St. Regis Mohawk Tribe

Chief Randy Hart
Chief Ron LaFrance Jr.
Chief Paul O. Thompson
Sub-Chief Shelley Jacobs
Sub-Chief Michael L. Conners
Sub-Chief Eric Thompson

Tribal Council Resolution

2013 - 21

RESOLUTION OF THE SAINT REGIS MOHAWK TRIBE TO AMEND THE ELECTION AND REFERENDUM ORDINANCE

WHEREAS, The Saint Regis Mohawk Tribal Council (the "Tribal Council") is the duly recognized governing body of the Saint Regis Mohawk Tribe (the "Tribe") and is responsible for the health, safety, education and welfare of all community members; and

WHEREAS, The Tribal Council enacted the Election and Referendum Ordinance, as amended, on April 10, 2009 to provide uniform and consistent procedures for the management of Saint Regis Mohawk Tribal Elections and Referendums; and

WHEREAS, The Election Board, in conjunction with Tribal Council, recommend that certain amendments to the Election and Referendum Ordinance be made so as to ensure its provisions are implemented in an efficient and fair manner; and

WHEREAS, The Tribal Council has determined that these amendments are necessary and are in the best interest of Tribal members; now, therefore, be it

RESOLVED, That the St. Regis Mohawk Tribal Council hereby adopts the Election and Referendum Ordinance as Amended, dated April 2, 2013.

THE SAINT REGIS MOHAWK TRIBAL COUNCIL

Randy Hart
Randy Hart,
Tribal Chief

Ron LaFrance, Jr.,
Tribal Chief

Paul O. Thompson
Paul O. Thompson,
Tribal Chief

CERTIFICATION: This is to certify that the Saint Regis Mohawk Tribal Council pursuant to the authority vested therein duly passed the above resolution.

Jacco
Colleen Jacco, Tribal Clerk

April 2, 2013
Date

412 State Route 37
Akwesasne, New York 13655
Phone: 518-358-2272

SAINT REGIS MOHAWK TRIBE
ELECTION and REFERENDUM ORDINANCE
As Amended April 2, 2013

I. Purpose

The purpose of this Ordinance is to provide uniform and consistent procedures for the management of Saint Regis Mohawk Tribal Elections and Referendums.

II. Definitions

1. Campaign paraphernalia or campaigning-anything used to encourage people to vote in a particular way and which is intended to influence a vote for a particular result. Advertisement or notice to the community about where and when to vote or to simply vote in general with no intention to influence in any way is not considered campaigning.

2. "Civil Disobedience" means a deliberate, but nonviolent act of law breaking to call attention to a particular law or set of laws believed by the lawbreaker to be of questionable legitimacy or morality.

3. "Election" includes the regular annual election as well as any recall, special election or run-off election.

4. "Eligible voter's list" means a list, compiled by the Tribal Clerk, of enrolled members who meet the eligibility criteria under section VII of this ordinance.

5. "Fraud" means a knowing misrepresentation of the truth or concealment of a material fact to induce another to act.

6. "Serious Crime" means a felony or misdemeanor, not involving an act of civil disobedience, which involves an act of moral turpitude. Crimes of moral turpitude are crimes involving dishonesty such as larceny, fraud or murder, for example.

7. "Special Election" means an election held at a time other than the regularly scheduled June election and which may be held to fill a vacant elective position for example.

8. "Valid Petition" shall mean a petition which contains the requisite number of valid signatures in order for the proposal to be set for referendum in accordance with the Tribal Procedures Act.

9. "Valid photo identification" means identification, which contains a picture of the Tribal member, issued by a government entity and which is sufficient to establish a person's identity.

III. General Provisions

A. Elections will be held annually on the first Saturday in the month of June and will commence at 9:00 a.m. and conclude at 5:00 p.m.

B. The Candidate who receives the highest number of votes in a popular Election of eligible voters shall be declared elected to the position for which he or she ran.

C. Each candidate may appoint one observer to oversee the election process.

D. To be an appointed observer one must be an eligible voter of the Saint Regis Mohawk Tribe.

E. To appoint an observer, a candidate must submit the observer's name to the Tribal Clerk's office at least 72 hours prior to the regularly scheduled Election, which will forward the name to the Board.

F. An appointed observer will be allowed to observe the proceedings only. Observers shall not participate in any way with the ordinance, voting, or counting procedures.

G. Observers shall not engage in any behavior that could be construed as harassing, intimidating or disruptive, to the general voting public nor shall observers interact with any voters.

H. The appointed observer shall remain in the building where the Election is taking place for the duration of the Election.

