

# TITLE X – ELECTION RULES AND REGULATIONS

## PREAMBLE

This Election Ordinance is hereby established by the Chitimacha Tribal Council pursuant to the authority delegated by Article VI Section 3 of the Constitution and By-Laws of the Chitimacha Tribe of Louisiana.

## CHAPTER 1. TRIBAL ELECTION

### Sec. 101. Primary Election.

**Tribal Elections.** The Tribal primary election will be held annually on the second Saturday in June. Absentee voting will begin three (3) weeks prior to the primary election until the close of the primary election day. An absentee ballot must be received on or before the primary election day in order to be counted. On said date, the Chairman and Vice-Chairman will be elected in odd years for two year terms; and the Secretary-Treasurer and two Council members will be elected in even years for two year terms.

(Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**School Board Elections.** Five School Board members will be elected. Three will be elected in even years for two year terms and two will be elected in odd years for two year terms. The School Board elections shall be held on the same date as the Tribal elections.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993)

### Sec. 102. Runoff Elections.

**Chairman, Vice-Chairman, & Secretary-Treasurer.** If at any primary election no candidate for the Tribal Office of Chairman, Vice-Chairman, or Secretary-Treasurer receives a simple majority of

all votes cast for the candidates for such office, then a runoff election will be declared between the two (2) candidates receiving the highest number of votes. For the purpose of this section “simple majority” means at least one more vote than one-half of all votes cast.

**Council Members.** If at any primary election for two (2) Council member positions;

**No candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

there shall be a runoff election among no more than four (4) candidates receiving the most votes.

The two (2) candidates receiving the highest number of votes in the runoff shall be declared the winners.

**One (1) candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

that person shall be declared the winner of one (1) Council member position and there shall be a runoff election between the two (2) candidates who received the next highest number of votes. The candidate receiving the highest number of votes in the runoff shall be declared the winner of the remaining Council member position.

**Two (2) candidates each receive a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

those two (2) candidates shall each be declared the winner of the two (2) Council member positions, and no runoff election shall be held.

**More than two (2) candidates receive a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

The candidate receiving the highest number of votes shall be declared the winner of (1) Council member position. There shall be a runoff election among the remaining majority candidates. The candidate receiving the highest number of votes in the runoff shall be declared the winner.

**School Board.**

**(1) Odd years:** If at any odd year primary election for two (2) School Board member positions;  
**No candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

there shall be a runoff election among no more than four (4) candidates receiving the most votes.

The two (2) candidates receiving the highest number of votes in the runoff shall be declared the winners.

**One (1) candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

that person shall be declared the winner of one (1) Board member position and there shall be a runoff election between the two (2) candidates who received the next highest number of votes. The candidate receiving the highest number of votes in the runoff shall be declared the winner of the remaining Board member position.

**Two (2) candidates each receive a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

those two (2) candidates shall each be declared the winner of the two (2) Board member positions, and no runoff election shall be held.

**More than two (2) candidates receive a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

the candidate receiving the highest number of votes shall be declared the winner of one (1) Board member position. There shall be a runoff election among the remaining majority candidates. The candidate receiving the highest number of votes in the runoff shall be declared the winner.

**(2) Even years:** If at any even year primary election for three (3) School Board member positions;

**No candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

there shall be a runoff election among no more than five (5) candidates receiving the most votes.

The three (3) candidates receiving the highest number of votes in the runoff shall be declared the winners.

**One (1) candidate receives a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

that person shall be declared the winner of one (1) Board member position and there shall be a runoff election between the four (4) candidates who received the next highest number of votes. The two (2) candidates receiving the highest number of votes in the runoff shall be declared the winner of the remaining two (2) Board member positions.

**Two (2) candidates each receive a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

each of those two candidates shall each be declared the winner of one (1) Board member position each and there shall be a runoff election between the two (2) candidates who received the next highest number of votes. The candidate receiving the highest number of votes in the runoff shall be declared the winner of the remaining Board member position.

