

Lower Sioux Indian Community

Election Ordinance

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**LOWER SIOUX INDIAN COMMUNITY
ELECTION ORDINANCE**

[EFFECTIVE November 21st 2024, Resolution 24-329]

Section 1. Authority and Purpose.

This Ordinance is enacted pursuant to Article VI of the Lower Sioux Indian Community Constitution. Its purpose is to provide for an orderly process for conducting Primary Elections, Regular Elections, and Special Elections for seats on the Community Council.

Section 2. Definitions.

The following definitions apply in this Ordinance:

“Primary Election” means an election that determines the candidates for a Regular Election.

“Regular Election” means an election for seats on the Community Council held at regularly scheduled intervals pursuant to the Lower Sioux Indian Community Constitution.

“Special Election” means an election to fill a vacancy on the Community Council.

Section 3. Eligibility. Only Qualified Members, as defined in the Enrollment and Membership Privilege Ordinance, may be candidates for a seat on the Community Council and sit on the Community Council.

Section 4. Primary Elections.

Subd. 1. The Election Committee shall schedule a nomination meeting to be held at least sixty days before the day of a Regular Election. The nominations meeting date, time, and place shall be posted at the Community Center and on the Community billboard if one exists at least one week before the nomination meeting. The Election Committee may in its discretion, also advertise the nomination meeting date, time, and place in a Community newsletter or letter. Nominations at the nomination meeting shall be made from the floor at the nomination meeting, and every nomination shall require a second. Only a Qualified Member can nominate a candidate. The names of all candidates nominated at the nomination meeting shall be posted at the Community Center within twenty-four hours.

Subd. 2. If and only if more than two candidates per seat to be filled during a Regular Election are nominated during the nomination meeting, the Election Committee shall hold a Primary Election to take place at least thirty days before the Regular Election.

Subd. 3. On the day of a Primary Election, polls shall open at 8:00 a.m. and shall close at 8:00 p.m. The Election Committee shall designate at least one polling location and may, in its discretion, designate additional polling locations.

Subd. 4. If a Primary Election is held before a Regular Election during which two seats on the Community Council are to be filled, the four candidates that receive the most votes will be deemed the Primary Election winners and be eligible to run as candidates during the Regular Election. If a Primary Election is held before a Regular Election during which three seats on the Community Council are to be filled, the six candidates that receive the most votes will be deemed the Primary Election winners and be eligible to run as candidates during the Regular Election. In the event of a tie for the last position, the winner shall be decided by a runoff election to be held within fourteen days. If no Primary Election is held all candidates nominated during the nomination meeting will be eligible to run during the Regular Election.

Section 5. Regular Elections.

Subd. 1. Regular Elections for seats on the Community Council shall take place on the first Friday in August of each odd-numbered year, unless the Community Council designates by resolution another day during that week for the election.

Subd. 2. On the day of a Regular Election, polls shall open at 8:00 a.m. and shall close at 8:00 p.m. The Election Committee shall designate at least one polling location and may, in its discretion, designate additional polling locations.

Section 6. Special Elections.

Subd. 1. A vacancy on the Community Council occurs when a member of the Community Council is unable to complete his/her term on the Community Council by reason of death, resignation, removal, or conviction of a felony or misdemeanor involving dishonesty while in office. The remaining members of the Community Council shall investigate the circumstances surrounding any possible vacancy, and if a majority of the remaining members of the Community Council conclude that a vacancy exists, the remaining members of the Community Council shall within a reasonable time declare by formal resolution that a vacancy exists on the Community Council. Notice of the vacancy shall be posted at the Community Center, and shall be posted on the Community billboard, if one exists. Additionally, the Community Council shall publicize the vacancy in either the Community newsletter or a Community letter which is sent to all enrolled Community members.

Subd. 2. If the declaration of a vacancy on the Community Council is made within ninety days prior to a scheduled Regular Election, no Special Election shall be held. In such a situation, the Community Council may appoint a Qualified Member of the Community to complete the unexpired term of the vacant seat. If the declaration of a vacancy is made

more than ninety days prior to a scheduled Regular Election, the Community Council shall schedule a Special Election to fill the vacant seat.

