



ORDINANCE 14 - ELECTIONS

On March 3, 2026, the Cheyenne River Sioux Tribal Council approved of a motion to amend Ordinance No. 14 – Elections and to publish for thirty (30) days with NO public comment.

Ordinance 14 – Elections will be published via West River Eagle Newspaper, CRST Tribal Secretary's Office Facebook Page, CRST Website, the CRST App and KIPi Radio. A copy of amended Ordinance 14 – Elections can be picked up at the Tribal Secretary's Office located at Girls Dorm, 24 E. Street, Eagle Butte, SD. For any questions, please contact the Tribal Secretary's Office at 605-964-8311.

APPENDIX

- 1 Candidate's Certification of Qualification**
- 2 Certification of District Nomination**
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PART 1

PURPOSE, AUTHORITY, DEFINITIONS

Section A: INTENT, CONSTRUCTION, AND SEVERABILITY

1. Intent; Purpose, Construction. This Ordinance is intended to establish procedures to ensure fair elections. This Ordinance shall be interpreted liberally to accomplish such intent. Substantial compliance shall satisfy this Ordinance, except in instances wherein time limits are imposed. Technicalities shall not be used to interfere, delay or block an election, or to cause confusion or loss of confidence in the election system of the Cheyenne River Sioux Tribe.

2. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section B: AUTHORITY; AMENDMENTS

1. Tribal Council Authorized to Enact Ordinance. This Ordinance is enacted pursuant to *Article III Section 7 of the Constitution*: “The tribal council shall have supervision and authority over all subsequent elections as provided through bylaws or resolutions hereafter enacted,” and *Article III Section 4 of the Bylaws*: “All necessary details concerning tribal nominations and elections not specifically covered in these by-laws or in the constitution, shall be more fully set forth in ordinance to be hereafter established by the council.”

2. Amendments. The Tribal Council retains the authority to amend this Ordinance, provided, however, that any such amendments shall become effective only if enacted at least six months prior to the November General Elections, and provided further that no amendments concerning redistricting shall be made less than six (6) months prior to the Tribal primary elections preceding the Tribal General Elections.

3. Scope of Ordinance.

a. *Council and District Offices and Other Elections*. This Ordinance covers elections for the following offices: Tribal Chairman, Tribal Secretary, Tribal Treasurer, Fifteen (15) Tribal Council Representatives, District President (also known as District Chairman), District Secretary, and District Treasurer, and such other recall, referendum, and special elections as described herein.

b. *Tribal School Board Elections*. Tribal schools are mandated to conduct their own elections for school board positions. If a tribal school does not conduct its own election to fill vacant school board seats within three (3) months after the expiration of the currently serving officers, then an election to fill the expired terms may be conducted by the Tribe. In such event, this Ordinance 14 will be used as guidance to carry out the school board election(s). If there are

no petitions filed for school board vacancies, the school board must notify Tribal Council and Tribal Council may appoint persons to fill the vacancies.

Section C: DEFINITIONS

The terms listed below, whenever used in this Ordinance, shall mean as follows:

1. **Absentee voter or Absentee Voting:** Tribal members who are otherwise eligible to vote but who will not be on the Cheyenne River Reservation to vote on Election Day because they have a medical appointment, is hospitalized, serving in the military, or is a college student, may cast their ballot prior to election day via absentee voting.
2. **Affidavit Voter or Affidavit Voting:** Tribal members whose names are not on the most recent Voters List for a particular District, but who are otherwise qualified to vote in that District, and who must therefore complete a Voter Affidavit in order to cast their vote. (Refer to Appendix Form #6)
3. **Candidate:** Any Tribal member who desires to seek a vacant Tribal or District position, who is at least 25 years of age, has resided at least one year preceding the election in the District of his or her candidacy, and who otherwise meets all requirements for candidacy for a Tribal office.
4. **Days:** Unless otherwise noted, whenever used in this Ordinance, the term “days” shall mean business days, excluding weekends and Tribal holidays.
5. **District Election Board:** When an election is held in the Precinct/District, the Chairman of the Tribal Council shall appoint a Superintendent of Election; Superintendent so appointed shall have power to appoint two (2) Judges and two (2) Clerks. This constitutes the District Election Board.
6. **Election:** Any election whatsoever held under the laws of the Cheyenne River Sioux Tribe.
7. **Electioneering:** The act of attempting to persuade voters either for or against a candidate, question, or issue in a political campaign.
8. **General Election:** Held every two years on the same day as the general elections for the Congress of the United States.
9. **Immediate Family:** The spouse, co-habitant, children, parents, grandparents, or siblings of a person.
10. **Legal Residence:**

On the Reservation -- Any person who lives in a home on the Reservation and has physically resided in a home for at least ninety (90) days prior to any election shall be considered a legal resident of the Reservation.

In the District - Any person being a legal resident of the Reservation as defined above who is domiciled in a certain District for at least thirty (30) days immediately prior to any election.

11. **Primary Election:** An election where the qualified candidates shall be reduced to a number not exceeding two (2) for any office.
12. **Qualified Voter:** Any enrolled member of the Cheyenne River Sioux Tribe, 18 years of age or older, who achieved his or her 18th birthday on or before election day and who otherwise meets the eligibility requirements to vote in Tribal elections.
13. **Special Election:** Any duly called election not a regular primary or regular general election. Special elections include but are not limited to filling vacant offices (*Constitution Article VI Section 3*); recall elections (*Constitution Article VI Section 4*); referendum elections (*Constitution Article VII*).
14. **Tribal Election Board:** Composed of Council members not running for office.
15. **Tribal Secretary:** Tribal official who is elected At-Large by the voting membership of the Tribe and serves as the Secretary of the Cheyenne River Sioux Tribal Council.
16. **Voter Affidavit:** A form completed by a voter on election day at the polling place if his or her name does not appear on the most recent Voters List, wherein the voter swears that he or she is a legal resident of a particular district and is otherwise qualified to vote in that election. (Refer to *Appendix #6*)
17. **Voters List:** A list of qualified voters of the Cheyenne River Sioux Tribe. Each District has its respective Voters List.

PART 2
**TRIBAL COUNCIL, TRIBAL SECRETARY,
TRIBAL ELECTION BOARD, DISTRICTS, DISTRICT COUNCIL,
DISTRICT ELECTION BOARD**

Section A: TRIBAL COUNCIL

1. Composition; Duties. All Council representatives must be elected from their respective districts, and be a resident of the district of which they are elected. (Authority: **Tribal Bylaws Article II(d)**).

The results of all Tribal elections for officers shall be canvassed and certified by the Tribal Council, or a board appointed by them. No candidate shall be considered legally elected, nor shall he or she hold office until such canvas and certification shall has been made by the Council within five (5) days after such elections. (Authority: **Tribal Bylaws Article III Section 3**)

2. Election Ordinance Established. All necessary details concerning tribal nominations and elections not specifically covered in the Constitution or Bylaws shall be more fully set forth in ordinances to be established by the Council. (Authority: **Tribal Bylaws Article III Section 4**)

3. Terms of Office. The terms of office for all Tribal Council positions and other Tribal officers, including Tribal Chairman, Tribal Secretary, and Tribal Treasurer, shall be four (4) years, and staggered. (Authority: **Tribal Constitution Article III Section 4**, subsequent amendments to the Constitution, and court decisions affecting such terms. Refer to Ordinance 14 version date May 4, 2004, for additional historical information)

Section B: TRIBAL SECRETARY

1. Duties. The Tribal Secretary shall have the following duties with respect to Tribal Elections:

- a. Prepare any Notice of Election as provided for in Part 2(C)(3)(b), and submit to the President (Chairman) of each District three “Notice(s) of Election” to be posted in 3 conspicuous places in the District. (Refer to **Appendix Forms #9, 10**)
- b. Provide a Candidacy Petition to any member of the Tribe desiring said petition. (Refer to **Appendix Form #3**)
- c. Receive and date stamp all Candidacy Petitions and District nominations with the date and time petition/nomination was received.

- d. Receive and date stamp all filing fees and remit same to the Tribal Treasurer for deposit to the appropriate account.
- e. Receive and date stamp all fingerprint and signed background check forms with the date and time received.
- f. Post the Candidates' Names -- Notice as provided in Part 5(E)(1) herein. (Refer to Appendix Form #4)
- g. Supervise the Absentee Voting as provided for in Part 6(D) herein.
- h. Prepare sample ballots. Such ballots shall be clearly stamped "SAMPLE BALLOT". However, only the names John Smith, Jane Doe or Mary Jones may be used. They shall be used to illustrate to the voter the correct voting procedure only. No sample ballot can be deposited in the ballot boxes. (Refer to Appendix Form #20)
- i. Prepare all election materials, including ballots, necessary to conduct the election, and place such ballots and forms in the ballot boxes. Each ballot box shall also contain:
 - 1 Ordinance governing the Election
 - 1 Voters List of all qualified voters of the District
 - 1 Voters List for the purpose of recording the names of all persons who cast a vote in said election
 - 1 List of Affidavit Voters form for the purpose of recording those voters who vote by affidavit. (Appendix Form #7)
 - 1 Official stamp and pad for the purpose of designating that the ballot cast is a legal ballot
 - Ballpoint pens for marking the ballots
 - A sufficient number of Voter Affidavits (Appendix Form #6) for voters not on the Voters List
 - 2 Tally sheets with the names of the candidates listed on them for the purpose of counting the votes (Refer to Appendix Form #22)
 - 2 Ballpoint pens for the use of the clerks for signatures and registration
 - Official seals for the purpose of sealing the ballot box and lock (Refer to Appendix Form #17)
 - 1 Official slip showing number of ballots placed in the box, copy to be retained by the Tribal Secretary (Refer to Appendix Form #15)
 - 1 Manila envelope for the purpose of turning in to the Tribal Secretary the unofficial Tally sheet (Appendix Form #22), the List of Affidavit Voters (Appendix Form #7), the keys to the ballot box, and one Certification of Ballots Cast, Ballots Spoiled and Unused Ballots (Appendix Form # 18).