I. The Board may ask for workers to help with the counting of the ballots and to oversee the election. The Board may ask the Tribal Council to pay a reasonable compensation to the election workers for their time. Compensation may include an hourly rate for non-Tribal employees and compensation time for Tribal employees.

J. An eligible voter may vote only once for each position on the ballot.

K. Cell phones, cameras and all other portable electronic devices will be prohibited by workers and appointed observers on the scheduled Election Day for the duration of the election.

L. The Board has the authority to remove any individual found in violation of this ordinance from the polling area.

M. In some instances staff may be required to enter the Tribal Building for some purpose other than voting. The Election Board has the final say on who may be allowed in the polling areas during the election and counting of votes.

IV. Election Board

A. Appointment

1. The Tribal Council shall, through a Tribal Council Resolution, appoint a Tribal Election Board which shall consist of three (3) or five (5) members.

2. Board members shall be appointed for three (3) year terms.

3. The powers of the Board shall be as set forth in this Ordinance.

B. Qualifications

To serve on the Election Board, members must meet the criteria of an eligible voter as prescribed in Section VII of this Ordinance.

C. Powers, Oath and Responsibilities

1. Upon accepting the appointment, each member of the Board shall take and sign an oath that shall become part of the Board's records stating that he or she will serve according to the best of his or her ability and shall make every effort to prevent fraud or abuse in the Election process.

2. The Election Board shall adopt bylaws and shall be responsible for performing their duties in accordance with this Ordinance, their bylaws and other established hearing procedures.

3. The Election Board shall have the power to conduct all Tribal Elections and Referendums and shall do so in accordance with this Ordinance.

4. Further the Election Board shall have the power to conduct a recall election at the direction of the Ethics Officer upon a final determination of the Ethics Commission.

5. The Board shall perform all tasks required of it by this Ordinance and shall be responsible for the following:

    a. Provide public notices of the time, date and place for Caucus, Elections, and Referendums.

    b. Provide information on candidate and voter eligibility.

    c. Call for and receive nominations.

    d. Confirm candidates meet the eligibility criteria as prescribed in Section V with an affidavit prescribed by the Board.

    e. Prepare ballots.

f. Ensure at least one (1) Saint Regis Mohawk Tribal Police Officer shall be present in the polling station from opening to closing and shall witness the counting process.

g. Verify with the Tribal Police Officer that all ballot boxes are empty prior to the start of voting.

h. Supervise the counting of ballots at the close of polls.

i. Prepare request to ensure ballot boxes are available for voting.

j. Arrange for necessary personnel to staff election tasks prior to the Elections.

k. Ensure sufficient number of voting booths.

l. Provide for tally sheets to record election results.

m. Officially and publicly announce election results.

n. Determine procedures for providing public access to Election Board.

6. The Election Board shall be responsible for maintaining accurate and organized records of all elections, referendums, petitions, appeals, and any other materials or documents related to the administration of the Saint Regis Mohawk Tribe's Election and Referendum Ordinance.

7. The Election Board shall maintain records of decisions on which to base future decisions to ensure consistency and uniformity of the law.

8. The Saint Regis Mohawk Tribal Clerk's office shall provide the Board with a final Eligible Voters List by close of business, the last business day prior to the Election or referendum. Individual voters are responsible for making sure their name is on this list.

D. Compensation

Each Board member shall be compensated at a rate set by the Tribal Council for the time spent discharging his or her responsibilities as a Board member.

E. Equipment and Materials – Payment of Expenses

The Board may procure equipment, supplies, materials, books, papers, and records of every kind, as well as for training in conducting elections, as the Board considers necessary to facilitate and assist in administering this ordinance, according to a budget approved by Tribal Council.

V. Eligibility of Candidates

A. All Candidates

All Candidates must possess the following qualifications:

1. Have been nominated by two (2) eligible voters of the Tribe. Eligibility of nominators will be determined at the time of the nomination.

2. Not have been convicted of any serious crime as defined by this Ordinance and must sign a release authorizing a criminal background check within three (3) business days of caucus.

3. Individuals must be willing to sign an affidavit stating they not only meet the above listed requirements but they are also a person of good character and sound judgment.

4. Shall be subject to and must pass a drug test prior to being declared an eligible candidate. The drug test must take place within three (3) business days of caucus. The results of the drug test shall remain on file for three months following the election and may be used to establish or deny eligibility to run for office in a by election or special election held during this time frame.

