



Title XIII – Election Rules and Regulations

Alabama-Coushatta Tribe of Texas Comprehensive Codes of Justice

“Election Rules and Regulations”

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Title XIII – Election Rules and Regulations is comprised of Tribal statutes relevant to elections conducted by the Alabama-Coushatta Tribe of Texas.

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Title XIII – Election Rules and Regulations/C.C.J.**PREAMBLE**

This Election Ordinance is hereby established by the Alabama-Coushatta Tribal Council pursuant to the authority delegated by Article VI, Section 1(h) of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas. The intent and purpose of this Election Ordinance is to establish procedures for fair elections and to ensure the secrecy and sanctity of Tribal ballots.¹

CHAPTER 1. TRIBAL ELECTIONS**Sec. 101. General Election²**

The Tribal General Election will be held annually on the **first (1) Wednesday, of November**. On the specified date, the positions of Tribal Council due to expire will each be elected for a **three (3) year term**. Due to the election cycles and staggered terms, Tribal Council seats to be filled shall be **two (2), two (2), and three (3)** on a repeating schedule.

In accordance with Article V, Section 2, of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, at the Annual Election scheduled for November 5, 2014, two (2) positions for membership on the Tribal Council will appear on the ballot. At the Annual Election scheduled for November 4, 2015, two (2) positions for membership on the Tribal Council will appear on the ballot. And, at the Annual Election scheduled for November 2, 2016, three (3) positions for membership on the Tribal Council will appear on the ballot.

Each voter shall be entitled to cast multiple votes – one vote each for the same number of candidates as there are Council positions to be filled. Where two Council positions are to be filled, each voter may cast one vote each for two different candidates; where three Council positions are to be filled, each voter may cast one vote each for three different candidates.

If one or more candidates receive a majority of the votes cast in the General Election, those candidate(s) shall be declared elected. For the purpose of this section “**majority**” shall be as determined using the formula defined in **Section 103**. If less than all Tribal Council positions at issue in the Election are filled, a Runoff Election shall be required to elect candidates to fill those remaining Tribal Council positions.³

Sec. 102. Runoff Elections

If a Runoff Election is required, it will be held as designated during the month of **November**. A Runoff Election is required when the Election Judges are unable to determine, due to more than one of the top candidates receiving the same number of votes, the necessary appointments to Tribal Council. The candidates for the Runoff Election shall be

¹ Preamble revised on September, 22, 2014, by Tribal Resolution #2014-65; Revised on October 3, 2016 by Tribal Resolution #2016-68

² Sec 101, and all related references throughout the Election Ordinance, revised on July 11, 2022, by Tribal Resolution #2022-61, changing “Primary Election” to “General Election”.

³ Sec. 101 revised on September 23, 2013, by Tribal Resolution #2013-69; Revised on September 23, 2014 by Tribal Resolution #2014-65; Revised on October 3, 2016 by Tribal Resolution# 2016-68

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the candidates not elected during the General Election who otherwise received the most votes. The number of candidates permitted in the Runoff Election shall be one plus the number of Tribal Council positions to be filled in the Runoff Election.

Sec. 103. Formula for Determining a Majority

In determining a majority vote for a position of Tribal Council, candidates with the highest number of all votes cast, will be elected to the open positions. ⁴

Sec. 104. Notice of Election

A “**Notice of Election**” shall be issued at least thirty (30) calendar days before a General Election by the Tribal Council. This Notice shall be posted at the Cultural Center and hand delivered to each tribal member household on the reservation. It shall set forth the date of the election, the respective offices to be filled, location of the polling place, and the times during which the polls will be open for voting.

A “**Notice of Early Voting**” and “**Runoff Election**” shall contain the same information and be posted and delivered in the same manner.⁵

Sec. 105. Deviation from Time Frames⁶

At the request of the Chief Election Judge, the Tribal Council may authorize the deviation from any of the time frames set forth in this ordinance if the Council finds that such deviation is justified on the basis of exigent circumstances. To take said action, Tribal Council must pass a Resolution detailing the factors requiring the action and setting forth the substitute time frames.

