



**A RESOLUTION AMENDING ELECTION ORDINANCE**

**WHEREAS**, the Comanche Nation is a federally recognized Indian Tribe with a Constitution approved and ratified by the Secretary of the Interior of the United States 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 Comanche Nation Constitution, Article VI, Section 7(j) provides that the Comanche Business Committee has the authority to promulgate and enforce ordinances and codes governing law and order to protect the peace, health, safety, and general welfare on land determined to within Comanche tribal jurisdiction; and

**WHEREAS**, the Comanche Business Committee adopted an Election Ordinance on February 3, 2024 through Resolution No. 22-2024, which was amended on March 1, 2025 through Resolution No. 47-2025 and on April 5, 2025 through Resolution No. 66-2025; and

**WHEREAS**, based on experience learned from the 2025 election, input from the Election Board, and advice from the Tribal Attorney, as well as to conform the Election Ordinance to constitutional amendments passed during the 2025 election, the Comanche Business Committee wishes to amend the Election Ordinance to promote the general welfare; and

**WHEREAS**, the proposed amendments to the Election Ordinance have been publicly posted for comment.

**NOW THEREFORE BE IT RESOLVED**, the Election Ordinance is hereby amended in the form of Exhibit A attached hereto; and

**BE IT FURTHER RESOLVED**, that the Tribal Administrator is directed to post a copy of the Election Ordinance as amended on the Comanche Nation website; and

**BE IT FURTHER RESOLVED**, the Comanche Business Committee, acting for and on behalf of the Comanche Nation, does hereby authorize this Resolution for such intent.

**CERTIFICATION**

The foregoing Resolution was adopted at a regular meeting of the Comanche Business Committee held on the 2<sup>nd</sup> day of August, 2025, at the Comanche Code Talker Room located within the Comanche Nation Complex, Lawton, Oklahoma, by a majority vote of 5 for, 0 against, and 0 abstentions, a quorum being present.

  
Forrest Tahdooahnippah, Tribal Chairman

ATTEST:

  
Diana Doyebi, Vice-Chairman



## COMANCHE NATION ELECTION ORDINANCE

Enacted February 3, 2024, amended August 2, 2025

# COMANCHE NATION ELECTION ORDINANCE

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# COMANCHE NATION ELECTION ORDINANCE

## 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 (CBC) 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 definitions shall apply to the interpretation of this Election Ordinance. All other words shall have their commonly understood definition:

- a) **“Absentee Voter”** means a Comanche Voter who has applied to the Comanche Nation Election Board for such status.
- b) **“Ballot”** means a legal form of document approved by the Election Board that 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) **“Challenged Ballot”** means a Ballot submitted by a voter who appears to have voted more than one time.

- h) **“Comanche Constitution”** means the Constitution of the Comanche Nation.
- i) **“Comanche Nation Voter Registry”** means the list of Comanche Voters maintained by the Comanche Nation Election Board that, when updated before each election, is identical to a list of members of the Comanche Nation maintained by the Enrollment Department of the Comanche Nation who are 18 years of age or older on the date of the election.
- j) **“Comanche Voter”** means any member of the Comanche Nation who is at least eighteen (18) years of age on the date of a Comanche Nation election.
- k) **“Confidential Information”** means information that if disclosed would constitute a clearly unwarranted invasion of personal privacy, such as social security numbers, birth certificates, driver’s license numbers, home addresses, personal phone numbers, personal email addresses. Confidential Information does **not** include information directly relating to a person’s qualifications for office such as education, drug test results, criminal history, indebtedness to the tribe, or other qualifications for office. Prospective Candidates shall have no expectation of privacy in matters pertaining to their qualifications for office.
- l) **“Election Board member”** means any person elected by the Comanche Nation Tribal Council to assist in the conduct of elections and other related duties.
- m) **“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.
- n) **“Electioneer”** means any person who engages in Electioneering.
- o) **“Electioneering”** means any of the following acts performed by any person within three hundred (300) feet of any ballot box or electronic voting machine while an election is in progress:
- 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 Candidate or a ballot issue with the intent to solicit an affirmative or negative vote.