- j. Issue the ballot boxes to the District Election Board Superintendent on the Monday before Election Day.
- k. Receive the ballot boxes from the District Election Board Superintendents after the election and place them in a place for safekeeping until the Tribal Election Board meets to conduct the official canvass. However, in the event that the Tribal Secretary is a candidate for any office, then the Election Board at a duly called meeting shall appoint an alternate custodian of the ballot boxes for that election and said custodian shall have duties and obligations of the Tribal Secretary as set forth in Part 2 Section B of this Ordinance regarding custody of the ballot boxes.
- l. Disburse payment to the Election Board Superintendent upon receipt of the ballot box.

Section C: TRIBAL ELECTION BOARD

1. Composition of Board. The Election Board shall be composed of all Tribal Council members not running for office. If a currently serving elected Council Representative becomes a candidate for an at-large tribal officer position (Chairman, Secretary, Treasurer), and the Representative is not one of the two highest vote recipients in the primary election, he/she shall resume serving on the Election Board after the primary election.

2. Election Board to Remain Impartial. To preserve the integrity of the Tribal election process, when acting in their capacity as Election Board members at a duly called Election Board meeting, the Election Board members shall not electioneer or campaign or otherwise declare their opinions for or against any candidate, question or issue presented in any Tribal election.

3. Duties of the Board. The Election Board shall have the following duties:

- a. General Supervision. Supervise elections, review petitions and/or certify candidates and voters lists for all tribal districts, conduct the official canvass and recounts.
- b. Notice of Election. As early as practicable, but at least twenty (20) days before the primary election and at least forty-five (45) days before a general election, and as early as practicable before a special election, the Tribal Election Board shall cause to be published a Notice of Election setting forth the date of election, the purpose of election, the offices to be filled, the issues to be voted on, the time and place for filing nominations or notice of candidacy, the location of polling places, the opening and closing hours of the polling places, a sample ballot, and other information deemed appropriate. A copy of the Notice shall be posted in each District, on KIPI Radio, Secretary’s Office Facebook page, and CRST website,

and such other places, as the Tribal Election Board deems appropriate.
(Refer to Appendix Form #9, 10, 11)

- c. Certifying Eligibility of Candidates. The Tribal Election Board shall be responsible for certifying candidates in accordance with Part 5 of this Ordinance.
- d. Certifying Voters Lists. The Tribal Election Board shall have final authority over the certification of voters lists for each district.
- e. Preparation of Ballots. The Tribal Election Board shall assist the Tribal Secretary in preparing all election materials, including ballots. The Tribal Election Board shall draw for positions of the certified candidates' names to be placed on the ballot. The ballots shall be printed in English in black letters with boxes opposite the name to mark a vote.
- f. Official Canvass, Election Contests, Preservation of Ballots, Orientation. The Tribal Election Board shall be responsible for tabulating the votes, resolving election protests, certifying the results of the election, preserving the ballots, and orientating the new Tribal officials in accordance with Part 7 of this Ordinance.
- g. Certification of Other Petitions. When directed by Tribal Council, the Election Board shall certify that the names contained on petitions which are not referendum or recall petitions are qualified voters of that respective District(s). When certifying such petitions, the Election Board shall follow the same procedures outlined for Referendum Elections in this Ordinance.

4. **Finality of decisions by Election Board.** The Election Board is the final arbiter of all disputes involving elections for all At-Large, Council, and District offices and will make all final determinations of eligibility of voters and candidates, including resolving any actual or perceived conflicts of interest. No decision of the Tribal Election Board in a dispute may be appealed to any court. Article III Section 7, CRST Constitution.

Section D: DISTRICTS

There are designated six districts or voting precincts within the Cheyenne River Sioux Reservation as follows (Authority: CRST Resolution #33-78-CR adopted on March 10, 1978; Redistricting of Districts 4 and 5 was approved by Tribal Council on August 5, 1999, was posted outside the Tribal Secretary's Office, and was published in the Eagle Butte News on December 16, 1999; new district map approved by Tribal Council on July 25, 2012):

DISTRICT NO. 1

Starting at the point of beginning in the NW corner of section 2, twp. 17 N, Rng. 17E. With the boundary lines of CRST then moving in Eastern direction to the NE corner of section 1, twp. 17 N, Rng. 23E. then moving in a southern direction all lands lying West of the center line of US Hwy 63 North, to a point where US Hwy 63 N South boundary line of section 3 of twp. 13N, 24E. then moving in a western direction to the NE corner of section 12, twp. 13 N, Rng 22E. then moving in a southern direction to the SE corner of section 36 twp. 13 N, Rng 22E. Then moving in a western direction to the western most boundary line of CRST reservation line within the SW corner of Lot 4 see 35 twp. 13N Rng 17E of the B.H.M. then moving in a northern to the point of beginning of District 1.

DISTRICT NO. 2

Starting at this point of beginning in the NW Corner of Sec1 TWP 12 N Rng 17 E moving in a Easterly direction to the SE Corner Sec 36 TWP 13 N, Rng 22E. Then moving in a Northerly direction to the NW Corner of Sec 7 TWP 13 N Rng 23 E then moving in a Easterly direction to the center line of WS HWY 63 N within the NE ¼, of Sec 10 Twp. 13 N Rng 24 E, then moving in a Southerly direction all lands lying West of US Hwy 63 northern to the SE corner of Sec 34 twp. 13 N / Rng 24 E then moving in westerly direction to the NW corner of Sec 6 twp. 12 N Rng 24 E then moving in a southerly direction SE Corner of Sec 6 twp. 12 Rng 23 E then moving Westerly direction to the NE Corner of Sec 12 twp. 12 N Rng 23 E then moving in a Southerly direction to the center line of US Hwy 212 in the SE corner a Sec 12 twp. 12 Rng 23 E then moving in a Westerly direction to the intersection of US Hwy 63 in a South moving in a Easterly direction to the intersection of US Hwy 63 South and BIA Airport Road then moving in a Easterly direction to the intersection of BIA airport Rd and Ziebach County RTC 54 then moving in a Southerly direction along center line of Ziebach co Rte 54 to the SE corner of Sec 19 twp 12 Rng 24 then moving in a Westerly direction to the center line of US Hwy 63 South within the Sw corner of Sec 24 twp. 12 N Rng 23 E Southernly direction All lands lying West of US Hwy 63 South to the SE Corner of Sec 36 twp. 10 N Rng 23 E then moving in a Westerly direction to the Sw corner of sec 34 twp 10 N Rng 20 E then moving in a Southerly direction to the SE corner of sec 33 twp. 9 N R 20 E then moving in a westerly to the Res boundary line in the SW Corner of Sec 36 twp. 9 N Rng 17 E then moving in Northerly direction to the point of beginning to Dist 2

DISTRICT NO. 3

Starting at the point of beginning on the boundary lines between CRST Ziebach county and Hankins county in center of Cheyenne River moving in a northern direction to the NW corner of section 6, twp. 8 N, Rng 18 E then moving in a eastern direction to the SE corner of section 33 twp. 9 N, Rng 20E then moving in a eastern direction to the center line of US Hwy 63 south then moving in a northern direction all lands lying East of US Hwy 63 South to the NW corner of section 24 twp. 12 N Rng 23 E. Then moving in an eastern direction to the intersection of Prairie Road and main street of EB then moving in a South-Western direction on the center line of Foxridge Road to the NE corner of section 21 twp. 12 N. Rng 24E then moving in a southern direction to meet up with the boundary line between section 21 an section 22 of twp. 12N, Rng 24E dividing district 3 and 4 then moving in a western direction to the intersection of carter street and habitat road then moving to southern direction to the NW, corner of section 28 twp. 12N Rng 24E then moving in a eastern direction to the NW, corner of section 5 twp. 12N Rng 24E. Then moving in a southern direction to the center of CR or the mouth of the Oahe Lake within the SE corner of section 12 twp. 9N Rng 24E then moving in a south and western direction along the boundary line of the CR reservation to the point of the beginning.

