

COMANCHE

A RESOLUTION AUTHORIZING THE COMANCHE NATION TO ADOPT THE 2024 COMANCHE NATION ELECTION ORDINANCE

- WHEREAS**, the Comanche Nation is a federally recognized Indian Tribe with a Constitution approved by the Secretary of the Interior on January 9, 1967, to safeguard tribal rights, powers, and privileges to improve the economic, moral, educational, and health status of its members; and
- WHEREAS**, the tradition of sovereignty of the Comanche Nation, since time immemorial long predates the existence of the nation, establishes the inherent sovereign powers and rights of the Comanche self-government; and
- WHEREAS**, the Comanche Nation Constitution establishes the Comanche Business Committee as the duly elected official body designated to conduct business for and on behalf of the Comanche Nation and shall review, establish priorities; and
- WHEREAS**, the Comanche Business Committee has determined that it is in the best interest of the Nation to adopt the proposed ordinance, which shall be effective immediately; and
- WHEREAS**, the ordinance shall include Resolution 19-2024 prohibiting officials from serving on other boards, to include the language where a candidate must disclose what boards they sit on.

NOW THEREFORE BE IT RESOLVED, that the Comanche Business Committee hereby authorizes the Comanche Business Committee Chairman to sign and authorize a Resolution accepting the 2024 Comanche Nation Election Ordinance; and

BE IT FURTHER RESOLVED, that all prior Election rules, regulations, ordinances, and policies of the Nation are hereby repealed and of no further effect.

CERTIFICATION

The foregoing resolution was adopted at a regular monthly meeting of the Comanche Business Committee, held on **February 3rd**, 2024 at the Comanche Nation Headquarters, Lawton, Oklahoma by a majority vote of **5** for **1** against, and **0** abstentions, a quorum being present.



Mark Woommavovah, Chairman

ATTEST:



Robert Tippeconnie, Secretary/Treasurer

COMANCHE NATION ELECTION ORDINANCE OF 2024

TABLE OF CONTENTS

PART 100 – GENERAL PROVISIONS AND DEFINITIONS -----1

- SECTION 101 – Authority
- SECTION 102 – Purpose & Construction
- SECTION 103 – Definitions
- SECTION 104 – Records
- SECTION 105 – Computing Time
- SECTION 106 – Repealer
- SECTION 107 – Severability

PART 200 – ELECTION BOARD PROVISIONS ----- 5

- SECTION 201 – General Election Board Provisions
- SECTION 202 – Organization of the Election Board
- SECTION 203 – Term of Office
- SECTION 204 – Selection of Election Board Members
- SECTION 205 – Duties of Election Board Members
- SECTION 206 – Election Board Officers
- SECTION 207 – Election Office Administrative Assistant
- SECTION 208 – Oath of Office Upon Election or Appointment
- SECTION 209 – Ethical Obligations of Election Board Members
- SECTION 210 – Election Board Member Recusal
- SECTION 211 – Causes of Removal of Election Board Member
- SECTION 212 – Process for Removing an Election Board Member
- SECTION 213 – Entitlement to Legal Advice

PART 300 – ANNUAL MEETING----- 15

- SECTION 301 – Supreme Governing Body
- SECTION 302 – Nominations at the Annual Meeting
- SECTION 303 – Election Board Responsibilities During Annual Tribal Council Meetings

PART 400 – QUALIFICATION OF CANDIDATES----- 17

- SECTION 401 – Election of CBC, Tribal Administrator, & Tribal Attorney
- SECTION 402 – Authority
- SECTION 403 – Qualifications of Candidates for CBC and Tribal Administrator
- SECTION 404 – Process for Certification of Qualifications
- SECTION 405 – Challenge of Certification of Candidacy
- SECTION 406 – Qualifications of Tribal Attorney
- SECTION 407 – Withdrawal of Candidacy
- SECTION 408 – Unopposed Candidate

PART 500 – Types of Elections ----- 21

- SECTION 501 – Types of Elections
- SECTION 502 – Notice of Elections
- SECTION 503 – General Elections
- SECTION 504 – Runoff Elections
- SECTION 505 – Special Elections

PART 600 – QUALIFICATIONS AND REGISTRATION OF VOTERS ----- 25

- SECTION 601 – Qualified Voters
- SECTION 602 – Absentee Voter Registration
- SECTION 603 – Registration of In-Person Voters

PART 700 – CONDUCT OF ELECTIONS ----- 27

- SECTION 701 – Polling Sites
- SECTION 702 – Poll Watchers
- SECTION 703 – Official Ballots
- SECTION 704 – Technical Advice and Approval of Ballot
- SECTION 705 – Spoiled or Mutilated Ballots
- SECTION 706 – Failure to Receive an Absentee Ballot or Receipt of Mutilated Ballot
- SECTION 707 – Early In-Person Voting
- SECTION 708 – Election Procedures Utilizing Electronic Voting Machines
- SECTION 709 – Return of Absentee Ballots by Mail
- SECTION 710 – Assistance for the Disabled
- SECTION 711 – Electioneering & Alcoholic Beverages Prohibited
- SECTION 712 – Voting After Closure of Polls
- SECTION 713 – Emergency Voting Procedures

PART 800 – TABULATION OF BALLOTS ----- 31

- SECTION 801 – Election Board Duties After Closure of Polls
- SECTION 802 – Counting of Ballots from Voting Districts
- SECTION 803 – Counting of Absentee Ballots
- SECTION 804 – Automatic Recount
- SECTION 805 – Publication of Results of Balloting
- SECTION 806 – Resolving Ties After Runoff
- SECTION 807 – Official Election Results

PART 900 – CHALLENGES TO ELECTION RESULTS ----- 35

- SECTION 901 – Protest of the Election Results
- SECTION 902 – Burden of Candidate to Sustain Protest
- SECTION 903 – Protest Procedure
- SECTION 904 – Candidate Recount Request

SECTION 905 – CBC Recount Request
SECTION 906 – Determination of Recount Request
SECTION 907 – Recount Process

PART 1000 – ELECTION OFFENSES AND PENALTIES-----37

SECTION 1001 – Bribery to Influence a Vote
SECTION 1002 – Bribery to Withdraw Candidacy
SECTION 1003 – Coercion to Influence a Vote
SECTION 1004 – Electioneering
SECTION 1005 – Interference with Conduct of Elections
SECTION 1006 – Voting Illegally
SECTION 1007 – Voting Disclosure.
SECTION 1008 – Unlawful Balloting
SECTION 1009 – Possession of Unlawful Ballots
SECTION 1010 – Tampering with Voting Devices



COMANCHE NATION ELECTION ORDINANCE OF 2024

Mission Statement:

The mission of the Comanche Nation Election Board is to ensure an impartial and effectively managed system and to provide honest election services to protect the integrity of votes in accordance with the Comanche Nation Constitution. It shall strive to maintain fairness and equality in the process of self-governance for the people of the Comanche Nation.

PART 100

GENERAL PROVISIONS AND DEFINITIONS

Section 101. Authority

This Election Ordinance is enacted under the authority granted to the Comanche Business Committee under Article VI §7(b) and §7(j) of the Constitution of the Comanche Nation.

Section 102. Purpose and Construction

This Election Ordinance is enacted to provide rules and procedures governing Comanche Nation elections required by Article VII §2 of the Comanche Nation Constitution and this Ordinance to ensure that such elections are conducted in a fair and impartial manner. This Election Ordinance shall be interpreted narrowly in order to accomplish this purpose.

Section 103. Definitions

The following definition shall apply with respect to the interpretation of this Election Ordinance. All other words shall have their commonly understood definition:

- a) **“Absentee Voter”** means a qualified voter who has successfully applied to the Comanche Nation Election Board for such status and is entitled to vote by Absentee ballot according to prescribed rules.
- b) **“Ballot”** means a legal form of document approved by the Election Board which is created for the purpose of allowing a Voter to cast a vote in a particular election.
- c) **“Ballot tabulator”** means the machine that optically scans votes cast on paper ballots and then tabulates the results electronically.
- d) **“Calendar Days”** means all days, including holidays and weekends, that may occur within a given period.
- e) **“Candidate”** means a person having the appropriate qualifications and who is being considered for a political office or an official position.
- f) **“CBC”** means the Comanche Business Committee or its successor.
- g) **“Certified Mail”** means United States Postal Service mail that must be signed for on

delivery.

- h) **“Challenged Ballot”** means an official ballot submitted by a voter who appeared to vote in a Voting District polling place other than the Voting District which the database of eligible voters shows the voter residing.
- i) **“Comanche Nation Voter Registry”** means a list of qualified voters maintained by the Comanche Nation Election Board that, when fully updated, is identical to a list of citizens of the Comanche Nation maintained by the Enrollment Department of the Comanche Nation who meet age requirements for voting.
- j) **“Confidential Information”** means all private personal information in the possession of the Election Board that if it is published or its integrity compromised would have an adverse effect and shall include information of the type protected by federal privacy laws and the kind of information exempted from disclosure under the federal Freedom of Information Act (FOIA). Confidential information under this Ordinance shall not be considered tribal records subject to disclosure under the Comanche Nation Constitution.
- k) **“Comanche Constitution”** means the Constitution of the Comanche Nation.
- l) **“Qualified Voter”** means any citizen of the Comanche Nation who is at least eighteen (18) years of age and meets all other requirements established by the Comanche Nation shall be eligible to vote.
- m) **“Electioneer”** or **“Electioneering”** means any person who campaigns for any candidate or proposal within three hundred (300) feet of any ballot box while an election is in progress and any of the following acts performed by any person:
 - (A) the posting or display of campaign signs; or
 - (B) the display of symbols, numbers, or letters intended to remind voters of a particular candidate or position; or
 - (C) the distribution of literature, cards, or any other item that could reasonably be considered campaign-related; or
 - (D) making any speech or sounds or playing any recordings that could be reasonably be considered campaign related; or
 - (E) the continued occupation of any space on, or within three hundred (300) feet of the polling place for the purpose of greeting voters; or
 - (F) any other work for a political candidate or a ballot issue with the intent to solicit an affirmative or negative vote or other support for the political candidate or ballot issue.
- n) **“Election Board member”** means any person elected by the Comanche Nation Tribal Council to assist in the conduct of elections and other related duties.
- o) **“Election Board officer”** means any Election Board member elected by other members of the Election Board to serve as the Board’s Chairperson, Vice-Chairperson, or Secretary.

- p) **“Immediate Family Member”** means any spouse, parent, child, or sibling, pursuant to the Comanche Nation Constitution, Article XV §1.
- q) **“Independent Tabulator”** means a person retained by the Election Board to tabulate votes and verify counts as set forth in this Ordinance. The Independent Tabulator shall be a CPA and NOT be a Comanche Nation citizen.
- r) **“Oath of Office”** means the formal and legally binding pledge given by a person upon acceptance of an installation to an office.
- s) **“Official Recall Petition”** means an official form used by a Comanche Nation citizen to initiate the recall process to remove an elected official in accordance with Comanche Nation law.
- t) **“Ordinance”** means this Election Ordinance.
- u) **“Referendum Election”** means a vote of enrolled Comanche citizens on a proposed question. This can be a question listed on the ballot but can be an election conducted by the Bureau of Indian Affairs.
- v) **“Spoiled Ballot”** means a ballot reflecting a vote that cannot be counted for whatever reason, typically because of marks outside of areas designated within the ballot form, rejection by a voting machine, or physical damage to the form itself.
- w) **“Supreme Governing Body”** means, as defined in the Comanche Constitution Article IV §1, “The supreme governing body of this organization shall be the Comanche Tribal Council.”
- x) **“Tribal Council”** means, as defined in the Comanche Constitution Article V §1, “all duly enrolled members of the Comanche Nation who are eighteen (18) years of age or older.”