CHAPTER 2. CANDIDATE QUALIFICATIONS AND NOMINATION PROCESS**Sec. 201. Qualifications**

In accordance with **Article VIII, Section 4**, of the **Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas** candidates for the position of Tribal Council shall:

1. Be a resident member of the Tribe, as defined in Article II, Section 7 of the Constitution, which states, “*All enrolled members of the Alabama-Coushatta Tribe of Texas living on the territory of the Tribe, as defined by Article I, Section 1 of the Constitution, with the intent to make the Territory their fixed and permanent home, shall be considered Resident Tribal Members*”;
2. Is no less than twenty-five (25) years of age, and;

⁴ Sec. 103 revised on October 3, 2016 by Tribal Resolution #2016-68

⁵ Sec. 104 revised on September 23, 2014 by Tribal Resolution #2014-65; Revised on October 3, 2016 by Tribal Resolution #2016-68

⁶ Sec 105 added on July 11, 2022 by Tribal Resolution #2022-61

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3. Has maintained continuous residence within the territory of the Tribe, as defined in Article 1, Section 1, for no less than one (1) year preceding the date of the Annual Election.⁷

Sec. 202. Nomination Process

Candidates for the position of Tribal Council are selected by nomination at a Tribal Council Nomination Meeting scheduled annually at least thirty (30) calendar days prior to the General Election, by the current Tribal Council. Adequate notice of this meeting is hand delivered to the household of all tribal member residents on the reservation.

This process includes but may not be limited to the following;

1. Announcement and Notice of Tribal Election of Tribal Council Members;
2. Nomination and appointment of an Election Chairperson and Secretary, to preside over the meeting. The Chairperson and Secretary will be compensated for their services as determined by the Tribal Council;
3. Request and recording of nomination of candidates for the expiring Tribal Council seats from tribal members present. All eligible nominators are to proceed to the Tribal Election Secretary to declare their intent at this time. Prior to closure of nominations, the Election Chairperson will make a last call for nominations to ensure that all have been declared. Nominations are limited to **one (1) per tribal member**;
4. Nomination and appointment of **four (4) Election Judges** to preside over the election process for the current year. Designation of one (1) Election Judge as the Chief Election Judge. These Judges will be compensated for their services throughout the election process as determined by the Tribal Council;
5. In the event that an election judge is unable to continue in his or her duty, the Chief Election Judge shall select an alternate election judge, provided that the individual selected has in the past served as an election judge and is not disqualified from serving on the basis of the factors set forth in Sec. 203(1) of this Ordinance.⁸
6. Setting of date for General Election;
7. Conclusion of the duties and responsibilities of the Election Chairperson and Secretary.

Prior to assuming the duties of Election Judge each appointee is to be administered an **“Oath of Office”** and execute a **“Confidentiality Agreement”**. A sitting member of Tribal Council, not on the ballot, shall administer the Oath of Office five (5) business days before

⁷ Sec. 201 revised on September 23, 2013, by Tribal Resolution #2013-69; Revised on September 23, 2014 by Tribal Resolution #2014-65; Revised on October 3, 2016 by Tribal Resolution#2016-68.

⁸ Sec. 202(5) added on July 11, 2022, by Tribal Resolution #2022-61.

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General Election. It is the responsibility of the Election Judges to ensure that Tribal Elections are conducted in a fair and expedient manner and that there is public confidence in the election process. To aid in this process the following is to serve as a guide and should not be deemed all-inclusive of the appropriate and/or inappropriate conduct affecting the position of Election Judge.

Sec. 203. Duties and Responsibilities; Code of Conduct

Election Judges shall be held to the following:

1. No person shall serve in the capacity of Election Judge during an election in which a member of his/her **“immediate family”** is a candidate in the election. It shall be the responsibility of the individual if nominated to withdraw his/her name from consideration and/or not to accept the appointment. For the purpose of this section **“immediate family”** is considered a Parent, Step-Parent, Grandparent, Brother, Sister, and/or persons residing within the same household.
2. He/she must fulfill the obligations as stated within the **“Oath of Office”** administered following appointment;
3. He/she must comply with the terms and conditions of the **“Confidentiality Agreement”** as executed following appointment;
4. He/she shall not participate or engage in political activity, including his/her own or any other candidacy for Tribal election, taking active part in the political campaign of a candidate including but not limited to soliciting votes for that candidate, except to exercise his/her right as a Tribal member to express his/her opinion privately and to cast his/her vote as desired;
5. He/she shall not electioneer, engage in political discussions or unnecessarily delay a voter at the polling place;
6. He/she shall participate in Certification of the Candidates;
7. Ensure that a minimum of two (2) Election Judges are present during, 1.) Early Voting 2.) As provided for the Elderly and/or Infirm, delivery and execution of election ballots and return of same to the official ballot box and, 3.) Voting in the General, Runoff and Special Elections;
8. Verify that persons wishing to cast a ballot are listed on the approved eligible registered voter list for the Tribe;
9. Ensure that all four (4) Election Judges are present during the count until concluded, determining whether a Runoff Election is required and who may be in the Runoff Election as defined in Section 102, and determining a majority of the votes cast as defined in Section 103 of this Ordinance;
10. Preparation and presentation of a **“Certification of Candidacy”** for any write-in candidate who has received an adequate number of votes to qualify as a majority or for placement in a Runoff Election;