DISTRICT NO. 4

Starting at the point of Beginning out at the mouth of the CR and the Oahe Lake and the SW corner of Sec 7 twp. 9 N Rng 25 E moving in a northerly direction to the SW to the corner of sec 19 twp. 12 N Rng 25 E then moving in a westerly direction to the SW corner Center line of US Hwy 212 in the SW corner of Sec10 corner twp. 12 twp. 12 N , Rng 24 E then moving in a westerly to the intersection of us Hwy 212 and main street EB then moving in a southerly direction to the of main street and prairie road then moving in a westerly direction in the center line of prairie Rd and Bia Airport Rd to the center line of US Hwy 63 South then a moving in a northerly direction to the intersection of US Hwy 212 and US Hwy 63 south then moving in an easterly direction to the direction in the center line on US Hwy 212 SW corner of sec 7 twp. 12 N, Rng 24E then moving in a northerly direction to the NW corner of sec 7 twp. 12N, Rng 24E, then moving in an easterly direction to the NE corner of sec 7 twp. 12N, Rng 24E, then moving in a northerly direction to the NW corner of sec 5 twp. 12N Rng 24E then moving in a easterly direction to the SW corner of sec 35 twp. 13N, Rng 24E, then moving in a northwestern direction all lands lying East of US Hwy 63 to the CR reservation boundary lines within the NW corner of sec 6 twp. 12N, Rng 24E, then moving in an easterly direction along the reservation boundary line to the NE corner of sec 1 twp. 17N, Rng 27E, then moving in a southerly direction to the SE corner of sec 36 twp. 17N, Rng 27E, then moving in a westerly direction to the SW corner of sec 36 twp. 17N, Rng 27E, then moving in a southerly direction to the SE corner of sec 25 twp. 16N, Rng 27E, then moving in a westerly direction to the SE corner of sec 27 twp. 16N, Rng 25E, then moving in a southerly direction to the SE corner of sec 10 twp. 14N, Rng 25E, then moving in an easterly direction to the NE corner of sec 13 twp. 14N, Rng 26E, then moving in a southerly direction to the SE corner of sec 5 twp. 13N, Rng 26E, then moving in a westerly direction to the NE corner of sec 35 twp. 13N, Rng 26E, then moving in a southerly direction to the reservation boundary line within the center of Oahe Lake in the SE corner of sec 36 twp. 10N, Rng 26E, then moving in a southwesterly direction along the CR boundary lines to the point of beginning.

DISTRICT NO. 5 (Within District 4)

Starting at the point of beginning at the junction of highway 212 and main street on center line of main street moving in a southern direction to the junction of main street and Foxridge road. Then moving in a south-eastern direction down the center line of Foxridge road to the SE corner of section 16 twp. 12N, R 24E then moving in a northern direction to the NE corner of section 16 twp. 12 Rng 24 center line of US highway 212 then moving in a western direction back to the point of beginning.

DISTRICT NO. 6

Starting at the point of beginning on the center of the boundary lines of the Oahe Lake in the SW. corner in section 31 twp. 10N, Rng 27E. moving in a northern direction to the NW corner of section 36 twp. 13N, Rng 26E then moving in an Eastern direction to the SW corner of section 30 twp. 13N, Rng 22E, then moving in a northern direction to the SW corner of section 7 twp. 14N, Rng 27E, then moving in a western direction to the SW corner of section 11 twp. 14N, Rng 25E, then moving in a northern direction to the NW corner of section 35, twp. 16N, Rng 25E, then moving in a eastern direction to the SW corner of section 30 twp. 16N, Rng 28E, then moving in a northern direction to NW corner of section 6 twp. 16N, Rng 28E, then moving to the SW corner of section 31 twp 17N, Rng 28E, then moving in a northern direction to the NW corner section 6 twp. 17N, Rng 28E, on the northern boundary line of the CR reservation then moving on the northern boundary line in a eastern direction to the center of Oahe Lake with in a eastern direction to the center on Oahe Lake with in the NE corner of section 6 two 17N, Rng 31E, then moving along the center line of Oahe Lake back to the point of beginning.

Section E: DISTRICT COUNCIL

1. Composition; Duties.

- a. Composition. Each district or voting precinct established under the Constitution as provided in Article III Section 4, shall elect at the first general election and bi-annually thereafter a President (Chairman), Secretary, and Treasurer. These District officials shall hold office for a term of two years. (Authority: **Tribal Bylaws Article III Section 1**)
- b. Nominations for Tribal Council. It shall be the duty of the District Council to see that all nominations for Tribal office, including membership in the Council, shall be made in strict accord with the provisions of the Constitution, and to certify as to the legality of such nominations, otherwise it shall be considered illegal and ineffective by the Tribal Council. (Authority: **Tribal Bylaws Article III Section 2**)
- c. District Chairman Duties. The President (District Chairman) shall call and preside over all councils of the community whenever necessary for the consideration of matters of local interest and may exercise such further powers as may be delegated to him by the Tribal Council. He shall file

with the Tribal Council and certify all nominations for office within the precinct and at large, according to Section 3, Article V of the Constitution. (Authority: **Tribal Bylaws Article III Section 1**)

- d. Officers to Uphold Tribal Constitution. The actions of the precinct officers shall not be inconsistent with the Constitution and By-laws and ordinances of the Tribe. (Authority: **Tribal Bylaws Article III Section 1**)
- e. District and Tribal Office. A Tribal Councilman, in addition to the office of Tribal Councilman, may hold any of these District officers if elected to such office by the voters of his District. (Authority: **Tribal Bylaws Article III Section 1**)

2. Selection of District Officers When None Have Been Nominated. In the event that no qualified candidate has properly filed for a District Officer Position, and after elections have been carried out for the position of District Council seats, District Officers may be appointed/selected for those vacant seats. In that event, the appointee(s) must pay the required fees and submit to a background check and drug test. The District membership shall select them as set forth in Part 3(E) of this Ordinance. Such appointed District Officers are required to comply with Part 5(B) relating to the payment of filing fees and background check. If the appointed District Officer fails to qualify, then a new appointment must be made by the District.

Section F: DISTRICT ELECTION BOARD

1. Composition; Appointment.

When any election is scheduled, the Chairman of the Tribal Council, with the concurrence of a majority vote of the Election Board with a quorum present, shall appoint a Superintendent of Election within forty-five (45) days prior to the date of the election or as early as practicable. The Superintendent so appointed, with the exception of the Superintendents for the East Eagle Butte and West Eagle Butte precincts, shall have the power to appoint two judges and two clerks. The Superintendents for the East Eagle Butte and West Eagle Butte precincts shall have the power to appoint four judges and four clerks. Every effort will be made to appoint judges and clerks who are qualified voters of their respective Districts. This constitutes the District Election Board. In the effort to ensure a fair and just election, the Tribal Chairman and the District Election Board Superintendent shall exercise discretion in their appointments. No immediate family member of a candidate shall serve as Superintendent or a member of the District Election Board. (Authority: **Tribal Constitution, Article V Section 4**)

2. Notice of Appointment. According to Art. V Section 4 of the CRST Constitution, the Tribal Chairman/Election Board shall appoint a Superintendent in each of the voting precincts. It shall be the duty of the appointed Superintendent to verbally inform the Tribal Secretary's Office of their acceptance or declination. The appointed Superintendent shall furnish the Tribal Secretary with the names of the Judges and Clerks he/she has appointed.

3. Orientation of Election Superintendents. The Tribal Election Board and Tribal Secretary shall conduct an orientation session for all District Election Board Superintendents on the Monday preceding Election Day.

4. Election Oath. The Tribal Election Board Chairman shall administer the election oath to all District Election Board Superintendents on the day of the orientation session. (Refer to Appendix Form #14)

5. Duties of District Election Board.

- a. General Responsibility. The District Election Board shall be responsible for insuring a fair election in its precinct in accordance with this Ordinance and in particular, shall be ever watchful for possible election tampering at the polls. (Refer to Appendix Form #26.)
- b. Reporting for Duty. All District Election Boards shall be required to comply with Mountain Standard Time. They shall report to the voting polls no later than 6:30 a.m. Mountain Standard Time (MST), on the day of the election. The Superintendent must call into the Tribal Secretary's Office prior to the polls opening. The Superintendent shall announce the opening of the voting polls at 7:00 a.m. MST. The voting places shall be open all day and must not be closed for the lunch hour. At least three members of the Board must be on duty at all times during the day. The Superintendent of the Election shall announce the closing of the voting polls at 7:00 p.m. MST, and no more ballots shall be given out after that time, except that any voters who are present within the voting place and have not been served with ballots when the hour of closing is announced, shall be permitted to cast their ballots.
- c. Receipt of Ballot Boxes. The District Election Board Superintendent receives the ballot box from the Tribal Secretary on the Monday preceding election day.
- d. Voting Areas. Before the polls are opened, the District Election Superintendent shall have prepared at least two voting areas equipped with ballpoint pens for marking the ballots, and shall have made an official count of all the ballots that are in the ballot box at the time it is opened, and the Superintendent shall fill out and sign in the designated places the official count slip, certified by the Tribal Secretary. The voting areas should assure the voter of secrecy and privacy.
- e. While Polls are Open.
 - i. Ordinance Available. The Superintendent shall have at all times the Ordinance governing the election, and shall familiarize himself or herself with the provisions of the Ordinance.

