.

9. Amendments. The Election Commission may, upon majority vote, amend these rules from time to time and may, upon majority vote, waive any rule herein for good cause.

I hereby certify that the foregoing Rules were duly adopted by the Crow Tribal Election Commission on the \_\_\_\_ day of December, 2003.

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Chairman  
Crow Tribal Election Commission