

**COMANCHE NATION ELECTION POLICY OF 2018
AMENDED 03/07/2020**

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**COMANCHE NATION ELECTION POLICY OF 2018
AMENDED**

**PART 100
GENERAL PROVISIONS**

Section 101. Authority

- a) This Election Policy is enacted under the authority granted to the Comanche Business Committee under the Constitution of the Comanche Nation, Article VI §7(b) and §7(j).
- b) The Comanche Business committee hereby enacts this law of the Comanche Nation which shall govern the conduct of elections of Business Committee Members and other government officials required by law to be elected, the conduct of referendum votes on other tribal issues, and the duties of the Election Office in other circumstances.
- c) The Purpose of the Election office is to facilitate the election process under the Comanche Business Committee pursuant to the Comanche Constitution, Article VI §7(b) and Article VII §2.

Section 102. Purpose and Construction

This Election Policy is enacted to provide basic rules and regulations governing the conduct of Elections and other functions related to Election Office responsibilities that establish Election Procedures to ensure that all Elections are conducted in a fair and proper manner. The Election Policy shall be interpreted liberally in order to accomplish this purpose. Substantial compliance shall satisfy the Election Policy. Over reliance on technical compliance shall not be used to interfere with, delay, or block elections or cause confusion or a loss of voter confidence in the election system.

Section 103. Definitions

The following definition shall be applicable with respect to the interpretation of the Election Policy. All other works shall have their commonly understood definition:

- A. “**Absentee Voter**” means a qualified voter who has successfully applied to the Comanche Nation Election Office 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 Office which is created for the purpose of allowing a Voter to cast a vote in a particular election.
- C. “**Calendar Days**” means the time-line consisting of all days, including holidays and weekends.
- D. “**Candidate**” means a person having the appropriate qualification and who is being considered for a political office or an official position.

- E. “**CBC**” means the Comanche Business Committee.
- F. “**Comanche Nation Voter Registry**” means a list of qualified voters maintained by the Comanche Nation Elections Office that, when fully updated, is identical to a list of Members of the Comanche Nation maintained by the Enrollment Department of the Comanche Nation who meet age requirements for voting, and are not disqualified from voting by Comanche law.
- G. “**Confidential Information**” means all private personal information in the possession of the Election Office.
- H. “**Comanche Constitution**” means the Constitution of the Comanche Nation.
- I. “**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:
1. the posting or display of campaign signs; or
 2. the display of symbols, numbers, or letters intended to remind voters of a particular candidate or position; or
 3. the distribution of literature, cards, or any other item that could reasonably be considered campaign-related; or
 4. making any speech or sounds or playing any recordings that could be reasonably be considered campaign related; or
 5. the continued occupation of any space on, or within ten (10) feet of the polling place for the purpose of greeting voters; or
 6. 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.
- J. “**Election Official**” means any person authorized by the Comanche Nation Election Office, through the CBC, to assist in the conduct of elections and other related duties. No elected official of the Comanche Nation, candidate for elected office, 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 an elected official or candidate shall serve as an Elected Official.
- K. “**Immediate Family Member**” means wife, husband, mother, father, son, daughter, sister, brother pursuant to the Comanche Nation Constitution, Article XV §1.
- L. “**Oath of Office**” means the formal and legally binding pledge given by a person upon acceptance of and installation to an office.

M. **“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.

N. **“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.”*

Section 104. Severability.

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

Section 105. Records.

- a) Records of the Election Office related to the conduct of any election shall be retained for three (3) years after the certification of such election or the period required by the Nation’s record retention policy, whichever is greater.
- b) Confidential candidate information shall be shredded one (1) year after the Election Office’s final decision concerning qualification of a candidate.
- c) Ballots cast for any election shall be retained for a period of three (3) years after the certification of said election, after which time the ballots shall be shredded.
- d) Documents recording Election Office official acts, and Election Certifications shall be retained as permanent records of the Nation.