Section 104. Records

- a) Records related to the Election Board’s compensation and expenditures must be immediately shared with the Comanche Nation’s Records Retention Department. The Election Board must also retain such records for a minimum of seven (7) years in digital format.
- b) Ballots cast for any election shall be retained for a period of seven (7) years in digital format after the certification of said election, after which time the ballots shall be terminated.
- c) Documents recording the Election Board’s official acts and election certifications must be immediately shared with the Comanche Nation’s Records Retention Department. The Election Board must also retain such records for a minimum of seven (7) years in digital format.

- d) Confidential information about candidates obtained for the upcoming election, including background check and drug test results, shall be destroyed five (5) calendar days after the CBC's final decision concerning the qualifications of a candidate.

Section 105. Computing Time

- a) To calculate a due date under this Ordinance, the first day after a particular event which starts a timeline for a due date shall be counted as day one. (For example, if a document is received on Monday with five (5) calendar days to respond, then day one of the timeline will begin Tuesday.)
- b) Any act required to be done on a particular day shall be deemed timely only if completed by 5:00 p.m. local time in Lawton, Oklahoma, on the day which it is due.
- c) Whenever a due date falls on a Saturday, Sunday, legal holiday, or day when the Election Board is inaccessible, the due date shall automatically be extended to the next calendar day that is not a Saturday, Sunday, legal holiday, or day when the Elections Board is inaccessible. For purposes of the preceding sentence, a date is considered a holiday if it is recognized as such by the Nation.

Section 106. Repealer

All prior election ordinances or previous election policies are hereby rescinded.

Section 107. Severability

If any provision of this Election Ordinance shall in the future be declared invalid by the CBC or a court of competent jurisdiction, the invalid provision(s) shall be severed, and the remaining provisions shall continue in full force and effect to the greatest extent possible.

PART 200

ELECTION BOARD PROVISIONS

Section 201. General Election Board Provisions

- a) There is established an agency of the Comanche Nation to conduct and oversee the election and voting processes of the government which shall be known as the “Comanche Nation Election Board” (hereafter “Election Board”).
- b) The Election Board shall supervise the performance of any election or referendum related to the government of the Comanche Nation and fulfill other responsibilities duties in accordance with this Ordinance.
- c) The Election Board shall function as an entity of the Comanche Nation, and adequate funding for its purpose shall be included by the CBC as a line-item on its proposed annual budget to the Tribal Council each year.
- d) Where there is an inconsistency between any provision in Part 200 and the rest of this Ordinance regarding the elections, appointment, qualifications, and removal of Election Board members, the provisions in Part 200 shall apply over the more general provisions.

Section 202. Organization of the Election Board

- a) *Number of Election Board Members and Officers*
 - (1) The Election Board shall consist of twelve (12) total members composed of two (2) members representing each of the six (6) established voting districts of the Comanche Nation.
 - (2) The Election Board shall be run by three (3) officers—a Chairperson, a Vice-Chairperson, and a Secretary. These officers shall be elected by the Election Board members and must already be one of the twelve (12) members on the Election Board.
- b) *Election Board Meetings*
 - (1) For the Election Board to take any official action at a meeting, the meeting must have a valid quorum. For any meeting occurring before the 2024 General Election, quorum is met if there are four (4) Election Board members present. For any meeting occurring after the 2024 General Election, quorum is met if there are ten (10) Election Board members present.
 - (2) The Election Board shall keep minutes of its meetings and records of its official acts, and it shall report the same to the CBC as requested.
 - (3) The Election Board Chairman/Chairperson shall provide public notice of the meetings at least one (1) day in advance by posting the date, time, and place of each meeting at the Tribal Headquarters, Comanche Nation social media, and other official Tribal outreach facilities; and by directive to Administrative Assistant to Election Board.
 - (A) Public posting at Tribal Headquarters and other official Tribal outreach facilities shall be performed by the Election Board Chairman/Chairperson.
 - (B) Social media posting under this Section may be made by the administrators of the Comanche Nation’s social media accounts upon the Election Board

Chairman/Chairperson.

- (4) Election Board meetings shall be open to the public and conducted in accordance with Robert's Rules of Order, except that the Election Board may conduct any part of a meeting to the exclusion of the public upon majority vote of the Board in order to consider matters of litigation (actual, threatened, or potential), election disputes, candidate qualification, removal of Election Board members, or other matters deemed confidential, provided that any final action or vote on official action shall be taken in a session open to the public.

c) *Compensation of the Election Board*

- (1) All Election Board officers and non-officer members will receive a monthly stipend for their service to the Comanche Nation in accordance with the budget approved by the Tribal Council. To receive a stipend, they must be present at all Election Board meetings and elections in that month unless the Election Board Chairperson excuses them. Stipends will be received on a monthly basis regardless of meetings held per month.
- (2) Election Board officers and non-officer members will each receive \$100.00 a month as a base stipend.
- (3) On top of their base stipend, Election Board officers and non-officer members will receive an additional \$500.00 for General Council meetings, \$800.00 for operating a General Election, \$800.00 for operating a Runoff Election, \$800.00 for operating a Special Election, and \$100 for the certification meeting of elections.
- (4) The compensation amounts stated in Section 202(c)(3) may be adjusted due to economic factors affecting the Comanche Nation's yearly budget if those adjustments are presented to the Tribal Council for approval.

Section 203. Term of Office

- a) An Election Board member's term of office shall be for two years.
- b) An Election Board member may serve as many consecutive terms as elected.

Section 204. Selection of Election Board Members

a) *Schedule of Terms*

- (1) Each Comanche Nation voting district shall elect one Election Board member during a General Election every year.
- (2) The six (6) seats elected to the Election Board in 2023 will be known as seats one through six. An additional six (6) seats will be elected in the 2024 General Election, and these seats will subsequently be known as seven through twelve.
- (3) Following the 2024 General Election, seats one through six will be elected during odd years, and seats seven through twelve will be elected during even years.

- b) *Procedures for the Elections of Election Board Membership Positions Open Due to an Expired Term*

- (1) Generally, all election procedures contained in this Ordinance shall also apply to the elections of Election Board membership positions that are open due to an expired term, except that:
 - (A) A nomination to represent a voting district on the Election Board must come from a Comanche Nation Tribal Council citizen who resides within that respective voting district;
 - (B) A nomination must be seconded by a Comanche Nation Tribal Council citizen who resides within that voting district; and
 - (C) The qualifications for election or appointment shall follow Section 204(d) of this Ordinance.
- (2) In the following circumstances, the above General Election procedures will apply with the following modified procedures:
 - (A) If a voting district does not have a nominee for a General Election, then that district's seat will be filled by the nominee who (1) did not win a seat in his/her/their district and (2) received the most votes among all the other nominees who did not win a seat in their districts, regardless of where the nominee resides.
 - (B) If more than one voting district does not have a nominee, the procedures in Section 204(b)(2)(A) shall be followed to fill as many spots as needed. Once elected to the Election Board, the Election Board shall assign these individuals to represent a voting district based on the individual's home address to the nearest voting district without a second representative.
- c) *Procedures for the Selection of Election Board Membership Positions Open Due to Resignation, Removal, or Death*
 - (1) Any resignation of an Election Board member shall be in writing to the Chairperson, who will then present the member's resignation to the CBC. If the Chairperson resigns, he/she/they will submit the resignation in writing to the Vice-Chairperson, who will then present the Chairperson's resignation to the CBC. A voluntary resignation, once accepted by the Election Board, cannot be withdrawn. The person resigning must leave immediately.
 - (2) If a vacancy occurs on the Election Board, then the candidate who finished second in the General Election for that position will be appointed by the CBC to fill the vacancy following a certification that the candidate satisfies the qualification for appointment in Section 204(d) of this Ordinance.
 - (3) If there was no second-place candidate at the General Election for that position or if the second-place candidate declines the appointment, then the Election Board will submit their recommendation for who should fill the vacancy to the CBC at a monthly CBC meeting. Before submitting their recommendations, the Election Board must certify that individual satisfies the qualification for appointment in Section 204(d) of this Ordinance.
 - (4) An individual appointed to the Election Board to fill a vacancy will serve the remaining term that his/her/their predecessor would have served.

d) *Qualifications of Election Board Members for Election or Appointment*

- (1) Be an enrolled citizen of the Comanche Nation who is eighteen (18) years of age or older at the time of nomination or appointment;
- (2) Not hold any other elected office—besides already holding an office on the Election Board—with the Comanche Nation at the time of his/her/their candidacy;
- (3) Not be a candidate for any other elected office of the Comanche Nation;
- (4) Reside within the Voting District he/she/they intend to represent unless elected to an Election Board position pursuant to Section 204(b)(2) of this Ordinance;
- (5) Have obtained a high school diploma or G.E.D. ;
- (6) Not been convicted of any felony, a misdemeanor involving dishonesty, bribery, embezzlement, or been determined by a court of competent jurisdiction to have committed any improper appropriation or obligation of tribal assets, any improper addition or removal from tribal rolls;
- (7) Not have any indebtedness to the Nation;
- (8) Not fail a urine drug test;
- (9) Not have been recalled or removed from any Comanche Nation elected office within three (3) years after the expiration of the term of office in which the person was serving at the time of recall;
- (10) Not be an employee of the Comanche Nation’s government, commissions, enterprises and/or entities (Workforce Innovation Opportunity Act participants are not considered employees of the Comanche Nation); or
- (11) Not be an immediate family member of an elected official or candidate, any person living with an elected official or candidate, or any person that is a partner in a business concern with another elected official or candidate.

Section 205. Duties of Election Board Members

All members of the Election Board, including officers, shall:

- a) Understand, carry out, and uphold the provisions of this Election Ordinance and the Comanche Nation Constitution;
- b) Conduct all General and Special Elections in a fair and impartial manner;
- c) Ensure that all candidates for elective office meet the qualifications for such office and/or verify all voting related documents to be true and accurate;
- d) Ensure that the election runs smoothly and that order is maintained at all times, including at Election Board meetings and at all other Election Board activities;
- e) Ensure the safe keeping of all Official Ballots and Election Board records;
- f) Prepare and approve all Official Ballots (no Ballot may be changed without expressed approval from the Election Board);
- g) Affix its official seal to Certificates of Election and other official documents of the Election Board;

- h) Conform to the Comanche Nation's social media policy, which shall be incorporated into this Ordinance;
- i) Acquire an accurate database of eligible voters maintained by the Comanche Nation Enrollment Department; and
- j) Cooperate to adopt necessary policies and procedures consistent with the Election Ordinance and Constitution to govern the Board and the conduct of any election, provided that any policy or procedure will be binding only when the Election Board (1) files the policy or procedure in writing with the CBC, and (2) the CBC approves the policy or procedure at a monthly or special meeting.

