

CATAWBA INDIAN NATION

ELECTION ORDINANCE

ARTICLE 1 – GENERAL PROVISIONS

Section 1.01 Short Title

This Catawba Indian Nation Election Ordinance shall be known and cited as the "Election Ordinance."

Section 1.02 Authority

This Election Ordinance is enacted by the General Council of the Catawba Indian Nation (hereinafter referred to as "the Catawba Nation" or "the Nation") pursuant to the powers vested to it under Article III, Section 1 and Article IV of the Nation's Constitution and By-Laws, ratified August 30, 1975, as may be amended from time to time. The General Council has the right to repeal or amend this Election Ordinance pursuant to its constitutional authority. The Constitution of the Catawba Nation governs if a conflict between this Ordinance and the Constitution arises.

Section 1.03 Purpose

The purpose of this Election Ordinance is to establish formal procedures for elections of the Catawba Nation, to ensure fair elections and the sanctity of the ballot, to provide direction to the Election Committee of the Catawba Nation, and to ensure the Election Committee conducts its affairs in a manner to avoid an election irregularity. This Election Ordinance shall be administered in such a way as to accomplish these purposes.

Section 1.04 Scope

This Election Ordinance shall pertain to all elections of the Catawba Nation.

Section 1.05 Definitions

Unless clearly indicated otherwise, the following words and phrases as used in this Ordinance shall mean the following:

“Absentee Ballot” shall mean a type of ballot issued by the Election Committee to an eligible voter upon a request that is timely filed by the eligible voter to the Election Committee, and shall mean those ballots marked with this title, which are only used for absentee voting.

“Absentee Ballot Request Form” shall mean a document issued by the Election Committee to an eligible voter so that the eligible voter can request an Absentee Ballot.

“Ballot” shall mean a document prepared and approved by the Election Committee in accordance with this Ordinance and policies of the Election Committee, as an authorized means for recording the vote of a voter in an election.

“Cast Ballot” shall mean a ballot that has been completed by a voter in an election and properly submitted to the Election Committee.

"Catawba Nation" or “Nation” shall mean the Catawba Indian Nation Government.

“Citizen” shall mean an enrolled Citizen of the Catawba Indian Nation, as defined in Article II of the Constitution of the Catawba Indian Nation.

“Constitution” shall mean the Constitution and By-laws of the Catawba Indian Nation.

“Conviction” shall mean the judgment of a judge or jury, or a plea, in a criminal prosecution in which the defendant is found guilty.

“Days” shall mean business days, unless otherwise specified.

“Elected Office” shall mean the Executive Committee or other elected positions established by the Nation.

“Election Committee” shall mean the Catawba Indian Nation Election Committee, the elected body governing the general and special elections of the Catawba Indian Nation.

“Election Day” shall mean the day of in person voting in an election.

“Election Notice” shall mean the official written notice distributed to all Citizens who will be Eligible Voters, or at least 18 years of age, the day of an election, regarding an upcoming election. The notice shall include information pertaining to the election, such as the date, time, and polling place of the election. The notice shall also include an Absentee Request Forms and may include other forms necessary for participating in the election process.

“Eligible Voters” shall mean those enrolled Citizens of the Catawba Indian Nation who are 18 years of age or older in accordance with Article III, Section 2 of the Constitution of the Catawba Nation, and therefore eligible to vote in elections.

“Immediate Family Member” shall include a person’s spouse, grandparent, parent, sibling, child, grandchild, legal dependent, or romantic partner.

“Nominee” shall mean a potential candidate who accepts a nomination by a member of the General Council.

“Polling Place” shall mean the place(s) designated by the Election Committee where Eligible Voters go to cast their ballots in an election. The Polling Place includes the building(s) where an election takes place.

“Polling Place Ballot” shall mean a type of ballot marked with this title and issued by the Election Committee to an eligible voter the day of an election at the Polling Place.

“Registry” shall mean the book that includes the names of all Eligible Voters according to the Enrollment Records of the Nation, which the Election Committee uses to verify a voter’s eligibility.

“Secret Ballot” shall mean a ballot cast by a voter in which the voter’s identity is anonymous.

“Spoiled Ballot” shall mean a ballot that shall not be counted. A spoiled ballot is one of the following: 1) A ballot not cast in the prescribed manner outlined in this Ordinance or in the prescribed manner directed by the Election Committee; 2) A Cast Ballot in which the intent of the voter cannot be determined; or 3) A ballot issued to a voter at a polling place on election day that is returned by that voter for replacement by another ballot.

“Tribe or Tribal” shall mean the Catawba Indian Nation.

“Voter(s)” shall mean an eligible voter who casts their vote in an election.

ARTICLE 2 – VOTER ELIGIBILITY AND VERIFICATION

Section 2.01 Eligibility

- a. Eligible Voters shall be those enrolled Citizens of the Catawba Nation who are 18 years of age or older on the date of the election in accordance with Article III, Section 2 of the Constitution of the Catawba Nation.
- b. Any person voting more than one time in an election may be prohibited from voting in Tribal elections for a period of five (5) years from the date of the offense.