Section 106. Confidential Information

- a) Confidential Information shall be safeguarded by strong custody and access procedures by the Elections Office and shall only be made available for authorized functions on a “need to know” basis.
- b) Confidential Information shall **not be** considered tribal records subject to disclosure to Comanche Nation tribal members pursuant to Comanche Constitution, Article X §4.

Section 107. Computing Time.

- a) To calculate a due date, the first day after a particular event which starts a timeline for a due date shall be counted as day one in such timeline. (For example, a document is received on Monday with five (5) calendar days to respond. 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. on the day which it is due.

- c) Any time-line that results in a due date that falls on a Saturday, Sunday, legal holiday, or day when the Elections Office is inaccessible shall be automatically extended to run to the next calendar day that is not a Saturday, Sunday, legal holiday, or day when the Elections Office is inaccessible. For purposes of the preceding sentence, a date is considered a holiday if it is recognized as such by the Nation.

Section 108. Repealer.

All prior election ordinances of the Comanche Nation are hereby repealed.

PART 200

QUALIFICATION AND REGISTRATION OF VOTERS

Section 201. Eligible Voters.

All enrolled members 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 Constitution. Any qualified voter shall be permitted to vote in all Comanche Nation Elections.

Section 202. Voter Registration Procedures

The Election Office shall maintain a permanent roll of qualified voters known as the “Comanche Nation Voter Registry”, when fully updated, is identical to a list of Members of the Comanche Nation maintained by the Enrollment Department of the Comanche Nation who meet the age requirements for voting, and are not disqualified from voting by Comanche law.

- a) A Comanche member may register to vote by contacting the Election Office in person, by phone or by writing and requesting a Comanche Voter Registration Application. To be considered complete, this form must be notarized.
- b) Voters are not required to register in order to vote with the exception of Absentee Voters who must apply to the Election Office for Absentee Voter Status according to the provisions of this Election Policy.
- c) The intent of a Voter Registration System is to create a “Benchmark Signature” of each eligible Comanche Voter for verification purposes of Absentee Voting by ballot and may be used in the verification of signatures taken in support of a Recall Petition.
- d) Additionally, the Voter Registration System is an effort to reduce instances of eligible Absentee Voters not receiving Absentee Ballots in a timely manner to cast votes.

Section 203. Absentee Ballot Registration & Procedures

- a) Any qualified Comanche Voter shall be entitled to vote by Absentee Ballot, and may request an Absentee Ballot Request Form provided by the Election Office. To be considered complete, this form must be notarized.

- 1) Qualified voters may request to be a **Permanent** Absentee Voter, whereas an absentee ballot shall automatically be issued every election thereafter to the voter's last known address.
 - 2) Qualified voters may request to be a **Temporary** Voter, whereas an absentee ballot shall be issued for every election within the specified election calendar year to the voter's last known address.
 - 3) Absentee Ballot Request Forms and completed Voter Registration Applications shall be accepted until fifteen (15) calendar days prior to an Election Day.
- b) It is the responsibility of the "Permanent" Absentee Comanche Voter to keep their address updated at all times with the Election Office.
 - c) 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 webpage **45 days** prior to the Annual Council meeting held on the third Saturday in April.
 - d) The Election Office shall conduct registration of eligible Comanche Voters on an ongoing basis. This process shall include periodic publicity and community outreach efforts by the Election Office.
 - e) Upon completion of a Voter Registration Application or an Absentee Ballot Request Form in which the Voter is registered as either a "Permanent" or "Temporary" Voter, 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;
 - 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;** and
 - 4) Beneath the signature line on the envelope there shall be included a standard United States Postal Service notice regarding forgeries and mail fraud;
 - 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, OK.
 - g) Any eligible voter who requests an absentee ballot and does not complete and mail the ballot, but instead wishes to cast his or her vote in person, must first:

- 1) Surrender his or her absentee ballot – if in their possession, on election day; or
- 2) Sign an affidavit stating they requested an absentee ballot but did not vote it. Previously issued absentee ballots belonging to an affiant shall be considered void.