- ii. Judges. The Superintendent shall designate one judge to stamp the ballots with the official stamp and hand the ballots to the voters; and one judge to check the ballots after they have been marked by the voters to see that the official stamp is in evidence.
 - iii. Clerks. The Superintendent shall designate one clerk to check the list of qualified voters to determine if any and all voters who request ballots are legal voters of said District, and one clerk to monitor that the voters sign the Voters List. A list of those who signed Voter Affidavits shall also be recorded. (See Appendix Form #7)
 - iv. Electioneering; Ensuring Secret Voting. It shall also be the absolute duty of the Superintendent to see that no electioneering is permitted within 100 feet of the voting place, and to make sure that every voter is given an opportunity to cast his or her vote in secret. Any voter who is not familiar with the manner of casting a vote, may request the assistance of any member of the District Election Board or a family member in marking his ballot.
 - v. Irregularity at the Polls. It shall be the absolute duty of each member of the District Election Board to watch for and report any election tampering, improper voting or other actions which would tend to indicate irregularity at the polls.
 - vi. Campaigning by District Election Board. The District Election Board members shall not campaign, electioneer, or cause any voter to be intimidated during any election.
- f. Counting the Ballots. After the polls have been closed, the District Election Board shall proceed at once to count the votes. Any one of the judges shall read off the votes and the two clerks shall tally the vote on the official tally sheets. (Refer to Appendix Form #22) The District Election Board shall certify the number of unused ballots, the number of ballots cast, and the number of spoiled ballots on the form provided. (Refer to Appendix Form #18)
- The general public is allowed to stay in the building while the unofficial count takes place. Should the general public become disruptive, the Superintendent will give a warning, with the concurrence of the Election Board Chair. If the general public continues to be disruptive, the Superintendent will have the authority to remove the general public, lock the doors, with the concurrence of the Election Board Chair and continue with their unofficial count.
- g. Spoiled Ballots. Any ballot on which erasures have been made or on which more than one name has been marked for the same office (except ballots in Districts 4 and 5, on which a voter may choose two candidates), or which do not have the official stamp, shall be considered spoiled

ballots. Spoiled ballots are also ballots that are intentionally torn, defaced or contain markings other than an X or √. Ballots with marks that extend out of the box shall not be counted spoiled, as long as the intent is clear. Should a ballot be considered “spoiled” by the Superintendent, the voter may be given another ballot. The spoiled ballot shall be placed in a sealed envelope with the proper wording on the envelope.

- h. Return of Ballot Boxes. After the unofficial count is made and all necessary forms have been certified, the ballots and all other equipment shall be returned to the ballot box and the ballot box shall be locked and the official seal shall be placed over the slot and the lock. (Refer to Appendix Form #17) The Tally Sheet (Appendix Form #16), The Ballots Cast, Spoiled and Unused Form (Appendix Form #18), the List of Affidavit Voters (Appendix Form #25), the two Voters List, and the keys to the ballot box shall be placed in the manila envelope which shall then be sealed and signed by the Superintendent and the two judges. The manila envelope shall not be placed in the ballot box, but shall be kept with the ballot box. The ballot box and the manila envelope shall be in the custody of the Superintendent of the Election, to be delivered by him/her to the Tribal Election Board at designated locations immediately. The Tribal Election Board, may, upon receipt of the manila envelope containing the Tally Sheet and list of Affidavit Voters, open the envelope and make an informal announcement of the results of the election in each precinct. Whenever possible, the Superintendent shall call the Secretary’s office to report the results of the unofficial count prior to delivery of the ballot box and the manila envelope. Upon return of the ballot boxes, the Superintendent shall pick up the checks for services rendered.
- i. Presence at Official Canvass. It shall be the duty of the District Election Superintendent to be present at the official canvass by the Tribal Election Board.

PART 3
**ELECTIONS, SPECIAL ELECTIONS;
PROCEDURES FOR FILLING UNEXPIRED TERMS;
RECALL ELECTIONS; REFERENDUM ELECTIONS**

Section A. PRIMARY ELECTIONS. Primary elections shall be held the second Tuesday of August of any election year. Whenever there are only two candidates per one open seat or four candidates per two open seats, a primary election shall be foregone. If there is only one candidate for an open seat, or two candidates for two open seats, those candidates will be seated and no election will be held.

Section B. GENERAL ELECTIONS. General elections will be held every two years on the same day as general elections for the Congress of the United States for the purpose of selecting Tribal Councilmen and Tribal Officers. (Authority: *Tribal Constitution, Article III Section 4*)

Section C. SPECIAL ELECTIONS

A special election shall be called for any of the following:

1. Consecutive Absences by Tribal Council Representative. If any officer or member of the Tribal Council shall absent himself from any three (3) consecutive regular or special meetings without sufficient reason, the other members may declare the office vacant by two-thirds (2/3) vote of the council. (Authority: *Tribal Constitution, Article VI Section 1*)

2. Criminal Conviction. Any officer or member of the Tribal Council convicted by Federal, State, or Indian court may be removed from office by two-thirds (2/3) vote of the council. (Authority: *Tribal Constitution, Article VI Section 2*)

3. Recall. Every person elected to a Tribal office is subject to recall from such office upon petition of 40% of the electors of the Reservation, or the district or voting precinct, qualified to vote for such office, but no recall election shall be held without the approval of the Council. (Authority: *Tribal Constitution, Article VI Section 4*)

4. Resignation, Recall, Impeachment, Death, or other Vacancy. If any vacancies occur in the membership of the Tribal Council through resignation, recall, impeachment, or death, the District Council wherein he resides and is elected from shall proceed to elect a new councilman to finish the unexpired term of such member. (Authority: *Tribal Constitution, Article VI, Section 3*)

5. Referendum. Pursuant to a properly filed referendum petition on any proposed or enacted resolution or ordinance of the Tribal Council. (Authority: *Tribal Constitution, Article VII*)

**Section D. PROCEDURES FOR FILLING UNEXPIRED TERMS
ON COUNCIL AND AT-LARGE OFFICES**

1. Vacancy of a Councilmember or At-Large Officer's office .

- a. Vacant Seat Declared; One Special Election. When a vacancy occurs on Tribal Council for any of the reasons stated in Section C above, the Council shall declare the seat vacant. It shall be filled via one special election by the District being represented or, if the vacant office is an at-large position, by the entire Reservation.
- b. Election Procedures. As early as practicable, but at least 65 days before the date of the special election, the Tribal Secretary and Tribal Election Board shall post a "Notice of Special Election" which sets forth the date and purpose of the special election, the office(s) to be filled, the time and place for filing nominations and/or petitions, the location of polling places, the opening and closing hours of the polling places, and other information deemed appropriate. (Refer to Appendix Form #91) The District in which there is a vacant seat must certify its voters list at least 45 calendar days before the date of the election. If the vacant office is an at-large position, the Voters Lists for all Districts must be certified. In the event a District fails to certify their Voters List, the list will be reviewed and modified as necessary by the Tribal Election Board, and such review and modification will be considered final certification. The deadline for filing a petition for candidacy shall be at least 45 days before the date set for the special election. In all other respects, the election shall be carried out in the same manner as a regular election, except that the candidate with the highest number of votes shall fill the vacant office for the remainder of the term.

Section E. PROCEDURE FOR FILLING UNEXPIRED TERMS ON DISTRICT COUNCIL

1. **Vacancy Declared; Notice of Special District Election.** When a vacancy occurs on the District Council for any reason, the District Chairman (or District Secretary if the vacant seat is the District Chairman, or one of that District's Tribal Council Representatives if both District seats are vacant) will proceed with an election to fill the vacancy. The District Presiding Officer (District Chairman, District Secretary, or Tribal Council Representative, as the case may be) shall post a Notice of Special District Council Meeting at least ten (10) days prior to the date of the meeting. Notices shall be posted in conspicuous places throughout the District. (Refer to Appendix Form #21)
2. **Special Election Procedures.** At the meeting, the following shall occur:

- a. The District Presiding Officer (District Chairman, District Secretary, or Tribal Council Representative, as the case may be) will:
 - i. Call for floor nominations
 - ii. Close nominations after it appears that no one else wishes to make a nomination. Before closing nominations, the Presiding Officer will ask once again if there are any further nominations; if there is no response, the Presiding Officer will declare that nominations are closed, without waiting for a motion to that effect.
 - iii. Call for a vote of those District Voters present. The Voters will vote for any one candidate they wish to fill the vacant position.
 - iv. Tabulate and record votes in the District Council minutes.
 - v. Notify the Tribal Council via a statement in the District Minutes that such election has occurred and identifying the person who has been elected to fill the vacancy.

Section F: RECALL ELECTION

1. Authority. Every person elected to a tribal office by the Sioux Indians of the Cheyenne River Indian Reservation is subject to recall from such office upon petition of 40% of the electors of the reservation, or the District or voting precinct, qualified to vote for such office, but no recall election shall be held without the approval of the council. (Authority: *Tribal Constitution Article VI Section 4*)

2. General Procedure. The ballot used at such election shall contain the question: “Shall _____ be recalled from office on the Cheyenne River Sioux Tribal Council?” and shall contain a space opposite such question, in which shall appear the words “Yes - No”, and the voter shall indicate by making a mark as to whether he wishes to vote for or against the recall of the member so named. (Authority: *Tribal Constitution Article VI Section 5*)

3. Officer Subject of Recall Cannot Take Part in Deliberations. No member of the council shall take part in the deliberations of the council, nor shall he have a vote in balloting upon any matter pertaining to any recall election or the results thereof when such member shall be the one whom it is proposed to recall. (Authority: *Tribal Constitution Article VI Section 6*)

4. Recall Election Procedures

- a. Petitions
 - i. Petition Heading. When circulating a recall petition, the petition heading must stipulate specific facts that can be proven, to afford the voters the opportunity to review the allegations.
 - ii. Petition Format. The format shall include:
 1. Heading stating reason(s)
 2. Name
 3. Signature column
 4. Address

5. Date column
 6. Time
 7. District column
- (Bottom) Notarized certification by petition bearer

b. Petition Bearer's Responsibilities.