Section 2.02 Verification

- a. To receive a Polling Place Ballot (Absentee Ballots are received pursuant to Article 9 of this Ordinance), an Eligible Voter must present a form of government picture identification to the Election Committee prior to signing the Registry provided by the Committee at the Polling Place on the day of an election.
- b. Some forms of identification that may be accepted are:
 - a. Identification card issued by the Catawba Indian Nation (also referred to as an Enrollment Card);
 - b. State-issued or government-issued Driver’s License; or
 - c. Government issued Passport.
- c. To verify an Eligible Voter’s identity, a member of the Election Committee shall validate the Eligible Voter’s name against the Registry by highlighting the Eligible Voter’s printed name on the Registry.

ARTICLE 3– QUALIFICATIONS FOR ELECTED OFFICE

Section 3.01 Requirements for Candidates

- a. In order to be a candidate for Elected Office, a Citizen must:
 1. Be a General Council member pursuant to Article III of the Nation’s Constitution,

2. Be nominated by a General Council member either in person or virtually at the first General Council meeting of the year,
 3. Not have been convicted within the last 10 years of a crime subject to imprisonment for a term of one (1) year or longer, except those crimes determined by the Election Committee that relate to the furtherance of the Nation's sovereignty and rights, or not have been convicted within the last 10 years of a crime involving dishonesty or violence, and
 4. Pass a hair drug screening test administered by the Election Committee.
- b. Nominations. In addition to requirements outlined in this Section, Citizens must be present either in person or virtually at the General Council meeting in which the candidate was nominated to accept the nomination.
 - c. The Election Committee shall have the duty and power to determine the eligibility of Nominees for Elected Office of the Nation in accordance with this Ordinance. To be a candidate for Elected Office, a Nominee must complete the Announcement of Candidacy Form supplied by the Election Committee and file it with the Chairperson of the Election Committee within 30 days of nominations.
 - d. The Election Committee ensures a background check and drug test be administered within 60 days of receiving a candidate's Announcement of Candidacy Form.
 - e. A Federal criminal background check will be conducted by name, date of birth, fingerprints, and the social security number of a Nominee.

Section 3.02 Ineligibility

- a. A Nominee must undergo a hair drug screening test and shall be declared ineligible to run for office if the test identifies a drug illegal under the laws of South Carolina and the Catawba Nation for which the Nominee lacks a prescription for from a licensed medical professional.
- b. A Nominee must undergo a criminal background check and shall be declared ineligible to run for office if it reveals 1) any Conviction within the last 10 years in which the Nominee was imprisoned for a year or longer, except those crimes determined by the Election Committee that relate to the furtherance of the Nation's sovereignty and rights, or 2) other criminal Convictions involving dishonesty or violence within the last 10 years.
- c. Other misdemeanors or traffic violations will not be used to declare a Nominee ineligible.
- d. A Nominee shall be notified by the Election Committee if it finds that the Nominee is ineligible to run for Elected Office pursuant to the terms in this Ordinance. The Nominee may appeal the Committee's decision to the Tribal Court within 14 Days of receiving notice of the Committee's finding. A decision by the Tribal Court is final. If the Tribal Court is not established, the Nominee may appeal to the Election Committee.

- e. Challenges against a candidate concerning eligibility shall be brought to the Tribal Court. If the Tribal Court is not established, challenges may be brought to the Election Committee. No challenges shall be brought against a candidate concerning eligibility after absentee ballots are mailed. The Election Notice shall include information on when requested Absentee Ballots will be mailed.

Section 3.03 Filing Fee

A filing fee shall be assessed for candidates for any Elected Office. Such fee shall be made at the time of filing for office and shall be payable to the Election Committee of the Catawba Nation, by certified check, cashier's check, money order, or credit/debit card. This fee will be used for the expense of the criminal background, drug tests, and other expenses of running the election. The amount of the filing fee shall be determined by the Election Committee.

Section 3.04 Limits on Office

A candidate for Elected Office can only accept a nomination for one (1) office. An elected official cannot run for another office if that official's current term would overlap with the term of the office he or she would be seeking; nor can an official who resigns run for another office during his or her original term if that term would overlap with the term of the office he or she would be seeking.

Section 3.05 Vacancy

In the event that there is no candidate for an elective office at the first General Council Meeting of the year, the vacancy shall be filled pursuant to Article V, Section 1 of the Constitution of the Nation.

ARTICLE 4 – ELECTIONS AND NOTICE

Section 4.01 Regular Elections

Elections for Executive Committee positions shall be held every four years (starting with 2007) in the month of July. Elections for other positions may be held in accordance with General Council resolutions or ordinances of the Nation establishing such positions.

Section 4.02 Special Elections

Special elections shall be held by the Elections Committee pursuant to Article V, Section 1 of the Constitution of the Nation.

Section 4.03 Notice of Nominations

A nomination notice shall be sent via mail to all Citizens who will be Eligible Voters, or at least 18 years of age, the day of the election, at least 45 Days prior to the January General Council meeting taking place during an election year. A nomination notice shall include information pertaining to the upcoming election and the requirements for those interested in running for Elected Office.

Section 4.04 Notice of Elections

An Election Notice shall be sent via mail to all Citizens who will be Eligible Voters, or at least 18 years of age, the day of the election, at least 90 Days prior to the election date. Election Notice will also be posted to the Nation's Citizen Portal, posted at Tribal facilities, and posted to the Tribe's social media. The Election Notice shall include information pertaining to the election, such as the date, time, and Polling Place of the election. The notice shall also include an Absentee Request Form and may include other forms necessary for participating in the election process.