Section 204. Identification of Voters

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

- a) a Tribal Identification card or proof of tribal membership;
- b) a Driver's license/State Identification card or
- c) Other government issued ID.

PART 300

QUALIFICATION OF CANDIDATES

Section 301. Election of Business Committee Member, Tribal Administrator & Attorney

- a) In accordance with Article VII of the Constitution members of the Business Committee shall be elected at large by referendum vote of the Tribal Council which shall consist of **ALL** members 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) Committeeman #1 and Committeeman #2 in 2010, and every third year thereafter.
 - 2) Secretary-Treasurer, Committeeman #3, and Committeeman #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 Business Committee members are set forth in accordance with the Comanche Constitution Article VI §8.
- d) A Tribal Administrator will be hired in accordance with the Comanche Constitution Article V §9 by the Tribal Council. The Tribal Council which shall consist of **ALL** members of the Comanche Nation who are eighteen (18) year of age or older as defined in Article V §1 will hire the Tribal Administrator at large by referendum vote.
- e) A Tribal Attorney will be hired in accordance with the Comanche Constitution Article V § 9 by the Tribal Council. The Tribal Council which shall consist of **ALL** members of

the Comanche Nation who are eighteen (18) year of age or older as defined in the Article V §1 will hire the Tribal Attorney at large by referendum vote.

Section 302. Authority

The Comanche Nation Business Committee under the adoption of this Election Policy enacts these “Qualifications of Candidates” pursuant to the Comanche Constitution Article VI §7 “*The duties, responsibilities and authorities of the business committee shall include:*” (Article VI §7(b)) “*to determine qualifications of candidates nominated for office*”.

Section 303. 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 member of the Comanche Nation and at least twenty-one (21) years old at the time of election. (Constitution, Article IX §1)
- b) Shall not have been adjudged or convicted of any felony, a misdemeanor involving dishonesty, bribery, embezzlement, or of any improper misappropriation or obligation of tribal assets, any improper addition or removal from tribal rolls, any indebtedness to the Nation, or fail a drug test. (Constitution, Article IX, §2)
- 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. (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) pursuant to the 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 pursuant to the Comanche Constitution, Article IX §4.
- f) Any candidate for hire for the Tribal Administrator/Manager position must have a Bachelor’s Degree with a minimum of three years’ experience in high level budgeting, and management of government programs pursuant to the Comanche Constitution, Article V §8.
- g) Candidates must also meet the requirements in the Accountability Act.

Section 304. Certifications of Business Committee Candidates and Tribal Administrator

- a) In reviewing the prospective candidates to determine whether any of them have been convicted of a felony, a misdemeanor involving dishonesty or bribery the Comanche Nation Law Enforcement and a local Drug Testing facility will assist the Election Office.

- b) The Election office will submit to the Chief of Police a list of prospective candidates and the Chief of Police shall obtain from local, tribal, state and federal law enforcement agencies 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 or obligation of tribal assets.
- c) The Chief of Police will certify to the Election Office 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.
- d) In accordance with the Constitution, Article IX, Section 2, all prospective candidates will submit to a 10 Panel – Observed Drug Test to be administered by an Independent Drug Testing Facility.
- e) If Comanche Nation Law Enforcement confirms any prior convictions of a felony or misdemeanor involving dishonesty or bribery, embezzlement, or of any improper misappropriation or obligation of tribal assets of a prospective candidate this will automatically constitute their disqualification from seeking office.
- f) All drug test results will be provided to the Election Office and the CBC. A positive drug test will immediately disqualify the prospective candidate from seeking office, unless a prescribed drug is found and a candidate has a valid doctor’s prescription for use after medical review by the Drug Testing Facility.
- g) These outcomes are final and will be affirmed by the CBC.