Section 206. Election Board Officers

- a) *Procedures for the Elections of Election Board Officers*
 - (1) This Ordinance's General, Runoff, Secretarial, and Special Election procedures shall not apply to this subsection.
 - (2) Within ten (10) days after the General Election, the Election Board shall elect from its membership a Chairperson, Vice-Chairperson, and Secretary to serve as officers of the Election Board. If the Election Board does not elect a Chairperson, Vice-Chairperson, and a Secretary within ten (10) days after the General Election, then the CBC will appoint an Election Board member to each vacant officer position.
 - (3) Election Board members can only nominate current Election Board members, including themselves, for an officer position on the Election Board.
 - (4) An individual is validly elected as an Election Board officer if (1) the quorum requirement is satisfied, and (2) the individual receives a majority vote from those present.
 - (5) If an Election Board officer position becomes vacant, the Election Board must hold an internal election within ten (10) days from when the vacancy began. The same election procedures listed in Section 206(a)(1)-(a)(4) of this Election Ordinance will also apply to elections for vacant Election Board officer positions.
- b) *Election Board Officer Terms*
 - (1) An Election Board officer may serve in his/her/their respective officer position for successive terms as he/she/they continue to be elected by the Tribal Council as an Election Board member.
- c) *Removal of Election Board Officers*
 - (1) At an official meeting that satisfies quorum, a majority of the Election Board present may remove an Election Board officer from his/her/their officer position for cause prior to the expiration of the officer's term.
 - (2) The removal of an Election Board member from his/her/their officer position does not remove that individual from the Election Board.
 - (3) The Election Board may promulgate its own rules and procedures to govern the removal of Election Board member/Officers as long as they are consistent with this Ordinance and the Comanche Nation Constitution.

d) *Duties, Responsibilities, and Obligations of the Election Board Chairperson*

- (1) Call and preside over all meetings of the Board to ensure that all such meetings are conducted in a fair, open manner and in compliance with any laws, policies, procedures or ordinances regarding public posting and disclosure of tribal government meetings;
- (2) Vote on questions decided by the Board only to resolve a tie;
- (3) Remove any non-board member from a meeting for disruptive conduct during said meeting and call Comanche Law Enforcement to remove the individual if the disruption substantially interferes with the conduction of the meeting;
- (4) Develop, present for approval to the Board, and publish the Calendar of Events prior to each election;
- (5) Develop internal operating procedures in cooperation with the members of the Board that comply with this Ordinance;
- (6) Ensure that all Board members are adequately trained in and comply with the provisions of this Ordinance;
- (7) Hire an Independent Tabulator for elections;
- (8) Ensure that all prospective candidates agree in writing to the performance of background investigations prior to their being certified as candidates in a Comanche Nation General Election;
- (9) Submit the proposed list of candidates and their qualifications packet to the CBC within three (3) days of the meeting at which the candidates were nominated;
- (10) Present the Certified Results of any election conducted under this Ordinance to the CBC within three (3) days to the completion of the election;
- (11) Present regular reports as to the activity of the Board to the Comanche Business Committee and as requested;
- (12) Approve all pay requests and supply requisitions and produce an annual budget with input from Board members for review of the CBC and approval by the Tribal Council;
- (13) Count to determine if a quorum of any Board meeting is satisfied;
- (14) Assign a member to record the minutes of a meeting in the absence of the Secretary;
- (15) Notify U.S. Postal Service of upcoming elections and to hold ballots for said elections;
- (16) Approve purchases made by the Election Board Secretary; and
- (17) Perform any other such duties required to ensure the legal conduct of business by the Board.

e) *Duties, Responsibilities, and Obligations of the Election Board Vice-Chairperson*

- (1) The Vice-Chairperson shall fulfill the duties of the Chairperson should the Chairperson be unable to perform his/her/their duties or when the Chairperson must recuse himself/herself/themselves.

f) *Duties, Responsibilities, and Obligations of the Election Board Secretary:*

- (1) Be responsible for the recording and maintaining of all official minutes of meetings and actions of the Board;
- (2) Ensure that all election records and returns are stored and secured in compliance with Section 104 of this Ordinance to preserve the historical information of each election through the end of its retention period;
- (3) Generate, maintain, and make available all financial materials generated as a result of the Board's activities;
- (4) Generate and maintain all correspondence records resulting from the activities of the Board; and
- (5) Have the sole and exclusive authority to make purchases, but only after the purchase is approved by the Chairperson or Vice-Chairperson.

Section 207. Election Office Administrative Assistant

- a) The Tribal Administrator shall hire an administrative assistant to work in the Election Office. The administrative assistant shall be considered an employee of the Comanche Nation and will work full-time for the Election Board.
- b) The salary of the Election Office administrative assistant will be paid out of the Election Board's yearly budget approved by the Tribal Council at the Annual Meeting.
- c) The qualifications of the Election Office administrative assistant shall include:
 - (1) Must possess a high school diploma or GED equivalent;
 - (2) Must possess a minimum of one (1) year of work experience in an administrative/office setting;
 - (3) Must possess a valid Oklahoma Driver's License and be insurable under the Comanche Nation Motor Vehicle Policy;
 - (4) Must be willing to submit to and pass a drug test; and
 - (5) Must be willing to submit to and pass a background investigation.
- (d) The Election Office administrative assistant's duties shall be to:
 - (1) Provide overall administrative support to the Election Office and Election Board;
 - (2) Serve as the immediate supervisor regarding the Election Office's day-to-day operations;
 - (3) Prepare meeting agendas, attend meetings, and record and transcribe minutes if the Election Board Secretary requests;
 - (4) Print minutes, agendas, sign-in sheets, and other documents before meetings and elections;
 - (5) Facilitate processing requisitions, purchase orders, check requests, and bills;
 - (6) Maintain and update filing, inventory, mailing, and database systems, either

- manually or using a computer;
- (7) Organize inventory and order materials, supplies, equipment, and services when needed;
 - (8) Assist the Election Board Secretary in maintaining records of all election costs;
 - (9) Maintain a log/database of all election results and candidate lists before and after background check deadlines;
 - (10) Compile reports focusing on various election data and election results;
 - (11) Check and process mail;
 - (12) Assist the Election Board in completing requests for address changes for ballots; and
 - (13) Maintain confidentiality of all confidential information learned during and after employment tenure;

Section 208. Oath of Office Upon Election or Appointment

Prior to entering into the duties of office, each Election Board member shall take the following oath of office to be administered by the Comanche Business Committee Chairperson or Vice-Chairperson of the Nation:

“I, _____, do hereby solemnly swear, or affirm, that I will support, protect, and defend the Constitution and laws of the Comanche Nation and will cause the elections of the Comanche Nation to be conducted fairly, impartially, and in accordance with the laws of the Comanche Nation, so help me God.”

Section 209. Ethical Obligations of Election Board Members

An Election Board member shall:

- a) Not openly campaign, including on social media, for the nomination, election, recall or removal of any Comanche Nation elected official;
- b) Maintain a neutral and impartial position on all election activities in order to ensure a fair and impartial election;
- c) Uphold and adhere to the terms of the Election Ordinance and the Comanche Nation Constitution; or
- d) Not use or disclose any confidential information gained in the course of, or by reason of his/her/their official position or duties to unauthorized persons or entities, or to further the financial interest or personal interest of any entity or person not authorized to possess such information.

Section 210. Election Board Member Recusal

An Election Board member shall recuse himself/herself/themselves from participation in the election process where:

- a) An immediate family member of said Election Board member is a candidate for any elective office;
- b) Said Election Board member is a candidate for any elective office; or
- c) Some other circumstance exists relating to said Election Board member that would severely affect the voting public's confidence in the integrity of the election process.

Section 211. Causes of Removal of Election Board Member

An Election Board member may be removed for cause if any of the following shall occur:

- a) Substantial violation of the Oath of Office or the Election Ordinance;
- b) Dishonesty, gross misconduct, or incompetence in office, social media posts regarding political activity/activities;
- c) Conviction of a felony or committing any act or engaging in any activity which would constitute a criminal offense involving dishonesty or moral turpitude under tribal, federal, or state law;
- d) Excessive absences; or
- e) Absence from any combination of four (4) consecutive duly called Election Board meetings or training sessions for which attendance is required.

Section 212. Process for Removing an Election Board Member

- a) *Requirements to Initiate Removal Procedures*
 - (1) If multiple members of the Election Board reasonably believe that an Election Board member has engaged in any activity which constitutes good cause for removal as defined in Section 211 of this Ordinance, they may ask the Election Board Chairperson, in writing, to call an Election Board Executive Meeting to determine if the Election Board should hold a formal hearing to remove the accused member.
 - (2) Upon receiving written notification of the members' reasonable beliefs that another member has engaged in activity which constitutes good cause for removal, the Election Board Chairperson must call an Election Board Executive Meeting to be held as soon as possible to remove the accused member in an Executive meeting and their authority to do so is final.
- b) *Requirements for the Election Board Executive Meeting*
 - (1) The Election Board Executive Meeting shall not be subject to the public posting requirements listed in Section 202(b)(3) or the open meeting requirements listed in Section 202(b)(4).
 - (2) At the Election Board Executive Meeting, members of the Election Board may present their reasonable beliefs that another member has engaged in activity which constitutes good cause for removal. The accused shall also have an opportunity to rebut the charges.
 - (3) Election Board members shall then vote on whether to proceed with a formal hearing to determine if the accused shall be removed from the Election Board. The

vote shall pass if quorum is satisfied and a majority of those present vote yes.

c) *Requirements for the Election Board Formal Hearing to Determine Removal*

- (1) If a vote passes to proceed with a formal hearing, the Election Board Chairperson must, at least ten (10) calendar days before the formal hearing, notify the accused of the time, date, and location of the hearing, the charges against the accused, and the rights of the accused to present and rebut evidence, as well as the right to be represented by another person at the formal hearing.
- (2) The formal hearing must comply with the public notice requirements of Section 202(b)(3) of this Ordinance.
- (3) At the formal hearing, a member of the Election Board shall present non-hearsay evidence of cause for removal, and the accused shall be provided the opportunity to rebut such evidence and present non-hearsay evidence in defense. Pursuant to Section 202(b)(4), the Election Board may conduct the presentation of arguments, presentation of evidence, and deliberation in executive session.
- (4) At the conclusion of the hearing and any deliberation, the Election Board shall vote on whether to remove the accused from the Election Board. Pursuant to Section 202(b)(4), the Election Board's vote must be taken in a session open to the public.
- (5) The accused shall be removed from the Election Board if a majority of the Election Board members present find by clear and convincing evidence that the accused engaged in activity which constitutes good cause for removal. The Election Board's decision to remove or not remove the accused from the Election Board shall be final.
- (6) Within twenty-four (24) hours of the Election Board's decision to remove or not remove the accused, the Election Board Chairperson shall notify the CBC and the accused of the Election Board's decision in writing.