- 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 Certified Public Accountant and NOT be a Comanche Nation citizen.
- r) **“Official elected by the Tribal Council”** or **“Elected Official”** means a member of the Comanche Business Committee, including officers.
- s) **“Official hired by the Tribal Council”** means the Tribal Administrator or the Tribal Attorney.
- t) **“Ordinance”** means this Election Ordinance.
- u) **“Recall Petition”** means an official form used by a Comanche Nation citizen to initiate the recall process to remove an Elected Official or Official hired by the Tribal Council in accordance with Comanche Nation law.
- v) **“Referendum Election”** means a vote of enrolled Comanche citizens on a proposed question or Tribal Council resolution.
- w) **“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.

#### **Section 104. Records**

- a) Records related to the Election Board’s compensation and expenditures must be immediately shared with Secretary/Treasurer. The Election Board and Secretary/Treasurer must retain such records for a minimum of seven (7) years in digital format.
- b) Ballots cast for any election shall be retained by the Election Board in locked ballot boxes, the key for which shall be in possession of the Comanche Nation Law Enforcement Chief of Police, until five (5) Calendar Days after the election results are certified. After six (6) Calendar Days after the election results are certified, the Secretary of the Election Board shall ensure that the Ballots are destroyed.
- c) The ballot count printouts and final election certification for each election shall be kept in perpetuity in the Record Retention Building.
- d) The Secretary of the Election Board shall ensure that records relating to the certification of Candidates, including background check and drug test results, are 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 an established 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 and 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 at least six (6) and no more than twelve (12) total members.
- (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 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 quorum. A quorum is met if two-thirds (2/3rds) or more of seated Election Board members are present. For purposes of computing quorum, vacant seats shall be disregarded.
- (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 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 shall provide notice to each member of the Election Board.
  - (A) Public posting at Tribal Headquarters and other official Tribal outreach facilities shall be performed by the Election Board 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 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), or removal or discipline of Election Board members, or other matters deemed under tribal law, 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 \$300.00 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, \$400.00 per day (up to two days) for operating a General Election, \$400.00 per day (up to two days) for operating a Runoff Election, \$400.00 per day (up to two days) for operating a Special Election, and \$100 for the certification meeting of elections.
- (4) The compensation amounts stated in Section 202(c)(3)-(4) 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.

d) *Hiring of Temporary Workers*

- (1) Election Board may retain temporary workers to assist with the Election Board with their duties at polling sites during elections. Compensation of such workers shall not exceed \$200 per day.

**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) 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.
- (2) 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) The number of vacancies shall be the six (6) seats expiring, plus any vacancies under section 204(c). The number of Candidates equal to the number of vacancies that receive a majority of votes cast in the General Election shall be seated as Election Board members; and
  - (B) If the number of Candidates receiving a majority of votes cast in the General Election exceeds the number of vacancies, then the Candidates equal to the number of vacancies that received the most votes shall be seated as Election Board members;
  - (C) The Candidates shall be assigned seats, and corresponding terms, based on the number of votes received, with the Candidates receiving the most votes being assigned the seats with the longest remaining terms; and
  - (D) The qualifications for election or appointment shall follow Section 204(d) of this Ordinance.
- 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 that causes the number of Election Board members to be less than six (6), the Candidate who received the most votes without being seated on the Election Board in the most recent General Election shall 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 such Candidate at the last General Election for that position or if that Candidate declines the appointment, then the Election Board shall hold a Special Election to fill the vacancy.
  - (4) An individual filling a vacancy on the Election Board will serve until the next General Election.
- 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 an elected office—e.g., CBC member, Tribal Administrator, Tribal Attorney—with the Comanche Nation at the time of his/her/their candidacy;
  - (3) Not be a Candidate for elected office of the Comanche Nation;
  - (4) 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;

- (5) Not have any indebtedness to the Nation;
- (6) Not fail a urine drug test;
- (7) 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;
- (8) Not have been recalled or removed from the Comanche Nation Election Board; or
- (9) 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).

### **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 appropriate handling of all Ballots and Election Board records;
- f) Prepare and approve all 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) Ensure the accuracy of the Comanche Nation Voter Registry and of the list of Absentee Voters prior to each General Council meeting and each election, and ensure that that addresses and names on such lists match the information maintained by the Enrollment Department, unless a voter has specifically elected to receive a Ballot elsewhere by submitting an alternative address form prior to that year's General Election; and
- k) Reserve all polling sites for elections at the time notice of an election is provided pursuant to Section 502 of this Ordinance; and
- l) Pay for and maintain a Post Office box for Absentee Ballots;