Section 305. Challenge of Certification of Candidacy

- a) A candidate aggrieved of an Election Office determination finding him/her not qualified for candidacy shall file a written protest with the Election Office within one (1) calendar day of notification.
- b) Upon receipt of such protest the Election Office shall as soon as practicable or **within 72 hours** seek the counsel and review of the **Comanche Nation Business Committee** to make a determination.
- c) If the protest is deemed valid a decision to allow the certification of the prospective candidate will be made or if the protest is deemed invalid a decision to uphold the Election Offices’ original determination will be rendered. The decision of the **Comanche Nation Business Committee** after such hearing shall be final.

Section 306. Withdrawal of Candidacy

- a) A Candidate may voluntarily withdraw his/her candidacy for any office upon filing in person by such Candidate a written notice of withdrawal as a Candidate with the Election Office. Said notice shall be signed by the Candidate, whose signature shall be notarized by the CBC assigned Coordinator.
- b) A Candidate may be deemed withdrawn from candidacy by reason of his/her death prior to an election. The Elections Office will retain a copy of his/her Obituary on file.
- c) Upon receipt or verification of withdrawal of candidacy the Election Office shall post a notice on the Election Office Webpage and will 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.

Section 307. Unopposed Candidate

Any Candidate who is unopposed shall be deemed to be elected at the conclusion of the specific election process. The Candidate's name shall appear on the Official Ballot with the designation "unopposed" next to the name.

PART 400 ANNUAL MEETING

Section 401. Supreme Governing Body

As defined in the Comanche Constitution Article IV §1, "*The Supreme Governing Body of this organization shall be the Comanche Tribal Council.*"

- a) The Tribal Council shall consist of all duly enrolled members of the Comanche Nation who are eighteen (18) years of age or older. The Tribal Council will affirm and exercise its Supreme Powers Clause by the Annual Election following the Annual Meeting pursuant to the Comanche Constitution, Article V §1.
- 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 pm at the Comanche Tribal Complex, Lawton, Oklahoma, or such other place as the business committee shall determine, for the following:
 1. Program Reports.
 2. Take Nominations.
 3. Presentation of the Annual Budget.

Section 402. Tribal Council Meeting Responsibilities & Conduct of Election Officials

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

- a) Verify eligibility of meeting participants and register eligible participants in accordance with applicable law;

- b) Provide a means to identify participants eligible to vote;
- c) Determine and report a quorum or lack thereof to the presiding officer;
- d) Record nominations of candidates for elective office and provide Candidate packet;
- e) Supervise, count, tally and report to the presiding officer the voting of eligible participants on person, motions or questions; and
- f) Assist the presiding officer in the proper conduct of such meetings until the meeting is adjourned.
- g) Election Officials shall maintain a neutral and impartial position on all Tribal Council activities and upon declaration of adjournment by the presiding officer, the Election Office responsibilities under this Section 402 shall terminate and the Election Officials shall withdraw from the meeting place.

PART 500

PROHIBITED CONDUCT

Section 501. Electioneering & Intoxicating Liquor Prohibited

- a) As defined in this Election Policy “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 Officials 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 Office 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 Office.
- 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.

PART 600

CONDUCT OF ELECTIONS

Section 601. Elections.

There shall be the following types of elections in accordance with this Election Policy:

- a) **General & Run-off Elections:** A General Election & Run-off Election, if necessary, shall be held each year in accordance with Article VII of the Constitution and shall be completed within sixty (60) days after the Annual Tribal Council meeting (Constitution

Art. VII, §2). The Election Office shall establish the dates of General Election & Run-off Election, if necessary to comply with constitutional requirements.

- b) **Special Elections:** Special Elections shall refer to any election other than the General Election and Runoff Election. Special Elections include elections required by Article VIII of the Constitution to fill a vacancy occurring on the CBC, referendum elections called by the CBC, or elections to amend the Constitution. The CBC shall by resolution declare the purpose and date of any Special Election.

Section 602. Secretarial Election.

For any Secretarial Election required by federal or Comanche Nation law to be conducted pursuant to federal regulations 25 C.F.R. Part 81 for the conduct of said election, 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 Chairman/CBC, the Bureau of Indian Affairs directs the tribe to appoint at least (2) tribal members to serve on the Secretarial Election Board.