**Three (3) candidates each receive a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

those three candidates shall each be declared the winner of the three (3) Board member positions, and no runoff election shall be held.

**More than three (3) candidates receive a majority of all votes cast for the candidates, as determined by the formula in Section 514,**

the candidate receiving the highest number of votes shall be declared the winner of one (1) Board member position. There shall be a runoff election among the remaining majority candidates. The two (2) candidates receiving the highest number of votes in the runoff shall be declared the winners of the two (2) remaining Board member positions.

**Timing for runoff elections.** Runoff elections shall be held on the second Saturday in July.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-99; Adopted: January 7, 1999; Effective: January 7, 1999; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 103. Special Elections.**

Special elections shall be held on dates specified by the Tribal Council. The date shall be no less than thirty (30) days from receipt by the Council of a valid petition.

(Added by Ordinance # 1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**CHAPTER 2. ELECTION BOARD**

**Sec. 201. Election Board Members.**

The Tribal Election Board shall be composed of three members and one non-voting member.

(Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 202. Appointment of Members.**

Board members shall serve for a term of four years. No appointment will have the same expiration date. Each year, the Tribal Council will have the discretion to either reappoint the member whose term is expiring or select a new member to fill the position. Any newly appointed member will then serve as the non-voting member on the Election Board the first year. If the Tribal Council reappoints an existing member and there is no newly appointed member, the Election Board shall elect its officers in accordance with Section 203. The non-voting member shall only vote if another Election Board member is absent or resigns from the Board. In the event a position on the Board is vacated prior

to the expiration of the applicable term, the Tribal Council shall appoint an individual to serve in this specific capacity for the remainder of the unexpired term.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 203. Election of Officers.**

At the first meeting for each year, to be held no later than the third Monday in April, the Election Board will elect from its members a Chairman and Secretary. The non-voting member will not be an officer of the Board.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 204. Election Board Duties.**

The Tribal Election Board shall perform such duties as prescribed by the ordinance and any additional rules and regulations prescribed by the Council. These duties include, but are not limited to, the following:

- (a) Ensure all records of the Election Board are retained in a safe, secure, and predestinated location within the Tribal Office Complex, where such records shall be open for public inspection;
- (b) Designate dates for filing for candidates and conduct of election(s) where such date is not specified in this ordinance;
- (c) Post notice of election, register voters, maintain and update voter records, certify candidates;
- (d) Prepare and secure ballots, set up and manage polling place and secure ballot box and/or voting machine, verify eligible voters, count votes, declare winners and/or runoff candidates;

- (e) Report results to the public, Tribal Council, and Bureau of Indian Affairs;
- (f) Set up and manage special elections and referendums.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-90; Adopted: March 4, 1993; Effective: March 4, 1993; (Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 205. Qualifications of Election Board Members**

No Election Board member or alternate, shall be a member of the Tribal Council, School Board, or any other elected Tribal Office. All Election Board members must be an enrolled member of the Tribe, possess a high school diploma or G.E.D., and be at least 18 years of age at the time of their appointment to the board.

**Oath.** All Election Board members shall take an oath to be prescribed by the Council before entering upon their duties.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 2-00; Adopted: May 18, 2000; Effective: May 18, 2000; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 206. Removal of Board Members.**

The Tribal Council shall have the authority to remove any member of the Board for repeated failure to attend meetings of the Board or other gross neglect of the duties enumerated in Sec. 204.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**Sec. 207. Compensation for Board Members.**

Compensation of the Election Board Members shall be fixed by Tribal Council.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 208. Election Board Member Filing for Office.**

Election Board Members must resign their position on Election Board prior to filing for candidacy for any elective office. If an Election Board Member resigns to seek an elected position, the Tribal Council will appoint a new member to serve the remaining term.

**Sec. 209. Publication of Notice of Election.**

At least thirty (30) days before a primary election, except that in the case of special elections, the Council may authorize a shorter period, the Election Board shall cause a "Notice of Election" to be posted at all Tribal Offices. The notice shall be published in the Tribal Newsletter, if time permits, and any other publications as directed by the Council. The notice shall set forth the date of election, the respective office, times, location of election, and the times during which polling place will be open for voting.