- m) Consult with and provide notice of elections to the Post Office to which Absentee Ballots will be returned;
- n) Obtain email addresses from the IT Department for official Election Board communications;
- o) Communicate with Comanche Voters about voting procedures;
- p) Retain and destroy records as required by this Election Ordinance; and
- q) Cooperate to adopt necessary policies and procedures and checklists 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, 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 or destroyed 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 Chairman shall appoint, from the existing Tribal Government employees, an administrative assistant to work in the Election Office. Such administrative assistant shall work in the Election Office as part of his or her other assigned duties in addition to his or her regular duties as an employee. The Tribal Chairman shall have authority to remove the administrative assistant. During years in which the Tribal Chairman is up for re-election during the next General Election, the powers to appoint and remove such administrative assistant shall be exercised by the Secretary-Treasurer.
- b) The salary of the Election Office administrative assistant may 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 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; and
- 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 for a Candidate where such Candidate:

- a) Is an Immediate Family Member of said Election Board member;
- b) Is the Election Board member himself/herself;
- c) Lives with or cohabits with the Election Board member;
- d) Is a partner in a business concern with the Election Board member; or
- e) 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**

The CBC may remove an Election Board member 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) Absence from any combination of four (4) consecutive duly called Election Board meetings or training sessions for which attendance is required, unless such absence is due to military service.

### **Section 212. Process for Removing an Election Board Member**

- a) *Requirements to Initiate Removal Procedures*
  - (1) If a member of the Tribal Council reasonably believes that an Election Board member has engaged in any activity that constitutes good cause for removal as defined in Section 211 of this Ordinance, they shall notify the Chairman of the CBC, or if unavailable the Vice-Chairman of the CBC.
  - (2) Upon receiving such notification, the CBC shall investigate the allegations, and provide the accused Election Board member notice of the allegations against him or her, and a meaningful opportunity to be heard regarding those allegations.

### **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 Tribal Chairman or Secretary-Treasurer.

**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 enrolled citizens of the Comanche Nation who are eighteen (18) years of age or older on the day of the election. 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.

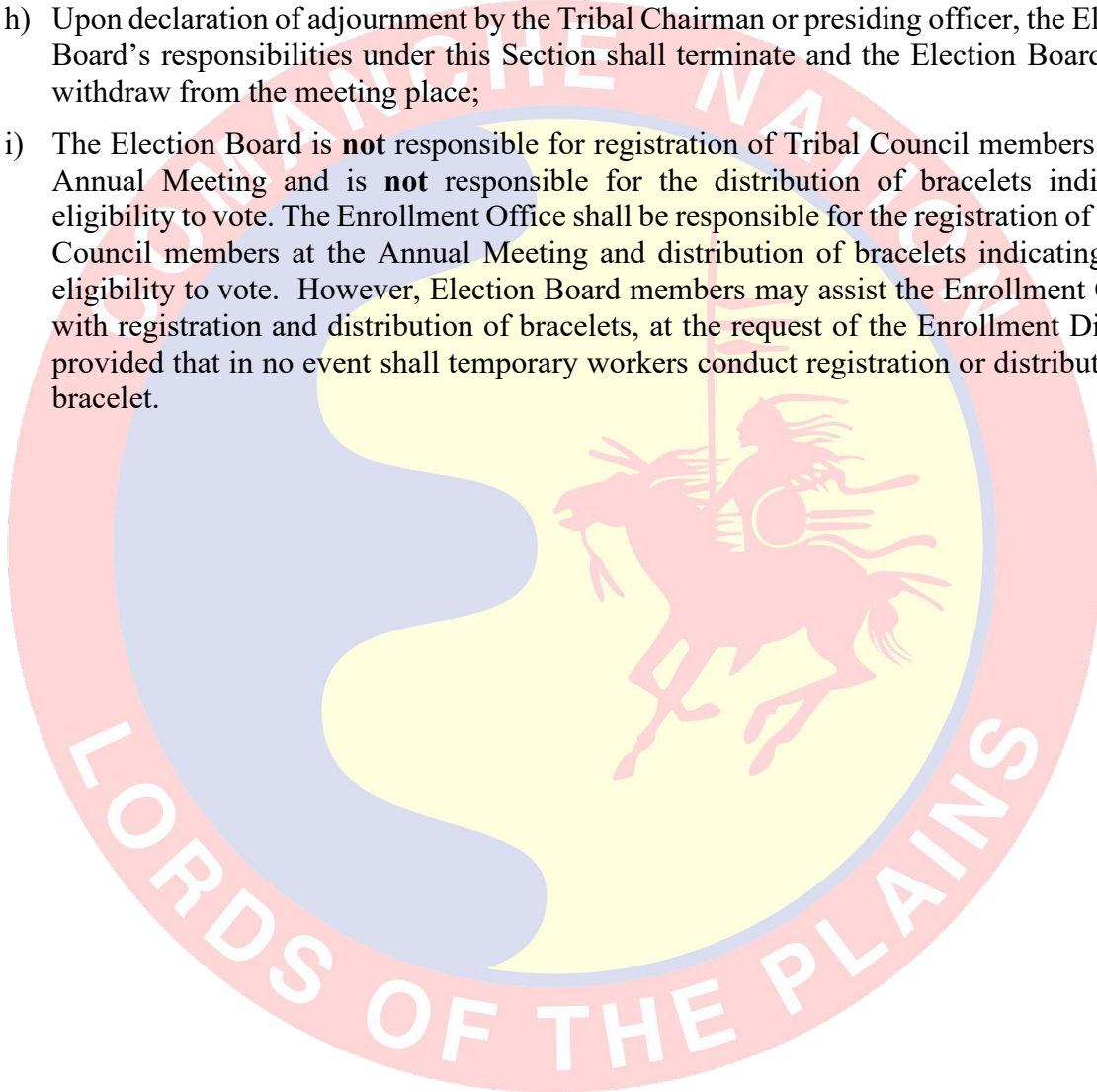
**Section 303. Election Board Responsibilities During Tribal Council Meetings**