Section 603. General Elections.

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

- 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 Primary 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(s) race, the declared winner is the nominee that has garnered the most vote from the General election and no runoff will be needed in a two (2) candidate race.

Section 604. Runoff Election

Runoff Elections shall be conducted in the manner prescribed by this Election Policy and in accordance with the timetable selected by the Business Committee. Runoff Elections shall only occur in the following circumstances:

- 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 (excluding those not voting for a particular candidate to be deemed as the winner).

- 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 Primary Election. If the 2nd place candidate does have a tie, a multi-party race will be issued with the declared winner being the candidate that has garnered the most votes in the multi-party runoff race (excluding those not voting for a particular candidate).

Section 605. Notice of Elections

- a) The Election Office shall cause to be published in the Comanche Nation's Newspaper and on the Election Office Webpage on the Comanche Nation Website an Official notice of General Election dates within **forty-five (45)** calendar days before a General election.
- b) The Election Office shall cause to be published, as early as practical, in the Comanche Nation's Newspaper and on the Election Office Webpage on the Comanche Nation Website an Official Notice of Special Election as declared by the CBC.
- c) Official notice of any election shall include the following information:
 - 1) Type of Election (General, Runoff, or Special Election), and the issue (s) or offices to be decided.
 - 2) Date of Election.
 - 3) Last day an Eligible Voter may request an Absentee ballot by completing the Absentee Request Form.
 - 4) Date and time that Absentee Ballots must be received by the U.S. Post Office to count in said Election.
 - 5) Notice that it is the responsibility of the Voter to ensure a completed Absentee Request Form is returned to the Election Office by the date and time determined by the Election Office.
 - 6) Other important information as determined by the Election Office consistent with the Election Policy, other applicable laws of the Nation, and Election Office's rules and regulations governing Elections.
- d) A yearly Election Calendar will be made available on the Election Office Webpage on the Comanche Nation Website.

Section 606. Polling sites.

- a) The Election Office shall select a polling site in or near each of the following towns: Anadarko, Apache, Cache, Lawton, Oklahoma City, and Walters. Polling sites will be located on land held in trust by the United State or under the control of the Comanche Nation, or both.
- b) The Election Office'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 607. Official Ballots

- a) The Election Office 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), found qualified for said election in Alphabetical order.
- c) The name of a Candidate for office shall appear on the Official Ballot as said Candidate used to identify himself/herself on the application for background check; provided that no Candidate shall have any prefix or title placed before or after his/her name.
- d) 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.
- e) Transport of Elected Ballots. An officer(s) of the Comanche Nation Law Enforcement shall be present whenever voted ballots are transported to verify chain of custody. Poll watchers may be present.

Section 608. Technical Advice and Approval of Ballot

For any question or budget item posed for ballot approval, the CBC assigned Coordinator shall provide advice to the Comanche Business Committee regarding technical and formatting aspects of the question or budget item, and shall obtain approval from the Comanche Business Committee regarding the final wording of any question or budget item on the ballot prior to printing.

Section 609. Spoiled or Mutilated Ballots

- a) Should any voter mutilate or mismark his or her ballot in an effort to vote, he or she may return the ballot to an Election Official, who shall place the Spoiled Ballot in an envelope marked "spoiled", seal the envelope and the voter shall then be issued another ballot.
- b) No Spoiled Ballot shall be counted as a vote.

Section 610. Early In-Person Voting

- a) Enrolled Comanche citizens who are eligible to vote can do so by **Early In-person** voting the preceding Friday before the General Election at the Comanche Nation Complex and the Elders Center, located at 1107 SW H Avenue, Lawton, OK.
- b) Hours for **Early In-person** voting at the Comanche Nation Complex and Elders Center will be from **8:00 a.m. to 5:00 p.m.**
- c) Person(s) wishing to vote In-person at the Comanche Nation Complex or Elders Center must present his/her 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) An enrollment officer(s) shall be responsible for verifying Tribal enrollment. (Conduct of enrollment officers is governed by the Election Officials during the voting period.)
- e) The Voter will then be issued an official In-person ballot that must be inserted into the Verity Count electronic voting machine after the Voter marks the ballot.

