

APRIL SESSION 2016 CROW TRIBAL LEGISLATURE

CLB No. 16-01

Introduced by
Senator Eric Birdinground, Senator Paul J. Hill, and Senator Arnold Coyote Runs
Center Lodge District

A Bill for an Act Titled:

**AN ACT TO AMEND THE CROW TRIBAL ELECTION ORDINANCE TO PROVIDE
TRIBAL MEMBERS THE OPTION OF ABSENTEE VOTING IN ALL FUTURE
TRIBAL ELECTIONS**

Legislative Findings:

WHEREAS, pursuant to Article V, Section 2(a) of the Crow Tribal Constitution the Crow Tribal Legislature (hereinafter “Legislature”) is vested with the power and duty to promulgate and adopt laws, resolutions, ordinances, codes, regulations, and guidelines in accordance with the Crow Tribal Constitution and federal laws for the governance of the Crow Tribe of Indians; and

WHEREAS, Article VI, Section 5 of the Crow Tribal Constitution provides that the Legislature shall adopt a comprehensive election ordinance which shall prescribe procedures for the conduct of elections, nominations, secret balloting, resolving election disputes, and including provisions regarding the conduct of recall and referendum elections; and

WHEREAS, Title 21 of the Crow Law and Order Code contains the Crow Tribal Election Ordinance (hereinafter “Election Ordinance”); and

WHEREAS, Article VIII, Section 17 of the Election Ordinance contains a reserved section titled “Absentee Voting”; and

WHEREAS, many members of the Crow Tribal General Council are not able to cast votes in tribal elections due to military service, college attendance, being located outside the Crow Indian Reservation for extended periods of time due to other professional and personal commitments, the high cost of fuel and transportation, adverse weather conditions, and conflicting scheduling matters; and

WHEREAS, the Tribal Secretary’s Office, along with the Election Commission and Election Judges, have demonstrated a high-level of professionalism and administrative competence in the conduct of Crow tribal elections; and

WHEREAS, the Legislature now seeks to establish a right to absentee voting in order to ensure all members of the Crow Tribal General Council may exercise their right to vote by secret ballot in all future and upcoming Crow tribal elections.

**NOW, THEREFORE, BE IT HEREBY ENACTED BY THE CROW TRIBAL
LEGISLATURE IN REGULAR SESSION AS CROW TRIBAL LAW:**

Section 1. Amendments to Crow Tribal Election Ordinance. Title 21 of the Crow Law and Order Code, titled “Elections,” and also known as the “Election Ordinance,” is hereby amended at Article VIII, Section 17 and shall, upon the effective date of this Act, read as follows:

SECTION 17 – ABSENTEE VOTING

(1) Right to Absentee Voting. Every member of the General Council shall have a right to cast their vote by absentee ballot in all primary and general elections for Executive Branch, Legislative Branch, and Judicial Branch positions, and in all special elections called by the Secretary for the purpose of filling vacancies in elected positions, initiative, referendum, recall, removal, constitutional amendment, and tribal ratification votes. All such absentee voting shall be by secret ballot and conducted in accordance with this Section.

(2) Request for Absentee Ballot: Primary and General Elections for Tribal Officials. Not more than ninety (90) calendar days and not less than seven (7) calendar days prior to a primary election, any member of the General Council may request from the Secretary’s office to vote by absentee ballot in the upcoming election cycle. Upon signature, indicating an agreement that the voter shall not have the right to vote in the upcoming election by traditional means, the voter shall receive one absentee ballot for the upcoming primary and one absentee ballot for the upcoming general election. The ballots shall be numbered consecutively and shall contain an appropriate number of blank lines indicating the allowable number of votes which may be cast. The ballots shall be filled in by the voter by writing the name of the certified candidate(s) of their choice. The Secretary shall prepare and approve the absentee ballots, including District affiliation if applicable and including instructions on the ballot which indicate in plain language the requirements of this Section. *Provided that*, in the event no primary election is required, the primary election absentee ballots shall be considered null and void. *Provided, further, that*, in order to receive an absentee ballot for a Legislative Branch election, the voter must be registered in the District for the ballot requested and may not change District registration until the completion of the upcoming election cycle.

(3) Request for Absentee Ballot: Special Elections. Not more than thirty (30) calendar days and not less than seven (7) calendar days prior to a special election, any member of the General Council may request from the Secretary’s office to vote by absentee ballot for that upcoming special election. Upon signature, indicating an agreement that the voter shall not have the right to vote in the upcoming special election

by traditional means, the voter shall receive one absentee ballot for the upcoming special election. The ballots shall be numbered consecutively in a manner as to distinguish from traditional ballots but shall otherwise be identical to the traditional ballots. The Secretary shall prepare and approve the absentee ballots, including instructions on the ballot which indicate in plain language the requirements of this Section.