Notice of runoff elections shall be posted at the same time the primary results are posted (see Section 517).

(Added by Ordinance # 1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Section 210. Reimbursement for Training.**

Any Election Board member may receive specified training regarding his/her Board responsibilities. If a Board member resigns within one (1) year of receiving such training, that Board member may be required to pay the cost of such specified training, including all related expenses.

**CHAPTER 3. VOTER QUALIFICATIONS; REGISTRATION**

**Sec. 301. Persons Qualified to Vote.**

Every person who is eighteen (18) years of age or over and is an enrolled Chitimacha Tribal Member as defined by Article III, Section I of the Constitution of the Chitimacha Tribe of Louisiana shall be entitled to become a registered voter for the Chitimacha Tribal Elections, without regard to residency on the Reservation, with the exception of Article VI, Sec. II of the Chitimacha Constitution.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**Sec. 302. Voter Registration.**

All persons who vote in Chitimacha Elections must be registered to vote. Anyone of the Election Board members shall be available to register voters. In order to vote in the Chitimacha Elections in any year, voters must register at least three (3) weeks prior to the primary in that year. Voter registration will be permitted throughout the primary and run-off election, but only previously registered voters can vote in the primary and runoff election. The Chitimacha Election Board shall be authorized to designate a time and place within the Tribal Office Complex in which to register voters.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 303. Registration Forms.**

The Secretary of the Election Board shall devise or cause to be devised a registration form to be used for registering voters. The form shall contain enough information to determine name, age, sex, physical characteristics, residence, mailing address, and tribal membership.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 304. List of Registered Voters.**

The Secretary of the Election Board shall maintain a list of registered voters in alphabetical order.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 305. Cancellation of Registration.**

A voter may voluntarily have his/her name removed from the voter registry by written notice. A voter may reinstate his/her voter registration at any time but only in compliance to Section 303.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 306. Change of Residence.**

Any registered voter who changes his/her residence shall inform the Election Board or registrar of his/her address.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

(Sections 303, 304, and 305 Omitted by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**CHAPTER 4. QUALIFICATIONS OF CANDIDATES; FILINGS**

**Sec. 401. Eligible Candidates.**

All Tribal Council candidates must be 21 years of age and an enrolled member of the tribe as stated in Article V, Section 2 of the Chitimacha Constitution. All candidates for Officer Positions on the Council must be bona fide residents of the Chitimacha Reservation. Notwithstanding any other provision of this Code, residency on the Chitimacha Reservation must be established at least one year prior to the filing for an Officer position. In addition, all candidates filing for Officer Positions must provide at least Three (3) of the following documentation verifying the establishment of a year's residence on the Chitimacha Reservation. That verification must be in the form of any three (3) of the following forms of documentation: a valid Driver's License with current physical address; an Electric or Gas bill, Water bill or, Land-line Telephone bill; Verification from the Tribal Enrollment Office (or Housing Authority if applicable); a notarized affidavit verifying the physical address, or a bank statement or any school enrollment form(s) (involving candidate or candidate's minor child). All documents submitted must prove the candidate's physical address for up to a year. It will be the candidate's responsibility to report updated address information to proper authorities, to obtain the required documents, and to turn them in promptly. The Election Board may, in its sole discretion, require a candidate to submit additional materials as it deems necessary to verify residency. Candidates for School Board must be in accordance with the By-Laws of the Chitimacha School Board.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-00; Adopted: February 17, 2000; Effective: February 17, 2000; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 402. Candidate Filing and Filing Period.**

A petition of candidacy must be filed with the Election Board, along with a fee in an amount determined by the Election Board. The petition of candidacy must state the name of the candidate, the applicant's mailing address, the name of the office sought, verification of voter registration, age, tribal membership, and place of residence. The petition must be filed between the first Monday in May and Friday immediately following. Petitions will be received during the designated hours at the designated Tribal Office.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 403. Candidate May File for Only One Office.**