Section 611. Election Procedures Utilizing Electronic Voting Machines

- a) Electronic voting machines and e-poll books shall be utilized for the General and Run-off elections utilizing the procedures of this section.
- 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 6:00 p.m. on the day of the Election.
- d) An Election Official, 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 and 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, he or she must insert the ballot into the electronic voting machine. Assistance shall be provided to the voter if requested.
- g) After the electronic voting machine has accepted the ballot, the voting process for the individual voter has been completed.

Section 612. Return of Absentee Ballots by Mail

- a) Absentee ballots shall only 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 Election Officials by 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 Complex by (1) the designated election official, (2) the Independent Auditor, (3) **and** by Comanche Nation Law Enforcement.
- 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 and then transported to the Comanche Nation Complex by the Comanche Nation Law Enforcement and Election Officials to the final destination in the New Conference Room for tabulation.

Section 613. Poll Watchers/Monitors

The Elder's Council is authorized to place poll watchers/monitors in all polling sites;

- a) All poll watcher/monitors must be an eligible Comanche voter and it shall not be necessary to have a designated poll watcher/monitor at any polling site in order to have an election.
- b) There may be no more than two poll watcher/monitors per polling site and the Election Office shall not compensate a poll watcher/monitor for his/her poll watching activities;
- c) A candidate or a member of his/her immediate family, as defined in this Election Policy, is not eligible to be a poll watcher/monitor;
- d) A poll watcher/monitor may only observe and may not interfere in any way with the conduct of an election;
- e) Any poll watcher/monitor interfering with the Election or attempting to influence voters in any manner shall be ordered to leave the polling area by the CBC assigned Coordinator or Comanche Nation Law Enforcement Officer;
- f) During the counting/tabulating process designated poll watchers/monitors may view, not disturb the process;
- g) No poll watcher/monitor shall be allowed to use any communication device, or to communicate with any Election official/employee during the counting/tabulating process. A poll watcher/monitor must remain in their designated area.

Section 614. Assistance for the Disabled

If a person requesting to vote state that, because of a physical disability, s/he is unable to mark or physically insert the ballot in the electronic voting machine, an Election Official shall provide the voter with assistance as needed, but in all such instances, the voter must without

suggestion from said member, state which candidate or which budget line item he or she wishes to vote for. Voting by proxy shall not be permitted.

Section 615. Failure to Receive an Absentee Ballot or Receipt of Mutilated 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 Complex to request a replacement ballot be mailed. In such case, a replacement Absentee Ballot will be sent by FedEx 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 616. 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.

PART 700

TABULATION OF BALLOTS

Section 701. Election Office Duties After Closure of Poll

- a) When the polls close, the Election Officials shall perform the predetermined audit procedure as approved by the Election Office after transportation of the electronic voting machine to the Comanche Nation Complex from each polling site.
- b) The Election Official shall separate the locked ballot container from the electronic voting machine. All ballots will be removed from the locked ballot container and placed in a Ballot bag, which will be secured and locked. The electronic voting machine will be shut down, locked, and transported to the Comanche Nation Complex from each polling site.
- c) The voting results report totals from the electronic voting machine will be removed from the machine by the CBC assigned Coordinator and the voting results report totals will be printed. The voting results report totals will be sealed and labeled in an envelope for **EACH** polling site by the CBC assigned Coordinator. The envelope must be signed when this step has been completed. This envelope must not be opened until the tabulation process begins at 8 pm.
- d) The labeled and sealed envelopes along with the Ballot bag for each polling site will then be secured at the Comanche Nation Complex in the designated tabulation area. The Ballot bag shall not be opened only in the event a request for a manual recount is required by law or has been approved in accordance with this Election Policy.