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11. Preparation of a **“Certification of Election Results”** for the General, and if applicable, Runoff and Special Elections for submission to the Tribal Council, and;
12. Continue to carry out the duties and responsibilities of the position of Election Judge until conclusion of the election process and release from any and all obligations of the position.

Failure to fulfill the duties and responsibilities assigned as an Election Judge, or to comply with the terms and conditions of the **“Oath of Office,” “Confidentiality Agreement”** and/or **“Duties and Responsibilities – Code of Conduct”** will result in action by the Tribal Council for removal as an Election Judge. ⁹

Sec. 204. Certification of Candidacy

Within five (5) calendar days or sooner following the nominations, a meeting is to be scheduled and conducted by the four (4) Election Judges. During this meeting the list of nominated candidates is reviewed and a determination is made as to whether the required qualifications as defined in **Section 201** of this Ordinance have been met. A **“Certification of Candidacy”** form, a sample which is attached as Addendum A, is completed and signed by all Election Judges for presentation to the Tribal Council.

Sec. 205. Approval of Official Ballot

Following acceptance of the certified candidates the Official Ballot for the current election year is approved by the Tribal Council. A sample ballot is distributed to the tribal membership by posting the sample ballot in the Tribal Newsletter and/or any other means as determined appropriate.

An opportunity for candidates added by write-in is allowed during the General Election; however, no additional candidates will be accepted during a Runoff Election and any votes received for write-in candidates will not be counted. ¹⁰

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CHAPTER 3. VOTER QUALIFICATIONS**Sec. 301. Persons Qualified to Vote**

As provided by **Article VIII, Section 3. Eligible Voters**, of the **Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas**, the eligible voters of the Alabama-Coushatta Tribe of Texas are:

⁹ Sec. 202 revised on January 23, 2012, by Tribal Resolution #2012-11; Revised on September 23, 2013, by Tribal Resolution #2013-69; Revised on September 23, 2014 by Tribal Resolution #2014-65; Revised on October 3, 2016 by Tribal Resolution# 2016-68; Revised on _____ by Tribal Resolution #2016-__

¹⁰ Sec. 204 revised on September 23, 2014 by Tribal Resolution #2014-65; Revised on October 3, 2016 by Tribal Resolution #2016-68

¹¹ Sec 205 omitted on September 22, 2014 by Tribal Resolution #2014-65

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- “(a) All Resident Tribal members who are eighteen (18) years or older and who have maintained continuous residence within the territory of the Tribe, as defined in Article I, Section 1 of this Constitution, for a period of six (6) months prior to the date of any election, are eligible to vote in both the Annual Election of the Tribe or any Special Election; and***
- (b) All Non-Resident Tribal Members who are eighteen (18) years or older are eligible to vote only in the Annual Election of the Tribe or as provided for in this Constitution.”***

The term “**Annual Election**” as referenced herein shall include all phases of the Annual voting process including Early Voting, General, Runoff and election of the Tribal Chairperson.¹² For the purposes of determining a quorum pursuant to Article X, Section 4 (b) of the Constitution of the Alabama-Coushatta Tribe of Texas (quorum for General Membership Meeting) the term “Annual Election” shall mean the General Election held annually on the First (1st) Wednesday, of November.¹³

Sec. 302. List of Eligible Voters

It shall be the responsibility of the Tribal Enrollment/Document Clerk to maintain a current list of eligible voters. This list shall be presented to the Tribal Council for acceptance as the official list of eligible voters for the current election and provided to the appointed Election Judges. This list is to be available at least thirty (30) calendar days prior to the election for tribal member review in the office of the Tribal Enrollment/Document Clerk during regular office hours, Monday through Friday, and may be hand delivered to the household of all tribal member residents on the reservation.

However, it is the personal responsibility of each tribal member that meets the voter qualifications as defined herein, to verify placement on the current list of eligible voters. Qualified persons whose names are not reflected on the list must submit the necessary forms to be included on the list prior to submission of such list to the Tribal Council.¹⁴

CHAPTER 4. CONDUCTING OF ELECTIONS**Sec. 401. Manner of Voting**

Unless otherwise approved by the tribal membership, handwritten ballots are utilized for voting purposes in all Tribal elections.