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) Distribute ballots, 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) Designate a section of seating, conveniently located in proximity to the podium (if any)

and presiding officer, for elders and disabled tribal members, and assist those seated in that section in voting, such as by bringing them ballots to fill out, collecting ballots from them, and feeding their ballots into electronic voting machines.

- h) 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;
- i) The Election Board is **not** responsible for registration of Tribal Council members at the Annual Meeting and is **not** responsible for the distribution of bracelets indicating eligibility to vote. The Enrollment Office shall be responsible for the registration of Tribal Council members at the Annual Meeting and distribution of bracelets indicating their eligibility to vote. However, Election Board members may assist the Enrollment Office with registration and distribution of bracelets, at the request of the Enrollment Director provided that in no event shall temporary workers conduct registration or distribution of bracelet.





**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 by the Comanche Voters.
- 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 § 8 by the Tribal Council. 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 by election annually.

**Section 402. Authority**

The CBC hereby 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 CBC 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, Tribal Attorney Candidates, and Election Board member Candidates.

##### **(a) Provisional Certification**

- 1) 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 final determination on the qualifications of the Candidates.
- 2) The Election Board will submit to the Comanche Nation Law Enforcement a list of prospective Candidates. The Comanche Nation Law Enforcement 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. The Comanche Nation Law Enforcement will certify to the Election Board in writing, whether a record showing a felony conviction, a misdemeanor involving dishonesty or bribery, embezzlement 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.
- 3) The Election Board shall inquire with the Tribe's accountant(s) and/or finance department, Tribal Court, and conduct independent research into whether any court has determined that any of the prospective Candidates has committed any improper misappropriation or obligation of tribal assets or any improper addition or removal from tribal rolls, or has any indebtedness to the Nation. If a judicial order finding improper misappropriation or obligation of tribal assets, improper addition or removal from tribal rolls, or a debt is found for a prospective Candidate, the Election Board shall note in that prospective Candidate's packet the date, court, case number and jurisdiction in which the judgment and sentence has been entered. The Tribal Attorney shall issue an opinion regarding whether any court issuing such a judicial order is a court of competent jurisdiction.
- 4) The Election Board shall designate an Independent Drug Testing Facility by the close

of business on the Monday prior to the Annual Meeting, and post a public notice on social media and the Comanche Nation website of what facility was designated. Any Tribal member may take a drug test, following such announcement and prior to the Annual Meeting, and have such results considered as their official drug test *if* the Independent Drug Testing Facility submits the results directly to the Election Board. Taking an early drug test does not relieve a person of the need to be nominated at the Annual Meeting. Nominees may also take a drug test at the Independent Drug Test Facility any time prior to the final check-in time at such facility on the Monday following the Annual Meeting. All drug tests shall be a 5 Panel Urine Analysis Drug Test. The results will be sent to the Election Board to be added to the prospective Candidate's packet. 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.