Section 4.05 Event Calendar

The Election Committee shall establish an Event Calendar for each election, which may be established prior to January nominations of the General Council during each election year. This Event Calendar shall be posted on the Nation's Citizen Portal, sent to members of the Executive Committee, sent to candidates for that election, and distributed to Citizens if requested. The Event Calendar shall reflect the dates for events outlined in this Ordinance, which may include but is not limited to the following events:

- a. Nomination Notice
- b. Nominations
- c. Election Notice
- d. Election Day
- e. Deadline for Announcement of Candidacy Form
- f. Deadline for Absentee Ballots

ARTICLE 5 – THE EXECUTIVE COMMITTEE

Section 5.01 Terms

The terms of office for seats on the Executive Committee shall be four years in accordance with the Constitution of the Nation.

Section 5.02 Vacancies

Vacancies on the Executive Committee shall be filled in accordance with the Constitution of the Nation and in accordance with all laws of the Nation, where applicable.

Section 5.03 Requirements

No one may serve on the Executive Committee while also serving as: (1) an employee of the Nation; (2) a board, committee, or commission member of a Tribal enterprise or Tribal corporation, unless specified by Tribal, Federal or state law; (3) an employee of the Bureau of Indian Affairs or of the Indian Health Service; (4) an employee of any Federal agency where their employment potentially would involve matters of concern to the Catawba Nation, unless they recuse themselves from working on such matters in their employment with that Federal agency; (5) a judicial official

of the Nation, or (6) a member of a Tribal board, committee, or commission (except this shall not apply to committees or workgroups the Executive Committee may form to perform its functions).

Any such individual, if elected to office, must resign from a position listed above before being sworn into office. All stipulations above shall apply during an elected official's full term in office.

ARTICLE 6 – BALLOTS AND ELECTION RECORDS

Section 6.01 Design

The Election Committee shall have the duty and responsibility to design and update Ballots and any other documents that may be necessary to conduct elections and ensure the security and integrity of the Ballot. This shall include but not be limited to the order of offices on the Ballot and the posting of sample Ballots. The order of names on the Ballot shall be alphabetically by last name, then alphabetically by first name if candidates have the same last name.

Section 6.02 Polling Place Ballots

All Polling Place Ballots shall be marked by the words "Polling Place Ballot" to indicate the Ballot is to be cast only at the Polling Place.

Section 6.03 Absentee Ballots

All Absentee Ballots shall be marked by the words "Absentee Ballot" to indicate the Ballot is only to be used for absentee voting.

Section 6.04 Records

Election Records shall be maintained by the Election Committee at all times. The results of official voting returns and other pertinent documents shall be stored as official documents of the Catawba Nation and shall be kept in a safe and secure manner. Vote tally sheets shall be preserved and maintained by the Election Committee for a period of not less than four (4) years after an election.

Section 6.05 Ballot Boxes

- a. There shall be seven (7) Ballot boxes: one (1) for the previous elections, two (2) for the upcoming elections, three (3) for all other elections or in case of a tie vote in an election, and one (1) curb-side voting box. In the event of an extraordinary occurrence, the Election Committee is authorized to use additional Ballot boxes.
- b. Ballot boxes shall be triple locked. During the election process, one (1) key shall be kept by the Election Committee Chairperson, one (1) key shall be kept by a staff member designated by the Director of Public Safety within the Nation's Department of Public Safety, and one (1) key shall be kept by the Secretary of the Election Committee.
- c. The Ballot boxes shall remain locked at all times except when necessary for the canvassing of ballots.
- d. The Ballot boxes shall at all times be kept in a safe and secure place.

- e. Ballots for an upcoming election shall be stored securely in a locked container prior to being issued.
- f. The Ballot boxes shall be preserved and maintained by the Election Committee and shall be moved only in the presence of at least two members of the Committee.

Section 6.06 Electronic Counting

Notwithstanding anything in this Article to the contrary, the Election Committee may adopt electronic means for the casting and counting of votes, so long as such electronic means follow procedures that are generally acceptable in other jurisdictions that allow electronic balloting. However, any such procedures shall comply with this Ordinance and be made publicly available at least one week in advance of an election.

ARTICLE 7– POLLING PLACE

Section 7.01 Official Location

The official Polling Place for all elections of the Nation shall be the principal office of the Nation, which is the Longhouse located on the Nation’s Reservation in South Carolina. The Election Committee may also designate other Polling Places.

Section 7.02 Hours of Operation on Election Day

The polling place shall be open from 7:00 a.m. to 7:00 p.m. on the date of the election.

ARTICLE 8– POLLING PLACE VOTING

Section 8.01 Secret Ballot

Votes made in all elections shall be made by Secret Ballot.

Section 8.02 One Ballot Per Eligible Voter

An eligible voter shall only vote one time, either in person at the polling place on the day of an election or by Absentee Ballot.

