

CHAPTER 49

STOCKBRIDGE-MUNSEE TRIBAL LAW ELECTION ORDINANCE

In pursuit of impartial and equitable elections, the Stockbridge Munsee Community, pursuant to Article IV of its constitution and by-laws, hereby establishes through this ordinance the policies and procedures by which elections shall be conducted.

Section 49.1

The Stockbridge-Munsee Tribal Council shall appoint an Election Board at least forty-five (45) days prior to the scheduled election. The Election Board shall be composed of one (1) election judge, two (2) election clerks and one (1) election teller. In addition, the Stockbridge-Munsee Tribal Council shall appoint two (2) alternates to serve should the need arise.

Section 49.2

It shall be the duty of the Election Board to conduct the election, including the caucus. All disputes arising out of the election process, including the caucus shall be resolved by the Election Board, except that where the tribal court may have authority to hear appeals.

Section 49.3

On the third Saturday of September at 2:00 P.M., a caucus shall be held at one of the recognized and established meeting places for the community. A notice of the caucus shall be posted by the council secretary at least ten (10) days prior to the caucus. Copies of the notice shall be posted prominently within the community and the council secretary shall otherwise provide for its publication in the tribal newspaper, and other newspapers as may be necessary.

Section 49.4

The caucus shall be conducted by the Election Board as follows:

(A) The names of those eligible tribal members wishing to be nominated for office shall be provided to Election Board.

(B) Individuals may be nominated for more than one (1) office, but may not run for more than one (1) office.

(C) After the nominations have been closed, the name of each individual shall be read aloud and each individual so named shall require that at least one (1) additional support affirmation be heard from the caucus.

(D) The Election Board shall contact via the U.S. Mail, each candidate so nominated to determine whether that individual accepts or declines such nomination.

(E) The names of all those so nominated shall then be recorded by the Election Board which shall certify the results and post said results in conspicuous places within the community including the tribal headquarters, the clinic, housing, the elderly center, the tribal newspaper and other newspapers as may be necessary.

Section 49.5

Any eligible tribal member shall have the privilege of running for tribal council if not nominated during the caucus provided that he/she presents to the Election Board a petition bearing the signatures of at least fifteen (15) qualified tribal voters at least one (1) week prior to the scheduled election.

Section 49.6

One (1) week prior to the scheduled election the Election Board shall deliver a certified list of all candidates to the Tribal Council secretary who then shall have the official ballots prepared and return said ballots to the Election Board prior to election day.

Section 49.7

The annual election shall take place on the second Saturday of October, and shall be held at the headquarters of the Stockbridge-Munsee Community. The voting shall take place between the hours of 8:00 A.M. and 8:00 P.M., and voting shall be by secret ballot in booths provided for that purpose.

Section 49.8

The Election Board having sole authority to conduct the election shall follow these procedures:

(A) The Election Board members are to report to the polling place at least one-half hour prior to the opening of the polls.

(B) It shall be their duty to insure that all campaign material be removed from the polling area.

(C) It shall be their duty to insure that no ballots nor other official election material is removed from the voting area until after the election process has been completed.

(D) Each Election Board member must verify that the ballot box is empty, the electronic voting machine is set at zero via the zero report, and then the ballot box is secured by means of a lock.

(E) Each Election Board member will initial each ballot on the back in one corner prior to the opening of the polls.

(F) One Election Clerk shall verify the enrollment and date of birth of each voter and then record the same. The Election Clerk can require that proper identification be presented by each voter.

(G) The Election Clerk shall verify enrollment by consulting the approved tribal roll as provided for by the enrollment office.

(H) One Election Clerk shall then assign a number to each voter.

(I) One Election Clerk shall record the name of each person that casts a ballot.

(J) The Election Teller shall then give a ballot to the voter holding the number, just prior to the voter entering the voting booth.

(K) After the voter has voted in the voting booth, the Election Board Judge shall instruct the voter to place the ballot sheet face down into the vote counting machine.

(L) The Election Board Judge shall ensure that the ballot is received into the vote counting machine.

(M) If the vote counting machine rejects the ballot, the Election Board Judge shall instruct the voter to check their ballot for over-votes.

(1) An over-vote occurs when the voter places more votes in a category than the ballot allows for. For example, if the ballot states to vote for one candidate and the voter places two marks, for two different candidates, an over-vote has occurred.