(4) Special Request for Ballot by U.S. Mail. Notwithstanding Subsection (2) and (3) above, any member of the General Council may request by United States Mail through submitting a form to the address described in Section (5) below, not more than ninety (90) calendar days and not less than thirty (30) calendar days prior to a scheduled primary election or not less than seven (7) calendar days prior to a special election. The Secretary shall prepare and approve such absentee ballot request forms, which must contain each of the following:

(a) a signature line for the voter indicating an agreement that the voter shall not have the right to vote in the upcoming election by traditional means;

(b) an address to which the Secretary shall send the absentee ballot in the United States Mail; and

(c) a public notary signature which attests to the voter having signed the form after presenting two forms of valid, government-issued photo identification (federal, state, or tribal) to the notary.

Upon receiving the special absentee ballot request form in the mail the Secretary, or designee, shall promptly send the absentee ballots to the voter via United States Mail.

(5) Casting of Absentee Ballot by Voter. All absentee ballots must be mailed to a special United States Post Office Box address established by the Secretary exclusively for the purposes of absentee voting and must be received on or before the applicable election day in order to be considered lawfully cast. Such mailing address shall be pre-printed on the mailing envelope included with the absentee ballot. The Secretary shall take care that each absentee ballot issued includes two envelopes: an envelope of suitable size for mailing and a smaller envelope in which the actual ballot will be placed marked only with the heading "CROW TRIBAL ABSENTEE BALLOT" along with a sub-heading indicating the date and type of election. The mailing envelope shall contain in the return address area a signature line above the voter's name printed by an authorized employee of the Secretary's office and an affidavit statement as follows: "I, [insert name here], hereby my signature above do solemnly swear and attest, under criminal and/or civil penalty of perjury, that the ballot contained in this envelope has been cast by myself and represents my vote as a member of the Crow Tribal General Council." All absentee ballots shall be opened and sorted by the Secretary or designee, in the presence of a quorum of the Commission. The mailing envelopes shall be immediately destroyed upon removing the ballot envelope.

(6) List of Absentee Voters. The Secretary shall take care that the Election Judges have a list of all voters who have chosen to cast votes via absentee ballots in order to prevent voting by traditional means during the applicable election cycle or special election. Such list shall be considered confidential and not be made available to the public.

(7) Counting of Absentee Ballots. The Commission and Election Judges shall open the ballot envelopes and count all unspoiled absentee ballots in the same manner as traditional ballots. Upon being counted, absentee ballots shall be included with traditional ballots and no further distinction made as a matter of Crow tribal law.

(8) Criminal Actions Defined. Any person who knowingly casts or attempts to cast an absentee ballot in violation of this Section shall be considered in violation of Title 8B-6-319 (“Forgery”) of the Crow Criminal Code. Further, any person who knowingly signs an absentee ballot mailing envelope and in doing so misrepresents any material fact to the Crow Tribe shall be considered in violation of Title 8B-7-201 (“Perjury”) and/or Title 8B-7-202 (“False Swearing”) of the Crow Criminal Code. Finally, any person who knowingly signs a public notary statement on a special absentee ballot request form in bad faith shall be considered in violation of Title 8B-7-202 (“False Swearing”) of the Crow Criminal Code. For purposes of these criminal statutes, the conduct of tribal elections shall be considered an “official proceeding.”

(9) Civil Actions Available. Notwithstanding Subsection (8) above, the Crow Tribe may civilly prosecute any person in Crow Tribal Court for such proscribed action as defined in Subsection (8), and upon a showing of a preponderance of the evidence that such action occurred, shall be entitled to monetary judgment of one-thousand dollars (\$1,000) per count.

Section 2. Amendment to Crow Criminal Code. Title 8B of the Crow Law and Order Code (titled “Crow Criminal Code”) is hereby amended at Chapter 7, Part 3 by adding a Part 311 (“Absentee Voter Interference”) and, upon the effective date of this Act, Title 8B-7-311 shall read as follows:

8B-7-311. Absentee Voter Interference. No person, whether acting under color of law or otherwise, shall knowingly interfere with, intimidate, threaten, coerce, or attempt to interfere with, intimidate, threaten, or coerce any member of the Crow Tribal General Council in such a manner as to discourage or prevent the right of the voter to cast an absentee ballot as provided in the Crow Tribal Election Ordinance. The offense of absentee voter interference is a Class A tribal offense for which the offender shall be imprisoned in the Crow Tribal Jail for any term not to exceed one (1) year or be fined an amount not to exceed one-thousand dollars (\$1,000) payable to the Crow Tribal Court, or both.