Section 8.03 Voting Booth

- a. After receiving a Ballot, the eligible voter shall immediately enter an unoccupied booth. If all booths are occupied, the eligible voter shall wait in an orderly line and enter the first unoccupied booth when their time in line comes to enter a booth.
- b. Except as otherwise provided in this Ordinance, only Ballots marked in a booth shall be put into the Ballot box.
- c. The voting booth shall consist of a shelf or countertop to mark Ballots. The voting booth is designed to ensure privacy during voting and to ensure there is only one person in the voting booth at a time. The Election Committee may use voting machines, including

electronic means of casting and counting Ballots, so long as such means have verifiable paper recordkeeping. There shall be a minimum of two (2) voting booths at the polling place on an Election Day.

- d. There shall be one (1) person in a voting booth at a time with the following exceptions at the request of the Eligible Voter:
 - a. An Eligible Voter who is physically disabled, visually impaired, non-reading, or non-English speaking may have assistance in marking a Ballot and shall affirm to an Election Committee member that they need assistance. The person assisting such Eligible Voters shall complete an Affidavit of Assistance Form affirming to not discuss the Eligible Voter's personal Ballot choice with any person and affirming to not influence the Eligible Voter in casting their Ballot. The person will only assist in marking the Ballot as the Eligible Voter wishes. Candidates running for office and those campaigning on behalf of a candidate shall not assist in marking Ballots.
 - b. Minor children of an Eligible Voter may accompany the Eligible Voter in the voting booth while the Eligible Voter is casting their Ballot. Eligible Voters shall attest that the person(s) accompanying them are their minor children.
 - c. Any time an eligible voter has a person's assistance in the voting booth, an Election Committee member shall be present to ensure that the person assisting the eligible voter does not attempt to influence their vote.

Section 8.04 Spoiled Ballot During Voting

An eligible voter shall only use the Ballot given to that eligible voter at the time of signing the Registry unless the Ballot becomes spoiled. If the Ballot becomes spoiled, the voter shall return the Ballot to the issuing Election Committee member at such time which the Ballot will be voided in the presence of the eligible voter and a new Ballot will be issued to the Eligible Voter. The Registry will be noted that a Spoiled Ballot has been returned and a new Ballot has been issued.

Section 8.05

Ballots shall be marked according to language provided by the Election Committee on the Ballot.

Section 8.06

After marking the Ballot, the voter shall fold the Ballot or otherwise cover the face of the Ballot, such as in an envelope, in accordance with instructions provided by the Election Committee and physically put the Ballot into the slot of the Ballot box.

Section 8.07

At the closing of the polls, all Eligible Voters in line at the closing hour shall be given an opportunity to cast their Ballots. No other persons will be allowed to join the line past the closing hour.

Section 8.08 Curb-Side Voting

- a. A sign will be posted outside the polling station marking where curb-side voting will be conducted.
- b. Two (2) Election Committee members will be designated to oversee curb-side voting.
- c. One (1) Election Committee member will be responsible for taking the Eligible Voter's identification inside to be verified with the Registry.
- d. The Committee member in charge of the Registry will confirm the Eligible Voter's identification with information in the Registry and will transfer the Eligible Voter's information to the curb-side Registry.
- e. The curb-side Registry will be taken to the Eligible Voter for signature and the curb-side Ballot box will be removed from the voting Ballot box area and brought by two Committee members to the Eligible Voter.
- f. A Committee member will give the Ballot to the Eligible Voter who will then mark the Ballot, fold the Ballot, and place the Ballot into the curb-side Ballot box.
- g. Two Committee members shall immediately return the curb-side Ballot box to the voting Ballot box area.

Section 8.09 Registry

- a. The Registry shall be the specific responsibility of the Secretary of the Election Committee while the Chairperson shall be responsible for all records including the Registry.
- b. During verifying the identities of Eligible Voters on election day, there shall be no less than three (3) Election Committee members always present, with at least two (2) at the table where Eligible Voters' identities are verified and at least one (1) at the Ballot box.
- c. The Election Committee shall, after each election and prior to the certification of the results, cross-check the Registry used at the Polling Place to ensure a Voter does not vote more than one time in the election.

ARTICLE 9– ABSENTEE VOTING

Section 9.01

Any eligible voter shall be entitled to vote by Absentee Ballot.

Section 9.02

An Absentee Ballot Request Form shall be sent to all Citizens who will be Eligible Voters, or at least 18 years of age, the day of an election. The Absentee Ballot Request Form shall be sent prior to an election and shall be included with the notice of the election.

Section 9.03

Absentee Ballot Request Forms shall be submitted to the Election Committee as directed by the Election Committee on the Form.

Section 9.04

Only Eligible Voters who submit an Absentee Ballot Request Form will be sent an Absentee Ballot by mail at least 30 Days before the date of the election. No Absentee Ballot Request Forms will be accepted by the Election Committee after this time.

Section 9.05 Absentee Ballot Submitted and Received

Absentee Ballots not received by the Election Committee by mail the day before the election shall be declared invalid and shall not be counted.

Section 9.06 Absentee Ballot Records

The Election Committee shall maintain a record of all Absentee Ballots, including names and addresses of all Eligible Voters to whom Absentee Ballots are mailed.

