

**DELAWARE TRIBE  
OF INDIANS  
TRUST BOARD**

**ELECTION REGULATIONS**

Approved by Trust Board on 09-10-2013

# **DELAWARE TRIBE OF INDIANS TRUST BOARD ELECTION REGULATIONS**

## **I. PURPOSE**

The purpose of these regulations is to conduct any called Delaware Trust Board Election that is pursuant to the Delaware Trust Document.

## **II. AUTHORITY**

The Delaware Trust Board has the power to establish rules to regulate its own proceedings, to appoint subordinate committees, commissions, boards as provided for the Delaware Trust Document, Article IV, Section B.

## **III. ELECTION DATE**

Elections shall be held every second year on the first Saturday of November as per the Delaware Trust Document, Article IV, Section A.

## **IV. ELIGIBILITY**

### **A. Voter Eligibility**

The right to vote is limited to persons who are:

- 1) Members of the Delaware Tribe of Indians as defined in Article I of the Delaware Trust Document; and are
- 2) Members who have reached their eighteenth birthday on or before the date of the election.

### **B. Candidate Eligibility**

The right to be a candidate is limited to persons who are:

- 1) A member of the Delaware Tribe of Indians as defined in Article I of the Delaware Trust Document; and
- 2) Persons who have reached their eighteenth birthday on or before the date of filing; and
- 3) Is an eligible voter.
- 4) A person is ineligible to run for office, for a period of five years from time of removal, when he/she has previously served in an elected position and while serving in that position has been removed from office for cause.

#### **IV. CANDIDATE FILING REQUIREMENTS**

- A. Each candidate shall file a Declaration of Candidacy. The declaration of Candidacy shall include the following information: Full Name, Address, City/State/Zip, Phone number and email if desired
- B. The filing deadline shall be September 15 of each election year.

#### **V. TENURE AND OFFICERS**

- A. The Delaware Trust Board shall consist of seven (7) members; a Chairman and Vice Chairman, a Secretary, a Treasurer and three (3) members. (Trust Document, Article II, Section D)
- B. Following the first election in accordance with the Trust Document, Article IV, each elected Chairman or Trust Board member shall serve terms of 4 years.

#### **VI. VOTER REGISTRATION**

- A. Each person must fulfill the voter eligibility requirements; and,
- B. Each person must have obtained a tribal membership registration number as proof of compliance with the registration requirements.

#### **VII. NOTICE OF ELECTION**

- A. Public notice of the date of election and the designation of polling places shall be at least (30) days and not more than forty-five (45) days prior to the date of elections. Notice shall be given through the United States Postal Service to all members of the Delaware Tribe of Indians eligible to vote and by public notice.
- B. Election publication shall be mailed to all members of the Delaware Tribe of Indians, eligible to vote, at least thirty (30) days and not more than forty-five (45) days prior to the election. Contents of the election regulations and candidate information and any other information deemed necessary by the Election Board.

## **VIII. VOTING PLACE AND HOURS**

A voting place shall be provided as designated by the Trust Board. The voting place shall be open from 9:00 a.m. to 1:00 p.m. on the day of the election.

## **IX. ELECTION BOARD**

- A. The Chairman of Election Board shall be selected and approved by the Trust Board.
- B. The Election Board shall elect from its membership by majority vote, a vice-chair and a secretary.
- C. If any Election Board member, for any reason, cannot perform their duties for any election, the Election Board Chairperson may replace them.
- D. The Election Board shall have the following specific duties;
  - 1) To determine that each person offering to vote is on the official voting list.
  - 2) To see that only one ballot is cast by each qualified voter and the qualified voter signs his/her name on the official voting list.
  - 3) To certify that all ballot requests are signed and dated by the registered voter. Absentee ballot request forms must contain the voters full name including maiden name and any other previous names that may have been used by the voter on the tribal registration list, date of birth and registration number. This information must be consistent with the Delaware Tribal Registration record.
  - 4) To certify that all self-certification statements are signed by the registered voter.
  - 5) To certify that no write-in candidates are allowed on the ballots.
  - 6) To keep the ballot boxes locked at all times except when the ballots are being counted.
  - 7) To supervise the counting of the ballots by an independent election service. The independent election service shall be recommended by the election board with final approval by the Trust Board.
  - 8) To make a certified election return and send it to the Bureau of Indian Affairs Muskogee Area Office and post a copy of the certified return at the polling place.
  - 9) To preserve spoiled and/or mutilated ballots.

- 10) To secure all ballots and related material and to label it with the name of the voting place and date of election for a period of not less than two (2) years immediately following the election.
- 11) Election Board members shall arrive at the voting place no later than 8:30a.m. on Election Day. They shall remain on the premises of the voting place until all ballots are counted and the election results have been certified, unless the Chairman moves the Committee to an alternate location.
- 12) No member of the Election Board shall **leave** the voting place during voting hours and/or counting hours without the permission of the Election Board Chairperson.