Candidates may file for no more than one office at a time and may only hold one elected position at any one time. Any candidate for a Tribal Office who presently holds an elected position must resign his/her position before filing for another position. The Tribal Council will fill the vacated positions as provided in Sections 601 and 602.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**Sec. 404. Certificate of Candidacy.**

The Election Board shall review all applications of candidacy to determine if the candidate meets all qualification criteria in Sections 401, 402, and 403 of this ordinance. If the Election Board determines that any Tribal Council or School Board candidate is qualified, it shall issue a signed Certificate of Candidacy to the candidate within 7 days. A decision of the Board under this Section may be appealed to the Tribal Court, but shall only be reversed upon a finding of gross abuse of discretion.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 405. Withdrawal of Candidacy.**

Any candidate may withdraw his/her candidacy upon filing a written notice of withdrawal as a candidate with any member of the Election Board. A candidate may not withdraw after absentee voting begins.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 406. School Board Candidates.**

The qualifications of School Board candidates shall be as set forth in the School Board By-Laws.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

(Sections 408 and 409 Omitted by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

(Sections 404 Omitted by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**CHAPTER 5. CONDUCT OF ELECTIONS**

**Sec. 501. Polling Place; Hours of Voting.**

At every primary, runoff, and special election, the polling place shall be a designated Tribal Office. The polling place will be open at 8:00 a.m. and shall remain open continuously until 6:00 p.m. and every qualified registered voter of the Tribe who presents himself/herself between said hours shall be entitled to vote. All qualified voters who are in line waiting to vote at 6:00 p.m. shall be allowed to vote.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**Sec. 502. Ballot Boxes.**

There shall be two ballot boxes and/or voting machines, one for absentee voters and one for other voters. The ballot boxes shall be constructed of substantial material and shall be equipped with two locks interlocked so one lock will not open the ballot box. At all times, unless otherwise specified herein, all keys are to be secured at the Tribal Courts Building by either the Tribal Courts Director or his/her designee. Each box shall be equipped with an opening in the top through which a ballot may be inserted,

but must be constructed in such a manner that the box must be unlocked before the ballots can be removed.

**Voting Machines.** When available, voting machines may be used. The State of Louisiana Election Equipment Rules and Regulations will apply for use of voting machines.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

**Sec. 503. Voting Booth**

The Secretary of the Tribal Election Board shall cause at least one voting booth to be equipped at the polling place. Said booth(s) shall be constructed so as to ensure the secrecy and ease for the voter in marking the ballot.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**Sec. 504. Opening Ballot Boxes.**

In the event voting machines are not available for use on election day, the following procedure will be utilized. When all else is in readiness for the opening of the polling place, the Election Board Chairman and Secretary shall open the non-absentee ballot box at the polling place in view of the Election Board and any registered voters at the polling place.

The Election Board Secretary shall turn the said box top down to show that no ballots are contained therein. The Chairman and Election Board Secretary shall then lock the box and place it in the proper location.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

**Sec. 505. Electioneering Prohibited.**

No person shall be allowed to electioneer within three hundred feet of any ballot box while an election is in progress.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**Sec. 506. Intoxicating Liquor Prohibited.**

No Person shall take intoxicating liquors of any kind or quantity to within 200 feet of the exterior door of the polling place. Intoxicating liquors will not be sold from businesses within 200 feet from the polling place during voting hours.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993)

**Sec. 507. Voter Must Vote Ballots Issued Him/Her.**

When written ballots are utilized, no person shall vote any ballot except the ballot issued to that voter by the designated election worker(s) and each ballot must be voted without removing same from polling place, except as stated in Section 702 of this ordinance. Only one person will be allowed in the voting booth at any time except in cases of illiteracy or handicap.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

**Sec. 508. Procedure for Determining Eligibility.**

Each person seeking to vote shall tell his/her name to the polling place designated worker(s), whereupon the designated worker shall determine whether that person is on the list of registered voters.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**Sec. 509. Identification of Voter.**