Subd. 3. The Election Committee shall schedule a nomination meeting to be held at least thirty days before the day of a Special Election. The nominations meeting date, time, and place shall be posted at the Community Center and on the Community billboard, if one exists, at least one week before the nomination meeting. The Election Committee may in its discretion, also advertise the nominations meeting date, time, and place in a Community newsletter or letter. Nominations at the nomination meeting shall be made from the floor at the nomination meeting, and every nomination shall require a second. The names of all candidates nominated at the nomination meeting shall be posted at the Community Center within twenty-four hours.

Subd. 4. On the day of the Special Election, polls shall open at 8:00 a.m. and shall close at 8:00 p.m. The Election Committee shall designate at least one polling location and may, in its discretion, designate additional polling locations.

Subd. 5. The winning candidate in the Special Election shall be assigned the duties of the Assistant Secretary-Treasurer unless the Community Council by resolution determines otherwise.

Section 7. Election Committee. All elections shall be administered by the Election Committee.

Subd. 1. Qualifications. The Election Committee shall consist of four persons: two Election Judges and two Election Clerks. There shall also be a First and Second Alternate Judge and a First and Second Alternate Clerk (each an "Alternate"). If at any time an Election Judge or Clerk is unable or unwilling to perform his/her duties, an Alternate Judge or Clerk shall automatically serve in his/her place. The first choice for replacement shall be the First Alternate, and in the event the First Alternate is unwilling or unable to serve, the second choice for replacement shall be the Second Alternate. The Election Committee members and the Alternates shall be appointed by the Community Council and shall be voters of the Lower Sioux Indian Community. No person shall be appointed who:

1. Is currently holding elective office.
2. Plans to be a candidate in any election during his/her term of service. If a Committee member or an Alternate, or a member of his/her immediate family, is nominated as a candidate and accepts the nomination, that person shall be disqualified immediately and automatically from serving in that election, and the Community Council shall appoint another member to serve in the position.
3. Is an immediate family member of a current Councilperson. An immediate family member is defined as a full sibling, half sibling, step-sibling, parent, step-parent, child, step-child, or spouse.

Subd. 2. Term of Office. Election Committee members must be reappointed every Community Council term with no limit on the number of terms. Any member of the Election Committee or any Alternate may be removed by formal action of the Community Council in its sole discretion. If an Alternate permanently assumes the duties of a member of the Election Committee, the Community Council shall appoint a new Alternate for the remainder of the term of office.

Subd. 3. Oath and Confidentiality. Upon accepting the appointment, each member of the Election Committee and each Alternate shall sign an oath which shall become part of the election records stating that he/she will serve according to the best of his/her ability and shall make every effort to prevent fraud or abuse of the election process. Additionally, each member of the Election Committee and each Alternate shall be subject to the Community confidentiality rules and Committee Rules.

Subd. 4. Decisions and Duties of the Election Committee as a Whole. Three of the four members of the Election Committee shall constitute a quorum for purposes of making decisions. When this ordinance requires a decision of the Election Committee as a whole, and if there is disagreement among members of the Election Committee, the decision shall be made by a majority vote of the Election Committee. If the vote of the whole Election Committee is a tie, then the tie shall be broken by the First Alternate Judge. If the First Alternate Judge is unavailable or had voted in the initial tie vote, the tie shall be broken by the Second Alternate Judge. If both the First and Second Alternate Judges are unavailable or had voted in the initial tie vote, the tie shall be broken by the First Alternate Clerk. If the First and Second Alternate Judges and the First Alternate Clerk are unavailable or had voted in the initial tie, the tie shall be broken by the Second Alternate Clerk. Where this Ordinance does not give a duty or decision specifically to the Election Judges or Election Clerks, the duty or decision shall be made by the Election Committee as a whole. Election Committee duties or decisions include but are not limited to:

1. Overseeing the entire election process and ensuring compliance with the Constitution and this ordinance;
2. Overseeing the procedure for the security of the ballot box;
3. Mailing out application forms for absentee ballots;
4. Mailing out absentee ballots and overseeing the absentee voting process;
5. Receiving designations of poll watchers and ensuring that the behavior of poll watchers complies with all applicable rules and regulations;
6. Arranging for video and audio equipment in the voting room and in the room where the ballots are counted;
7. Attending and supervising the election at all polling places;

8. Counting the ballots cast at the election;
9. Verifying the validity of absentee ballots;
10. Determining if ballots are spoiled;
11. Posting the results of elections at the Community Center;
12. Certifying the results of the election;
13. Placing the ballot box in the designated location after the counting of the ballots;
and
14. Deciding on requests for recounts and conducting any necessary recounts.
15. Verifying eligibility of candidates.