¹² Sec. 301 revised on October 3, 2016 by Tribal Resolution #2016-68.

¹³ Sec 301 amended on July 11, 2020 by Tribal Resolution #2022-61, to specify that, for purposes of determining a quorum for the General Membership Meetings, the term “Annual Election” shall mean the General Election held annually on the first Wednesday of November.

¹⁴ Sec. 302 revised on January 23, 2012, by Tribal Resolution #2012-11; Revised on September 23, 2014 by Tribal Resolution #2014-65; Revised on October 3, 2016 by Tribal Resolution #2016-68

Title XIII – Election Rules and Regulations/C.C.J.**Sec. 402. Ballot Box**

The same ballot box is utilized for all votes cast. At all times, unless otherwise specified herein, the box and all keys are kept in Tribal Administration. The box shall be equipped with an opening in the top through which a ballot may be inserted, but must be constructed in such a manner that the box must be unlocked before the ballots can be removed.¹⁵

Sec. 403. Early Voting

The main purpose of Early Voting is to provide an opportunity to qualified registered voters, who for whatever reason may not be available for the General (including the Election of Tribal Chairperson) or Runoff Election Day, to cast a vote. However, every qualified registered voter of the Tribe whose name appears on the approved list of eligible voters that presents himself/herself shall be entitled to cast an Early Vote. Early Voting is conducted the **Saturday prior** to the scheduled Election date.¹⁶

Sec. 404. General, Runoff and/or Special Elections

At every General, Runoff and Special Election, including any Early Voting that takes place, the polling place shall be the Cultural Center, Tribal Council Meeting area, unless otherwise designated. The polling place will be open at 7:00 a.m. and shall remain open continuously until 7:00 p.m. and every qualified registered voter of the Tribe whose name appears on the approved list of eligible voters that presents himself/herself shall be entitled to vote. A minimum of two (2) Election Judges must be present at the polling place at all times while voting is being conducted. Once the polls close and the counting begins, all four (4) Election Judges must be present during the count until such time that the count has concluded.¹⁷

Sec. 404A. Special Elections

In accordance with Article VIII, Section 2, of the Alabama-Coushatta Tribe of Texas Constitution and By-Laws ***“Special Elections shall be held when called for by the Tribal Council, by the Constitution or by the voters as provided for in the Constitution.”*** Sections 404B-F of this Election Ordinance shall be considered as Special Elections for the purposes of conducting an election for any of the articulated purposes in subsections B-F. Additionally, in accordance with Article IX, Section 2 of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, Tribal Council shall have the power to fill vacancies created by reason of death, removal from office, resignation or otherwise until the next General Election. If a

¹⁵ Sec. 402 revised on October 3, 2016 by Tribal Resolution #2016-68

¹⁶ Sec. 403 revised on October 17, 2016 by Tribal Resolution #2016-75

¹⁷ Sec. 404 revised on January 23, 2012, by Tribal Resolution #2012-11; Revised on October 3, 2016 by Tribal Resolution#2016-68

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Special Election is necessary, the appointed Election Judges may shorten any timelines applicable to Annual and Runoff Elections to meet the needs of the specified Special Election.”¹⁸

Sec. 404B. Initiative Process / Referendum Elections

Tribal members reserve the power, through the initiative process, to propose amendments to the Constitution, to propose any ordinance, and to repeal any ordinance enacted by either the Tribal Council or through the referendum and initiative processes. All initiatives referred to the eligible voters shall contain the following introductory phrase, “**Be it enacted by the Members of the Tribe**”.¹⁹

Sec. 404C. Initiative to Amend Constitution

On receipt of a petition proposing an amendment to the Tribe’s Constitution and signed by not less than thirty (30) percent of the eligible voters in the immediate prior Annual Election, the Tribal Council shall forward the petition to the United States Secretary of the Interior to conduct an Election on the initiative as required by the Indian Reorganization Act of June 18, 1934 (48 Stat. 984). All voters will be eligible to vote in any election to amend this Constitution through the initiative process. An Amendment to the Constitution occurs when approved by a majority of the votes cast in an election in which at least forty (40) percent of eligible voters cast a vote. PROVIDED that any amendments are not effective until approved by the Secretary of the Interior.²⁰