- 5) Prospective Candidates for Chairman, Vice-Chairman, Secretary/Treasurer, Tribal Administrator, and Tribal Attorney must submit proof of their education to the Election Board by the close of business on the Monday following the Annual Meeting. Proof may be in the form of a copy of their diploma or official transcripts.
  - A) Candidates for Tribal Attorney must further submit proof of their admission to the practice of law in a state of the United States to the Election Board by the close of business on the Monday following the Annual Meeting.
  - B) Candidates for Tribal Administrator must further submit proof of their experience in high level budgeting and management of government programs to the Election Board by the close of business on the Monday following the Annual Meeting.
- 6) 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.
- 7) The Election Board shall meet the Tuesday following the Annual Meeting of the Tribal Council for the purpose of provisional certification of Candidates. The Election Board shall review the materials in each prospective Candidate's packet and vote on whether each such Candidate should be certified. After the meeting is adjourned, the Chairperson of the Election Board shall publicly release the provisional certification results, and notify each Candidate of whether or not they were provisionally certified.
- 8) If any Election Board member is running for re-election to the Election Board, then that person must recuse himself/herself/themselves from reviewing their own packet, discussing their own qualifications, or participating in the review and determination of their own qualifications and provisional certification in any way.

(b) Certification Protests

- 1) A prospective Candidate aggrieved by an Election Board determination finding the Candidate not qualified for candidacy may file a written protest with the Election Board within forty-eight (48) hours of notification.



2) Any member of the Tribal Council believes that a prospective Candidate that was provisionally certified does not meet the qualifications for office, she/he/they may file a written protest with the Election Board within forty-eight (48) hours of the public posting of the provisional certification.

3) On the day that the Election Board releases its provisional certifications of Candidates and for the following two (2) 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. for the purpose of receiving protests. In addition, protest may be made via email to any member of the Election Board.

(c) Final Certification of Candidates

1) The CBC shall hold a Special Meeting on the Friday following the General Council meeting for the purpose of final certification of Candidates. The CBC shall review each prospective Candidate's packet and any protests. No prospective Candidate shall have any expectation of privacy in the content of their packets or protests. The certification of Candidates is a matter of public interest that shall be done at an open meeting of the CBC.

2) The Tribal Attorney must be in attendance at this Special Meeting and may render opinions on issues such as whether a crime is a "misdemeanor involving dishonesty, bribery, embezzlement" or whether a court is a "court of competent jurisdiction."

3) 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.

4) After the CBC makes its final decision regarding certification, the final certification results are non-appealable and shall be posted publicly.

(d) Per Resolution 19-2024, the CBC prohibits Elected Officials from serving on other tribes' or nation's enterprises or gaming boards or commissions. Candidates who serve on other tribes' or nation's enterprises or gaming boards or commissions must submit proof of resignation, verified by the CBC, before their swearing-in ceremony. Failure to do so will result in disqualification.

**Section 405. Qualifications of Tribal Attorney**

a) A Candidate for Tribal Attorney must be a natural person, although such person may associate with a law firm or other attorneys.

b) A Candidate for Tribal Attorney must have a juris doctor degree from a law school accredited by the American Bar Association and must be licensed to practice law in a state of the United States.

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.



#### **Section 406. Withdrawal of Candidacy**

- a) Candidates may voluntarily withdraw their candidacy upon filing a written notice of withdrawal with the Election Board. Said notice shall be verified by one of the following means: signature witnessed by the Election Board, signature notarized by a third party, or communication confirmed by Election Board via telephone.
- 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 407. 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) **Special Elections:** Special Elections shall refer to any election other than the General Election or Runoff 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.
- d) **Recall Elections:** A Recall Election is an election to remove a Committeeman, Elected Official, or other Official elected or hired by the Tribal Council, which includes the Tribal Administrator and Tribal Attorney, pursuant to Article VIII, Section 2 of 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 Administration, 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 or Special 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) The location of polling sites;
  - (4) The date and time that Absentee Ballots must be received by the U.S. Post Office to count in said election;
  - (5) A notice that it is the responsibility of the voter to ensure a completed absentee request

form is returned to the Election Board.

- c) The dates in any election notice may be extended (never shortened) by the Election Board in case of exigent circumstances and only with reasonable notice of any such extension.
- d) 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 CBC.