AN ACT TO AMEND THE CROW TRIBAL ELECTION ORDINANCE TO PROVIDE TRIBAL MEMBERS THE OPTION OF ABSENTEE VOTING IN ALL FUTURE TRIBAL ELECTIONS.

Bill or Resolution: CLB16-01 **Introduced by:** Center Lodge District **Date of Vote:** 4/12/2016
Number

<u>Representative:</u>	Yes	No	Abstained
G. Three Irons	<u> X </u>	<u> </u>	<u> </u>
B. Rogers	<u> X </u>	<u> </u>	<u> </u>
F. White Clay	<u> </u>	<u> </u>	<u> </u>
P. Hill	<u> X </u>	<u> </u>	<u> </u>
E. Birdinground	<u> X </u>	<u> </u>	<u> </u>
S. Real Bird	<u> X </u>	<u> </u>	<u> </u>
V. Nomee	<u> X </u>	<u> </u>	<u> </u>
T. Gros Ventre	<u> X </u>	<u> </u>	<u> </u>
V. Crooked Arm	<u> </u>	<u> </u>	<u> </u>
P. Spotted Horse, Sr.	<u> X </u>	<u> </u>	<u> </u>
L. DeCrane	<u> X </u>	<u> </u>	<u> </u>
C. Goes Ahead	<u> X </u>	<u> </u>	<u> </u>
B. Hugs	<u> X </u>	<u> </u>	<u> </u>
G. Real Bird, Jr.	<u> </u>	<u> </u>	<u> </u>
B. Good Luck	<u> X </u>	<u> </u>	<u> </u>
H. Male Bear, Jr.	<u> X </u>	<u> </u>	<u> </u>
P. Alden, Jr. <i>Secretary of the House</i>	<u> </u>	<u> X </u>	<u> </u>
R. Old Crow, Sr. <i>Speaker of the House</i>	<u> </u>	<u> </u>	<u> X </u>
Totals:	<u> 13 </u>	<u> 1 </u>	<u> 1 </u>

Result of Vote:

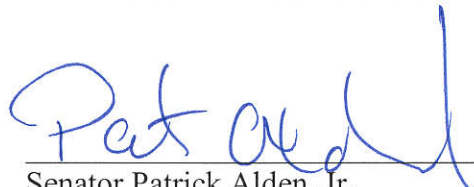
Passed

Not Passed

Tabled

Veto-Override

 4-12-16
 Senator R. Knute Old Crow, Sr. Date
 Speaker of the House

 4-12-16
 Senator Patrick Alden, Jr. Date
 Secretary of the House

Section 3. Effective Date. This Act shall take effect immediately upon being duly-adopted by the Legislature and signed into law by the Executive Branch Chairman.

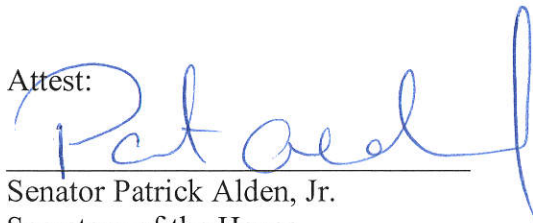
CERTIFICATION

I hereby certify that this Bill for an Act titled **AN ACT TO AMEND THE CROW TRIBAL ELECTION ORDINANCE TO PROVIDE TRIBAL MEMBERS THE OPTION OF ABSENTEE VOTING IN ALL FUTURE TRIBAL ELECTIONS** was duly adopted by the Crow Tribal Legislature with a vote of 13 in favor, 1 opposed, and 1 abstained and that a quorum was present on this 12th day of April, 2016.



Senator R. Knute Old Crow, Sr.
Speaker of the House
Crow Tribal Legislature

Attest:



Senator Patrick Alden, Jr.
Secretary of the House
Crow Tribal Legislature



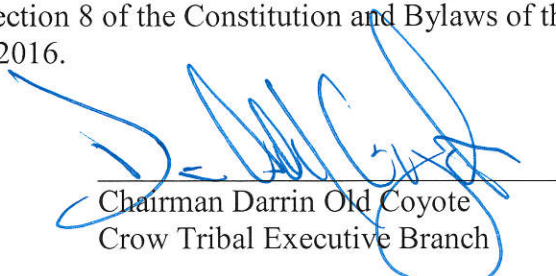
EXECUTIVE ACTION

I hereby:

X approve

_____ veto

The Bill for an Act titled **AN ACT TO AMEND THE CROW TRIBAL ELECTION ORDINANCE TO PROVIDE TRIBAL MEMBERS THE OPTION OF ABSENTEE VOTING IN ALL FUTURE TRIBAL ELECTIONS** 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 27 day of April, 2016.



Chairman Darrin Old Coyote
Crow Tribal Executive Branch