Polling place worker(s) may determine the identity of voters by requesting identification such as a valid driver's license or other form of valid identification. Any identification that does not obtain a photo and a signature identical to that of the voter shall be considered invalid. All identification must be Tribal, Federal, or State issued.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 510.                    Signing of the Poll Book.**

Persons who have been determined to be eligible to vote shall sign the poll book in the presence of a polling place worker.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**Sec. 511.                    Manner of Voting.**

When available, voters shall cast their ballots by machine in accordance with the operating procedures. However, if not available, each voter shall be given a ballot which shall be completed as specified, and placed in the designated ballot box. In any case, all persons must present proper identification prior to being given access to the voting machine or a ballot for completion. For the purpose of this Title, “*Proper Identification*” shall be as defined herein in Section VII of the Election Policies and Procedures.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

**Sec. 512.                    Spoiled Ballots.**

Any voter who spoils a ballot shall be entitled to a new ballot upon surrender of the spoiled ballot to the board. No voter shall receive more than one additional ballot. A Board member shall place the name of the voter and Board member’s initials on the back of the spoiled ballot. All ballots voluntarily surrendered due to spoliation shall be secured separately in an envelope.

After the polls close the Secretary shall, upon removing ballots from the box, determine which ballots are spoiled. The determination of whether or not a ballot is spoiled shall be within the sole discretion of the Election Board. That discretion shall be exercised such that no ballot shall be considered spoiled if the intent of the voter is clear. Spoiled ballots shall not be counted. All spoiled ballots shall be

kept in a separate envelope, securely sealed, marked “**SPOILED BALLOTS**”. All spoiled ballots shall be retained until the time period for contest of count has expired.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 513. Procedure for Counting.**

The count shall be conducted in the presence of Election Board members and, as witnesses only, the Chitimacha Tribal Courts clerk or a Chitimacha Police officer. The person serving as a witness must not be a member of the immediate family of any candidate seeking office. The witness shall not participate with the Election Board in the counting of the ballots. The count shall be continued without adjournment until completed. Counting will be done at the designated polling place beginning immediately after 6:00 p.m. on the day of the election.

The Election Board Chairman and Secretary will open the ballot box. The Secretary will remove the ballots from the box. The Secretary will then hand the ballot to the Chairman who will read out loud the names of candidates marked on the ballot. Two persons will tally votes with a pencil on separate official tally sheets.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 514. Formula for Determining Majority.**

In determining a majority vote for Council member and School Board members, the following formula will be used:

- (a) Total number of all votes for all candidates.
- (b) Divide by number of offices to be filled.
- (c) Divide by two – candidates having votes equal to or more than the resulting number will have a majority.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-99; Adopted: January 7, 1999; Effective: January 7, 1999; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 515. Tie Vote.**

When a tie vote occurs in the primary election, candidates in a position to win or be included in a runoff will be placed in a runoff election. When a tie vote occurs in a runoff election and the candidates are in a position to win the election, another runoff election shall be held within seven (7) days, unless the candidates agree to resolve the matter by the toss of a coin.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**Sec. 516. Retention of Ballot Boxes and Election Results.**

All ballots and all materials used in conducting the official count shall be placed in the ballot boxes immediately after the count is completed. Said ballot boxes shall be locked and the Secretary of the Election Board shall return them along with all other election material, forthwith, to their rightful and secure place within the Courts Building for a period of thirty (30) days. After, expiration of this time period, the ballots may be disposed of by the Election Board, if no contest is filed. The tally of each election and the results thereof shall be retained in the permanent records of the Election Board and the boxes shall remain secured at the Tribal Courts Building until the next election.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

**Sec. 517. Certifying Vote.**

At the conclusion of the official count, the Election Board shall execute an official letter of results to be sent to the Area Director, Eastern Area Office, Bureau of Indian Affairs and to the Tribal Council, and post it in a conspicuous place within the Tribal Office Complex. When the results are posted, the Board shall also post a notice for the runoff election, if any.