- e) **These procedures will be followed for Early In-Person Voting, Absentee Voting and Election Day Voting at all polling sites.**
- f) After Early In-Person Voting has closed the electronic voting machines, the labeled and sealed envelopes from both Early In-Person Voting polling sites containing the voting results report totals and each Ballot bag from Early In-Person Voting polling sites will be secured and stored in the designated tabulation area.
- g) On Election Day the Ballot bags from Early In-Person Voting will remain in the designated tabulation area secured by Comanche Nation Law Enforcement.
- h) The labeled and sealed envelopes containing the voting results report totals will be taken from the designated tabulation area to the final destination for counting, the “Count Workstation” at 7:00 p.m. for tabulation of Election Results.
- i) The Internal Auditor will be the only individual allowed to open the sealed envelopes. The Internal Auditor shall retain the voting results report totals for their purposes and shall give the CBC assigned Coordinator the voting results report totals for tabulation of Election results.
- j) The Independent Tabulator must be a CPA and NOT be a Comanche Tribal member.

Section 702. Counting of Absentee & Polling Site Ballots

- a) The CBC assigned Coordinator and Election officials shall conduct the Ballot count in open session via video recording at the predetermined final destination.
- b) Absentee Ballot Counting. The Election Official(s) determines whether the outside envelope of an absentee ballot has been signed. If **not**, the absentee ballot shall be set aside and not counted.
- 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.
- e) After the Absentee Ballot counting process using electronic voting machines is completed, Election Officials will print voting results report totals from the electronic voting machine, which will be labeled and sealed in an envelope. An envelope will be signed by the Election Official overseeing this process confirming this step has been completed.

- f) This envelope must not be opened until the tabulation process begins at the Comanche Nation Complex. All absentee ballots will be removed and placed in a Ballot bag and secured in the designated tabulation area. When this step is completed the tabulation of absentee ballots using electronic voting machine will be completed.
- g) The ballots cast from Early In-Person Voting, Absentee Balloting and all Election Day polling sites shall be counted beginning at **7:00 p.m.** at the Comanche Nation Complex. Void ballots shall not be counted as valid ballots.
- h) Counting shall be conducted in a manner to permit **seven (7)** designated poll watchers, one (1) each from every poll site to view, but not disturb, the process.
- i) No poll watcher shall be allowed within **20 feet** of the counting/tabulation area, to use any communication device, to exit their designated area, or to communicate with any Election Official during the counting/tabulation process.
- j) 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 the Absentee Ballots.
- k) Counting of All Casted Ballots. The Independent Tabulator will open the labeled and sealed envelopes from the polling sites and absentee balloting; he/she will be the only Election Official allowed access to the voting results report totals. The voting results report totals will be given to the designated election official for counting. The “Count Workstation” computer will tally the results from all voting machines to provide a final count of cast ballots.
- l) The Independent Tabulator will audit the totals and verify accuracy of the Ballots cast at the Polling locations. When this step is completed, the tabulation of all votes cast at the Polling sites and the Absentee ballots will be done.

Section 703. Automatic Recount

- a) The Election Officials are authorized to open the secured Ballot bags on election night during the counting and tabulations of ballots and 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 winning and losing Candidate;
 - 2) A voting device has malfunctioned in such a way that the integrity of its vote count is jeopardized (for example, there are no totals on the printout or if the printout is illegible).

- b) Upon completion of the recount the secured Ballot bags shall be resealed by members of the Comanche Nation Law Enforcement.

Section 704. Publication of Results of Balloting

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

Section 705. Resolving Ties After Runoff Election

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 Constitution Article VII §2, "*No election shall be held later than 60 days after the annual meeting*". Election Officials may conduct a recount and if the results do not change after the recount, then the CBC assigned Coordinator 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:

- a) After certification of the Election results, the Election office shall conduct an immediate meeting of Election Officials, the Candidates, the Tabulator and Law Enforcement.
- b) The Election office shall write the name of the candidates on two separate, identical pieces of paper and present the same for inspection to each candidate.
- c) The CBC assigned Coordinator shall place the paper containing the names of the Candidates in a clear container.
- d) The Election Office shall draw, or may designate a person other than the candidates, witnesses or other person directly interested in the election to draw, one (1) piece of paper from the container, read it, and then present it to the CBC assigned Coordinator.
- e) The name of the candidate appearing on the first drawn paper shall be declared the winner. The CBC assigned Coordinator shall show the paper drawn from the container to those present and shall then expose the other name not drawn to all witnesses present.