## **X. CANDIDATES RIGHTS**

- A. Each candidate may name one person to act as a watcher at the voting place and counting place. The watcher is to be commissioned in writing by the candidate. The same watcher shall be allowed to watch the calling and recording of the result of the vote. The watcher shall receive no compensation for their services and shall have no further authority than to note or record any objections to the voting and counting procedures.
  - 1) The watcher must register with the Election Board upon arrival at the voting place. The watcher must register with Election Board prior to the closing of the polls at 1:00 p.m.
  - 2) The watcher must remain on the premises of the voting place and counting place until the count is completed. The area where the counting takes place shall be locked before the count begins and no Election Board member or watcher shall leave or enter the premises until the count is completed.
- B. All candidates may purchase from the Election Board one (1) complete set of registered Delaware voters address labels or by electronic media per election. The cost of the labels is \$75.00 or \$25.00 by electronic media, per set.
  - 1) No other complete or partial list of the names and addresses of all registered Delaware voters shall be provided to any candidate.

## **XI. MANNER OF VOTING**

- A. Voting shall be by secret ballot.

- B. Voting in person – Unless otherwise provided for in the Delaware Trust Document or these regulations, any registered voter opting to vote in person, must appear at the prescribed voting place, announce to the Election Board his/her name and current address, proof of identification, sign the voter registration list and place their marked ballot in the ballot box.
- 1) Walk in voters who fail to bring a ballot with them to the polling place must sign a sworn affidavit stating that they have not submitted a ballot via U.S. Mail.
- C. Voting via U.S. Mail -Any registered voter who will be unable to vote in person may return their ballot through the U.S. Postal Service. Ballots must be received by 11:00 a.m. on the day of election. In order to meet this deadline, ballots being delivered via U.S. mail must arrive at the downtown Bartlesville Post Office no later than 4:30p.m. the day before the election.
- 1) Ballots must be marked and sealed in the inner envelope provided marked "ballot". The "ballot" envelope must be placed in the self-addressed envelope provided with the self- certification information on the back.
  - 2) All required information on the back of the self-addressed, self-certification envelope must be completed and accurate or the envelope will not be opened or counted.
  - 3) Ballots containing votes for more candidates than there are vacancies, or illegible or mutilated shall be void and not counted.
- D. Any person offering to vote who cannot read or write or who is physically impaired may be assisted, upon request, by a family member and two (2) members of the Election Board.

## **XII. BALLOTS**

The Election Board shall issue official ballots. Absentee ballots shall be issued by the Election Board. A record shall be maintained of all ballots issued, including the name and address of the voter and the date the absentee ballot was issued.

## **XIII. ABSENTEE VOTING**

- A. The Election Board shall issue official ballots. All tribal and trust elections are referendum. All eligible tribal members will receive a ballot.

- B. Ballots must be marked and sealed in the inner envelope provided, marked "ballot". The "ballot" envelope must be placed in the self-addressed envelope provided with the self-certification information on the back and mailed through the U.S. Postal Service. An absentee ballot must reach the Election Board no later than 9:00 a.m. on the date of the election.
  - 1) All required information on the back on the self-addressed, self-certification envelope must be completed and accurate or the envelope will not be opened or counted.
- C. Absentee ballots shall be deposited unopened in a locked box at the U.S. Post Office in Bartlesville, OK. The locked box shall be picked up by the Election Board chairperson and at least one other Election Board member and a security guard if one is hired. The box will be transported to the counting place.
- D. In the event of a run-off election, absentee ballots will automatically be mailed to all who requested ballots for the primary election

#### **XIV. ELECTION DAY**

- A. Election Board members shall arrive at the voting place not later than 8:30 a.m. before the voting place opens. They shall remain on duty throughout the day until all votes have been counted and certified.
- B. Candidate watchers, once registered with the Election Board, will remain on duty throughout the day until all votes have been counted and certified.
- C. Election Board members, candidate watchers and security guard, if one is hired, will be locked in counting room or building once the count has begun. No other persons shall be allowed in the counting room or building during the count.
- D. Locks shall be placed on each ballot box. The chairperson and one other Election Board member will each hold a key to one lock. The locks will be opened only after the doors are locked and the count is ready to begin.