Subd. 5. Decisions and Duties of the Election Judges. Unless otherwise specified in this ordinance, when there is disagreement among the two Election Judges on a decision that must be made jointly by them, the decision shall be made by a majority vote of the Election Committee as a whole. Election Judges' duties or decisions include but are not limited to:

1. Participating in all decisions and duties delegated to the Election Committee as a whole;
2. Deciding challenges made to the presence or absence of names on the eligible voters list;
3. Deciding challenges made to the eligibility of candidates, subject to review by the Community Council; and
4. Assisting in the voting process on election day, including verifying the identity of voters.

Subd. 6. Decisions and Duties of the Election Clerks. Unless otherwise specified in the ordinance, when there is a disagreement among two Election Clerks on a decision that must be made jointly by them, the decision shall be made by a majority vote of the Election Committee as a whole. Election Clerks' duties or decisions include but are not limited to:

1. Participation in all decisions and duties delegated to the Election Committee as a whole;

2. Compiling a list of eligible voters and posting the list at the Community Center with the assistance of the enrollment office;
3. Posting the names of all nominated candidates at the Community Center and updating the list as needed;
4. Preparing all ballots and absentee ballot packets;
5. Assisting in the voting process on election day, including verifying the identity of the voters;
6. Picking up absentee ballots at the Post Office Box; and
7. Posting all election announcements, at a minimum, in the Community Center, in the Community newsletter, and on the Community's website.

Subd. 7. Meeting Stipends. Regular meeting fee stipends shall be fifty dollars (\$50) per meeting and election day meeting fee stipends shall be twenty-five dollars (\$25) per hour for the two Election Clerks and two Election Judges. Alternate Judge(s) and Alternate Clerk(s) will be reimbursed at the same rate if attending either meeting(s) at the request of an Election Clerk. An Election Clerk shall cause the invite upon confirmation that any of the two Election Judges or Election Clerks are not able to attend a regular meeting or election day meeting.

Section 8. Election Procedures.

Subd. 1. Ballot Wording. The Election Clerks shall prepare all ballots. The names of the certified candidates shall be in alphabetical order. The ballot shall contain the following instructions:

“PLACE AN “X” BY THE NAME OF EACH PERSON YOU WISH TO VOTE FOR. YOU MAY NOT GIVE ANY CANDIDATE MORE THAN ONE VOTE. VOTES FOR WRITE-IN CANDIDATES SHALL NOT BE ALLOWED. ANY BALLOT WITH MORE THAN THE NUMBER OF TOTAL SEATS UP FOR OFFICE SHALL BE A SPOILED BALLOT. YOU CAN REQUEST A NEW BALLOT IF IT IS SPOILED. IF YOU NEED ASSISTANCE, THE ELECTION COMMITTEE MEMBERS WILL HELP YOU.”

Subd. 2. Ballot Color. The official ballots shall be printed on colored paper with black ink and shall include the number of candidates to be elected. Sample ballots may be printed on white paper and shall clearly be labeled "SAMPLE BALLOT" in large bold print and shall not be counted if placed in the ballot box.

Subd. 3. Poll Watcher. Each candidate for election to a seat on the Community Council, regardless of whether it is a Primary Election, Regular Election, or Special Election, may designate in writing one eligible voting member to act as a poll watcher on his/her behalf.

Each duly appointed poll watcher may review a copy of the list of eligible voters. A poll watcher may observe the conduct of the election and may silently observe the counting of the ballots or any recounts. Should a poll watcher in any way attempt to influence the vote of any qualified voter or in any way interfere with the election process, he or she may be barred by the Election Committee from the polling place.

Subd. 4. Voting Procedure.