When the Election Board has completed the official count or recount and determined the winners, if any, it shall be the duty of the Election Board Chairman to issue a certification of election to the winning candidates.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 518.                    Recounts.**

**Conditions for recount.** Any candidate defeated by a margin not exceeding 1% of the total votes cast for all candidates for the same office, or by a margin not exceeding seven votes, whichever is greater, may file with the Election Board a request for a recount. The request shall be filed by 4:30 p.m. on the Monday following election day. The recount shall be without charge to the candidate.

**Conditions for recount on a special election.** If the tribal question at a special election is decided by a margin not exceeding 1% of the total votes cast for and against the issue, or by seven (7) votes, whichever is greater, the votes shall be recounted if requested by resolution of the Tribal Council presented to the Election Board by 4:30 p.m. on the Monday following election day.

**Procedures for recount.** The Election Board shall conduct the recount within seven (7) days of receiving a qualified request and shall employ the procedures set forth in this subchapter. The recount shall be open to the public unless otherwise limited by the Election Board to prevent interference with the procedures. Each candidate affected by a recount may be present at the recount, either personally or by representative, and shall have full opportunity to witness the opening of the ballot boxes and the count of all ballots. The actual recount is to be conducted by the Election Board or, at their discretion, by the candidates themselves.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

**Sec. 519. Election Disputes.**

A contest of election may be brought by a written petition with the Election Board a complaint duly certified under oath, setting forth a concise statement of the facts on which the contest is based. No complaint shall be considered unless it is filed within ten (10) days immediately following Election Day and accompanied by a fee of \$25.00.

The Election Board will determine if the petition was properly filed and shall set a hearing date not more than seven (7) days from the date of filing the petition. Written notice shall be provided to the petitioner and a notice posted in the Tribal Office Complex identifying time, date, and place of hearing. The Tribal Council will also be notified and requested to attend. The Election Board will hear the dispute and render a decision, within seven (7) business days. Notice of the decision will be provided to the Tribal Council and the candidates affected. The Election Board is the final decision on appeals.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Revised by Tribal Council: February 23, 1990; Revised by Tribal Council: May 16, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 520. Oath of Office.**

The oath of office shall be as follow:

I, \_\_\_\_\_, do solemnly swear that I will uphold and defend the Constitution of the Chitimacha Tribe of Louisiana against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation, and that I will serve and faithfully discharge the duties of the office on which I am about to enter, so help me God.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**Sec. 521. Administering Oath of Office.**

It shall be the duty of a designated Council Official or appointee of the Chitimacha Tribe to administer the Oath of Office to all elected and re-elected Tribal Officers, Council Members, and School Board Members in accordance to Article VI, Section 5 of the Constitution of the Chitimacha Tribe of Louisiana. All officers, council members, and school board members shall begin the tenure of their office upon being sworn in.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 522. Retention of Keys.**

After all counts, recounts, and results are complete, the Chairman and Secretary of the Election Board shall return the ballot box keys to the Clerk of Court and sign an affidavit verifying that no other extra keys were made.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993)

**CHAPTER 6. SPECIAL ELECTIONS**

**Sec. 601. Vacancies on Council.**

Should a vacancy occur for elected positions, the Tribal Council shall fill the vacancy according to Article VI, Section 6 of the Constitution of the Chitimacha Tribe of Louisiana.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**Sec. 602. Proclamation Required.**

When a vacancy occurs, the Tribal Council will post a proclamation of the vacancy at the Tribal Complex and proceed to fill the vacancy.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 603. Special Elections on Tribal Questions.**

Upon receipt of a petition from twenty percent (20%) of the registered voters according to Article VIII - Referendum of the Chitimacha Constitution, any proposed or enacted ordinance or resolution of the Council shall be put to a popular vote in a special election. Also, upon receipt of the petition there will be a determination as to whether it meets the constitutional requirements. If the Council by majority vote determines that the petition is valid, the Council shall fix a date for the special election and order the Election Board to conduct a special election on the tribal question.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993)