(2) If the voter determines that there has been an over-vote, the voter may request a new ballot.

(a) If a new ballot is requested, the Election Board Judge shall destroy the over-vote ballot, and the voter shall be issued a new ballot and the voter shall complete steps (K), (L), and (M).

(3) If the voter determines that there has not been an over-vote or there has been over-vote and the voter still desires that the ballot be counted, the Election Board Judge shall override the vote counting machine, so the ballot can be accepted.

(a) If the vote counting machine is instructed to override by the Election Board Judge, the vote counting machine will record and tally the portion(s) of the ballot that do not contain an over-vote(s).

(N) The Election Board shall cause the doors to the polling place to be locked exactly at 8:00 P.M.; but shall allow all those eligible voters inside the polling place to cast their ballots.

(O) In no instance shall a member of the Election Board leave the polling area until the final vote count is completed, unless an alternate arrives to take his/her place.

Section 49.9

Immediately after all voters have exited the polls after closing, the Election Board Judge shall insert the Ender Card into the vote counting machine, and retrieve the paper Election Zero Report and the Election Results Report in full view of the Election Board. The Election Board Judge shall then unlock the vote counting machine and retrieve the ballots. If there are write-in votes, the Election Board Judge shall then read each write-in ballot, with the Teller viewing. Each Election Board Clerk will list the candidates by office. All the Clerks' results must tally. If the results don't tally, they will be recounted until they agree. In cases of mechanical and/or power failure, the Election Board shall have discretion to count the votes manually or electronically.

Section 49.10

In cases where individual write-in ballots contain more votes than are required, or are marked in such a way as to make determination of how the vote was cast, then such ballots shall not be counted, but recorded as a spoiled ballot. In any instance where the ballot has not been marked in the voting booth or not properly placed in the electronic voting machine, then same shall not be counted.

Section 49.11

Upon the completion of the final vote count, the Election Board shall fill out the certification forms, showing the number of votes cast for each candidate, the total number of votes cast and the number of spoiled ballots. The certification results shall then be posted at the polling place so that they may be viewed. The Election Board may also post the certification on the Tribal web site. One additional certified form shall be placed, along with all ballots whether used, unused or spoiled and with the tribal roll and tally sheets into the electronic voting machine which shall then be locked and placed in a secure place. The Election Board shall retain control over the locked ballot box until any and all disputes that may arise from the election are settled.

Section 49.12

The Election Board shall have the sole authority to resolve disputes arising out of the election, except that where the tribal court may have the authority to hear appeals. The Election Board shall:

- (A) Have the authority to recount the ballots electronically and/or manually should a request by one of the candidates be made in writing within three (3) working days of the election and approved by the entire election board.
- (B) Have the authority to call for a run-off election in case of ties.
- (C) Have the authority to consider and hear all challenges to the election.
- (D) Have the authority, and shall destroy all election ballots after all challenges, recounts, and run-off elections have been resolved.
- (E) Have the authority and shall clear the memory card after all challenges, recounts, and run-off elections have been resolved.

Section 49.13

The Election Board shall have the right to receive proper compensation for the performance of its duties. The amount of which shall be determined by the Tribal Council which shall cause the same to be paid in a timely manner.

Section 49.14

The Stockbridge-Munsee Tribal Council shall provide to the Election Board all materials that it deems necessary to conduct such election and shall provide for adequate security to protect both the people and the premises where the election is held.

Section 49.15

This Election Ordinance shall supersede any and all previous election ordinances governing the conduct of holding elections.

LEGISLATIVE HISTORY

Ordinance No. 2 Elections was approved May 16, 1939.

Section 2 was amended 1949 by deleting a provision to allow for a polling place in Red Springs.

A new Elections Ordinance was approved by Tribal Council August 16, 1995, by Resolution No. 1526-95.

Amendments to the Election Ordinance approved by Tribal Council, August 17, 1999 by Resolution No. 054-99.

BIA approval November 1, 1999.

Sections 49.8(K), (L), (M), (N), (O), 49.9, 49.10, 49.11, 49.12(A), (E) amended to allow electronic vote tallying by Tribal Council on September 12, 2000, Resolution No. 00-056.

BIA approval September 21, 2000.