



# IYAKAPTAPI DISTRICT

**BIG COULEE  
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## **DISTRICT ELECTION GUIDELINES**

This District Election Guideline is intended to establish minimum procedures to ensure fair District elections. This Guideline does not apply to elections for Tribal Council, which is governed by Chapter 3, the Election Ordinance, of the Sisseton-Wahpeton Oyate code of laws.

### **TITLE 1 – VOTERS**

#### **1-01 District Voting Roster**

Section 2, Article IV, Constitution of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation provides that “[e]ach District Council shall consist of the adult members of the Tribe registered on a District voting roster which will be maintained by the District Secretary.” Enrolled members over the age of 18 “shall be entitled to vote in the District in which he is registered.” Section 4, Article V, SWO Constitution. Such members “shall register, vote and hold office in the District of their residence, or if they are non-residents, in the District of their former residence, or if they never were residents, in the District of their choice.” Section 5, Article V, SWO Constitution.

#### **1-02 District Registration**

A person seeking to become a new voter must request membership in a Tribal District and be approved for such membership prior to sixty days before the date of the election in order to be considered a registered voter in such election. A person classified as a new voter, who has not registered at the District prior to thirty (30) days before the date of the election shall not be allowed to cast a vote. This Section shall apply only to those voters classified as new voters and shall have no effect on the status of currently registered voters.

#### **1-03 Non-Resident Voters**

Registered non-resident voters must vote in person in the District of their registration.

## **1-04 Duplicate Registration**

Any person whose name appears on two or more voting rosters shall be required to take her or his name off one of the voting rosters in order to vote. A person seeking to become eligible to vote in a District election shall ensure that her or his name is only on one District voting roster at least thirty days before the date of the election in order to be considered a registered voter in such election.

## **TITLE 2 – ELECTION**

### **2-01 Time and Place**

The election shall be held on \_\_\_\_\_ . The designated polling place shall be opened at 7:00 A.M. and shall close at 7:00 P.M.. The location of each polling place shall be the District Center of each District unless another place is designated by the District Election Board.

### **2-02 Posting Notice**

In addition to such notices as may be given by the District Election Board, the District Secretary shall post in the District Center and publish in the Sota Iya Ye Yapi, at least twenty one days prior to the election , the names of all qualified candidates, the office or offices for which the election is being held, and the time and place of the election.

### **2-03 Ballots and Method of Casting Votes**

Ballots shall be secret and shall be cast by dropping into locked ballot boxes. The use of stickers and write-ins will not be recognized as a legal method of balloting for any District election and the use of stickers and write-ins shall disqualify the ballots.

### **2-04 Spoiled Ballot**

A voter who spoils their ballot may receive a new ballot if the voter surrenders the spoiled ballot to a District Election Board member. The District Election Board member shall mark the name of the voter on the spoiled ballot and place their personal initials on the spoiled ballot. All spoiled ballots shall be accounted for on a separate tally sheet. The Election Board member shall keep the spoiled ballots in a separate envelope marked “spoiled ballots.”

### **2-05 Defective Ballot**

Defective ballots shall not be counted. Ballots not counted because the voter marks more names than there are persons to be elected for a position or because it is impossible to determine the voter’s choice of candidate shall be marked “defective” on the back of the ballot and initialed on

the back of the ballot by a District Election Board Member. All defective ballots shall be accounted for on a separate tally sheet. The Election Board member shall keep the defect ballots in a separate envelope marked “defective ballots.” A defective or incomplete mark on any ballot in a proper place shall be counted if no other cross mark appears in the ballot indication an intention to vote for some other candidate.

## **2-06 Candidate Monitors**

Each of the candidates shall be entitled to have a monitor at the voting and at the tallying, but such monitors shall in no way interfere with the conduct of the election. Monitors are required to be certified by the District Election Board one day prior to the election day. Monitors interfering with elections may be removed at the discretion of the District Election Board.

## **2-07 Campaigning**

Campaigning within one hundred (100) feet of the polling place is prohibited.

## **2-08 Loitering**

No loitering on the premises of the polling place is to be permitted during voting hours.

## **2-09 Bribery and Other Misconduct**

It shall be illegal to attempt to bribe a District member to vote for a particular candidate. It shall also be illegal to counterfeit ballots, interfere with an election and to attempt to change the outcome of an election by use of fraud or coercion.

## **2-10 Certifying the Election Results**

The District Election Board shall count the ballots and present the election results to the (*District Council*) for certification. Any recount challenge to the election results shall be made by a candidate immediately prior to the District Election Board presenting the election results to the (*District Council or District membership*) for certification.

## **2-11 Run-off Election Time**

In the event that the election results in a tie vote for any particular office, a run-off election shall be held within ten working days following the election to determine the person elected to occupy the office. The District Secretary shall post the names and office of the affected candidates under this section in the District center at least five working days before the run-off election occurs.