Section 9.07 Materials Mailed with Absentee Ballots

The Absentee Ballot shall be mailed by the Election Committee and shall be accompanied by the following materials:

- a. One (1) plain envelope marked “Absentee Ballot.”
- b. One (1) stamped envelope marked “Catawba Indian Nation Election Committee,” with the return address listed.
- c. A statement to be signed by the voter affirming their identity and that they personally marked the Ballot.
- d. An information sheet explaining the procedures for completing and returning the Absentee Ballot to the Election Committee.

Section 9.08 Methods for marking and Returning Absentee Ballots

- a. The Ballot shall be marked.
- b. The marked Ballot shall be placed in the inner envelope marked “Absentee Ballot” and the envelope shall be sealed.
- c. The statement affirming the voter’s identity must be filled out completely and signed.
- d. A copy of a government picture identification, as outlined in Article 2.
- e. The sealed inner envelope, which holds the Absentee Ballot, as well as the statement affirming the voter’s identity, and the copy of the government identification, shall be placed in the stamped outer envelope marked “Catawba Indian Nation Election Committee.”

Section 9.09 Method of Handling Absentee Ballots

At least two (2) members of the Election Committee, which shall include the Chair, Co-chair, Secretary, or Election Committee member designated, will place any returned Absentee Ballot envelopes into the locked Ballot box, which will be located in a safe and secure place.

Section 9.10 Verification of Absentee Ballots

On the day before an election and in the presence of at least four (4) members of the Election Committee, one (1) of which must be the Chairperson, Co-chair, or Secretary, the Election Committee will open the outer envelope, read the statement of identity aloud and place the envelop marked “Absentee Ballot” containing the Absentee Ballot into the locked Ballot box. The statement of identity and other materials shall be retained and secured by the Election Committee for their records.

Section 9.11 Spoiled Ballot

An Absentee Ballot not cast in the prescribed manner outlined in this Ordinance or in the prescribed manner directed by the Election Committee shall be spoiled and not counted.

ARTICLE 10– CANVASS OF ELECTION RETURNS

Section 10.01 Official Counters

Immediately after the polls are closed, all Ballots shall be returned to the principal office of the Catawba Nation (Longhouse Tribal Office) where the counting of the Ballots shall commence. The official counters shall be the Election Committee. The Secretary of the Election Committee shall be the official recorder of the counting process. The Election Committee shall be responsible to determine conflict-of-interest situations, and if so determined, the Committee shall have the duty and authority to correct the situation by replacing the counter(s) affected.

Section 10.02 Procedures for Counting Ballots

The Ballot boxes shall be taken to a private room once the polls close and the last Ballot has been cast. The following individuals shall be present at the counting:

- a. Two readers of Ballots who shall be members of the Election Committee, and
- b. Counters of votes (to run separate tallies) who shall be the remaining members of the Election Committee, including alternates.
- c. Watchperson(s) may be present at the counting and each candidate shall be allowed one Watchperson.

The appropriate Ballot boxes will be unlocked by the Chair, a staff member designated by the Director of Public Safety within the Nation’s Department of Public Safety, and Secretary of the Election Committee. There shall be no candidate for election among those counting votes or in the counting room. As each Ballot is pulled from the Ballot box, both readers will simultaneously read the Ballot and announce the vote to the tally counters, who will mark their tally sheets. Readers shall not tally the votes. As the last Ballot is tallied from each Ballot box, the Ballot box will be shown to all that it is empty and that all legal votes have been tallied. The tally sheet will be

compared after every 25 votes are counted and if discrepancies appear the votes will be re-tabulated. Each tally sheet will be signed by the Committee Chairperson and Committee Secretary when the sheets are identical and correct in count. Marked Ballots and tally sheets will be relocked in the Ballot boxes and kept in a safe place until the next election or if there is a challenge of the voting or counting procedure. No cell phones or other electronic devices will be allowed during counting of Ballots.

Section 10.03 Ballot Boxes

The Ballot boxes may be opened for removal of Ballots for the purpose of counting on the day of the election, but only in the presence of the Election Committee Chairperson, Committee Secretary, at least two (2) Election Committee members designated by the Election Committee, and the other witness provided for in this Article. The Ballot boxes may only be opened on other occasions when authorized by this Ordinance and then only in the presence of the Election Committee Chairperson, Secretary, and at least two (2) Election Committee members designated by the Election Committee.

Section 10.04 Reasons for Failure to Count Ballot

While Ballot counting, the Election Committee shall act as umpire in determining if a Ballot is spoiled. A Spoiled Ballot will be signed by the Election Committee Chairperson, Co-Chair, and Secretary, and a written statement shall be provided setting forth the reason not counting the Ballot. A Ballot shall be spoiled if:

- a. The Election Committee is unable to determine the intent of the voter due to any additional or stray marks on the Ballot.
- b. The voter has cast more than one Ballot in violation of this Ordinance.

ARTICLE 11– CAMPAIGNING AND WATCHPERSON

Section 11.01 Campaigning Requirements

There shall be no campaigning within 50 yards of the Polling Place, as determined by the Election Committee for that election, on an Election Day by any candidate and/or person. If the Polling Place for an election is at the Longhouse, campaigning may take place in the parking lot of the facility located across the street from the Longhouse. Candidates who do not abide by these restrictions shall be disqualified from running for office. It shall be the duty of the Election Committee Chairperson and Co-Chairperson to maintain order and prevent campaigning in the restricted area around the Longhouse during the election process.