Sec. 404D. Initiative to Enact or Repeal an Ordinance

On receipt of a petition proposing the enactment of an ordinance or the repeal of an ordinance, and signed by not less than thirty (30) percent of the eligible Resident Member voters in the immediate prior Annual Election, the Tribal Council shall cause a Special Election to be held within sixty (60) days of receipt of said petition. Only voters eligible to vote in Special Elections, as set forth in Article VIII, Section 3(a) of the Constitution, will be eligible to vote. The initiative shall become law when approved by a majority of the votes cast in an election in which at least forty (40) percent of the eligible voters cast a vote.²¹

Sec. 404E. Recall Election

The power to recall any elected Tribal Council Member, who is in the second calendar year or later of said member’s present term, is specifically reserved to the eligible voters of the Tribe. Only one Tribal Council Member shall be considered for recall in any given election and no Tribal Council Member may be recalled unless at least thirty (30) percent of Eligible Voters who voted

¹⁸ Sec. 404A added on January 23, 2012, by Tribal Resolution #2012-11; Revised on September 23, 2014, Tribal Resolution #2014-65

¹⁹ Sec. 404B added on October 3, 2016 by Tribal Resolution #2016-68

²⁰ Sec. 404C added on October 3, 2016 by Tribal Resolution #2016-68

²¹ Sec. 404D added on October 3, 2016 by Tribal Resolution #2016-68

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in the immediate prior Annual Election sign the petition and a majority of those voting cast their ballot in favor of recall.²²

Sec. 404F. Referendum Election

Any proposed ordinance or resolution may be referred to the eligible voters of the Tribe by the Tribal Council.²³

Sec. 405. Special Provisions for the Elderly and/or Infirm

Ballots may be personally delivered to the elderly and/or infirmed on the date of and during the regular polling hours designated for General, Runoff or Special election who meet the following conditions:

1. They are qualified registered voters of the Tribe whose name appears on the approved list of eligible voters;
2. Because of age and/or infirmity, they are unable to physically be present at the designated polling place to cast their vote or physically unable to perform the act of voting; and
3. A verbal request is submitted to the Tribal Administration prior to the election date.

For the purposes of this Section, a physical disability is defined as a physical condition that affects a person’s mobility, vision, physical capacity, stamina, or dexterity. For those voters eligible for assistance under this Section, ballots shall be delivered by at least two (2) of the appointed Election Judges who shall witness the vote being cast and will return the ballot for deposit into an official ballot box. The Election Judges may assist an eligible voter by reading the ballot to the voter and making the ballot as directed by the voter. The Election Judges will attest to an eligible voter’s action and to any assistance provided by the Election Judges on a separate form to be retained pursuant to Section 415.²⁴

Sec. 406. Electioneering Prohibited

No person shall be allowed to electioneer within three hundred (300’) feet of any ballot box while an election is in progress. Electioneering shall include but is not limited to the posting of signs, verbal discussion of candidates and/or election, display and/or exchange of voter/voting related written material.²⁵

²² Sec. 404E added on October 3, 2016 by Tribal Resolution #2016-68

²³Sec. 404F added on October 3, 2016 by Tribal Resolution #2016-68

²⁴ Sec 405 amended on July 11, 2022, by Tribal Resolution #2022-61, defining the term “physical disability” and stating what actions the Election Judges may take to assist elderly or infirm voters. It further was amended to limit the accommodations provided to Tribal Citizens physically present within the boundaries of the Reservation lands of the Tribe on the date of and during the regular polling hours of any General, Runoff or Special Election.

²⁵ Sec. 406 Revised on October 3, 2016, by Tribal Resolution #2016-68

Title XIII – Election Rules and Regulations/C.C.J.**Sec. 407. Voter Must Vote Ballots Issued Him/Her**

No person shall vote any ballot except the ballot issued to that voter by the designated Election Judge and each ballot must be voted without removing it from the polling place, except as stated in **Section 405**.²⁶

Sec. 408. Procedure for Determining Eligibility

Each voter shall tell his/her name to the Election Judge on duty at the polling place, who shall then check the list of eligible voters to verify that person's eligibility.²⁷

Sec. 409. Identification of Voter

The Election Judges may determine the identity of voters by requesting identification such as a valid driver's license, Alabama-Coushatta Tribe of Texas Enrollment Card, voter identification card or any other Tribal or State identification card.²⁸

Sec. 410. Signing of Voter List

Persons appearing at the designated polling place to cast their votes must sign the voter list in the presence of an Election Judge. This signature is then utilized to confirm that person is listed on the approved eligible registered voter list for the Tribe.