- 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 second-place 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***

- (1) If the position of CBC members, Tribal Administrator, or Tribal Attorney becomes vacant, the Election Board shall hold a Special Election to fill the vacancy. The CBC shall convene a Special General Council meeting for the purpose of taking nominations; or, if the vacancy occurs four months or fewer before the Annual Meeting, the nominations may be taken at the Annual Meeting. In the event a quorum is not met at a duly called Special General Council meeting held under this section, nominations shall be taken by the Election Board. In such event, the Election Board must post a notice of the vacancy and designating a time window of at least three (3) days for Candidates to nominate themselves at the Election Office, submit their qualifications for office, and submit to a drug test if required. In no event shall nominations be taken more than fifteen (15) days following the notice of the posting of vacancy.
- (2) Within two (2) days of the close of the window for Candidates to nominate themselves, or in the case that a General Council meeting for nominations is held, within three (3) days after the General Council meeting, the Election Board shall meet to provisionally certify Candidates, announce the certifications in the same manner as section 404(a), and draft a proposed ballot for the special election.
- (3) Any person may file a protest of certification of Candidates in the same manner as section 404(b).
- (4) The CBC shall convene a Special Meeting within three (3) days of the provisional certification to hear appeals, certify Candidates, and approve the ballot for the Special Election.
- (5) In no event shall the initial Special Election occur more than sixty (60) days after the vacancy. For the purposes of computing time, the vacancy shall be deemed to have occurred upon either the posting of the notice of vacancy by the Election Board or the holding of a General Council meeting to take nominations, whichever occurs later. If another election will occur within sixty (60) days after the vacancy, the Election Board may elect to hold the special election to fill the vacancy concurrently with the other election and include Candidates for the special election on the ballot of the other election. A Candidate must receive a majority of votes (fifty percent (50%) of votes plus one vote of the total votes cast) to fill a vacancy. If a runoff election is required to fill the vacancy, such runoff election may occur more than sixty (60) days after the vacancy so long as the runoff occurs as soon as possible after the initial special election.
- (6) All provisions from Parts 600, 700, 800, 900, and 1000 from this Ordinance shall also apply to such elections.
- (7) The winner of the Special Election shall be sworn in to fill the vacant position and serve the remainder of his/her/their predecessor's term as soon as possible.

### **b) *Special Elections Following Special Tribal Council Meetings***

- (1) If the CBC calls a Special Tribal Council meeting, 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, shall also apply.

*(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 CBC or by a petition signed by two hundred (200) Comanche Voters, and shall be submitted to the voters of the tribe.
- (2) Petitions to amend the Constitution must be submitted to the Enrollment Office for verification that the petition was signed by two hundred (200) Comanche Voters. If the signatures cannot be verified, the petitioner shall be notified by the Enrollment Office, and the petitioner may appeal at the next regular monthly meeting of the CBC. If the signatures are verified, the petition shall be submitted to the Tribal Chairman and to the Election Board to proceed under subdivision (d)(3) of this section.
- (3) 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, subject to subdivision (d)(4) of this section. Additionally, all provisions from Parts 600, 700, 800, 900, and 1000 from this Ordinance shall also apply, subject to subdivision (d)(4) of this section.
- (4) If a petition requesting a Constitution amendment signed by two hundred (200) Comanche Voters is received by the Tribal Chairman and Election Board within sixty (60) days of a Tribal Council meeting, whether a Special General Council meeting or a General Council meeting, the election to amend the Constitution may be held concurrently with the General Election or Special Election, if any, that results from the Tribal Council meeting at the discretion of the CBC. If an amendment to the constitution is proposed by a majority vote of the CBC, the CBC may elect to hold the election to amend the Constitution concurrently with any other election.

**Section 506. Recall Elections**

An Official elected or hired by the Tribal Council may be recalled from office only via a Recall Election.

- (1) A Recall Election shall be initiated by a Recall Petition that includes a Bill of Particulars alleging misconduct or neglect of duty. Recall Petitions must be signed by either (i) at least five members of the CBC or (ii) two hundred and fifty (250) or more Comanche Voters. Recall Petitions must be submitted to the Enrollment Office for verification of signatures. If the signatures cannot be verified, the petitioner shall be notified by the Enrollment Office. If the signatures are verified, the petition shall be submitted to the Tribal Court to proceed under subsection (3) herein.
- (2) Upon verification of signatures, the official subject to the recall shall be suspended with pay until the conclusion either the Bill of Particulars is dismissed or the Recall Election concludes.
- (3) If signatures on a Recall Petition are verified, the accused person shall have thirty (30) days to draft a response to the Bill of Particulars and submit such response to the Public Information Office. The Public Information Office shall then publish the Bill of Particulars and response in the next Comanche Nation Newsletter.