- i. If the subject of the recall petition is a Council Representative, the petition bearer must be a resident of the district from which the Council Representative is elected. If the subject of the recall petition is an at-large officer, the petition bearer may be from any district of the reservation.
- ii. Obtain the Voters List(s) of the preceding election. Only those voter's names contained in that Voters List(s) shall be eligible to sign the recall petition.
- iii. Must obtain 40% or more signatures of the eligible voters of the District or reservation prior to submitting petition to the Tribal Secretary.
- iv. All petitions must have Petition Bearer's certification notarized by a notary public.
- v. Petitions and supporting documents are to be filed with the Tribal Secretary. Once filed, no additional petitions or documents of the same heading will be accepted, nor will any petitions be returned to the petition bearer(s).
- vi. Must be in attendance at the Tribal Election Board's meeting at which the recall petition is addressed.

c. Review of Petition by Tribal Election Board

- i. The Tribal Election Board, upon notice by the Tribal Secretary, shall schedule and conduct a meeting for the purpose of certifying that the filed recall petition does contain 40% or more signatures of eligible electors of the District or reservation.
 - 1) If the petition does meet the 40% or more signature requirement, the Tribal Election Board shall submit said petition to the Tribal Council for consideration and shall immediately notify, in writing, the elected official of whom is being proposed for recall, that a recall petition has been certified and accepted, and of the reasons stated in the recall petition. This will allow the officer under threat of recall the opportunity to submit documentation to the Tribal Council that refutes the allegations for consideration in their deliberations.
 - 2) If the petition does not meet the 40% requirement, the Tribal Election Board shall invalidate said petition and notify the petition bearer(s) of their decision.

- d. Recall Election Scheduled. In the event that the Tribal Council approves a recall election, the Tribal Election Board shall schedule and conduct a Recall Election pursuant to Constitution Article VI Section 5, and all applicable provisions contained herein.

Section G: REFERENDUM ELECTION

1. Authority. Upon a petition of at least three hundred (300) qualified voters of the Cheyenne River Sioux Reservation a referendum may be demanded on any enacted or proposed ordinance or resolution of the Cheyenne River Sioux Tribal Council, and the vote of the majority of the qualified voters in such referendum shall be conclusive and binding on the Tribal Council. (Authority: *Tribal Constitution Article VII Section 1*)

2. Referendum Procedures.

- a. Petitions.
 - i. Petition Heading. When circulating a referendum petition(s), the petition heading shall contain identification of the enacted or proposed ordinance or resolution and specific reasons why the issue should be referred back to the qualified voters for their vote, to afford the voter the opportunity to review said reasons.
 - ii. Petition Format. The format shall include:
 - 1. Heading stating reason(s)
 - 2. Name
 - 3. Signature column
 - 4. Address
 - 5. Date column
 - 6. Time
 - 7. District column(Bottom) Notarized certification by petition bearer
- b. Petition Bearer's Responsibilities.
 - i. Only qualified voters, i.e., enrolled members of the Tribe, eighteen years of age or older, who satisfy the residency and all other requirements for voting, may sign petitions. Signatures of persons who are not qualified voters at the time at which they signed the petition shall not be counted when determining whether the required number of signatures is challenged by any person, including a member of the Election Board. The burden shall be on the petition bearer to prove that the signatory was a qualified voter at the time of signing by a preponderance of the evidence. The presence of the signatory's name on the most current voter's list shall be conclusive proof that the signatory is a qualified voter. If the signatory's name is not found on the most current voter's list, proof may be made by competent testimony by any person or

affidavit by the signatory, which shall be considered against any competent evidence to the contrary. The Election Board shall determine by a preponderance of the evidence whether the signatory is a qualified voter. Decisions of the Election Board concerning qualification to sign a petition shall be final and binding on all persons.

- ii. The petition bearer must obtain at least three hundred (300) or more signatures of qualified voters of the reservation.
 - iii. The petition bearer must have copy of the enacted or proposed ordinance or resolution in his or her possession and be able to answer any questions a voter has prior to signing the petition.
 - iv. All petitions must have the petition bearer's certification notarized by a notary public.
 - v. Petitions and supporting documents are to be filed with the Tribal Secretary. Once filed, no additional petitions or documents of the same heading will be accepted, nor once filed will any petitions be returned to the petition bearer.
 - vi. The petition bearer shall be in attendance at the Tribal Election Board's meeting at which the referendum petition is addressed.
- c. Review of Petition by Tribal Election Board. The Tribal Election Board, upon notice by the Tribal Secretary, shall schedule and conduct a meeting for the purpose of certifying that the filed referendum petition does contain three hundred (300) or more signatures of qualified voters of the Cheyenne River Reservation.
1. If the petition does meet the required three hundred (300) or more signatures, the Tribal Election Board shall submit said petition to the Tribal Council for consideration.
 2. If the petition does not meet the three hundred (300) signature requirement, the Tribal Election Board shall invalidate said petition and notify the petition bearer(s) of their decision.
- d. Referendum Election Scheduled. If the Tribal Council approves a Referendum Election petition, the Tribal Election Board shall schedule and conduct a Referendum Election pursuant to CRST Constitution Article VII Section 1 and all applicable provisions contained herein.

Section H: OTHER PETITIONS

It will be the sole authority of Tribal Council to determine the disposition of any petition other than a referendum or a recall petition.

PART 4

VOTERS: ELIGIBILITY, VOTER AFFIDAVITS, VOTERS LISTS

Section A: ELIGIBILITY

1. In General. All enrolled members of the Cheyenne River Sioux Tribe, 18 years of age or older, who achieved his or her 18th birthday on or before the election day and who have maintained a legal residence on the Reservation for at least ninety (90) calendar days prior to the election are eligible to vote in Tribal elections. (Authority: *Tribal Constitution, Article V Section 1*)

2. Residency Requirements. Unless he/she meets one of the exceptions below, any person who physically resides outside the exterior boundaries of the Reservation for employment, although that person may maintain a home on the Reservation, shall not be considered a legal resident of the Reservation for voting purposes.

Exceptions to the residency requirement include:

- i. A student; or
- ii. Someone in the U.S. Armed Forces; or
- iii. Someone employed in the U.S. Public Health Service Commissioned Corps; or
- iv. Someone in a nursing home or hospital, temporarily living off the Reservation; or
- v. The immediate family of the above listed persons

As long as someone who meets the exception categories listed above resided on the Reservation at the time he/she became a student, service person, or hospitalized, and who maintains his/her residency on the Reservation, he/she may vote in Tribal Elections.

3. Council and District Elections. In order to vote for District officers or Council representatives, the voter must have resided in the District wherein he or she is voting for a period of at least thirty (30) calendar days. Any person being a legal resident of the Reservation, as defined herein, and who physically resides for employment or education in another District, shall be required to designate a primary residence for voting purposes when they vote. The voter may only vote in the District in which the designated primary residence is located.

Section B: VOTER AFFIDAVITS

The District Election Board shall permit any qualified voter who is not on the Voters List to vote by affidavit at the polls on election day. Each person desiring to vote by affidavit shall execute a Voter Affidavit describing his/her name, address, date of birth, district where he or she resides and period of latest residence. (Refer to *Appendix Form #6*)

Section C: VOTER LISTS

1. Qualified Voters Only. Only those qualified voters as set out in Section A above may vote, including all qualified voters who may be qualified as absentee voters.

2. **Challenge to Inclusion on Voters List.** Any qualified voter in a district may challenge the eligibility of another Tribal member(s) to be included in that district's voters list. A challenge must be raised at the voters list certification meeting for that district, or if no meeting is held, at the Tribal Election Board meeting during which that district's voters list will be certified. If a district voter challenges the eligibility of another voter to be included on that district's voter's list, the challenged voter shall be afforded due opportunity, as determined by the Tribal Election Board, to provide evidence of his or her eligibility for inclusion on that district's voters list. Filing a false statement by any tribal member challenging another member's eligibility to participate in a tribal election is a Class B offense under Section 3-4-67 or 3-4-68 of the CRST Law and Order Code.

a. When the district or, in the absence of district action, the Election Board receives such challenge, evidence that may be considered includes but is not limited to:

- i. A sworn statement of the member whose residency is questioned as to the truth or falsity of the allegation.
- ii. Verification of whether the member whose residency is being challenged is or is not in physical residence on the Cheyenne River Sioux Reservation. Such verification may include but shall not be limited to: copies of utility bills, rent receipts, voter registration, automobile registration, address verification reports from reputable online vendors, or driver's license information.
- iii. Sworn statement(s) of neighbors or others who have reason to know the circumstances of the member's residency.

b. The district or, in the absence of district action, the Election Board will make a determination of whether the member seeking to vote has physical residency on the Cheyenne River Sioux Reservation and is therefore eligible to be included on the district voters list and participate in Tribal elections. Such determination is final and non-appealable.