Section 213. Entitlement to Legal Advice

- a) The Election Board is entitled to legal advice and legal representation from the Tribal Attorney with respect to questions or disputes that arise under this Ordinance or Constitution, except as it concerns contested elections for the position of Tribal Attorney itself.
- b) Any action by the Election Board to seek legal advice or representation from the Tribal Attorney must first be approved by the CBC.

PART 300
ANNUAL MEETING

Section 301. Supreme Governing Body

- a) As defined in the Comanche Constitution Article IV §1, "The Supreme Governing Body of this organization shall be the Comanche Tribal Council." The Tribal Council shall consist of all duly enrolled citizens of the Comanche Nation who are eighteen (18) years of age or older. The Tribal Council will affirm and exercise its Supreme Powers by the Annual Election following the Annual Meeting.
- b) Pursuant to the Comanche Constitution Article V §2, there shall be an annual meeting of the Tribal Council on the third Saturday in April of each year at 1:30 p.m. at the Comanche Tribal Headquarters in Lawton, Oklahoma, or such other place as the Comanche Business Committee shall determine.

Section 302. Nominations at the Annual Meeting

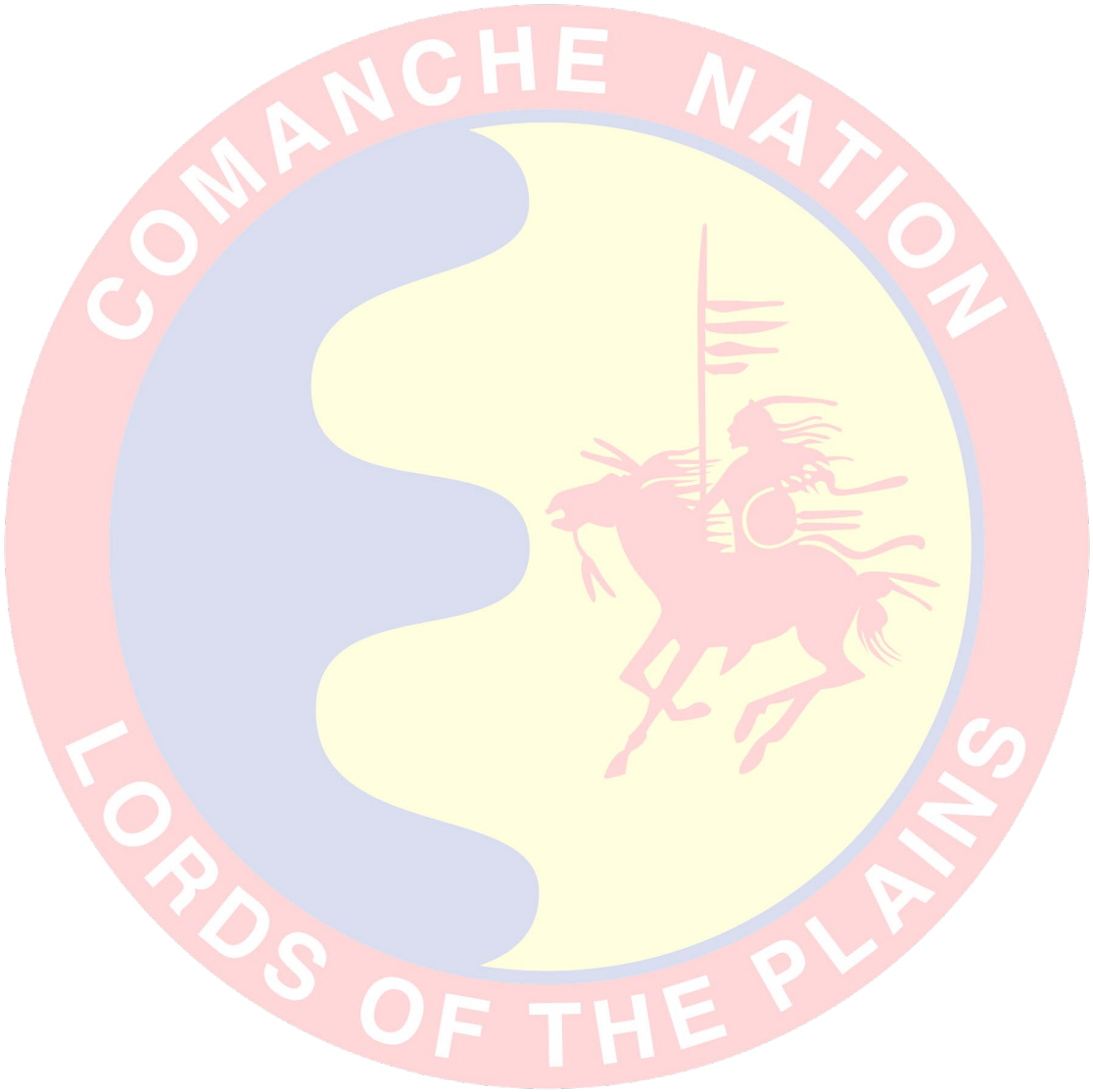
- a) Pursuant to the Comanche Constitution Article VII §2, nominations for Business Committee members and officers shall be announced by a Comanche Nation Tribal Council citizen from the floor and seconded by another Comanche Nation Tribal Council citizen. All nominations must be accepted by the Comanche Business Committee Chairperson. If the individual nominated declines said nomination, no further action shall be taken by the Election Board regarding his/her/their candidacy.
- b) Nominations for Tribal Administrator and Tribal Attorney shall follow the procedures set forth in Section 302(a) of this Ordinance.
- c) Nominations for Election Board members shall follow the procedures set forth in Section 204(b) of this Ordinance.

Section 303. Election Board Responsibilities During Tribal Council Meetings

The Election Board shall have the following duties or responsibilities at any duly called meeting of the Tribal Council:

- a) An Election Board member must register as a participant;
- b) Registered Election Board members shall count towards a quorum and may participate in voting at such meetings;
- c) Election Board members shall maintain a neutral and impartial position on all Tribal Council activities;
- d) Record nominations of candidates for elective office and provide candidate packets;
- e) Supervise, count, tally and report to the presiding officer the voting of eligible participants on nominations, motions or questions;
- f) Require any Election Board member who plans to run for elected office for the immediate election or who is nominated to run for elected office for the immediate election to recuse themselves from their Election Board duties for the remainder of the Annual Meeting;
- g) Upon declaration of adjournment by the Tribal chairman or presiding officer, the Election

Board's responsibilities under this Section shall terminate and the Election Board shall withdraw from the meeting place;



PART 400

QUALIFICATION OF CANDIDATES

Section 401. Elections of Business Committee Member, Tribal Administrator, & Tribal Attorney

- a) In accordance with Article VII of the Comanche Constitution, members of the Comanche Business Committee shall be elected at large by referendum vote of the Tribal Council which shall consist of **ALL** citizens of the Comanche Nation who are eighteen (18) years of age or older pursuant to Article V §1 of the Comanche Constitution.
- b) There are seven (7) members of the Business Committee regularly elected as follows:
 - 1) Committee Member #1 and Committee Member #2 in 2010, and every third year thereafter.
 - 2) Secretary-Treasurer, Committee Member #3, and Committee Member #4 in 2011, and every third year thereafter.
 - 3) Chairman and Vice-Chairman in 2012, and every third year thereafter.
- c) The terms of office for Comanche Business Committee members are set forth in accordance with the Comanche Constitution, Article VI § 8.
- d) A Tribal Administrator will be elected in accordance with the Comanche Constitution Article V §9 by the Tribal Council at large by referendum vote. The Tribal Administrator will be elected in the same years as the Comanche Business Committee Chairperson and Vice-Chairperson.
- e) A Tribal Attorney will be hired by the Tribal Council in accordance with the Comanche Constitution Article V § 9. The Tribal Council will hire the Tribal Attorney at large by referendum vote annually.

Section 402. Authority

The Comanche Nation Business Committee, under the adoption of this Election Ordinance, enacts these “Qualifications of Candidates” pursuant to Article VI § 7 of the Comanche Constitution “to determine qualifications of candidates nominated for office.”

Section 403. Qualifications of Candidates for CBC and Tribal Administrator

A candidate for a position on the Business Committee or a candidate for the position of Tribal Administrator shall meet the following qualifications:

- a) Shall be a citizen of the Comanche Nation and at least twenty-one (21) years old at the time of election (Comanche Constitution, Article IX §1);
- b) Shall not have been convicted of any felony, a misdemeanor involving dishonesty, bribery, embezzlement, or been determined by a court of competent jurisdiction to have committed any improper appropriation or obligation of tribal assets, any improper addition or removal from tribal rolls, any indebtedness to the Nation, or fail a urine drug test;
- c) Shall not have been recalled from a Business Committee office, in accordance with

Article VIII of the Constitution, within three (3) years after the expiration of the term of office in which the person was serving at the time of recall (Comanche Constitution, Article IX, § 3);

- d) Shall not have completed a second consecutive term of office on the Business Committee within the previous three (3) years (any portion of a term shall count as a full term) (Comanche Constitution, Article VI § 8);
- e) Any person running for Chairperson, Vice-Chairperson or Secretary-Treasurer of the Comanche Business Committee shall possess a Bachelor's Degree from an accredited university (Comanche Constitution, Article IX § 4);
- f) Any candidate for the Tribal Administrator position must have a Bachelor's Degree with a minimum of three years' experience in high level budgeting and management of government programs (Comanche Constitution, Article V § 8);
- g) Candidates must disclose all names and aliases to the Election Board, but the only name that shall be listed on the Ballot is the name on the Certificate of Degree of Indian Blood within the files of the Enrollment Department.

Section 404. Process for Certification of Qualifications

The following provisions shall apply to the process for certifying the qualifications for CBC candidates, Tribal Administrator candidates, and Election Board member candidates.

- a) Regarding the process for certifying the qualifications of prospective candidates, the role of the Election Board is to facilitate the certification process but not to make a determination on the qualifications of the candidates.
- b) The Election Board will submit to the Comanche Nation Gaming Commission a list of prospective candidates. The Comanche Nation Gaming Commission shall search local, tribal, state, federal and any other agencies for any information available which would show if any prospective candidates have been convicted of any felony, a misdemeanor involving dishonesty, bribery, embezzlement, or of any improper misappropriation of obligation of tribal assets. The Comanche Nation Gaming Commission will certify to the Election Board in writing, whether a record showing a felony conviction, a misdemeanor involving dishonesty or bribery, embezzlement, or of any improper misappropriation or obligation of tribal assets conviction has been found for each prospective candidate, and if so the date, court, case number and jurisdiction in which the judgment and sentence has been entered.
- c) All prospective candidates will submit to a 5 Panel Urine Analysis Drug Test to be administered by an Independent Drug Testing Facility of the Election Board's choice. The results will be sent to the Election Board to be added to the prospective candidate's packet.
- d) If Comanche Nation Gaming Commission confirms any prior convictions of a felony or misdemeanor involving dishonesty or bribery, embezzlement, or of any improper misappropriation by a prospective candidate, this will automatically constitute their disqualification from seeking office.
- e) The Election Board will follow the Comanche Nation Human Resources' policy regarding the usage of illegal narcotics. Positive results will result in disqualification of

candidacy. However, prospective candidates will not be disqualified if they provide a doctor's note stating candidate has a current prescription for medication in question, medicinal marijuana licenses not accepted.