- (4) Once the Recall Petition is submitted to the Tribal Court, the Tribal Court must hold an evidentiary hearing and may, in its discretion, permit discovery and allow for pre-hearing motions; provided that, the Tribal Court shall render a decision stating whether misconduct or neglect of duty has been proven by clear and convincing evidence within sixty (60) days of the filing of the Recall Petition.
- (5) If misconduct or neglect of duty is not proven by clear and convincing evidence, the Bill of Particulars shall be dismissed and no Recall Election held.
- (6) If the Tribal Court determines that misconduct or neglect of duty was proven by clear and convincing evidence, then the Election Board shall announce and hold a Recall Election. Such Recall Election must be held within forty-five (45) days of the Tribal Court's decision finding misconduct or neglect of duty proven by clear and convincing evidence. Provided that, if the Tribal Court's decision is rendered within forty-five (45) days of a General Election, the Recall Election may be held as part of the General Election.
- (7) Concurrent with the Recall Election, the official subject to the Recall may appeal the decision of the Tribal Court to the Court of Appeals, which shall issue its decision prior to the conclusion of the Recall Election.
- (8) In a Recall Election, a supermajority of 60% or more of votes cast is required for a committeeman, officer, or official to be removed from office.

#### **Section 507. Causes for Removal – Misconduct or Neglect of Duty Defined**

An Official elected or hired by the Tribal Council may be recalled only for misconduct or neglect of duty, which is defined as:

- a) Substantial violation of the Oath of Office;
- b) Dishonesty or incompetence in office;
- c) Committing or engaging in any activity that constitutes a criminal offense under applicable tribal, federal, or state laws;
- d) Violation of any tribal law, code, ordinance, or the tribal constitution;
- e) Recurring absence from mandatory meetings, events, trainings, or similar;
- f) Repeated failure to respond to official communications for which a response is required;
- g) Social media or other public comments that libelous, false, disparaging or bring disrepute on the Nation or its officials; or
- h) Breach of confidentiality obligations including, but not limited to, disclosing Confidential Information from executive session communications.

## PART 600 QUALIFICATION AND REGISTRATION OF VOTERS

### Section 601. Comanche Voters

All enrolled members of the Comanche Nation who are eighteen (18) years of age and over on the date of a Comanche Nation election are eligible to vote.

### Section 602. Absentee Voter Registration Procedures

- a) Any Comanche Voter may vote by Absentee Ballot by requesting and filling out 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 Voter before granting that voter an Absentee Ballot Request Form.
  - 1) A Comanche Voter may request to be a ***Temporary Absentee Voter***, meaning an Absentee Ballot must be requested and shall be issued for the General Election and Runoff Election in the year following the request.
  - 2) A Comanche Voter 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.
- 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. Absentee Ballot Request Forms and completed Voter Registration Applications shall be accepted at any time leading up to any election.
- c) At least forty-five days prior to each election, the Election Board shall ensure that all addresses for Absentee Voters are identical to the addresses on file with the Enrollment Office, announce to voters in the Comanche Newsletter, social media, and webpage how to submit a request to have an Absentee Ballot sent to an alternative address, and the Election Board will ensure that proper requests to send Absentee Ballots to alternative addresses are honored.
- d) 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.**

- e) 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**

A Comanche Voter may vote in-person at a designated polling site by first presenting one of the following forms of photo identification:

- a) A Comanche Tribal identification 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 designate polling sites in its discretion. 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 Elder's 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 Comanche Voters 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) Candidate's 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 shall include voting on expenditures of tribal funds (excluding program income unless such program income is to be expended on a different program from the one that generated the income) and shall exclude voting on any state, federal, or local funding or any indirect cost funding; provided, however, that the Tribal Council shall vote on the Tribal Administrator's salary even if funded by indirect costs.

- f) Official Ballots related to questions submitted for approval of the Tribal Council, such as resolutions or constitutional amendments, shall conform to questions as submitted by the Comanche Business Committee or approved at the Annual Meeting.
- g) At least one Comanche Nation Law Enforcement officer shall be present whenever voted ballots are transported to verify chain of custody.