Section 706. Official Election Results

Election results shall be official under the following conditions:

- a) 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;
- b) If **all** protests or requests for recount are **denied** by final decision; or
- c) If **any** protests or requests for recount is **granted** by the CBC, then:
 - 1) Upon implementation of the remedy related to correction of irregularities underlying the protest, or upon conclusion of the recount, the election results shall be official; and
 - 2) Notwithstanding a grant or 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 800

CHALLENGES TO ELECTION RESULTS

Section 801. Protest of the Election Results

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

Section 802. Burden of Candidate to Sustain Protest

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

- a) The Election Office violated one or more material provisions of this Election Policy or otherwise conducted said election in a manner that said Candidates' 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 803. Protest Procedure

- a) Any Candidate who wishes to **protest the election process** must do so in writing to the CBC assigned Coordinator by **5:00 p.m.** of the **third (3rd) calendar day** after the election.
- b) Concurrent with said written protest the Candidate must submit a **NON REFUNDABLE** protest fee of **\$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 will be accepted.)
- c) Only **ONE** Candidate must sign and submit an official request for hearing and any additional Candidates may file an official request for hearing, each separately with the \$1,000.00 protest fee.

- d) Upon receipt of such protest the Election Office shall as soon as practicable or **within 72 hours** seek the counsel and review from the **Comanche Nation Business Committee** to consider the protest and make a determination.
- d) At such meeting, the Election Office shall permit the Protesting Candidate (and his/her representative) and any other Candidate (and his/her representative) to be present and provide evidence to sustain or rebut the protest.
- e) At the conclusion of presenting evidence, the Comanche Business Committee shall deliberate in closed executive session and shall return to open session to announce its findings and determination.
- f) The Election Office 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.
- g) If the Comanche Business Committee finds that the Candidate has met the burden in accordance with Section 802, the Election Office shall determine the appropriate remedy including, if necessary, the scheduling of a new election as soon as feasible, *provided* said election shall be conducted in compliance with this Election Policy.
- h) A decision of the Comanche Business Committee to approve/deny a protest shall be final.

Section 804. Candidate Recount Request

- a) A candidate who wishes to request a **recount of the election results** must do so in writing to the CBC assigned Coordinator 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 **\$1000.00** in the form of a cashier's check or money order made out to the Comanche Nation. (No personal checks will be accepted.) The recount fee will be deposited and credited to the Election Office 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 805. CBC Recount Request

The CBC may request in writing of the Election Office to conduct a recount of the election results for any proposition (question, law, or budget item), but not including the candidate, 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 806. Determination of Recount Request

The Election Office 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 (2.00%) of the total votes cast for the candidates for the position or proposition.**

Section 807. Recount Process

The following process will be used in a Recount:

- a) The Election Office and Election officials shall conduct the recount in open session via video and audio recording;
- b) Each Candidate in the specific election 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.

Section 808. Preservation of Ballots

The Election Office shall prescribe methods of sealing all ballots, all certificates of vote, and all other materials 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. The CBC assigned Coordinator shall keep locked in the Ballot bags all ballots from the Election until the recount period has expired. The Chief of the Comanche Nation Police 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 to the secure “Vault” office.

PART 900

ELECTION OFFENSES AND PENALTIES

Section 901. 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.

Section 902. 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.

Section 903. 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 tribal member 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.

Section 904. 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 905. Interference with Conduct of Election.

Any person, including a lawfully appointed watcher, who interferes with an adult Comanche tribal member 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 punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and/or prosecuted to the full extent allowed by law.

Section 906. Voting Illegally.

Any person who 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 907. 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 908. 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 909. 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 910. 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.