- f) To facilitate the certification process, the Election Board will gather the above materials and any other materials required by this Ordinance or Constitution to reflect a prospective candidate's qualification, compile them into a packet, and send the packet to the CBC for review. Any knowledge gained concerning the prospective candidate's drug use or criminal history must be kept confidential.
- g) Once the CBC receives the prospective candidate's packet, it shall review each packet to ensure the prospective candidate meets the qualification requirements imposed by the Constitution and this Ordinance.
- h) If any prospective candidate is running against a current CBC member, then that CBC member must fully recuse himself/herself/themselves from reviewing that prospective candidate's packet, discussing the qualifications of that prospective candidate, or participating in the review and determination of that prospective candidate's qualifications in any way.
- i) After the CBC makes its decision, it will send its determination to the Election Board to notify the prospective candidate of whether the prospective candidate is qualified to run for office. The CBC shall simply notify the Election Board that the prospective candidate is "Qualified" or "Not Qualified." To protect the privacy of the prospective candidate, the CBC shall not disclose its reasoning to anyone but the prospective candidate, as stated in Section 405(c) of this Ordinance.
- j) The Election Board must send notice by email and phone to all prospective candidates of the CBC's determination as soon as the Board receives the determinations. When the Election Board sends notice to the prospective candidates, it shall inform them of (1) the CBC's determination, (2) the individual's right to appeal, and (3) the process for filing an appeal.
- k) Per Resolution 19-2024, the CBC prohibits elected officials from serving on other tribes' or nation's enterprises or gaming boards or commissions. Candidates must provide written proof of resignation and verified by the CBC should a candidate serve on other tribes' or nation's enterprises or gaming boards or commissions before their swearing-in ceremony; failure to do so disqualifies candidacy.

Section 405. Challenge of Certification of Candidacy

- a) On the day that the CBC releases its certifications of candidates and for the following three (3) calendar days, the Election Board must have at least one member in the Election Office from 8:00 a.m. to 5:00 p.m.
- b) A prospective candidate aggrieved of a CBC determination finding the candidate not qualified for candidacy may file a written protest with the Election Board within twenty-four (24) hours of notification. The Chairperson shall then send the protest to the CBC within twenty- four (24) hours.
- c) Upon receipt of such protest, the CBC shall directly email the aggrieved prospective

candidate with the reasoning behind its determination. It will then set a hearing with the aggrieved prospective candidate to consider the protest, hear evidence and argument, and decide to uphold its original determination or permit the person to be a candidate.

- d) A decision of the CBC after such hearing shall be final.

Section 406. Qualifications of Tribal Attorney

- a) A candidate for Tribal Attorney must have obtained a juris doctorate degree from a law school accredited by the American Bar Association.
- b) A candidate for Tribal Attorney must be licensed to practice law in at least one state of the United States, preferably the State of Oklahoma.
- c) A candidate for Tribal Attorney must disclose in writing all known conflicts of interest or known potential conflicts of interest at or before the Annual Meeting of the Tribal Council.
- d) A candidate for Tribal Attorney must have previous experiencing representing tribal governments, entities, or enterprises.

Section 407. Withdrawal of Candidacy

- a) Candidates may voluntarily withdraw their candidacy upon filing, in person, a written notice of withdrawal with the Election Board. Said notice shall be signed by the candidate, whose signature shall be notarized and witnessed by the Election Board.
- b) A candidate shall be deemed withdrawn from candidacy by reason of his/her/their death prior to an election. The Election Board shall retain a copy of his/her/their obituary on file.
- c) Upon receipt or verification of withdrawal of candidacy the Election Board shall post a notice on the Election Board webpage and shall cause to be published, to the greatest extent feasible, notice of such withdrawal as soon as practical after receipt. Upon any such publication, a notice of withdrawal shall be final and irrevocable.
- d) Any vote cast for a withdrawn candidate shall be counted as “no vote” during the tabulation of votes.

Section 408. Unopposed Candidate

Any candidate who is unopposed shall be elected at the conclusion of the election. The candidate's name shall appear on the Official Ballot with the designation “unopposed” next to the name.

PART 500
TYPES OF ELECTIONS

Section 501. Types of Elections

There shall be the following types of elections conducted under this Election Ordinance:

- a) **General Elections:** A General Election is held within sixty (60) days after the Annual Tribal Council meeting to elect offices being vacated by reason of expiration of the member or office's term (Const. Art. VII, § 2), or by reason of vacancy on the Comanche Business Committee occurring within four months of the next Annual Tribal Council meeting (Const. Art. VIII, § 1). The Election Board shall establish the dates of a General Election consistent with Comanche Nation Constitutional requirements.
- b) **Runoff Elections:** A Runoff election must be held as soon as possible after a General Election if no candidate receives the required fifty percent (50%) plus one vote of the total votes cast for all candidates. The Election Board shall establish the dates of a Runoff Election consistent with Comanche Nation Constitutional requirements.
- c) **Secretarial Election:** For any Secretarial Election required by federal or Comanche Nation law to be conducted pursuant to federal regulations, Title 25 Code of Federal Regulations Part 81 provides that the Bureau of Indian Affairs designated officer in charge shall act as the Chairman of the Secretarial Election Board. In a letter to the Comanche Business Committee, the Bureau of Indian Affairs directs the Comanche Business Committee to appoint at least two (2) Comanche Nation citizens to serve on the Secretarial Election Board.
- d) **Special Elections:** Special Elections shall refer to any election other than the General Election, Runoff Election, or Secretarial Election. Special Elections include, but are not limited to, elections required by Article VIII, § 1 of the Constitution to fill a vacancy occurring on the Comanche Business Committee, elections to fill a vacant Tribal Administrator or Tribal Attorney position, referendum elections called by the Comanche Business Committee, or elections to amend the Constitution.

Section 502. Notice of Elections

- a) The Election Board Chairperson shall cause to be published, after submission to the Comanche Nation Public Information Officer and approval by Administrations, an Official Notice of election dates no less than forty-five (45) calendar days before a General Election or as soon as possible before a Runoff Election, Special Election, and Secretarial Election. Such notice shall be published in the Comanche Nation's Newspaper, on the Election Board Webpage, on the Comanche Nation Website, and on the Comanche Nation's social media accounts.
- b) Official notice of any Election shall include the following information:
 - (1) The type of election and the issue(s) or office(s) to be decided;
 - (2) The date of election;

- (3) If a General Election or Runoff Election, the last day an Eligible Voter may request an absentee ballot by completing the Absentee Ballot Request Form;
 - (4) If a General Election or Runoff Election, the date and time that absentee ballots must be received by the U.S. Post Office to count in said election;
 - (5) If a General Election or Runoff Election, a notice that it is the responsibility of the voter to ensure a completed absentee request form is returned to the Election Board by the date and time determined by the Election Board; and
 - (6) Other important information as determined by the Election Board consistent with the Election Ordinance, other applicable laws of the Nation, and the Election Board's rules and regulations governing elections.
- c) A yearly election calendar will be made available on the Election Office Webpage on the Comanche Nation Website.

Section 503. General Elections

General Elections shall be conducted in the manner prescribed by this Election Ordinance in accordance with the timetable adopted by the Comanche Business Committee.

- a) A General Election shall be held prior to a Runoff election whenever there are two (2) or more candidates running for the same elective position in order to ensure compliance with the majority vote requirement.
- b) Any candidate who receives fifty percent (50%) plus one vote of the votes cast in a General Election for a particular office shall be declared the winner and no Runoff Election for said office shall be required.
- c) If no candidate in any General Election receives at least fifty percent (50%) plus one vote of the votes cast in such Election, the two (2) candidates with the highest vote totals from the General Election (including any candidate(s) tied with the lower of such totals) shall appear on the ballot in a Run-off Election.
- d) However, if the nominees are in a two (2) candidate race, the declared winner is the nominee that has garnered the most votes from the General Election.

Section 504. Runoff Elections

Runoff Elections shall be conducted in the manner prescribed by this Election Ordinance and in accordance with the timetable selected by the Comanche Business Committee.

- a) The two (2) candidates who received the greatest number of votes in a General Election shall participate in a Runoff Election, provided that after a General Election no candidate receives the required fifty percent (**50%**) plus one vote of the total votes cast for all candidates, including those not voting for a particular candidate.
- b) A Runoff Election shall have two (2) candidates, unless there is a tie in the number of votes cast for the second place candidate(s) in a General Election. If the 2nd place candidates are tied, a multi-candidate race will be conducted with the declared winner being the candidate that has garnered the most votes in the multi-candidate runoff race (including those not voting for a particular candidate).

Section 505. Special Elections

a) Special Elections to Fill a Vacancy on the Comanche Business Committee

- (1) Pursuant to Article VIII, § 1 of the Comanche Constitution, if a vacancy occurs on the Comanche Business Committee more than four months before the next Annual Meeting due to the death, resignation, or removal of an officer or member, then the Comanche Business Committee Chairperson shall immediately call a special meeting of the Comanche Tribal Council to be held within twenty (20) days for the purpose of filling such vacancy for the unexpired term.
- (2) At the special meeting, the Tribal Council shall nominate candidates to fill the vacancy following the Annual Meeting nomination procedures provided in Section 302 of this Ordinance.
- (3) The Election Board's duties and responsibilities provided in Section 303 of this Ordinance governing their duties and responsibilities at the Annual Meeting shall also apply at this special meeting.
- (4) After the special meeting, the provisions listed in Part 400 of this Ordinance governing the certification of the qualifications of prospective candidates shall apply. The Election Board shall immediately facilitate the certification process pursuant to these provisions.
- (5) After the Comanche Business Committee makes its final determinations on the qualifications of candidates, the Election Board shall set a date for the special election, which shall occur as soon as possible. After doing so, the Election Board shall also fulfill the election notice requirements provided in Section 502 of this Ordinance.
- (6) From here, the election procedures provided in Sections 503 and 504 of this Ordinance shall also apply to special elections to fill a vacancy on the Comanche Business Committee. Additionally, all provisions from Parts 600, 700, 800, 900, and 1000 from this Ordinance, except for those that apply to absentee ballots, shall also apply to such elections. For clarity, no Comanche Nation Voter shall be able to vote in any special election by absentee ballot.
- (7) The winner of such election shall immediately be sworn in to fill the vacant position and serve the remainder of his/her/their predecessor's term.

b) Special Elections to Fill a Vacancy for the Tribal Administrator and Tribal Attorney

- (1) If a vacancy occurs for the positions of the Tribal Administrator or Tribal Attorney more than four months before the next Annual Meeting due to that individual's death, resignation, or removal, then the Comanche Business Committee Chairperson shall immediately call a special meeting of the Comanche Tribal Council to be held within twenty (20) days for the purpose of filling such vacancy for the unexpired term.
- (2) The provisions from Section 505(a)(2)-(7) of this Ordinance shall also apply to special elections to fill the vacant positions of the Tribal Administrator and Tribal Attorney.