## **TITLE 3 – CANDIDATE QUALIFICATIONS**

### **3-01 Candidate Qualifications**

Any enrolled member of the \_\_\_\_\_ District who is twenty-one (21) years of age or older, shall be eligible to seek and hold office as a District Council officer provided she or he meet the following qualifications:

(A) *(insert the District candidate qualifications, if any).*

### **3-02 Review by Election Board**

(A) All notices of intent to be a candidate shall be subject to review by the District Election Board. It shall be the duty of the District Election Board to determine whether the candidate meets the qualifications described in Section 3-01.

(B) Any decision of the District Election Board to disqualify a candidate may be appealed by that candidate, an opposing candidate or a registered voter from the District to the Tribal Court within five (5) working days of the District Election Board's decision. When the Tribal Court is reviewing a challenge to the District Election Board's findings of candidate eligibility, the District Election Board's finding shall be presumed to be correct and the Tribal Court shall therefore make no factual findings, but shall accept the facts as determined by the District Election Board, and shall not hear the matter anew, but shall overturn the District Election Board's finding only where the person challenging the Board's decision has shown by clear and convincing evidence that the Board committed a clear error of law in either qualifying or disqualify a candidate. The Tribal Court shall be prohibited from considering any evidence that was not presented to the Board. The Tribal Court shall determine the appeal with ten (10) days of the filing of the appeal. The Tribal Court's determination of the appeal shall be final and no appeal may lie to the Northern Plains Intertribal Court of Appeals or any other appellate court of the Tribe.

## **TITLE 4 – DISTRICT ELECTION BOARD**

### **4-01 Duties of the District Election Board**

It shall be the duty of the District Election Board to:

(A) Obtain and review an updated District roster of the registered voters within each District.

- (B) Determine the eligibility of all persons desiring to vote in the elections. The Board's decision shall be based on all documents deemed relevant by the Board to the determination of voter eligibility.
- (C) Provide the official District voting roster to the District Secretary for posting within that District no less than thirty days prior to the election.
- (D) Allow only those registered voters whose names appear on the Districts voting roster to vote in the election.
- (E) Supervise the general conduct of elections.
- (F) Resolve all disputes arising from the tabulation of ballots cast.
- (G) Provide necessary election supplies to the polling place.
- (H) Perform any other duties or responsibilities necessary to maintain and enforce this guideline.

#### **4-02 Conduct of the Election**

It shall be the responsibility of the District Election Board to make arrangements for voting booths or other facilities which will ensure a secret ballot. The Board shall pick up all election supplies needed for the District election and establish such records as are required by this Guideline. The Board must ensure that the ballot box is empty of all ballots prior to the opening of the polls and that the ballot box is then padlocked. The Board shall ensure that the polls open at the prescribed time, shall authorize additional ballots for voters if others have been spoiled, shall keep records of all spoiled ballots, and shall keep all spoiled ballots separated from other ballots. The Board shall count the ballots provided by the District Election Board and record the number of defective ballots and missing ballots.

#### **4-03 Ballots**

The District Election Board shall provide ballots indicating that it is the official election ballot by the appearance of the names of qualified candidates for District Chairman, Vice-Chairman, Secretary, and Treasurer (*the titles of the District officers depends on each District's Constitution*).

#### **4-04 Conduct of Election Official**

Members of the District Election Board and other designated election officials shall not be absent from the duties of their positions from the opening of the polls until all ballots have been counted and secured in the ballot box. A District Election Board member shall recuse her/his self from their position when an immediate family member is a candidate in the election. An immediate family member consists of father, mother, spouse, brother, sister, son or daughter. Election officials shall not express preference for any candidates.

### **TITLE 5 – TERM AND TERM LIMITS**

#### **5-01 Term of Office for District Council**

Terms for District Council officers shall run for a period of \_\_\_\_years commencing on the date fo the first regular meeting in (insert date), and thereafter in January of (odd) numbered years and until their successors have been elected and seated.

#### **5-01 Term Limits of office for District Council (optional)**

A District Council officer shall serve no more than \_\_\_\_\_consecutive terms for a total of \_\_\_\_ years in the same office. A District Council Officer may again file for office after a \_\_\_\_ year time.

### **TITLE 6 – ELECTION CONTESTS**

#### **6-01 Tribal Court Jurisdiction**

The Sisseton-Wahpeton Oyate Tribal Court shall have jurisdiction to hear and determine all challenges to election procedures and to the outcome of any District election. An election challenge must be filed as a civil action in the Tribal Court within ten (10) working days following the election. The District Election Board shall file an answer to the complaint within five (5) days following service of the same. The Tribal Court shall hear and determine any action challenging the validity of the election within thirty days following the filing of the action.