1. Voting shall take place at the polling location(s) determined by the Elections Committee from 8:00 a.m. to 8:00 p.m. on the designated election day. Notice of the election and polling location(s) shall be posted throughout the Community no less than thirty days from the election date. If a Primary Election is cancelled due to insufficient nominations, notice of the cancellation shall be posted throughout the Community no less than 14 days from the date that the election was scheduled. At least one Election Judge and one Election Clerk shall be present at all times. No person other than members of the Election Committee, the Alternates, or a candidate's designated poll watcher shall remain or loiter within fifty feet of the entrance to the voting room. No person shall campaign within two hundred feet of a Community-owned building, except on residential property with permission of the owner, assignee, or lessee of the property. The Election Committee shall arrange to have video and audio equipment record events in the general area of the voting room in a manner that does not interfere with the privacy of the act of marking a ballot.
2. The voter shall first sign his/her name in the polling book. If the voter is unable to do so, an Election Committee member or voter's designated assistant shall write "unable to sign" by that name. An Election Committee member shall verify that the voter is a member whose name he/she is seeking to vote under. Verification shall be done on the basis of personal knowledge or by visual comparison with any form of photo identification, including but not limited to a valid driver's license or tribal issued identification card. After an Election Committee member has verified the voter, the Election Committee member shall note such verification in the poll book by signing his/her initials by the voter's name. The voter shall then be issued a ballot. The voter shall then mark the ballot in a private area to be designated by the Election Committee. The voter may receive assistance from an Election Committee member or another person of the voter's choice if the voter so requests. The voter shall complete the ballot and deposit it in the locked ballot box.
3. If the voter accidentally makes a mistake on or destroys his/her ballot, a new ballot may be issued to the voter, with the correction noted in the poll book. The spoiled ballot shall be marked "void" immediately by an Election Committee member and shall be retained by the Election Committee in a separate box or container.

Subd. 5. Returns. At the closing of the polls, the Election Committee shall clear the polling place of all persons other than Election Committee members and designated poll watchers. The Election Committee shall arrange to have the vote counting process recorded by audio and video equipment. After the closing of the polls, the Election Committee shall proceed to open the absentee ballots and then to count the votes cast. If a ballot is filled out in a manner that contradicts the ballot instructions, it shall be marked "spoiled." If the votes on a ballot cannot be read, contains an erasure, contains an alteration, or in some other way is improper or suspicious, it shall be marked "spoiled." Spoiled ballots shall be deposited in the spoiled ballot container and shall not be counted. The Election Committee shall determine whether a ballot is spoiled. The winners of Regular and Special elections shall be determined by plurality according to the rank order of votes received. In the event of a tie for the last position, the winner shall be decided by a runoff election to be held within fourteen days. After the ballots are counted, the Election Committee shall immediately post the results of the election at the Community Center. The Election Committee shall certify the results of the election to the Community Council who in turn shall formally notify the successful candidates of the election results. Winning candidates of Regular Elections and Special Elections shall assume office in accordance with this Ordinance. The Community Council shall formally notify the Superintendent of the Pipestone jurisdiction and the Regional Office of the Bureau of Indian Affairs as to the results of Regular Elections and Special Elections by a letter from the President accompanied by a copy of the Election Committee Certification.

Subd. 6. Storage of Ballot Box. Immediately after the counting of the ballots, the counted ballots (including the regular and absentee ballots) shall be returned to the ballot box. The ballot box and the container with the spoiled ballots shall be sealed and personally placed in the tribal police evidence locker by at least two members of the Election Committee, who shall be escorted to the tribal police evidence locker by appropriate security personnel. Such boxes shall remain in the tribal police evidence locker until the next election. The ballot box and/or the spoiled ballot container may only be removed from the tribal police evidence locker pursuant to a duly requested election recount or by order of the Election Committee. Immediately after any recount or final Election Committee decision, the boxes shall be returned to the designated location. All ballots shall be stored in the tribal police evidence locker until the next election. Prior to the next election, at least two members of the Election Committee shall properly label all ballots and absentee ballots and seal in appropriately marked envelopes. All election results (ballots and spoiled ballots) shall be preserved in the tribal police evidence locker.

Subd. 7. Disposal of Ballots. All ballots from the prior election shall be destroyed by shredding within one week from the next election.

Section 9. Eligible Voters.

Only Qualified Members of the Community, as defined in the Lower Sioux Indian Community Enrollment and Membership Privilege Ordinance, shall be eligible to vote in Primary Elections, Regular Elections, and Special Elections. The Election Committee shall post a list of all eligible voters in the Community Center at least fourteen days before the day of an election. A person

may protest the presence or absence of names from the eligible voting list, provided that the protest is written and signed, and filed with an Election Judge at least seven days before the election. The Election Judges shall decide the protest, subject to review by the Election Committee.