3. **Voters List Certification.** A list of qualified voters for each district must be certified at least 30 calendar days prior to the filing deadline for a primary election and at least 30 calendar days prior to a general election. A list of qualified voters may be certified at a District Council Certification meeting. A meeting in which a District certifies its Voters List cannot be called and presided over by its District Chair or any other district officer if that district officer is a candidate for any tribal office. In order for a District's certification of its voters list to be recognized by the Tribal Election Board, there must have been meetings held in every community or precinct within that district.

4. **Failure of District Council to Certify Voters List.** In the event a District fails to certify their Voters List, the list will be reviewed and modified as necessary by the Tribal Election Board, and such review and modification will be considered final certification.

5. **Most Recent Voters List is Official.** For each District, the Voters List most recently certified before an election, whether by the District Council or the Tribal Election Board, shall be deemed the official Voters List for subsequent elections.

6. Criminal Falsification of Residency. Any tribal member who successfully seeks to have his/her name included on a district voters list, or any tribal member who successfully seeks to have the name of another tribal member included on a district voters list, when the member whose name is not included is not in fact a resident of the district or the Reservation, may be criminally charged under Sections 3-4-67 or 3-4-68 of the CRST Law and Order Code for falsification of an official government matter.

PART 5
**CANDIDATES: ELIGIBILITY, NOMINATIONS, PETITIONS, REVIEW
AND CHALLENGES**

Section A. ELIGIBILITY

1. Tribal Membership, Residency, Age. Any person who desires to be a candidate for membership in the Tribal or District Council or other Tribal office must be a member of the Cheyenne River Sioux Tribe, and shall have resided for a period of one year next preceding the election in the district of his/her candidacy, and be over twenty-five (25) years of age at the time of election. (Authority: *Tribal Constitution, Article V Section 2*)

2. No Indian Service Employee. No employee of the Indian Service shall be elected as an officer or councilman. (Authority: *Tribal Bylaws, Article II(a)*)

3. No Criminal Convictions. No person convicted of a felony shall be elected as an officer or councilman. (Authority: *Tribal Bylaws, Article II(b)*)

4. Tribal Council Sole Judge. The Tribal Council shall be the sole judge of the qualifications of its own members. (Authority: *Tribal Bylaws, Article II(c)*)

5. Resignation from Certain Jobs. Employees of the Indian Service, Bureau of Indian Affairs, Indian Health Service, and all other component agencies must resign from their jobs after they are elected as Council members or as an Officer at Large. If a current sitting Tribal Council Representative who runs as a candidate for an At-Large position is one of the top two (2) vote recipients in the primary election, and becomes a candidate in the general election, he/she must resign their current Council seat.

6. Candidates Ready to Serve. All candidates must be ready, willing, and able to serve in the office for which they desire to hold.

7. One Office. No person shall run for more than one of the following Tribal Offices in a Tribal Election: Tribal Chairman; Tribal Secretary; Tribal Treasurer; Tribal Council.

8. Adherence to Tribe's Drug Testing Policy. A candidate must agree to adhere to the Tribe's drug testing policy and submit to a mandatory drug test prior to filing for candidacy. Administration of the mandatory drug test will be in accordance with the Tribe's drug testing policy with the stipulation that the drug test shall be acceptable for a period of ninety (90) days from the time it was submitted to the Tribal Secretary's Office. Any time after the 90 days, a new drug test shall be required. A drug test can be submitted for other vacant positions, just as long as it is within the time frame of the 90 days. Drug test results shall be attached to the petition or the application along with other pertinent documents.

Section B. APPLICATION FOR CANDIDACY

1. Notice of Candidacy. Any enrolled member of the Cheyenne River Sioux Tribe meeting the qualifications as set out in Section 1, herein, may become a candidate by filing a notice of his/her candidacy for a primary election. (Refer to Appendix Form #1)

2. Filing Fee. There is a seventy-five dollar (\$75.00) filing fee (fifty dollars (50.00) for background check fee and twenty-five dollars (\$25.00) for drug testing fee). These filing fees are to be paid at the CRST Disbursing Office and the receipt is to be attached to the petition/application and submitted to the Tribal Secretary's Office by the candidate. The said fees are non-refundable.

3. Background Check. Candidates shall be required to complete a records check form, whereby authorizing the Tribal Election Board to do a complete records check for any criminal convictions. Background checks shall be acceptable for a period of ninety (90) days from the time it was submitted to the Tribal Secretary's Office. Any time after the 90 days, a new background check shall be required. A background check can be submitted for other vacant positions, just as long as it is within the time frame of 90 days. Background check results shall be attached to the petition or the application along with other pertinent documents.

4. Deadline. All filing(s) for any tribal office, including the (1) candidacy form (Appendix Form #1), (2) filing fee, and (3) records check authorization, are to be filed with the Tribal Secretary by the deadline date on the 24th day of June except when said day falls on Saturday, Sunday, or Tribal holiday, in which event the filing deadline shall be 5:00 PM on the following business day. In the case of a special election to fill a vacant Tribal Council or At-Large seat, the filing deadline is that described in Part 3, Section D(2). ALL filings must be received in the Tribal Secretary's office by the deadline or the candidate's application will be deemed invalid.

Section C. DISTRICT NOMINATIONS

Any member of the Tribe may be considered as a candidate for office when nominated by the District Council at any duly called meeting with a quorum present. There must be a written acceptance or declination by the candidate who has received a District nomination (Refer to Appendix Form #1).

Section D. PETITIONS

1. Minimum Number of Signatures. Any member of the Tribe may become a candidate for any office upon the signed petition of at least ten (10) legal voters from the District where he is declared to be a legal resident. (Authority: Tribal Constitution, Article V Section 3) (Refer to Appendix Form #3). For At-Large Positions, a candidate shall get ten (10) legal voters from across the reservation. The candidate must use the certified Voters List.

2. Voters to Sign Only One Petition. A voter may sign one candidacy petition for each vacant seat in the District wherein he/she resides. However, for Districts 4 and 5, a voter

may sign two (2) petitions. The signatories to petitions must print their name legibly. The candidate shall ensure the names on their petition is legible.

3. Review by Tribal Election Board. All petitions and certifications of qualifications shall be subject to review by the Tribal Election Board.

4. Written Acceptance Required. There must be a written acceptance or declination by the person whose name is on a petition that is being circulated for the purpose of election. (Refer to Appendix Form #1)

5. Filing Deadline. All petitions and certifications of qualification must be filed with the Tribal Secretary on or before the deadline date posted on the Notice of Election.

Section E. CANDIDACY REVIEW AND CHALLENGES

1. Posting of Candidates' Names. Within five (5) days after the filing deadline, the Tribal Secretary shall post a Notice of Candidates, which contains the names of all candidates in each voting District. (Refer to Appendix Form #4)

2. Candidate Name Removal after Certification. A candidate shall not withdraw his/her name after the posting of candidates' names. If a candidate removes him or herself from the election after the candidates' names are posted, the candidate will be subject to an administrative fee and penalty of \$75.00.

3. Certification by District Council. All petitions originating from a particular district shall be screened and certified by that particular District Council at a Certification meeting within seven (7) days after the Notice of Candidates has been posted by the Tribal Secretary. If a District Chairperson is also running for another elected position, their petition must be certified by the Tribal Election Board (Refer to Appendix Form #5). The District Council shall certify the ten (10) legal voters only. Due to confidentiality, a copy of the drug tests and background checks will not be reviewed by the District Council. The drug test and background check will be reviewed by the Election Board and the Tribal Attorney.

4. Challenge of Candidate's Eligibility Allowed. Any qualified voter may challenge the eligibility of any person seeking to be a candidate for which said qualified voter will cast a vote for the office in which the candidate is seeking, by filing with the Tribal Secretary's Office, a sworn and sealed affidavit (which is a notarized document) setting forth the grounds for challenge within three (3) days after the challenged candidate's name appears on the Notice of Candidates, as provided in Section E (1) above. At the end of the challenge period, the Tribal Secretary's Office shall, for each district, compile a list of challenged candidates and shall transmit such list to the Election Board for its consideration.

5. Notice to Candidate Being Challenged. The Election Board shall promptly notify the candidate of any challenge and the ground(s) for the challenge and shall direct the

candidate to furnish satisfactory proof that the candidate is eligible to be a candidate for the office he/she seeks.

6. **Final Certification by Tribal Election Board.** The Tribal Election Board within five (5) days of receipt of any challenges to candidate eligibility shall review and certify all petitions and nominations for candidacy, whether challenged or not, to certify the eligibility of each person to be a candidate. (Authority: **Tribal Bylaws Article III Section 3**)

PART 6 **VOTING**

Section A. VOTERS WHOSE NAMES ARE ON THE VOTERS LIST

For each District, the Voters List most recently certified before an election, whether by the District Council or the Tribal Election Board, shall be deemed the official Voters List for subsequent elections. Any voter whose name is on the most current Voters List is eligible to vote in that District's election.