Section 11.02 Watchperson

- a. A Watchperson may be appointed by a candidate running for office and must be an Eligible Voter.
- b. The duties of a watchperson shall be limited to observing the official Ballot count and the Watchperson shall have no other authority than written objection (to be given to candidate) to said Ballot count.

- c. The Watchperson shall be identified by a badge, armband, or other appropriate identification to be issued by the Election Committee.
- d. A letter of authorization from a candidate for a Watchperson is to be filed with the Election Committee Secretary within one (1) week before the election.
- e. The Watchperson is not allowed to have a cell phone or other electronic device during the counting of ballots. The Watchperson may not return to the building if the watchperson leaves the building during the counting of Ballots without being accompanied by an Election Committee member.

ARTICLE 12– ELECTION DISPUTES

Section 12.01 Challenges

- a. In the event that a voter or candidate wishes to challenge the election results, the voter or candidate must notify the Election Committee in writing within five (5) Days after notification of the election results, excluding weekends and holidays.
- b. The notification in writing to the Election Committee must be addressed to the Election Committee and must include the following: voter/candidate's name, address, and enrollment number; specify the election being contested; specify the reasons for contesting the election; and what the voter/candidate would like the Election Committee to do, such as a recount or otherwise declaring the election void for any valid reason. The Election Committee shall respond within 5 Days.
- c. The Election Committee shall hear challenges that allege this Ordinance was violated. Decisions of the Election Committee regarding challenges may be appealed to the Tribal Court once established.

Section 12.02 Recount Procedures

- a. In the event of a successful election protest in which the contestant is asking for a recount, the Election Committee shall, within 10 Days of receipt of the protest, recount those Ballots of the election protested, in the same manner as the original election or to otherwise meet to consider the contestant's election challenge. The Election Committee will review and take necessary actions.
- b. All those persons present at the original Ballot count shall be permitted to attend the recount.
- c. After the recount, the Election Committee Chairperson shall announce to the parties the decision as to whether the original election count will stand, and the protest will be held valid. Votes that are one (1%) percent of each other, in each position, will automatically be recounted.

Section 12.03 Void Election

If the Election Committee, or the Tribal Court (once established), declares an election void, another election shall be called within 90 Days of the declaration. An election may only be declared void

if the Election Committee, or the Tribal Court (once established) upon appeal, determines that irregularities in the election process were so grave that they affected which candidate prevailed in the vote.

ARTICLE 13– INSTALLATION OF ELECTED OFFICIALS

Section 13.01

The installation of the newly elected officers of the Catawba Nation shall be the responsibility of the Election Committee.

Section 13.02

The installation of an elected officer of the Nation shall be within 10 Days following the certification of the election results and after all protests are satisfied. Installation shall occur at the Nation’s Longhouse.

Section 13.03

The Chairperson of the Election Committee or a designated alternate shall administer the Oath of Office to the elected officers.

Section 13.04 Oath of Office

The following Oath shall be administered to elected officers:

I _____, do solemnly affirm that I will support, defend, uphold, and enforce the Constitution and all laws of the Catawba Nation and that I will faithfully, honestly, and impartially fulfill the duties of my office to the best of my abilities while always seeking to promote and protect the best interest of the Catawba Nation and its People, so help me God.

ARTICLE 14– RECALL OF OFFICIALS

Section 14.01

Elected officials can be recalled in accordance with Article V of the Nation’s Constitution and other applicable laws of the Nation. To the extent that Article V of the Nation’s Constitution requires interpretation, such interpretation shall be provided by the Tribal Court. A determination by the Tribal Court is final. In the event the Tribal Court does not exist, the General Council shall interpret Article V of the Constitution.

Section 14.02

A Recall Petition, as provided for in Article V, Section 2 of the Constitution, shall be hand delivered to the Chairperson of the Election Committee, who will, in the presence of the spokesperson, counter sign and date the petition as evidence of the receipt of said Petition.

Section 14.03

Upon Receipt of a Recall Petition, the Election Committee Chairperson shall notify each member of the Election Committee within twenty-four (24) hours that a Recall Petition has been filed and shall call a special meeting of the Election Committee within 10 Days, excluding weekends and holidays, to determine the validity of said Petition. The Election Committee Chair shall notify the Chief, in like manner, that a Recall Petition has been filed and inform the Chief fully as to details of said Petition.

Section 14.04

A Recall Petition shall be declared as valid by the Election Committee when the following conditions are met:

- a. The Petition must be signed by at least eight percent (8%) of Eligible Voters, as required by the Constitution, and as verified from the official voter Registry maintained by the Election Committee.
- b. The Recall Petition shall include a complete and exact explanation of the reasons for the pressing of charges at the beginning of each page of said Petition and shall designate the name of one registered voting Citizen to act as spokesperson empowered to explain in greater detail said Petition. Failure to comply with this requirement shall be cause for voiding said Petition.
- c. The Recall Petition shall contain the name of the elected official and the official's office under consideration for recall, on each sheet of the Petition. A Recall Petition may only be for one (1) official. This does not preclude the possibility of more than one Recall Petition being under consideration at the same time.