**Sec. 604. Procedures.**

The Tribal Election Board will follow in the procedures set forth in this ordinance in conducting the election.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

(Sections 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, and 622 Omitted by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**CHAPTER 7. ABSENTEE VOTING**

**Sec. 701. Qualified Voters.**

Any person duly qualified and registered to vote under Sections 301 through 303 of this ordinance who will be unable to cast their ballot on the day of election may vote by absentee ballot.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993)

**Sec. 702. How to Obtain an Absentee Ballot.**

Persons requesting an absentee ballot must do so in writing or in person. Voters who are students, physically incapacitated, hospitalized, or actively serving in the Armed Forces may contact any Election Board member by telephone to request an absentee ballot. No person shall request absentee

ballots for any other person(s). Only those voters who are students, actively serving in the Armed Forces, hospitalized, or those that are physically incapacitated can receive an absentee ballot by mail, fax, or personal delivery. All others will be required to cast their ballot at the designated polling place. Only Election Board Members may deliver and pick-up absentee ballots. In accordance with Section 507, persons who are handicapped or illiterate may have someone assist them in the voting process. However, each absentee ballot must be completed as specified.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Revised by Tribal Council: February 23, 1990; Effective: August 14, 1990; Revised by Ordinance #1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance # 1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 703. Delivery of Absentee Ballots.**

Each absentee ballot to be mailed or personally delivered to the eligible voter shall be sealed in an envelope along with a pre-addressed envelope to the Election Board, an envelope marked on the front “**ABSENTEE VOTER’S BALLOT**”, instructions for the return of the ballot, and the following affidavit:

I, \_\_\_\_\_, do solemnly swear that I am entitled to cast the enclosed ballot and duly qualified to vote by absentee ballot.

\_\_\_\_\_

Voter’s Signature

The voter shall then mail the envelope or have the envelope picked up by an Election Board Member.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Revised by Tribal Council: February 23, 1990; Effective: August 14, 1990)

**Sec. 704. Cut-Off Date for Return of Absentee Ballots.**

No absentee ballots shall be counted unless received in hand by the Election Board before the polls close on Election Day.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**Sec. 705. Record of Absentee Ballots.**

The Election Board shall make and keep a record of absentee ballots cast. This record must contain the name of the absentee voter, address of the absentee voter, date of ballot issue and date of return (if mailed, faxed, or personally delivered).

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

**Sec. 706. Handling Absentee Ballots.**

All absentee ballots, when received, will be placed in the absentee ballot box under the supervision of the Secretary of Election Board or designee.

All absentee voters presenting themselves in person to vote absentee shall sign the polling book at the time of voting and the election officer shall initial and designate the signature as an absentee vote. The voter shall then place the absentee ballot in the absentee ballot box.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

**Sec. 707. Counting of Absentee Ballots.**

The absentee ballot will be counted according to the normal counting procedure on Election Day. The absentee ballot box will be opened and the ballots counted after the ballots from the voting machine and/or regular box are counted.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

**CHAPTER 8. INTENT OF THIS ORDINANCE**

The intent and purpose of this ordinance is to establish procedures for fair elections and to insure the secrecy and sanctity of the ballot. This ordinance shall be construed to accomplish such purpose and intent. Cognizance shall be given to substantial compliance. Lack of form shall not destroy the privilege

of voting on the ballot if the intent is clear. Technicalities, as such, shall not be employed to obstruct or impede elections, or cause confusion or loss of confidence in the election system.

(Revised by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

(Sections 801, 802, 803, 804, 805, 806, 807, and 901 omitted by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990).