Sec. 411. Procedure for Counting

The count shall be conducted in the presence of Election Judges only, and for the positions of Tribal Council shall be continued without adjournment until completed.

All of the Election Judges are present during the opening of the ballot box and one shall read the name of the candidates marked on the ballot out loud and another Judge shall confirm the name of the candidates marked on the ballot out loud. The remaining Two (2) Judges will tally votes on separate official tally sheets. The tally shall continue until each person tallying has the same count for each candidate. The formula for determining whether a Runoff Election is required and who may be in the Runoff Election is defined in **Section 102** herein and determining a majority of the votes cast shall be as defined in **Section 103** herein.²⁹

Sec. 412. Certifying Vote

At the conclusion of the General, or if applicable Runoff or Special Election, and after the Protest Period discussed in Chapter 5 has elapsed, the Election Judges shall post the

²⁶ Sec. 407 revised on October 3, 2016, by Tribal Resolution #2016-68; Revised on October 17, 2016, by Tribal Resolution #2016-75

²⁷ Sec. 408 revised on October 3, 2016, by Tribal Resolution #2016-68

²⁸ Sec. 409 amended on July 11, 2022 by Tribal Resolution #2022-61, replacing the term "C.D.I.B. card" with "Alabama-Coushatta Tribe of Texas Citizenship Card."

²⁹ Sec. 411 revised on September 23, 2013, by Tribal Resolution #2013-69; Revised on October 3, 2016, by Tribal Resolution#2016-68

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“**Certification of Election Results**” in the front window of the Cultural Center. It shall also be the duty of the Election Judges to complete and execute a “**Certification of Election Results**” to be submitted to the Tribal Council at the next scheduled Council meeting. The Certification of Election Results Form is attached as Addendum B.³⁰

Sec. 413. Retention of Ballot Boxes and Election Results

All ballots and all materials used in conducting the General, and if applicable Runoff or Special Election, shall be placed in the ballot box immediately after the count is completed. The box shall be locked and secured in Tribal Administration for a period of thirty (30) calendar days or if required, until a Runoff Election is held. After, expiration of this time period and/or completion of the Runoff Election the ballots, tally of each election and the results thereof shall be retained in the permanent records and the box secured in Tribal Administration.³¹

Sec. 414. Oath of Office

All persons selected to fill the vacated Tribal Council positions during the Annual Election are sworn and take office at the first regular scheduled Tribal Council meeting in January. Persons selected to fill a vacated Tribal Council position in a Special Election will be sworn and take office at the first regular scheduled Tribal Council meeting following the conclusion of that election.

It shall be the responsibility of the Tribal Chiefs to administer the Oath of Office to all newly and/or re-elected Tribal Council members. A sample Oath of Office is attached as Addendum C.³²

Sec. 415. Retention of Election Records and Papers

The Tribal Council shall retain and preserve all election records and papers from the date of any General, Runoff, Special, Initiative, Referendum or Recall election for a period of three years, at which point said records shall be completely destroyed by either shredding or incineration. Immediately after any election under this Code, Tribal Council shall cause the election records and papers to be uploaded to a digital format.³³

Sec. 416. Election Emergencies

In the case of war, natural or man-made disaster, pandemic, or other emergency conditions or circumstances which makes it impossible for voters to exercise their right to vote, pursuant to Article VI, Section 1(j), the Tribal Council may either postpone any election authorized under this Ordinance to a later date or make temporary modifications to the election rules set forth in this

³⁰ Sec. 412 revised on October 17, 2016, by Tribal Resolution #2016-75

³¹ Sec. 413 revised on October 3, 2016, by Tribal Resolution #2016-68

³² Sec. 414 revised on January 23, 2012, by Tribal Resolution #2012-11; Revised on October 3, 2016 by Tribal Resolution#2016-68

³³ Sec. 415 added on July 11, 2022, by Tribal Resolution #2022-61.

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Ordinance to allow voters to safely exercise their right to vote. In the event of postponement, the Election Judges shall reschedule the election date as soon as practicable.³⁴

CHAPTER 5. DISPUTES OVER THE OUTCOME OF AN ELECTION³⁵**Sec. 501. Authority**

Pursuant to Article V, Section 10 of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, the Tribal Council delegates to the Election Judges the authority to decide all disputes arising during and concerning the election process. Decisions of the Election Judges shall be appealable to the Tribal Court. The decision of the Tribal Court shall be final with no further right to appeal.³⁶

Sec. 502. Procedures for Resolving Disputes³⁷

All election protests must be filed in writing with the Election Judges by 5:00 p.m. within two (2) calendar days following the election date (“Protest Period”). Only candidates may initiate an election protest.