Section 10. Absentee Ballots.

Subd. 1. Required. Absentee voting shall take place under the procedures established by this ordinance.

Subd. 2. Requests. An eligible voter may vote in an election by absentee ballot if such voter will be unable to vote at the polls on election day. A request for an absentee ballot shall be in writing and shall be signed by the voter requesting the ballot. The request must be notarized. Written requests shall be made to an Election Judge by U.S. Mail or in person, at 39527 Reservation Highway 1, P.O. Box 248, Morton, MN 56270. Absentee ballots shall be returned to an Election Judge by U.S. mail, in person, or by placing it in the locked absentee ballot box located at the Community Center, by the closing of the polls on Election Day. Absentee ballots will not be mailed out less than fourteen days before the scheduled election date. The Election Judges shall oversee the absentee voting process, may establish additional procedures not inconsistent with this section, and shall publicize the procedures for absentee ballot voting as they deem appropriate.

Subd. 3. Special Situation - Inability to Sign Name. If an eligible voter is physically incapable of signing his/her name to an absentee ballot, the ballot may be signed by another person at the voter's direction; provided that the ballot is accompanied by a power of attorney document in favor of the signer that is valid in the state of the voter, and provided further that the signer certifies in writing that she/he was requested by the voter to send in the ballot and that the voter is physically incapable of signing the ballot. An Election Committee member shall verify that the voter is incapable of signing the form. The absentee ballot shall be valid if the return envelope is signed on behalf of the voter by the same person who signed as the attorney-in-fact for the voter.

Subd. 4. Ballots. The absentee ballot shall consist of a paper ballot which meets the requirements, an instruction sheet, an inner envelope and a return envelope, postage prepaid. Ballots submitted by email are not permitted.

Subd. 5. Voting Procedure. When voting by absentee ballot, the voter shall mark the ballot and place it in the inner envelope marked absentee ballot and seal it. The voter shall then place the inner envelope marked absentee ballot inside the return postage prepared envelope and seal it. The return envelope shall be signed by the voter and shall include the voter's printed name and returned by mail or by the voter in person to the Election Committee. Mailed absentee ballots must be received in the post office box of the Election Committee no later than 4:00 p.m. on the election day. Mailed absentee ballots shall remain in the post office box of the Election Committee until election day. Two Election Clerks shall pick-up the mail from the post office box after 4:00 p.m. on the election day.

Subd. 6. Returns. The return envelope shall be opened and the inner envelope shall be deposited in the locked ballot box. In the event that a ballot is rejected, the return envelope shall not be opened. The Election Committee shall also compare the names on the outside of the absentee ballot return envelope with the names of persons signing the poll book and voting in person. If the absentee ballot was returned by a person who signed the poll book and voted in person, the ballot shall be rejected and the return envelope shall not be opened. All rejected absentee ballots shall be deposited unopened in the spoiled ballot container.

Section 11. Recounts.

Subd. 1. Only a candidate may request a recount of the votes. The request shall be in writing to the Election Committee and shall be made by noon on the third business day following election day. The Election Committee, in response to the written request or on its own authority, may order a recount if the Election Committee determines either that the closeness of the vote makes a recount desirable or that a material question exists as to whether the initial vote count was accurate. The Election Committee must decide whether to order a recount within twenty-four hours after receiving a request. If a recount is ordered, it shall take place within twenty-four hours after the order has been issued. The Election Committee shall make reasonable attempts to contact the poll watchers and allow them to observe the recount.

Subd. 2. The decision of the Election Committee as to whether to make a recount shall be final; jurisdiction shall not exist in the tribal court or any other court to consider any appeal from or challenge to a decision of the Election Committee on a recount request under this ordinance.

Section 12. Election Challenges.

Subd. 1. A challenge to the election may be filed only by a candidate. The challenge shall be initiated by the filing of a written Notice of Challenge stating the specific reasons for the challenge. The Notice of Challenge shall be filed with the Election Committee by 5:00 p.m. of the third business day following election day. The Election Committee must actually receive the Notice of Protest by the foregoing time, although timely submission by telefax followed by filing by mail shall be adequate. The Election Committee shall be considered to be a party defendant in any election challenge, and the Election Committee may be represented by legal counsel for the Lower Sioux Indian Community.