- D. All ballot boxes, including the one from the Post Office, shall be transported by the Election Board Chairperson, one other Election Board member and the security guard, if one is hired.
- E. All ballots cast shall be counted by either electronic tabulation or tallied by the Election Board. A certified return prepared by the Election Board and signed by the Election Board Chairperson, Election Board members and witnesses, (watchers, security guard) if any present. The tally shall be posted after the tally is complete at the Delaware Tribal Headquarters, 170 NE Barbara, Bartlesville, Oklahoma.
- F. Counting of Ballots:
  - 1) Unless electronically tabulated, mailed ballots will be opened, certified and counted first. The name of the voter on the self-certification envelope will be checked against the list of ballots mailed and ballots received. Ballot envelope will be separated from the self-certification envelope. Ballots will then be separated from the envelope in preparation for counting, the self-certification envelope shall be saved as a permanent record.
  - 2) The Election Board Chairperson or an Election Board member shall call out the votes marked on each ballot, the other Election Board members shall tally the votes separately and the count must balance.
  - 3) After the absentee votes have been counted, the walk-in votes shall be counted using the same procedure as in XIV,E.

## **XV. WINNER**

### **A. Chairman (When term is for election)**

The candidate receiving the highest number of votes shall be declared the winner. In the event of a tie, a run-off shall be conducted within forty-five (45) days, between the two candidates receiving the most votes in the Primary Election. The winner of the run-off election shall be declared the Chairman of the Trust Board.

### **B. Three (3) Trust Board Members**

The three (3) candidates receiving the highest number of votes shall be selected to serve on the Trust Board. In the event of a tie vote for the last position, the candidates who tied or their



designee shall draw lots for the position with-in seventy-two (72) hours of the posting of the election results.

#### **XVI. RUN-OFF ELECTION**

In case of a tie for Chairman, a run-off election shall be held within forty-five (45) days of the primary election between the two candidates that received the most votes. Election procedures shall be the same, except only those persons who voted absentee in the primary election should be allowed to vote absentee in the run-off election. In the event of a run-off election, those persons who voted absentee in the primary election shall automatically receive absentee ballots for the run-off election. All others must vote in person.

#### **XVII. RECOUNT**

Any candidate for *any* office *may* ask for a recount. A fee of \$400.00 shall be charged to the candidate requesting the recount. The time for requesting a recount shall be within seventy-two (72) hours of the closing of the polls. The recount shall be conducted within seventy-two (72) hours of the request for a recount. If more than one candidate for an office request a recount, then they shall have the option to split the cost of the recount evenly or to pay \$400.00 for separate recounts.

#### **XVIII. CAMPAIGNING**

No person shall campaign within one hundred (100) feet of any voting place.

#### **XIX. COMPLAINT PROCEDURE**

##### **A. Right to a hearing:**

A complaint shall be entitled to a hearing before the Delaware Tribal Court, if written request is filed with seventy-two (72) hours of the closing of the polls.

##### **B. Definitions:**

- 1) Complaint is defined as *any* enrolled member and registered voter in the Delaware Tribe of Indians whose rights *may* have been adversely affected by procedures used during any Trust Board called election.
- 2) A complaint is defined as any dispute with the conduct and procedures of any Trust Board called election or failure to act in accordance with the requirements of the Delaware Trust Document or Trust Election Regulations.

C. Procedure Prior to the Hearing:

- 1) The complaint must be presented in writing to the Delaware Election Board at 170 NE Barbara, Bartlesville, Oklahoma during normal working hours within seventy-two (72) hours of the close of the polls. The complaint must include specific reasons for the complaint and the actions or relief sought.
- 2) Within three (3) working days, the Election Board shall forward the complaint to the Delaware Tribal Court.

D. The Hearing:

- 1) The hearing shall be held before the Delaware Tribal Court with twenty (20) days of the filing of the complaint.
- 2) The complaint shall be afforded a fair hearing providing the basic safeguards of due process, which shall include:
  - (a) The opportunity to examine before the hearing all documents, records and regulations of the Election Board which are relevant to the hearing. The complainant shall bear all costs of the copying of these documents. Any documents not made available upon the complainant's request shall not be used by the Election Board to support their actions.
- 1) The Delaware Tribal Court may render a decision without proceeding with the hearing if the judges determine that the issue has been previously decided in an earlier proceeding.
- 2) If the complainant or an Election Board representative fails to appear at the scheduled hearing, the Delaware Tribal Court may make the determination to post-pone the hearing for a period not to exceed five (5) business days or the Court may make the determination that the party has waived his or her right to a hearing. Both the complainant and the Election Board shall be notified of such determination with ten (10) business days of the court's decisions.
- 3) At the hearing, the complainant must make a showing of entitlement to the relief sought. The Election Board bears the burden of justifying its actions or its failure to act against which the complaint is directed.
- 4) The hearing shall be conducted as directed by the Delaware Tribal Court. The Court may receive oral or documentary evidence pertinent to the facts and issues raised by the complainant.

B. Decision of the Delaware Tribal Court

- 1) The decision of the Delaware Tribal Court shall be based on solely and exclusively on the facts presented at the hearing.
- 2) The Delaware Tribal Court shall prepare a full written decision within ten (10) business days after the hearing. A copy of the decision shall be sent to the complainant, the Election Board and the Trust Board. Copies shall be maintained in the Election Board files.