#### **Section 704. Approval of Ballot**

For any question or budget item posed for ballot approval, the Election Board will decide the technical and formatting aspects of all Candidates (including photographs), resolutions, constitutional amendments, questions, or budget items on the ballot prior to the Friday following the Annual Meeting. During its Special Meeting on the Friday following the Annual Meeting, the Comanche Business Committee shall approve the final form of the ballot.

#### **Section 705. Spoiled or Mutilated Ballots**

- a) Should any Comanche 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 Comanche 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 Absentee 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. 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) Comanche Voters may vote by early in-person voting the preceding Friday before an election at the Comanche Nation Headquarters and any other locations designated by the Election Board.
- b) Hours for early in-person shall be from 8:00 a.m. to 5:00 p.m.
- c) Person(s) wishing to vote in person must present photo identification in accordance with Section 603 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) A 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 ensure that no ballots have been inserted and scanned by the electronic voting machine.
- e) All persons wishing to vote in person must present photo identification in accordance with Section 603 and sign the e-poll book before they are allowed to cast their ballot.
- f) . They must also provide their signature verification by signing the e-poll book before they are allowed to cast a ballot.
- g) 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.
- h) 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 Comanche 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 identity with an Election Board member before receiving the desired assistance.
- b) If a Comanche Voter 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 identity 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) Electioneering, as defined in this Election Ordinance, is prohibited.
- b) No person shall be allowed within fifty (50) feet of any ballot box or electronic voting machine while an election is in progress, except persons voting, Election Board members, Comanche Nation Law Enforcement, and an Independent Tabulator.
- c) NO person shall take intoxicating liquor of any kind or quantity 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.
- d) 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.
- e) 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 site to be utilized in case of power outages, loss of internet, or other unforeseeable occurrences.

## **PART 800**

### **TABULATION OF BALLOTS**

#### **Section 801. Election Board Duties After Closure of Polls**

- 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 Comanche Nation Law Enforcement Chief of 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 and put into the custody of Comanche Nation Law Enforcement.

#### **Section 802. Counting of Ballots**

- a) Counting of ballots from polling voting 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. 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 Court of Appeals;
  - (3) If **any** protests are **granted** by the Court of Appeals, 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

Any Candidate or person casting a vote may protest the result of an election. Protests may be heard exclusively through the process and under the rules of this Part.

#### Section 902. Burden of Candidate to Sustain Protest

The person challenging the election results must prove by clear, convincing evidence that the Election Board violated one or more material provisions of this Election Ordinance or otherwise conducted said election in a manner that altered the outcome of the election.

#### Section 903. Protest Procedure

- a) Any person who wishes to **protest the election process** must do so by filing a petition with the Tribal Court by **5:00 p.m.** of the **third (3<sup>rd</sup>) calendar day** after the election.
- b) The protest petition must be personally served on the Chairman of the Election Board or, if the protest relates to ballot referenda or budget approvals, on the Chairman of the Election Board and Tribal Chairman, by **5:00 p.m.** of the **third (3<sup>rd</sup>) calendar day** after the election. Service on the Chairman of the Election Board may be accomplished by leaving a copy of the petition at the Election Office. Service on the Tribal Chairman may be accomplished by leaving a copy with a tribal employee at the front desk of the Administration building. The Chairperson of the Election Board shall provide information about an election protest to any Candidates that would be affected by the protest.
- c) The Court of Appeals shall have original and exclusive jurisdiction over any election dispute, and must call a hearing to hear evidence and argument within six (6) Calendar Days after the election. The panel shall recess to deliberate and must then render a decision on the record at the conclusion of the hearing.
- d) The Court of Appeals has discretion to impose monetary sanctions on a petitioner that files a frivolous protest of an election.

#### 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) 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, 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. Automatic Recounts**

The Election Board shall automatically perform a recount if the margin between the winning and losing Candidate (or for proposition the margin between “yes” and “no” votes) is the greater of:

- a) twelve (12) votes or less; or
- b) Less than one percent (1.00%) of the total votes cast for the Candidates for the position or proposition.

#### **Section 907. 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:

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

#### **Section 908. 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 his or her 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 be 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 engages in **Electioneering** as defined by this Election Ordinance shall be 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 Elections**

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 Elections** 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 Devices**

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.