Subd. 2. A challenge to the election may be upheld only if the challenger demonstrates by clear and convincing evidence that there were substantial and grave irregularities in the election process that actually and materially affected the outcome of the election. Proof of minor or technical irregularities shall not be sufficient to uphold a challenge. Proof of substantial non-compliance with the mandatory provisions of this ordinance

that did not actually and materially affect the outcome of the election shall not be sufficient to uphold a challenge. The election shall be presumed to have been run properly and in accordance with law. The burden of proving irregularities sufficient to justify relief shall rest with the challenger. The challenger shall be limited to arguing the allegations contained in the written Notice of Challenge.

Subd. 3. Upon receiving the Notice of Challenge, the Election Committee may:

1. Upon its own motion dismiss the challenge as not presenting sufficient specific or substantive allegations to justify a challenge under this ordinance; or
2. Request further written materials from the parties and, upon review of such materials, dismiss or uphold the challenge; or
3. Require such hearings as the Election Committee may deem appropriate and, after such hearings, dismiss or uphold the challenge.

Subd. 4. The Election Committee shall make a final decision of the election challenge within seven days after the Notice of Challenge has been filed.

Subd. 5. If the Election Committee upholds the election challenge, it may, by order, impose remedies that are limited to the following:

1. Uphold the election results; or
2. Invalidate the entire election and order a new election to be held on a date specified by the Election Committee within twenty-one days after its order, subject to such conditions as the Election Committee may require.

The Election Committee may not grant any other form of relief.

Subd. 6. The decision of the Election Committee may be appealed to the tribal court. In any election challenge heard by the tribal court, the burden of proof shall rest with the candidate making the challenge. The candidate making the challenge shall be limited to arguing the allegations contained in the written Notice of Protest. The tribal court may affirm the results of the election or order that the results of the election are invalid and that a new election shall be held under such conditions as the tribal court may deem necessary and proper, however, in no case shall the tribal court order that a new election be held unless the candidate making the challenge demonstrates by clear and convincing evidence that there were substantial and grave irregularities which affected the outcome of the election. Proof of minor technical irregularities shall not require that a new election be held.

Section 13. Assuming Office.

Subd. 1. If there has been no timely Notice of Challenge filed with the Election Committee, or if the Election Committee has upheld the election after a Notice of Challenge has been filed, the winning candidates shall assume office at 12:01 a.m. on the thirty-first day following election day. In the case of a Special Election, however, the Community Council may determine that a winning candidate shall assume office as early as seven days after Election Day, provided that no candidate may be seated during any period that a Notice of Challenge to the candidate’s election is pending before the Election Committee.

Subd. 2. If the Election Committee or tribal court rules that a new election or runoff must be held, all incumbent Community Council members shall remain in office until after the new election is completed. The winning candidates for all Community Council seats shall then assume office at 12:01 a.m. on the fourteenth day following the new election.

Subd. 3. No later than seven days after assuming office, the newly elected Community Council members shall gather at a place chosen by majority vote for the administration of the oath of office by a qualified officer. For the sole purpose of administering an oath of office, a qualified officer shall mean any seated Community Council member, a tribal court judge; the clerk of court; or a spiritual advisor (clergy, traditional, or others as commonly defined by the Community) selected by the Community Council. The oath shall be as follows:

“I, _____, DO SOLEMNLY SWEAR THAT I WILL UPHOLD THE CONSTITUTION AND BYLAWS OF THE LOWER SIOUX INDIAN COMMUNITY, THAT I WILL SERVE THE TRIBE TO THE BEST OF MY ABILITY, THAT I WILL WORK FOR THE ENTIRE MEMBERSHIP OF THE LOWER SIOUX INDIAN COMMUNITY, THAT I WILL RESPONSIBLY REPRESENT THE LOWER SIOUX INDIAN COMMUNITY, THAT I WILL CARRY OUT THE DIRECTIONS OF THE COMMUNITY COUNCIL, THAT I WILL DECLARE WHEN A CONFLICT OF INTEREST COULD AFFECT THE PERFORMANCE OF MY DUTIES ON BEHALF OF THE TRIBE, AND THAT I WILL PERFORM ALL DUTIES REQUIRED OF ME BY THE CONSTITUTION AND BYLAWS OF THE LOWER SIOUX INDIAN COMMUNITY.”

Section 14. Election of Community Council Officers.