**CHITIMACHA TRIBE OF LOUISIANA**  
**ELECTION POLICIES AND PROCEDURES**

**I. PURPOSE AND OBJECTIVES**

The purpose of these election board policies and procedures is to establish uniform guidelines for fair and consistent conducting of Tribal elections. These policies shall apply to all designated election workers as well as the Election Board. These policies shall act as a comprehensive guide to be used along with the Tribal Election Ordinance and in no way shall override or interfere with said ordinance.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**II. BOARD RESPONSIBILITIES**

It is the sole responsibilities of the Election Board to insure for the fair and expedient conducting of Tribal Elections. All Board members must conduct themselves in a manner as to instill public confidence in the process of elections. Accordingly, all members shall be required to execute a “*Confidentiality Agreement*” at the time of their appointment. Failure to comply with the agreement, may result in their removal by the Tribal Council.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

**III. BOARD OFFICERS**

At the first meeting each year, the Board shall elect from its own members a Chairman and Secretary. The non-voting alternate will be ineligible for either office.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990)

**IV. MEETINGS**

Meetings shall be called upon the request of the Tribal Council or any Election Board member/officer to insure the smooth enactment of the election. Notice of all meetings is to be provided to the appropriate parties. The Election Board Chairman or Secretary shall preside over all meetings of the Board.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

## **V. PUBLICATION OF ELECTIONS**

The Election Board Secretary upon direction of the Board shall post or cause to be posted the Notice of Election. He/she shall also submit notice and election announcements for publication in the Tribal Newsletter.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

## **VI. VOTER REGISTRATION**

It shall be the duty of the Election Board to properly register and record all voter registration.

This shall be done by having the individual complete and execute a voter registration form. The Election Board shall then transfer this information to a computerized listing of registered voters. The actual form shall be maintained as supporting documentation for these entries in the designated file. Upon expiration of the voter registration deadline as stated in Section 303 herein, this information shall be compared and verified by at least two members of the board to insure the accuracy of the list of registered voters to be utilized for the current election. The information of any person registering to vote following the three (3) week deadline prior to the primary or between a primary and run-off election shall be maintained separately and entered following the completion of the current election process.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001; Revised by Ordinance #01-09, Adopted: January 5, 2009; Effective: March 1, 2010)

## **VII. ELECTION PREPARATIONS**

The board shall cause to made all forms and notices required for the election.

If the votes are not to be cast by machine on election day or a Tribal issue is scheduled for determination and/or for the purpose of absentee voting the Board will determine a number of ballots printed. When doing so they shall take into consideration the number of registered voters, the type of election and number of voters at previous elections. Once this number is established, the Secretary of Election or designee, shall print or cause to print that number of ballots. Each ballot shall specify how it is to be completed and clearly state that any extraneous markings on the ballot will spoil the ballot. Ballots should not be printed sooner than one week before elections or in the case of absentee ballots no sooner than one week before absentee balloting begins. These ballots shall then be kept in a safe and secure place until needed for elections.

On at least the day before election, the Secretary or designee shall prepare the designated polling place for election day.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

## **VIII. ELECTION DAY**

The Secretary of Election or designee will make sure all required equipment, supplies, and forms for the election are brought to the designated polling place. They include but are not limited to:

- (a) Ballot Boxes
- (b) Poll Book
- (c) Ballots
- (d) Tally Sheets
- (e) Election Result Form
- (f) Certificate of Election Forms
- (g) Paper for Listing Voters
- (h) Pens and Pencils
- (i) Donuts and Coffee (Compliments of the Council)

The Election Board shall insure that all voters presenting themselves to vote are qualified registered voters. Only those whose name appears in the records of registered voters and present proper identification, specifically, a valid driver's license which includes a photo of the individual or other generally recognized picture identification card will be permitted to vote, no exceptions.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)

## **IX. STORAGE OF ELECTION MATERIALS**

The procedure for storing, retention, and disposing of any and all election materials and keys shall be in accordance with Section 516 of this title.

(Added by Ordinance #1-90; Adopted: February 7, 1990; Effective: August 14, 1990; Revised by Ordinance # 1-93; Adopted: March 4, 1993; Effective: March 4, 1993; Revised by Ordinance #1-01; Adopted: April 5, 2001; Effective: April 5, 2001)