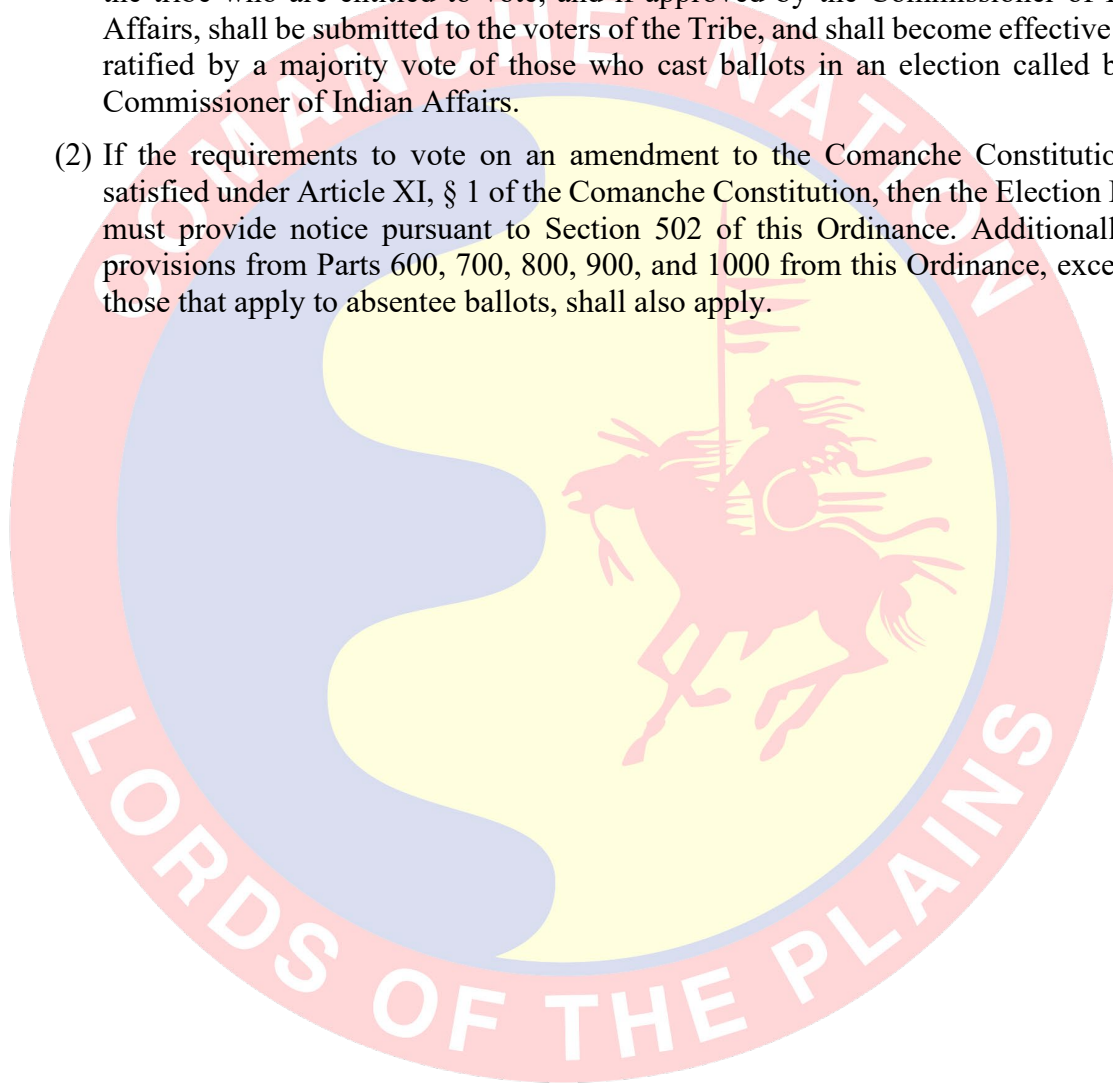
c) Special Referendums called by the Comanche Business Committee

- (1) If the Comanche Business Committee passes a resolution for a Special Referendum Election, then the Election Board must provide proper notice pursuant to Section 502

of this Ordinance, and all provisions from Parts 600, 700, 800, 900, and 1000 from this Ordinance, except for those that apply to absentee ballots, shall also apply. For clarity, no Comanche Nation Tribal Voter shall be able to vote in any special referendum by absentee ballot.

(d) *Special Elections to Amend the Constitution*

- (1) Pursuant to Article XI, § 1 of the Comanche Constitution, amendments to the Comanche Constitution may be proposed by a majority vote of the Comanche Business Committee or by a petition signed by two hundred (200) adult members of the tribe who are entitled to vote, and if approved by the Commissioner of Indian Affairs, shall be submitted to the voters of the Tribe, and shall become effective when ratified by a majority vote of those who cast ballots in an election called by the Commissioner of Indian Affairs.
- (2) If the requirements to vote on an amendment to the Comanche Constitution are satisfied under Article XI, § 1 of the Comanche Constitution, then the Election Board must provide notice pursuant to Section 502 of this Ordinance. Additionally, all provisions from Parts 600, 700, 800, 900, and 1000 from this Ordinance, except for those that apply to absentee ballots, shall also apply.



PART 600

QUALIFICATION AND REGISTRATION OF VOTERS

Section 601. Qualified Voters

All enrolled citizens of the Comanche Nation who are eighteen (18) years of age and over are qualified voters of tribal election(s) as defined in Article V §1 of the Comanche Nation Constitution. Any qualified voter shall be permitted to vote in all Comanche Nation Elections.

Section 602. Absentee Voter Registration Procedures

- a) Any qualified Comanche Voter shall be entitled to vote by Absentee Ballot and may request an Absentee Ballot Request Form from the Election Office. This request may be made in-person to the Election Office or by phone call to the Election Office. Under either method, the Election Office must verify the identity of the requesting Comanche Nation Voter before granting that voter an Absentee Ballot Request Form.
 - 1) Qualified voters may request to be a *Temporary Absentee* Voter, meaning an absentee ballot must be requested and shall be issued for every election to the address provided by the voter.
 - 2) Qualified voters may request to be a *Permanent Absentee* voter, meaning an absentee ballot will be issued for every election until such time as the voter requests a change of their absentee status. It is the responsibility of the “Permanent” Absentee Comanche Voter to keep their address updated at all times with the Election Office.
- b) To be considered complete, the Absentee Ballot Request Form must be witnessed and signed by another individual who is eighteen (18) years of age or older.
- c) Absentee Ballot Request Forms and completed Voter Registration Applications shall be accepted until fifteen (15) calendar days prior to Election Day for General Elections and (15) calendar days prior to Runoff Elections. Because Comanche Nation Tribal Voters cannot vote in a special election or special referendum by absentee ballot, Absentee Ballot Request Forms will not be sent out for Special Elections or Special Referendums.
- d) A reminder for “Permanent” Absentee Voters to update their addresses yearly will be published annually in the Comanche Nation News, in area newspapers, and online at the Comanche Nation Election Office’s webpage **45 days** prior to the Annual Council meeting held on the third Saturday in April.
- e) Upon receipt of an application for an Absentee Ballot, the Comanche Nation Election Office will issue, at the appropriate time, an Absentee Voter packet via the U.S. Postal Service. This packet will consist of the following:
 - 1) An official election ballot;
 - 2) An envelope marked OFFICIAL BALLOT in which the election ballot must be inserted and sealed after the voter has marked his or her vote; and
 - 3) A prepaid postage envelope will be provided that has a signature line located on

the back that must be signed by the Absentee Voter. **This signature line must be signed by the Absentee Voter otherwise the ballot will NOT be counted.**

- f) All items above shall be inserted in the preprinted envelope and mailed to the Comanche Nation Election Office post office box located in Lawton, Oklahoma.

Section 603. Registration of In-Person Voters

Enrolled Comanche Nation citizens who are eligible to vote can do so at a designated polling site and must present his/her/their photo identification which may include:

- a) A Comanche Tribal Certificate Degree Indian Blood card;
- b) A Valid Driver's License/State Identification card; or
- c) Other government issued ID.



PART 700
CONDUCT OF ELECTIONS

Section 701. Polling sites

The Election Board shall select a polling site in or near each of the following towns for each election: Anadarko, Apache, Cache, Lawton, Oklahoma City, and Walters. Polling sites will be located on land held in trust by the United States or under the control of the Comanche Nation, or both. The Election Board's use of buildings under the control of the Comanche Nation for polling sites shall take priority over any other scheduled event or activity.

Section 702. Poll Watchers

- a) The Elders' Council is authorized to place poll watchers in all polling sites, but it shall not be necessary to have a designated poll watcher at any polling site in order to have a valid election.
- b) There may be no more than two (2) poll watchers per polling site.
- c) Poll watchers may not be compensated for his/her/their poll watching activities.
- d) All poll watchers must be an eligible Comanche Nation voter and cannot be a candidate or any member of a candidate's immediate family.
- e) A poll watcher may only observe and may not interfere in any way with the conduct of an election.
- f) Any poll watcher interfering with the election or attempting to influence voters in any manner shall be ordered to leave the polling area by the Election Board Chairperson or law enforcement officer.
- g) During the counting/tabulation process, designated poll watchers may view, but not disturb, the process.
- h) No poll watcher shall be allowed to use any communication device or to communicate with any Election Board member during the counting/tabulation process. A poll watcher must remain in their designated area.

Section 703. Official Ballots

- a) The Election Board shall approve and cause to be produced an Official Ballot for each election and at least one (1) ballot for each voter eligible to cast a vote.
- b) Official Ballots shall contain the name(s) and picture of the candidate(s) qualified for said election.
- c) The name of a candidate for office shall appear on the ballot in the same way that it appears on the rolls of the Comanche Nation Enrollment Department.
- d) Candidates' names shall appear on the ballot in the order of nomination at General Council or at the special meeting where they were nominated.
- e) Official Ballots related to budgets or questions submitted for approval of the Tribal Council shall conform to budgets or questions as submitted by the Comanche Business Committee.

- f) At least one Comanche Nation Law Enforcement officer shall be present whenever voted ballots are transported to verify chain of custody.

Section 704. Technical Advice and Approval of Ballot

For any question or budget item posed for ballot approval, the Election Board shall (1) provide advice to the Comanche Business Committee regarding technical and formatting aspects of the question or budget item and (2) obtain approval from the Comanche Business Committee regarding the final wording of any question or budget item on the ballot prior to printing.

Section 705. Spoiled Ballots

- a) Should any voter mutilate or mismark his/her/their ballot in an effort to vote, the voter may return the ballot to an Election Board member, who shall place the Spoiled Ballot in an envelope marked “spoiled” and seal the envelope. The voter shall then be issued another ballot.
- b) No Spoiled Ballot shall be counted as a vote.