The officer positions of the Community Council are, in order of rank: President, Vice President, Secretary, Treasurer, and Assistant Secretary-Treasurer. As soon as practicable after each Regular Election has been held and after all new members of the

Council have assumed office, the new Council shall meet and select its officers by secret ballot.

Section 15. Time.

Any period of time identified by this ordinance that is less than seven days will not include intermediate Saturdays, Sundays, or legal holidays in the period, and any period which would otherwise end on a Saturday, Sunday, or legal holiday will extend to the next day which is not a Saturday, Sunday, or legal holiday.

Section 16. Disturbing the Election Process.

Any person who engages in conduct that disturbs, disrupts, or interferes with the election process shall be subject to a civil fine of one thousand dollars (\$1,000) for the first offence and two thousand dollars (\$2,000) for every succeeding offence. Conduct falling within this section includes but is not limited to behavior that is boisterous, noisy, or threatening; use of language that is offensive, obscene, or abusive; undue interruption of the legitimate activities of persons involved in the election process; or loitering or campaigning in violation of section of this ordinance.

The Election Committee is authorized to issue fines pursuant to this section. The fines are payable to the Community. The Community Finance Department upon notice from the Election Committee shall garnish the per capita of any Community member who fails to pay fines within thirty days after being notified of an order pursuant to this section.

Section 17. Repeal of Previous Ordinance.

This ordinance supersedes all previous ordinances of the Lower Sioux Indian Community governing elections, and all such previous ordinances are repealed.

Section 18. Severability.

If a court of competent jurisdiction finds any provision of this ordinance to be invalid or illegal under applicable federal or tribal law, such provision shall be severed from this ordinance. The remainder of this ordinance shall remain in full force and effect.

[Originally adopted May 27, 1997 (Resolution No. 85-97)]

[Amended July 17, 1997 (Resolution No. 140-97). Amendment added Section 5A.]

[Amended June 7, 1999 (Resolution No. 38-99). Amendment changed certain deadlines by one day in Section 7 and Section 9 so that the deadlines would not fall on a Sunday.]

[Amended June 15, 2001 (Resolution No. 56-01). Amendment allowed designation of a different election day by Council in Section 2, subd.1.]

[Amended June 20, 2001 (Resolution 62-01). Amendment added Section 11.]

[Amended May 18, 2006 (Resolution No. 06-61). Amendment allowed all Community Members over 18 years to vote in elections]

[Amended June 12, 2007 (Resolution No. 07-208). Amendment defined “good standing”]

[Amended August 1, 2007 (Resolution No. 07-254). Amendment combined the ordinances for regular and special elections and contained detailed absentee ballot process, additional requirement for “good standing” clarification of election challenge procedures, election day procedures and changes to election committee structure with job duties.]

[Amended November 16, 2007 (Resolution No. 07-334), Amendment incorporated provisions for primary elections.]

[Temporarily amended multiple times for elections from February of 2008 to June of 2008.]

[Amended October 2, 2008 (Resolution 08-176), Amendment incorporated provisions of the Ethics Code.]

[Amended February 13, 2009 (Resolution No. 09-22), Amended the Election Ordinance with an enactment date of November 16, 2007.]

[Amended February 27, 2009 (Resolution No. 09-28B), Amending good standing provisions for candidates (mirrors Resolution No. 09-28).]

[Amended September 14, 2009 (Resolution No. 09-263). Amending the following sections: Regular Elections, Candidate Qualifications, Election Committee, Eligible Voters, and Absentee Ballots provisions.]

[Amended October 23, 2009 (Resolution 09-293), Amending timeframe for Special Election winning candidate to assume office as early as seven days after Election Day, upon approval of Community Council.]

[Amended June 3, 2011 (Resolution No. 11-40). Amending nominations timeline]

[Amended July 9, 2012 (Resolution No. 12-48). Amending nominations timeline]

[Amended October __, 2020 (Resolution No. 20-__). Incorporating prior approved amendments; Amending Section 2A; Amending Section 3, Subdivisions 1-2; 4, and 6-7; Amending Section 4, Subdivisions 1, 3, 4-6; Adding Section 4, Subdivision 7; Amending Section 6, Subdivision 2; Amending Section 7; Amending Section 9, Subdivisions 1 and 3].

[Amended November 21st, 2024 (Resolution No. 24- 329) Amending Sections 1-9