Section B. VOTERS WHOSE NAMES ARE NOT ON THE VOTERS LIST (AFFIDAVIT VOTERS)

1. Affidavit Voters Defined. The District Election Board shall permit any qualified voter who is not on the Voters List to vote at that District on the day of the election. These voters shall be called "Affidavit Voters."

2. Procedures for Voting by Affidavit.

The following procedures will be used for Affidavit Voters:

- a. Form. One of the Election Judges shall give the voter a Voter Affidavit to complete. (Refer to Appendix Form #6). The Affidavit Voter must print their name legibly. The District Election Board shall ensure the Affidavit Form is legible. Should the name be illegible (unreadable), the name will be considered unacceptable.
- b. Ballot. After the voter has completed the Voter Affidavit, one of the Judges shall give him/her a ballot with the official stamp and an envelope in which the voter is to seal his/her ballot. The Judge and/or Clerk shall record the name of the voter who is voting by affidavit on the List of Affidavit Voters and have the voter sign by his or her printed name. (Refer to Appendix Form #7)
- c. Ballot Sealed. After the voter has cast the ballot in secret, the voter shall fold the ballot so that the official seal shows, and then seal the ballot in the envelope provided.
- d. Ballot and Affidavit Sealed in Envelope. The voter shall return the sealed envelope (with ballot inside) to the Election Judge receiving the ballots, and the Judge in turn shall place the voter's sealed envelope (with ballot inside) into another envelope along with the voter's completed Voter Affidavit.
- e. Envelope Specially Marked. The Judge shall then seal and mark the outer envelope "VOTER AFFIDAVIT" and place the sealed envelope into the ballot box.

3. **District Election Board does not Count Voter Affidavits.** The District Election Board shall not open or count any sealed “VOTER AFFIDAVIT” envelopes when conducting their unofficial count. These affidavits and ballots will be opened by the Tribal Election Board during their official canvass. The Tribal Election Board will either accept or disapprove the Voter Affidavits before a count is made of the ballots cast by any Affidavit Voter.

4. **Affidavit Voter Fraud.** Any tribal member who intentionally claims to reside in a particular district and votes in the district as an affidavit voter, when in fact the member is not a resident of the district, may be criminally charged under CRST Law and Order Code Chapter III (E) “Offenses Against the Administration of Government,” including but not limited to Sections 3-4-67 or 3-4-68 for falsification of an official government matter. Any person who induces a tribal member to unlawfully vote in a tribal election as an affidavit voter may be criminally charged under CRST Law and Order Code Chapter III (E) “Offenses Against the Administration of Government,” including but not limited to Sections 3-4-67, “Bribery in Official Matters.”

Section C. VOTING

1. **Spoiled Ballots.** Any ballot on which erasures have been made or on which more than one name has been marked for the same office, or which do not have the official stamp, shall be considered spoiled ballots. Spoiled ballots are also ballots that are intentionally torn, defaced or contain markings other than an X or √. Ballots with marks that extend out of the box shall not be counted spoiled, as long as the intent is clear.

2. **Sample Ballots.** Sample ballots shall be made available at the polling places. Such ballots shall be clearly stamped “SAMPLE BALLOT”. However, only the names John Smith, Jane Doe or Mary Jones may be used. They shall be used to illustrate to the voter the correct voting procedure but no sample ballot shall be deposited in the ballot boxes.

3. **Disabled Voters.** Any voter who cannot read the English language, or because of blindness, or other physical disability, cannot mark the ballot, may upon request, be assisted by both election judges in marking the ballot, but the Judges shall neither by work, action or expression influence or attempt to influence the voter in the marking of his/her ballot.

4. **Unintentionally Spoiled Ballot.** A voter can be issued a new ballot if he/she unintentionally has spoiled the first ballot, provided that the Judge or Clerk so states on the spoiled ballot the fact of why it was spoiled.

5. **No Electioneering or Campaigning.** There shall be no electioneering or campaigning on the day of the election within 100 feet of each of the polling buildings. Posting any signs or printed election material shall be prohibited within 100 feet of any building in which voting is conducted. No candidate or persons shall be allowed to solicit votes within 100 feet of any building in which voting is conducted. Candidates shall be allowed to transport voters to the polls. On Election Day, the Superintendent of Election shall remove all posted election material posted within 100 feet of any building in which voting is conducted.

6. Bribery of Voters Prohibited.

- a. It shall be a criminal offense under CRST Law and Order Code Section 3-4-57, "Bribery in Official Matters" for any person, directly or indirectly, by the person or through any other person, to make any monetary gift, loan, promise, offer, or agreement to, for, or with any person in order to induce or attempt to induce that person to vote for or against a particular candidate or issue at any election. Campaign dinners, to which voters and their families are invited to attend, are excluded from this section.
- b. Once a currently sitting elected official is certified as a candidate for Chairman, Secretary, Treasurer, or Council Representative, that candidate is prohibited from authorizing the distribution of any tribal financial assistance. Examples include but are not limited to gas vouchers, food vouchers, groceries, propane, or loans. This prohibition does not apply to the approval of grants used for emergencies, funerals, or medical expenses, as long as the approval is not more than \$150.00.
- c. If any person suspects that a candidate has violated Subparagraph (b) above, that person shall submit to the Election Board Chairperson a sworn affidavit that describes the alleged violation.
- d. If a certified candidate is found to have violated Subparagraph (b) above by the Election Board after due process and hearing, the candidate shall be removed as a candidate from office. The candidate is also subject to criminal prosecution as described in Subpart (a) above.
- e. Hearing Process. The hearing will be carried out as follows:
 - i. The candidate and the person(s) who submitted the allegation will be notified in writing of a scheduled hearing at least 24 hours in advance. A copy of the written allegation will be shared with the candidate at the time they are notified of the upcoming hearing.
 - ii. At the hearing the person who submitted the allegation will present their statement. They may invite any witnesses who can provide additional details to speak.
 - iii. The Election Board will ask questions of the person who submitted the allegation and their witness(es).
 - iv. The candidate presents their response to the allegation, including inviting any witnesses to speak if they can provide additional details about the allegation.
 - v. The Election Board will ask questions of the candidate and their witness(es).

vi. The Election Board goes into Executive Session to deliberate. It will come out of Executive Session and announce its decision, and the hearing will conclude. The decision of the Election Board is non-appealable.

7. **No Loitering.** There shall be no loitering in the voting places during voting hours. After the polls have been closed and all votes have been cast, the public may be permitted in the voting places as long as it does not interfere with the work of the District Election Board.

8. **No Alcohol or Drugs.**
 - a. Any member of the Cheyenne River Sioux Tribe who is determined to be under the influence of alcohol or drugs shall not be permitted to vote or participate in the election process.
 - b. No voter shall be under the influence of alcohol or drugs when casting their ballot for absentee voting. The Tribal Secretary's Office shall have the authority to contact law enforcement to remove the under-the-influence voter, who may return later once they are of sound mind.
 - c. With respect to suspicion of drug or alcohol use by a potential voter, a majority of the District Election Board shall make all final determinations of a member's eligibility to cast a ballot. With respect to suspicion of drug or alcohol use by a District Election Board member, a majority of the Tribal Election Board shall make all final determinations about the ability of that person to continue working at the polling place. Upon suspicion of alcohol or drug use by a District Election Board member, a PBT test may be required by the Tribal Election Board.

Section D. ABSENTEE VOTING

1. **No Absentee Voting on Election Day.** Except as allowed in Subparagraph 3(c) below, there is no absentee voting allowed on Election Day.

2. **Definition of Absentee Voter.** Tribal members who are otherwise eligible to vote but who will not be on the Cheyenne River Reservation on Election Day because they have a medical appointment, is hospitalized, serving in the military, or is a college student, may cast their ballot prior to election day via absentee voting. These voters are known as Absentee Voters. In addition, disabled voters confined to their home may request that a ballot be taken to their home, provided that it is within a reasonable distance from the polling place.

3. **Absentee Voting Procedures.**

The following procedures will be used for Absentee Voters:

- a. Requesting Absentee Ballot. Only a voter may request that an absentee ballot be sent to him or her. Candidates may not request that absentee ballots be sent. A voter may obtain an absentee ballot by contacting the Tribal Secretary's Office via phone, fax, mail, or e-mail no more than 20 days prior to the election. Absentee voting may take place in person at the Tribal Secretary's Office. Candidates are to refer requests for absentee ballots to the Secretary's Office. If a voter is requesting an absentee ballot due to a medical appointment scheduled to occur on Election Day, the voter must provide written confirmation of the medical appointment before an absentee ballot will be issued. If the voter is a college student, he/she must provide proof that he/she will be attending a regularly scheduled class on Election Day. If voter is scheduled to be hospitalized on Election Day, he/she must submit verification of his/her hospitalization

on Election Day. If a voter is in the military, he/she must submit verification of their duty station as of Election Day.