Section 706. Failure to Receive an Absentee Ballot or Receipt of Spoiled Ballot

Any voter who fails to receive an Absentee Ballot, or accidentally spoils or mutilates an Absentee Ballot, may contact the Election Office at the Comanche Nation Headquarters to request a replacement ballot be mailed. In such case, a replacement Absentee Ballot will be sent by expedited transmittal to the Voter and must be returned via the U.S. Postal Service in the prepaid envelope. The Absentee Ballot must be received by 12:00 p.m. on the day of Election in order to be counted.

Section 707. Early In-Person Voting

- a) Enrolled Comanche Nation citizens who are eligible to vote can do so by early in-person voting the preceding Friday before an election at the Comanche Nation Headquarters and at a designated polling site in Lawton, Oklahoma.
- b) Hours for early in-person voting at the Comanche Nation Headquarters and at the Lawton polling site will be from 8:00 a.m. to 5:00 p.m.
- c) Person(s) wishing to vote in person at the Comanche Nation Headquarters and at the Lawton polling site must present their photo identification or proof of membership with the Comanche Nation and sign the e-poll book before they are allowed to cast their ballot.
- d) A Comanche Nation Enrollment officer shall be responsible for verifying Tribal enrollment. Conduct of the enrollment officer shall be governed by the Election Board during the voting period.
- e) The voter will then be issued an official in-person ballot that must be inserted into the electronic voting machine after the voter marks the ballot.

Section 708. Election Procedures Utilizing Electronic Voting Machines

- a) Electronic voting machines and e-poll books shall be utilized for all elections under this Ordinance.

- b) Electronic voting machines must be installed and ready for use when the polls open at 8:00 a.m.
- c) Comanche Nation Law Enforcement Officer shall open and maintain the polling sites from 8:00 a.m. to 5:00 p.m. for early in-person voting and from 8:00 a.m. to 6:00 p.m. on the day of the election.
- d) An Election Board member, in the presence of the first voter, shall insure that no ballots have been inserted and scanned by the electronic voting machine.
- e) All persons requesting to vote must present either (1) a photo-identification document and be on the Comanche Nation Voter Registry, or (2) proof of membership with the Comanche Nation. They must also provide their signature verification by signing the e-poll book before they are allowed to cast a ballot.
- f) When a voter has completed marking the ballot, the voter must insert the ballot into the electronic voting machine. Assistance shall be provided to the voter if requested pursuant to Section 710 of this Ordinance.
- g) After the electronic voting machine has accepted the ballot, the voting process for the individual voter has been completed.

Section 709. Return of Absentee Ballots by Mail

- a) Absentee ballots must be returned to the address provided on the pre-printed envelope by U.S. Postal Service and will be picked up by Comanche Nation Law Enforcement and the Election Board Chairperson on Saturday at 12:00 p.m. on Election Day.
- b) To protect the integrity of the voting process, absentee ballots will be picked up and delivered to the Comanche Nation Headquarters by (1) the Election Board Chairperson, (2) the Independent Tabulator, and (3) a Comanche Nation Law Enforcement officer.
- c) The absentee ballots retrieved from the U.S. Post Office shall be deposited and remain in a locked container provided by the Election Office. It shall then be transported to the Comanche Nation Headquarters by a Comanche Nation Law Enforcement officer and an Election Board officer or member to a pre-designated location for tabulation.

Section 710. Assistance for Voters with Physical Disabilities

- a) If a voter requesting to vote states that, because of a physical disability, the voter is unable to physically insert the ballot in the electronic voting machine, a Comanche Nation Law Enforcement officer shall provide the voter with assistance as needed. In all such instances, however, the voter must first verify his/her/their identify with an Election Board member before receiving the desired assistance.
- b) If a person requesting to vote states that, because of a physical disability, the voter is unable to physically mark the ballot to vote, a Comanche Nation Law Enforcement officer shall provide the voter with assistance as needed. In all such instances, however, the voter must first verify his/her/their identify with the Election Board member before receiving the desired assistance, and the voter must—without suggestion from the Election Official or Tribal Law Enforcement officer—state which candidate, item, etc., the voter wishes to vote for.

- c) If a person requesting to vote is unable to leave their vehicle, an Election Board member shall come out to the voter's car to verify the voter's identity and give the voter a ballot. The voter shall fill out the ballot, and a Comanche Nation Law Enforcement officer shall take the ballot and insert the ballot into the electronic voting machine.
- d) In no scenario under this Section shall voting by proxy be permitted.

Section 711. Electioneering & Alcoholic Beverages Prohibited

- a) As defined in this Election Ordinance, NO PERSON shall be allowed to electioneer within three hundred (300) feet of any ballot box or electronic voting machine while an election is in progress, nor shall any person or persons, except Election Board and other persons authorized by law, be allowed within fifty (50) feet of any ballot box or electronic voting machine while an election is in progress. No printed material other than that provided by the Election Board shall be publicly placed or exposed within three hundred (300) feet of any ballot box or electronic voting machine while an Election is in progress. Appropriate signs will be posted by the Election Board.
- b) NO PERSON shall take intoxicating liquor of any kind or quantity to within three hundred (300) feet of any polling place on any election day. NO PERSON shall attend an election or be within three hundred (300) feet of a polling place in an intoxicated condition on any election day.
- c) Comanche Nation Law Enforcement officers shall have the authority to remove an individual from the polling site if such officer determines that person is under the influence of alcohol or drugs or has otherwise violated this Section.
- d) Comanche Nation Law Enforcement officers shall have the authority to remove an individual from the polling site if the individual causes a severe disruption to the election process.

Section 712. Voting After Closure of Polls

- a) The polls close at **6:00 p.m.** on Election Day, and the facility door will be locked by Comanche Nation Law Enforcement.
- b) Voters presently in line at the Polling Site at **6:00 p.m.** shall be allowed to cast a ballot.
- c) Voters arriving at the Polling Site after **6:00 p.m.** shall not be allowed to cast a ballot under any circumstance.

Section 713. Emergency Voting Procedures

- a) In the case of an emergency that threatens the safety of voters and/or the Board (e.g., natural disasters, tornados, floods, earthquakes, acts of terrorism, etc.) the Election Board shall follow all directives of Comanche Nation Law Enforcement notwithstanding any provision of this Ordinance. In such cases, the fact that the provisions of this Ordinance were not followed shall not be a reason to challenge or overturn any election results.
- b) A hard copy of all enrolled Comanche Nation citizens will be provided to each voting district to be utilized in case of power outages, loss of internet, or other occurrences.

PART 800

TABULATION OF BALLOTS

Section 801. Election Board Duties After Closure of Poll

- a) When the polls close, the Election Board shall perform the predetermined audit procedure as approved in the Official Poll Manual to print the totals. A ballot accounting form will be filled out and signed by at least one Election Board member confirming this step has been completed.
- b) The Election Board shall remove the ballots from the electronic ballot tabulator, in the presence of Comanche Nation Law Enforcement, and lock them in the transfer case or other designated container. Comanche Nation Law Enforcement shall then transport the box containing the voted ballots to the Comanche Nation Headquarters' tabulation area. This box shall be opened only in the event a request for a manual recount is required by law or has been approved in accordance with this Ordinance.
- c) The Election Board shall prescribe methods of sealing all ballots, all certificates of vote, and all other materials the Election Board used in recording the count of the ballots in such a manner that any tampering with or altering of same after the sealing can be detected.
- d) The Election Board shall keep locked in the ballot boxes all ballots from the Election until the recount period has expired. The Chief of the Comanche Nation Law Enforcement shall have possession of the keys during this period. After counting of all ballots and the recount period has passed, all ballots shall be placed in sealed containers marked with the date of the election. All unused, spoiled or rejected ballots shall be labeled and placed in the sealed containers. The sealed containers containing all ballots shall be immediately returned and put into the custody of Comanche Nation Law Enforcement.

Section 802. Counting of Ballots From Voting Districts

- a) Counting of ballots from voting district polling sites (including votes from early voting and Election Day voting) shall be counted beginning at 7:00 p.m. at the Comanche Nation Headquarters on Election Day by the Independent Tabulator.
- b) Counting shall be conducted at the Comanche Tribal Headquarters using an electronic ballot tabulator.
- c) Counting shall be conducted in a manner to permit six (6) designated poll watchers to view, but not disturb, the process.
- d) No poll watcher shall be allowed within 25 feet of the tabulation area, to use any communication device, to exit their designated area, or to communicate with any Election Board member during the tabulation process.
- e) After the counting process using electronic ballot tabulators is complete, Election Board members will perform the predetermined procedure, as outlined in the Official Poll Manual approved by the Election Board to print the totals. The Election Board will print voting report totals from the electronic voting machine, which will be labeled and sealed

in an envelope. An envelope will be signed by the Election Board overseeing this process confirming this step has been completed. When this step is satisfied, the tabulation of early voting and Election Day ballots using an electronic voting machine has been completed.

- f) There will be set up at the final counting destination a “Count Workstation” with a dedicated computer which will read ALL voting results report totals from each electronic voting machine from each polling site and the voting machine utilized for the counting of absentee ballots. The “Count Workstation” computer will tally the results from all voting machines to provide a final count of cast ballots.
- g) The Independent Tabulator will be the only person allowed access to the voting results report totals from the “Count Workstation” computer.
- h) The Election Board shall deliver to the Independent Tabulator the balloting record and challenged ballots for the Independent Tabulator’s verification. The Independent Tabulator shall audit any challenged ballots to determine if any represent a multiple vote.
- i) The Independent Tabulator will audit the totals and verify accuracy of the absentee ballots. When this step, along with the steps listed in Section 803 are complete, the tabulation of all ballots will be complete.

Section 803. Counting of Absentee Ballots

- a) The Election Board shall determine whether the person whose name is signed to the signature verification form is an authorized voter and also determine that person has not voted at any of the polling sites, which will be verified by the e-poll books.
- b) If the absentee ballot has not been signed, the absentee ballot shall be secured in a designated container. These uncounted ballots shall be secured separately from the counted ballots.
- c) Each outer envelope shall be opened, but the inner envelope containing the official ballot shall remain unopened at that point.
- d) The sealed envelopes containing the official ballot will then be opened and made available for the counting process. This envelope must not be opened until the tabulation process begins at the Comanche Nation Headquarters at 7:00 p.m. on Election Day.
- e) After the counting process using electronic ballot tabulators is complete, Election Board members will perform the predetermined procedure, as outlined in the Official Poll Manual approved by the Election Board to print the totals. The Election Board will print voting report totals from the electronic voting machine, which will be labeled and sealed in an envelope. An envelope will be signed by the Election Board overseeing this process confirming this step has been completed. When this step is satisfied, the tabulation of absentee ballots using an electronic voting machine has been completed.
- f) There will be set up at the final counting destination a “Count Workstation” with a dedicated computer which will read ALL voting results report totals from each electronic voting machine from each polling site and the voting machine utilized for the

counting of absentee ballots. The “Count Workstation” computer will tally the results from all voting machines to provide a final count of cast ballots.

- g) The Independent Tabulator will be the only person allowed access to the voting results report totals from the “Count Workstation” computer.
- h) The Election Board shall deliver to the Independent Tabulator the balloting record and challenged ballots for the Independent Tabulator’s verification. The Independent Tabulator shall audit any challenged ballots to determine if any represent a multiple vote.
- i) The Independent Tabulator will audit the totals and verify accuracy of the absentee ballots. When this step, along with the steps listed in Section 802 are complete, the tabulation of all ballots will be complete.