The protest must be in writing to the Election Judges and must include the following: The protesting candidate’s name, address and enrollment number and with specificity, the reasons why he or she wishes to contest the election; and that the protesting candidate desires the Election Judges to recount the ballots. A recount will only be conducted if five (5) or less votes separate the candidate seeking the recount from the prevailing candidate. Any candidate seeking a recount will be required to pay the expenses arising from the recount, regardless of the outcome of the recount.

Immediately following the close of the Protest Period and receiving a written protest of an election, the Election Judges will gather facts relevant to the allegations set forth in the protest.

The Election Judges shall render their written decision regarding the protest by 5:00 p.m. within three (3) calendar days after receiving a written protect of an election. A copy of the written decision shall be sent to the protesting candidate. Additionally, a copy of the Election Judge’s written decision shall be filed with the Tribal Administrator and the Tribal Administrator shall post the decision and make it available to the Tribal Members.³⁸

³⁴ Sec. 416 added on July 11, 2022, by Tribal Resolution #2022-61.

³⁵ Chapter 5 Title revised on October 3, 2016 by Tribal Resolution #2016-68

³⁶ New Sec. 501 added on October 3, 2016 by Tribal Resolution #2016-68

³⁷ Sec. 502 amended on July 11, 2022 by Tribal Resolution #2022-61, clarifying the procedures for initiating and conducting a recount.

³⁸ New Sec. 502 added on October 3, 2016 by Tribal Resolution #2016-68; Revised on October 17, 2016 by Tribal Resolution #2016-75

Title XIII – Election Rules and Regulations/C.C.J.**Sec. 503. Appeal**

The Election Judge’s decision may be appealed to the Tribal Court. The appeal shall be filed with the Tribal Court within one (1) business day of the delivery of the Election Judge's written decision. The appeal shall be in writing and state the grounds for the appeal.

The Tribal Court shall hold a hearing within two (2) business days of receiving a notice of the appeal to decide whether or not to uphold the Election Judges’ decision.

The Tribal Court shall render its decision within one (1) business day of the conclusion of the hearing on the appeal by 5:00 p.m., and the decision must be in writing and state the grounds for reversing or upholding the Election Judge’s decision. The decision of the Tribal Court shall be final and non-appealable.

A Protest Period template for the 2016 Annual Election providing calendaring dates is attached as Addendum E.³⁹

CHAPTER 6. ELECTION OF TRIBAL COUNCIL CHAIRPERSON⁴⁰**Sec. 601. Authority**

In accordance with Article V, Section 4 of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, after the Annual Election for membership of the Tribal Council has been certified, the eligible voters of the Tribe will elect a Chairperson of the Tribal Council from the seven (7) elected members of the Tribal Council. The Chairperson shall be determined to be the member receiving the highest number of votes cast and will serve until the next Annual Election. ⁴¹

Sec. 602 Request for Consideration as Tribal Council Chairperson

Following the Certification of the Annual Election, the existing and newly elected members of the Tribal Council will have three (3) calendar days from conclusion of the Annual Election to choose to participate in the election for Tribal Chairperson by filing the **“Petition to Participate in Tribal Chairperson Election”** form (attached as addendum D) and delivering such form to the Chief Election Judge by 5:00 p.m. on the third calendar day. The Election Judges will post a list of candidates for Tribal Chairperson in public areas as designated by Noon on the seventh calendar day, excluding holidays, following the Certification of the Election Results, along with a date for the Election of Tribal Chairperson and the manner in which the Election of Chairperson shall be conducted.⁴² The Tribal

³⁹ Sec. 503 – revised on October 17, 2016 Tribal Resolution #2016-75

⁴⁰ New Chapter 6 originally Chapter 5 added on September 23, 2014 by Tribal Resolution #2014-65; Revised to Chapter 6 on October 3, 2016 by Tribal Resolution #2016-68

⁴¹ New Sec. 601 originally Sec. 501 added on September 23, 2014, by Tribal Resolution #2014-65; Revised to Sec. 601 on October 3, 2016 by Tribal Resolution #2016-68

⁴² Sec. 602 amended on July 11, 2022, by Tribal Resolution #2022-61, giving the Election Judges seven (7) calendar days, rather than three (3) days, to post the list of candidates for Tribal Chairperson.

Title XIII – Election Rules and Regulations/C.C.J.