- b. Disabled/Ill/Confined Voters. If on Election Day, a voter is seriously ill or disabled and cannot make it to the polling place he/she may contact the Election Superintendent of the District wherein she/he resides and request an Absentee Ballot. One District Election Board clerk and one District Election Board judge shall deliver the ballot to the confined voter, and the voting procedure will be done in accordance with the provisions of Section B “Voters Whose Names are Not on the Voters List” above. Upon the completion of voting by the confined person, the two representatives who delivered the ballot shall return the cast ballot to either the District polling place or the Tribal Secretary's Office and deposit it into the ballot box. Such ballot shall be treated as an Affidavit Ballot. Delivery of the ballot to the confined person will be at the discretion of the District Board Election Superintendent. Extreme weather conditions and availability of election officials will be considered in determining whether to deliver the ballot to the confined person.
- c. Official Absentee Ballot Delivered. Only one absentee ballot will be sent for each request, and that ballot shall be sent to the address of the request, within three (3) days of receipt of request. Each absentee ballot mailed out shall have the official absentee ballot stamp affixed thereto. An absentee ballot shall not be counted unless the official absentee ballot stamp is affixed thereto.
- d. Other Absentee Ballot Contents. In addition to a ballot, there shall be sent by the Tribal Secretary’s Office, (1) an Affidavit for Absentee Ballot, (2) an inner envelope bearing on the outside the words ABSENTEE BALLOT, and (3) a pre-addressed larger envelope. The absentee voter must cast his/her vote in the ballot provided and place the ballot in the so-designated envelope and seal said envelope. The absentee voter must also complete the Affidavit for Absentee Ballot and place the Affidavit and the ABSENTEE BALLOT envelope in the larger self-addressed envelope and return to the Secretary’s Office. (Refer to Appendix Form #7)
- e. Return of Absentee Ballot to Tribal Secretary’s Office. When returned, the ballot must be received in the Tribal Secretary’s Office on or before Election Day . Ballots postmarked after Election Day shall cause the ballot not to be counted.
- f. Secretary’s duty to surrender absentee ballots. It shall be the Tribal Secretary’s duty on the day of the official canvass to surrender all absentee ballots to the Tribal Election Board for tallying. All ballots that arrive in the Secretary’s hands on or before Election Day shall be placed unopened

in an envelope for the particular district, in SECRETARY'S ABSENTEE BALLOT BOX and kept for safekeeping until the Tribal Election Board's official canvass and certification meeting.

- g. Transporting Voters to Absentee Vote. No candidate shall transport voters to the Tribal Secretary's Office for absentee voting prior to Election Day.

PART 7
TABULATING VOTES, ELECTION CERTIFICATION; POST-ELECTION; SWEARING-IN OF NEWLY ELECTED OFFICIALS

Section A. OFFICIAL CANVASSING OF VOTES

1. Transport of Ballot Boxes to Tribal Headquarters; Custody of Tribal Secretary. At the close of the time for voting on Election Day and upon conclusion of the unofficial canvass by the District Election Boards, all ballot boxes shall be transported to the Tribal government administration building in Eagle Butte without delay. The ballot boxes shall remain in the custody of the Tribal Secretary, provided that the Secretary shall allow the Tribal Election Board access to such ballot boxes so that the Board may discharge its duties under this Ordinance. In the event that the Tribal Secretary is a candidate for any office, then the Election Board at a duly called meeting shall appoint an alternate custodian of the ballot boxes for that election and said custodian shall have duties and obligations of the Tribal Secretary as set forth in Part 2(B)(1) of this Ordinance 14 regarding custody of the ballot boxes.

2. Posting Names of Affidavit Voters. After the closing of the election polls, the list of affidavit and absentee voters' names will be posted. If necessary, the Election Board shall open each ballot box in order to ascertain the number of ballots cast with an accompanying Voter Affidavit (hereafter "affidavit ballots") and the names of such persons casting such affidavit ballots (hereafter "persons voting by affidavit"). In ascertaining the number of affidavit ballots cast, the Election Board shall not open the sealed ballots of such persons voting by affidavit. The Election Board shall compile in writing a list of the names of the persons voting by affidavit and the districts in which such persons voted. The Tribal Secretary shall post this list in a visible and public meeting place in the Tribal government administration building.

3. Challenge to Affidavit Votes. Any candidate wishing to challenge the veracity of an affidavit submitted by any person voting by affidavit may submit a written challenge to the Tribal Secretary's Office by no later than 5:00 p.m. on the third business day following Election Day.

4. Ruling on Affidavit Vote Challenges. On the fourth business day following Election Day, the Election Board shall hear and rule on all challenges to affidavits submitted in accordance with subsection (3), above. All interested persons may be present. The rulings of the Election Board shall be final. If the Election Board rejects as fallacious, untrue, or incorrect the affidavit of any person voting by affidavit, the Board shall destroy such person's ballot. If the Election Board approves the affidavit of a person voting by affidavit, the Board shall deposit such person's ballot in the appropriate box.

5. Canvass of Votes. After the Election Board hears and rules on all challenges to affidavits submitted in accordance with subsection (3) above, and no later than 5:00 p.m. on the fifth (5th) business day following Election Day, the Election Board shall officially canvass the

votes. (Authority: ***Tribal Bylaws, Article III Section 3***) (Refer to *Appendix Form #16*) After the ballots have been canvassed, no ballots may be spoiled.

6. Removal, Opening of Ballot Boxes. The ballot boxes shall not be removed from the Tribal government administration building in Eagle Butte unless authorized by the Election Board at a duly called meeting. If circumstances require the Election Board to forcibly open a ballot box, such opening must be done with the concurrence of majority of the Election board present and in an open public forum.

Section B. REQUEST FOR RECOUNT

1. Candidate's Request for Recount. If for any reason a candidate feels that the election in which he was a candidate was not properly conducted, he may demand in writing a recount of the vote. Protest letters shall be filed with the Tribal Secretary within five (5) business days after the official canvass by the Tribal Election Board. It shall be the duty of the Tribal Election Board, upon demand of such candidate, to set a date for the recount at which time the opposing candidates may be present in person or by legal representation and they shall, before the recount is begun, come to an agreement as to the rules governing spoiled ballots, tampering, stuffing the ballot boxes, illegal voting or any other acts which might constitute grounds for a contest.

2. Fraud. If it is evident that there has been fraud in the election of any District, the entire vote from that District or Districts shall be thrown out. It shall be the duty of the Tribal Election Board to decide if a new election shall be held in that District or Districts. The opposing candidate shall have the right to challenge any ballot cast if there is evidence that it has been tampered with in any way, and to challenge the Voter List if it is evident that any unqualified person has been permitted to cast a vote.

3. Voter Contests. Voters may not contest an election based on the denial to vote set forth in Part 6(B), which allows voters whose names are not on the Voters List to vote by affidavit subject to a later challenge.

4. Finality of Election Board Decision. The Tribal Election Board shall be the sole judge as to the legality of any challenge to an election and all persons shall abide by the decision of the Tribal Election Board.

Section C. CERTIFICATION OF ELECTION. When the Tribal Election Board has completed the official canvass and has determined which candidate(s) for each election has received the most votes, it shall be the duty of the Chairman of the Tribal Election Board to issue a certificate of primary election or general election or special election, as the case may be. (Refer to *Appendix Forms 12 and 12A*)

Section D. TIES. Any tie between candidates shall be resolved by drawing lots.

Section E. DEATH, DISQUALIFICATION, OR OTHER WITHDRAWAL OF SUCCESSFUL CANDIDATES.

1. Primary Election Candidates. Should any of the successful primary candidates who qualify for the general election become deceased, disqualified, or otherwise withdraw, then the Tribal Election Board shall certify for election the candidate who received the next highest vote in the primary election provided any such withdrawal occurs at least 30 days prior to the general election.

2. General Election Candidates. If a successful candidate in the general election becomes deceased, disqualified, or otherwise withdraws after the official canvass but before being sworn in, then the Election Board shall declare a vacancy of the seat that the successful candidate was to be seated in. After being sworn in, the new Election Board shall follow the same process for filling the vacancy as that used for filling a vacancy on Tribal Council - Part 3 Section D(2).

Section F. PRESERVATION OF BALLOTS. After the official canvass has been completed and the certificates of election have been mailed by certified letter to the winning candidates, all ballots and other papers shall be returned to the ballot box and held for at least one year.

Section G. ORIENTATION OF NEWLY ELECTED OFFICIALS. The Tribal Election Board shall schedule and conduct an orientation for all new elected Tribal officials, prior to their swearing-in ceremony, for the purpose of familiarizing them with the Constitution and By-Laws of the Cheyenne River Sioux Tribe and other applicable laws of the Cheyenne River Sioux Tribe.

Section H. ADMINISTERING THE OATH OF OFFICE. It shall be the duty of one of the following: Tribal Chairman, Tribal Vice-Chairman, Tribal Secretary, Tribal Treasurer or Superior Judge to administer the Oath of Office to all newly elected and re-elected Tribal Officers, Council representatives, District Officers and any other officers appointed or elected to any position in the Tribal organization at the December Session of the Council in the Tribal Council Chambers and the said Officers shall begin their tenure of office immediately upon being sworn in. In the event an Acting District Officer is to be sworn in, any one of the above, including any elected Tribal Council or District Council Representative, shall administer the oath of office. (Refer to *Appendix Form #13*)

APPENDIX #26

CHECKLIST OF DUTIES FOR DISTRICT ELECTION BOARDS

[[TO BE DEVELOPED BY SECRETARY'S OFFICE STAFF]]