Section 14.05

The Election Committee, upon validation of a proper Recall Petition, shall, within twenty-four (24) hours, notify the Chief, and the accused, in writing that said Petition has been filed with the Election Committee and a copy of said Petition (without signatures) will be sent to the accused. In accordance with the Constitution, the petition will then be presented at a regular or special meeting of the General Council. The accused official shall be notified in advance of such meeting of the charges and shall have an opportunity to offer a defense at such meeting. A majority vote of all Eligible Voters shall be necessary to remove an official from office. A Tribal official may only be removed in cases of misconduct, immorality, or neglect of duty.

ARTICLE 15– ELECTION COMMITTEE

Section 15.01 Conflict of Interest

The members of the Election Committee shall disqualify themselves and withdraw from any and all functions of their position during any election or process in which a conflict of interest arises. A conflict of interest includes validating a petition that the Committee member signed, counting votes for an Immediate Family Member, and other such conflicts. Such members shall resume their duties only when there is no longer a conflict of interest. The Election Committee shall have the authority, by majority vote, to disqualify any of its members in the event they continue to function in a conflict-of-interest situation. No Committee member shall participate in any discussion, action, or vote on any matter in which he or she or a member of his or her immediate

family has a potential conflict of interest due to having material economic involvement regarding the matter being discussed or otherwise being addressed. When such a situation presents itself, the Committee member must announce his or her potential conflict, disqualify himself or herself, and be excused from the meeting or other relevant activity until discussion is over on the matter involved or otherwise recuse him or herself from the matter. All Committee members are expected to make inquiry if such conflict appears to exist and a Committee member has not made it known. A conflict of interest shall include but not be limited to overseeing, adjudicating or deciding any matter in which the Committee member's ability to act without bias is affected. A matter shall be deemed a conflict of interest where the matter at issue would directly affect a Committee member's immediate family, or personal or business interest, except where such matter or interest is one that is held in common with all Citizens of the Nation and affects all Citizens directly in essentially the same manner. The Election Committee or Members of the Election Committee shall not host candidate forums, publicly announce their intention of their vote, or portray a biased opinion on any candidate.

Section 15.02 Alternates

- a. The Election Committee is empowered to appoint a minimum of two (2) alternates who shall attend all meetings of the Committee and be able to function as regular members as the need arises during conflict-of-interest situations or other absences.
- b. The alternates shall have no power, authority, or votes unless they are sitting as alternates in the place of an elected member in the case of a conflict-of-interest situation or a regular member's absence. However, in the case of vacancies on the Committee through death, resignation, disqualification, disability or any other cause, the unexpired term of such vacancy shall be filled by an alternate selected by the Election Committee.

Section 15.03 Identifiable

Members of the Election Committee shall be clearly identifiable to General Council members during regular and special General Council meetings and on Election Days.

Section 15.04 General Council Meetings

The Election Committee shall count the votes of the General Council during hybrid regular and special meetings of the General Council. The Election Committee shall verify Petitions for special meetings of the General Council.

Section 15.05 Duties

The duties of the Election Committee shall be as follows:

- a. The Election Committee shall have the duty to administer the procedures outlined in this Ordinance and comply with any other laws and regulations of the Nation that may be applicable.
- b. It shall be the duty of the Election Committee members and the Election Committee alternates sitting as Election Committee members to verify Eligible Voters on election dates using the Registry.

- c. In addition to the above mentioned, the duties of the Election Chairperson shall be as follows:
 - a. Call all regularly scheduled meetings of the Committee and such other meetings as necessary for the proper conduct of the Committee's business,
 - b. Preside over all Committee Meetings, except in case of absence for good cause; Ex. sickness, death (Immediate family) and medical emergency;
 - c. Install elected Tribal officers and administer the Oath of Office,
 - d. Perform all other duties as may be necessary and required by this Ordinance, and
 - e. Announce official results after all Ballots are counted and official results following a recount, if applicable.
- d. In addition to the duties enumerated in this Article, the duties of the Co-chairperson shall be as follows:
 - a. Assume all duties of the Election Chairperson in case of his or her absence or inability to perform the Chair's duties, and
 - b. Perform all other duties as may be necessary and required by this Ordinance and the Constitution of the Nation.
- e. In addition to the duties enumerated in of this Article, the duties of the Election Committee Secretary shall be as follows:
 - a. Preside over all Committee Meetings in case of the absence of the Election Chairperson and /or Co-chairperson;
 - b. When sitting as the presiding officer, the Secretary shall appoint alternates sufficient in number to maintain a quorum of Committee Members;
 - c. When sitting as the presiding officer, the Secretary shall appoint a member to assume the Secretary's duties while the Secretary is sitting as a presiding officer;
 - d. The Secretary and his or her designate shall take minutes of all Committee meetings and make available these minutes to the Chairperson, the Executive Committee, and any other interested Citizen, and
 - e. Perform any and all other duties as may be required by this Ordinance and the Constitution of the Nation.
- f. In addition to the duties enumerated in this Article, the members and alternates of the Election Committee will be required to perform all other duties and functions as they may be appointed to or volunteer for or as may be required.
- g. An Election Committee member shall be removed from the Committee if he or she misses three (3) consecutive meetings without good cause. Examples of good cause include: a

medical emergency, the death of a family member or close friend, travel, and may include others as deemed acceptable by the Committee.