Council member who receives the highest number of votes cast by the eligible voters of the Tribe shall be elected as Tribal Chairperson. The election of the Tribal Chairperson shall be held within ten (10) calendar days from the date of Certification of Election Results. Where no specific Tribal Council Member opts in to be considered for Tribal Council Chairperson, all seven Tribal Council members will be placed on the ballot for consideration by eligible voters. If only one Tribal Council Member opts in to be considered for Tribal Council Chairperson, the election will proceed as normal.⁴³

⁴³ Sec. 602 revised on October 17, 2016 by Tribal Resolution #2016-75

ADDENDUM A – Certification of Candidacy

CERTIFICATION OF CANDIDACY

Name of Candidate:				
Address:				
Election Date:				
	Is		Is Not	At least twenty-five (25) years of age.
	Is		Is Not	A Resident member of the Alabama-Coushatta Tribe as defined in Article II, Section 7 of the Constitution and By-Laws.
	Has		Has Not	Maintained continuous residence within the territory of the Tribe, as defined in Article I, Section 1 of the Constitution and By-Laws, for no less than one (1) year preceding the date of the Annual Election.

Pursuant to the documentation state above, the candidate:

	DOES meet the qualifications for candidacy as stipulated in the Constitution.
	DOES NOT meet the qualifications for candidacy as stipulated in the Constitution.
	Candidate ACCEPTS the nomination and declares his/her intent for candidacy in the upcoming election.
	Candidate DECLINES the nomination and officially withdraws his/her name from candidacy in the upcoming election.

Date:	Signature: Election Board Chairperson:
Signature: Election Board Member:	Signature: Election Board Member:
Signature: Election Board Member:	Signature: Election Board Member:

ADDENDUM B – Certification of Election Results

CERTIFICATION OF ELECTION RESULTS

Name of Candidate	Total Votes	Elected	Eligible for Runoff Election

Total Votes of All Candidates:	Total Votes Cast:
Date:	Time:
Signature: Election Board Chairperson:	
Signature: Election Board Member:	Signature: Election Board Member:
Signature: Election Board Member:	Signature: Election Board Member:

ADDENDUM C - Oath of Office

OATH OF OFFICE

I, _____, hereby swear or affirm that I accept the office of **TRIBAL COUNCIL** and shall perform duties of this office to the best of my abilities and skills in accordance with the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, so help me God.

Signature of Tribal Council Member

Signature of Administering Officer

Name of Tribal Council Member

Name of Tribal Council Member

Date

Date

ADDENDUM D – Petition To Participate In Tribal Chairperson Election

PETITION TO PARTICIPATE IN TRIBAL CHAIRPERSON ELECTION

CHIEF ELECTION JUDGE

Name
Address

I, _____, elected Tribal Council Member, formally request
(Print Full Name)
that my name be placed on the Official Ballot to be considered for the Tribal Chairperson position. If elected, I agree to accept the position and fulfill the requisite duties as Tribal Chairperson to the best of my abilities and skills in accordance with the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, so help me God.

Signature of Tribal Council Member

Date

Title XIII – Election Rules and Regulations/C.C.J.**ADDENDUM E – Protest Period Calendaring****PROTEST PERIOD CALENDARING FOR THE 2016 ANNUAL ELECTION**

Date	Event	Citation
November 2, 2016	Election Date	Constitution Article VIII, Section 1
November 3, 2016	5pm Deadline to file Protest with Election Judges	Election Ordinance Section 502
November 4, 2016	Protest Candidate Hearing Before Election Judges	Election Ordinance Section 502
November 7, 2016	5pm Deadline for Election Judges' written decision	Election Ordinance Section 502
November 8, 2016	5pm Deadline for Protest Candidate to file Appeal with Tribal Court	Election Ordinance Section 503
November 10, 2016	Protest Candidate Appeal Hearing Before Tribal Court	Election Ordinance Section 503
November 11, 2016	5pm Deadline for Tribal Court's written decision	Election Ordinance Section 503
November 14, 2016	Election Judge's Certification of Election Results submitted before Regularly scheduled Tribal Council Meeting	Election Ordinance Section 412
November 17, 2016	5pm Deadline for Tribal Chairperson Candidates to file written notification of intent with Election Judges	Constitution Article V, Section 4 and Election Ordinance Section 602
November 19, 2016	Early Voting for Tribal Chairperson	Election Ordinance Section 403
November 23, 2016	Election Date for Tribal Chairperson	Election Ordinance Section 602