Section 804. Automatic Recount

- a) The Election Board is authorized to open the secured ballot boxes on election night or within three (3) calendar days after election night to recount the ballots on a pre-assigned voting device in public view and in the presence of a representative of the Comanche Nation Law Enforcement in the following circumstances:
 - (1) There are less than **ten (10)** total votes between a first place and second place Candidate or between the second and third place candidates in a General Election to determine advancement to a run-off election; or
 - (2) A voting device has malfunctioned in such a way that the integrity of its vote count is jeopardized, such as when there are no totals on the printout or if the printout is illegible.
- b) Upon completion of the recount the secured Ballot boxes shall be resealed by members of the Comanche Nation Law Enforcement.

Section 805. Publication of Results of Balloting

- a) At the conclusion of the Independent Tabulator’s verification process, the Election Board will provide the results to the CBC, which will make an official act of accepting and certifying the unofficial results of the current election.
- b) The unofficial results will be made available to the voting public and posted initially on the Comanche Nation Election Board Webpage, on the Comanche Nation Website, and on Comanche Nation social media. and the results will subsequently be posted at all polling sites, and then finally published as directed by the Election Office.
- c) If the unofficial results fail to be accepted and certified by the CBC, then the Election Board shall perform an audit of the tabulation process, after which the results the Election Board shall again seek for unofficial election results to be accepted and be certified.

Section 806. Resolving Ties After Runoff Election

- a) In any Runoff Election where there is a tie amongst the candidates who received the highest number of voters, due to time constraints of the Comanche Nation Constitution the Election Board may conduct a recount to determine the winner.
- b) If the results do not change after the recount, then the Election Board shall announce the

selection of the successful candidate by lot at a public meeting held no fewer than three (3) business days after announcement. When a successful candidate is to be selected by lot pursuant to the provisions of this Section, the following procedures shall apply:

- (1) After certification of the Election results, the Election Board shall conduct an immediate meeting of the Election Board, the Candidates, the Independent Tabulator, and Comanche Nation Law Enforcement.
- (2) The Election Board office shall have typed the name of the candidates on two separate, identical pieces of 8.5 by 11-inch paper in 12-point font in Times New Roman. The Election Board Chairperson will then present both papers for inspection to each candidate at the meeting.
- (3) The Election Board Chairperson shall then place the papers containing the names of the Candidates in a clear container.
- (4) The CBC will designate the Comanche Nation Chief of Police, or another Comanche Nation law enforcement officer, to draw one (1) piece of paper from the container, read it, and then announce the name of the candidate appearing on the paper to the Election Board and to those present at the meeting.
- (5) The name of the candidate appearing on the first drawn paper shall be declared the winner. The CBC shall request the Comanche Nation Chief of Police, or another Comanche Nation Law Enforcement officer to show the paper drawn from the container to those present and expose the other name not drawn to all witnesses present.

Section 807. Official Election Results

- a) Election results shall be official under the following conditions:
 - (1) If **no** protest or request for recount (including appropriate fees) challenging the election result for a particular candidate or proposition are received by 5:00 p.m. on the **third calendar** day following the election;
 - (2) If **all** protests are **denied** by final decision of the Comanche Business Committee;
 - (3) If **any** protests are **granted** by the Comanche Business Committee, then upon implementation of the remedy related to correcting the irregularities or issues underlying the protest; or
 - (4) If **any** requests for recount are **granted** by the Election Board, then upon conclusion of the recount.
- b) Notwithstanding a grant of protest or recount, such action shall have no effect on the validity of the election outcome of other candidates or proposition which were not part of the protest or recount.

PART 900

CHALLENGES TO ELECTION RESULTS

Section 901. Protest of the Election Results

Only a Candidate aggrieved of the uncertified result of an election may protest the result exclusively through the process and under the rules of this Part.

Section 902. Burden of Candidate to Sustain Protest

The Candidate challenging the election results must prove by clear, convincing evidence that:

- a) The Election Board violated one or more material provisions of this Election Ordinance or otherwise conducted said election in a manner that said Candidate's ability to win was severely prejudiced; AND
- b) The outcome of the election would have been different but for the violation or conduct complained of.

Section 903. Protest Procedure

- a) Any Candidate who wishes to **protest the election process** must do so in writing to the Election Board by **5:00 p.m.** of the **third (3rd) calendar day** after the election.
- b) Along with the candidates written protest the Candidate must submit a **NON REFUNDABLE** protest fee of one thousand dollars (**\$1,000.00**) in the form of a cashier's check or money order made out to the Comanche Nation Election Office. (No personal checks or cash will be accepted.)
- c) Only **ONE** Candidate may sign and submit an official request for a hearing. Any additional Candidates must file an official request for a hearing separately with the non-refundable One-Thousand dollars (\$1,000.00) protest fee. (No personal checks or cash will be accepted).
- d) Upon receipt of such protest, the Election Board shall submit the protest to the Comanche Business Committee immediately.
- e) Upon receiving the protest from the Election Board, the Comanche Business Committee shall schedule a hearing within 24 hours to consider the protest and make a final determination.
- f) If any protestor is running against a current Comanche Business Committee officer or member, then that officer or member must fully recuse himself/herself/themselves from reviewing the protest or making a determination on the protest in any way.
- g) At such hearing, the Comanche Business Committee shall permit the Protesting Candidate (and his/her/their representative) and any other Candidate (and his/her/their representative) to be present and provide evidence to sustain or rebut the protest. At the conclusion of presenting evidence, the CBC shall deliberate in closed executive session and shall return to open session to announce its findings and determination.
- h) The Comanche Business Committee shall **deny** any protest where a correction of the irregularity complained of (e.g., duplicative votes, spoiled ballots, ineligible voters, ballot stuffing, etc.) would not alter the outcome of the election.

- i) If the Comanche Business Committee finds that the Candidate has met the burden in accordance with Section 902, it shall determine the appropriate remedy, which shall include if necessary, the scheduling of a new election as soon as feasible, *provided* said election shall be conducted in compliance with this Election Ordinance.
- j) A decision of the Comanche Business Committee to approve/deny a protest is final.

Section 904. Candidate Recount Request

- a) A candidate who wishes to request a **recount of the election results** must do so in writing to the Election Board by **5:00 p.m.** of the **first business day following** the Election.
- b) Concurrent with said request the Candidate must submit a NON-REFUNDABLE recount fee of One-Thousand dollars (**\$1000.00**) in the form of a cashier's check or money order made out to the Comanche Nation Election. (No personal check or cash will be accepted.) The recount fee will be deposited and credited to the Election Board budget to defray the cost of said recount.
- c) The request for recount must be submitted by a Candidate. Submission of the request for recount by anyone other than a Candidate will not be accepted.

Section 905. CBC Recount Request

The CBC may request in writing that the Election Board conduct a recount of the election results for any proposition (question, law, or budget item), but not any election results for election of an officer, CBC member, the Tribal Administrator, Tribal Attorney, or Election Board member by **5:00 p.m.** of the **first business day** after the Election. The CBC shall not be required to remit any recount fee.

Section 906. Determination of Recount Request

The Election Board shall **grant** request for and perform a recount **only if** the margin between the winning and losing candidate (or for proposition the margin between "yes" and "no" votes) is the greater of:

- a) Twenty-four (24) votes or less; or
- b) Less than two percent (2.00%) of the total votes cast for the candidates for the position or proposition.

Section 907. Recount Process

The following process will be used in a Recount:

- a) The Election Board shall conduct the recount in open session via video and audio recording;
- b) Each Candidate that is the subject of the recount has the option to appoint an individual to monitor the recount on that candidate's behalf;
- c) All ballots of any recount shall be returned/retained in the same manner as all other ballots.

PART 1000
ELECTION OFFENSES AND PENALTIES

Section 1001. Bribery to Influence a Vote

Any person who offers, solicits or accepts something of value intended to influence the vote of the person soliciting or accepting same shall be guilty of **Bribery to Influence a Vote** and punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and/or prosecuted to the full extent allowed by law. Investigation and enforcement of such complaint will be conducted by Comanche Nation Law Enforcement.

Section 1002. Bribery to Withdraw Candidacy

Any person who shall offer or give to another anything of value to induce or cause such other person to withdraw from a political contest as a candidate for any office at any election, or any person who shall solicit or accept from another anything of value for withdrawing from any political contest as a candidate for any office at any election, shall be guilty of Bribery to Withdraw Candidacy and punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and/or prosecuted to the full extent allowed by law. Investigation and enforcement of such complaint will be conducted by Comanche Nation Law Enforcement.

Section 1003. Coercion to Influence a Vote

Any person who, by means of coercion or any threat of violence or other unlawful conduct, knowingly attempts to prevent an adult Comanche Nation citizen from voting or to encourage such voter to vote a particular way shall be guilty of **Coercion to Influence Voting** and punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and/or prosecuted to the full extent allowed by law. Investigation and enforcement of such complaint will be conducted by Comanche Nation Law Enforcement.

Section 1004. Electioneering

Any person who campaigns for any candidate or proposal within three hundred (300) feet of any ballot box while an election is in progress, or any person except election officials and other persons authorized by law who remains within fifty (50) feet of any ballot box while an election is in progress shall be guilty of Electioneering and punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and/or prosecuted to the full extent allowed by law.

Section 1005. Interference with Conduct of Election

Any person, including a lawfully appointed poll watcher, who interferes with a Comanche Nation citizen who is attempting to vote, or any person who attempts to influence the vote of another by means of force or intimidation, or any person who interferes with the orderly and lawful conduct of an election shall be guilty of Interference with Conduct of Election and punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) and/or prosecuted to the full extent allowed by law.

Section 1006. Voting Illegally

Any person who willfully votes more than once at any election, who votes under someone else's name, or who, knowing that he or she is not eligible to vote at an election, willfully votes at said election shall be guilty of Voting Illegally and punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and/or prosecuted to the full extent allowed by law.

Section 1007. Voting Disclosure

Any election official who discloses how any voter may have voted, or any voter who, within the election enclosure, discloses to any other person how he voted shall be guilty of Voting Disclosure and punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and/or prosecuted to the full extent allowed by law.

Section 1008. Unlawful Balloting

Any person, except an Election Official, who removes an Official Ballot from the polling place or who carries any ballot into a polling place shall be guilty of Unlawful Balloting and punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and/or prosecuted to the full extent allowed by law.

Section 1009. Possession of Unlawful Ballots

Any person who causes to be printed, or who has in his/her possession ballots not authorized by the Election Office shall be guilty of Possession of Unlawful Ballots and punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and/or prosecuted to the full extent allowed by law.

Section 1010. Tampering with Voting Device

Any person who defaces a voting device, breaks, tampers with, impairs, impedes or otherwise interferes with the maintenance, adjustment, delivery, use or operation of any voting device or part thereof shall be guilty of Tampering with Voting Device and punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and/or prosecuted to the full extent allowed by law.