Section 15.06 Election Committee Procedures

The Election Committee shall be governed by the following procedures and such other procedures it may adopt for its meetings. These procedures shall be written and be made available at all meetings of the Committee and to any Citizen upon request.

- a. Powers. The Election Committee powers and business shall be exercised, conducted and controlled by the Election Committee members, except as otherwise provided in these procedures.
- b. Composition. There shall be seven (7) Citizens on the Committee. Committee members shall be elected by the General Council at a regular or special meeting of the General Council. Committee members shall designate a Chairperson, Co-Chairperson, and Secretary, who shall have the following duties:
 - a. Chairperson – The Chairperson shall preside at all meetings of the Committee. The Chairperson shall also:
 - i. Receive and acknowledge communications, petitions, and requests on behalf of the Committee. All communications, petitions, and requests shall be transmitted to members of the Committee.
 - ii. Propose an agenda for Committee meetings with the assistance of the Committee Co-Chairperson, subject to amendment and adoption by the Committee as a whole.
 - iii. Be responsible for representing the position of the Committee to the public.
 - iv. Coordinate with other Tribal officials, with the assistance of the Co-Chairperson, the Committee's public communications.
 - v. Keep the Committee focused on the mission, vision, and goals of the Committee.
 - vi. Be able to vote on all issues except where there is a conflict of interest.
 - vii. Delegate assignments and duties to other Committee members.
 - viii. With the consent of the Committee, sign and approve business matters of the Committee, and manage the matters of the Committee.
 - ix. With the assistance of the Committee Co-Chairperson, develop for the Committee's review, an expenditure plan for the Committee based on the Committee's budget for the fiscal year.
 - x. Perform other duties as assigned by the Committee.

- b. Co- Chairperson - The Co-Chairperson shall assume the duties of the Chairperson in the absence of the Chairperson.
- c. Secretary- The Secretary shall assist the Chairperson in establishing and maintaining the records and minutes of the Committee in addition to notifying Committee members of meetings and day to day business of the Election Committee. The Committee may assign the Secretary additional duties and responsibilities.
- c. Terms of office. Committee members shall serve four-year-terms and are eligible for reappointment. New appointments will be made at the next regularly scheduled General Council meeting.
- d. Vacancies. In the case of vacancies on the Committee through death, resignation, disqualification, disability or any other cause, the unexpired term of such vacancy shall be filled by the Alternate Election Committee member selected by the Election Committee.
- e. Regular Meeting. Regular meetings of the Election Committee members shall be held either in-person at a location agreed upon by the Election Committee, or virtually via telephone or video conference. The Election Committee shall meet at least once every other month or as needed and agreed upon by the Election Committee.
- f. Meeting Notice. The Secretary of the Election Committee is responsible for notifying all members of the time and place of meetings, whether regular or special, in writing at least three (3) Days before such meeting.
- g. Quorum. A quorum of the Election Committee shall not be less than four (4) members for the transaction of business during a meeting.
- h. Special Meeting. Special meetings for any purpose shall be called by the Secretary of the Election Committee at the request of the Chairperson or upon written request of a majority of the Election Committee. The Election Committee may meet either in person or virtually for special meetings.
- i. Organization. Members of the Election Committee shall be governed by the current edition of Roberts Rule of Order to the extent that such rules do not conflict with this Ordinance and may adhere to other policies and procedures which the Committee may adopt.
- j. Designated Space. The Election Committee shall have a designated office space within the Longhouse, or other Government building of the Nation, to carry out its duties. The Election Committee shall also have materials needed to fulfill its duties, which shall include but is not limited to the following: a computer, printer, and fireproof and secure file cabinets. The Chair and Secretary of the Election Committee shall hold keys to locked file cabinets.

**ARTICLE 16–
APPLICATION OF CONSTITUTION**

If any terms of this Election Ordinance conflicts with the Constitution of the Catawba Nation, it shall be superseded by the Nation’s Constitution.

**ARTICLE 17–
SOVEREIGN IMMUNITY**

Nothing in this Election Ordinance shall be interpreted to provide a waiver of the sovereign immunity, in whole or in part, of the Nation or any of its subsidiaries, departments, affiliates, officers, employees, or agents acting within the scope of their authority.

**ARTICLE 18–
SEVERABILITY**

If any article or part thereof of this Election Ordinance or the application thereof to any party shall be held invalid for any reason whatsoever by a court of competent jurisdiction or by Federal legislative action, the remainder of the relevant article or part of this Ordinance shall not be affected thereby and shall remain in full force and effect.

**ARTICLE 19–
AMENDMENT**

This Election Ordinance shall only be amended by the General Council pursuant to the Constitution of the Nation.

**ARTICLE 20–
EFFECTIVE DATE**

This Election Ordinance shall become effective on the date of its approval by the General Council.

**ARTICLE 21–
ELECTION FORMS**

The Election Committee shall have the power to adopt necessary forms for the administration of this Ordinance and in accordance with its duties. Such forms may include but are not limited to the following:

- a. Affidavit of Assistance Form
- b. Announcement of Candidacy
- c. Candidate Information Sheet
- d. Candidate Nominations Sheet
- e. Fingerprint Form
- f. Poll Watcher Designation Form
- g. Record of Official Candidate Name on Election Ballot