5. Candidates may only run for one (1) position in any given election.

B. Tribal Chief, Tribal Sub-Chief, and Tribal Clerk

In addition, candidates for Tribal Chief, Sub-Chief and Tribal Clerk must possess the following qualifications:

1. Be an enrolled member of the Saint Regis Mohawk Tribe.

2. Be an eligible voter of the Saint Regis Mohawk Tribe.

3. Be at least thirty (30) years of age at the time of Election.

4. Have resided on the Saint Regis Mohawk Reservation, as defined by the Treaty of 1796, for at least one (1) year immediately prior to the annual tribal election.

5. Have been nominated by two (2) eligible voters of the Tribe. Eligibility of nominators will be determined at the time of the nomination.

6. Not have been convicted of any serious crime as defined by this Ordinance and be willing to sign a release authorizing a criminal background check.

C. Tribal Court Judges

All Tribal Court Judges must be at least twenty-five (25) years of age before the date of nomination and further, candidates for elected Tribal Court Judgeships shall meet the following qualifications:

1. Traffic Court Judge

   At a minimum, such candidates shall meet the following requirements:

   a. Possess High School diploma.

   b. Willingness and ability to participate in any required training.

   c. Individuals must be willing to sign an affidavit stating they not only meet the requirements but they are also a person of good moral character and sound judgment.

   d. Not have been convicted of a serious crime as defined by this Ordinance.

2. Chief Judge (Tribal Court or Court of Appeals)

The Chief Judge/Justice must be an attorney with at least five (5) years experience and knowledge working with federal Indian and Tribal Law and customs. Further, such candidates shall meet the following requirements:

a. Must be of good moral character and not have been convicted of a serious crime as defined by this ordinance.
b. Individuals must be willing to sign an affidavit stating they not only meet the requirements but they are also a person of good character and sound judgment.
c. Must meet one or more of the following professional qualifications to be eligible to serve as a Tribal Chief Judge:

   i. Graduation from an American law school accredited under the American Bar Association.
   ii. Admission to practice law before any State or Federal Court.
   iii. Previous experience as a magistrate or lay judge in any local or tribal court.

3. Associate Judges/Justices
   a. Must be of good moral character and not have been convicted of a serious crime as defined by this Ordinance.

   b. Individuals must be willing to sign an affidavit stating they not only meet the requirements but they are also a person of good character and sound judgment.

   c. Must meet one or more of the following professional qualifications to be eligible to serve as a Tribal Associate Judge/Justice:

i. Graduation from an American law school accredited under the American Bar Association.
ii. Admission to practice law before any State or Federal Court.
iii. Possession of a Masters Degree with substantial law-related experience.
iv. Previous experience as a magistrate or lay judge in any local or tribal court.

D. Incumbent Candidates

1. If a current elective official, who has not finished their current term, wishes to be a candidate for a different elective position or wishes to obtain other full-time employment, that official will be required to relinquish the remaining term of their current office unless that official's term has expired.

2. The official will be required to provide written notice of their intent to resign their office to the Tribal Council one (1) week prior to the Tribal Caucus.

3. The Tribal Council shall confirm the resignation, inform the Board that there exists a vacancy on Council and shall direct the Board through a Tribal Council Resolution to include the vacant position among those positions to be filled in the next upcoming election.

4. The term of the vacant position shall be the number of years remaining on the resigned official's term.

5. The only elective officials exempt from the provisions of this section shall be non-full time Judges/Justices, who shall be permitted to retain their position as Judges/Justices while otherwise employed or seeking employment, so long as such employment does not constitute a conflict of interest with their appointment as a Judge or Justice.

E. Write-In Candidates

Should a person be declared the winner of an elective position and that person was not listed on the official ballot, that person must meet all requirements specified in Section V, except V.A.4., before their election to such position is certified by the Board.

VI. Term of Office

A. Chief and Sub-Chief

Pursuant to the referendum held on April 24, 2004, Tribal Council members shall be elected to staggered three (3) year terms.

B. Tribal Clerk

The Saint Regis Mohawk Tribal Clerk shall be elected to a 3-year term.

C. Tribal Judges

The term of office for all Judges/Justices, once the position is initially put for election, shall be three (3) years.

D. Vacancies

If a current elective position is vacated due to resignation, the official will be required to provide written notice of their intent to resign their office to the Tribal Council. Vacancies due to resignation, removal or death shall be filled as follows:

1. Vacancy of the Tribal Clerk's position:

   a. The Tribal Council shall inform the Board that there exists a vacancy on Council and shall direct the Board through a Tribal Council Resolution to include the vacant position among those positions to be filled in the next upcoming election.

   b. The term of the vacant position shall be the number of years remaining on the Tribal Clerk's term.

   c. Tribal Council may appoint an individual who would otherwise meet the qualifications, to the position until the next regularly scheduled election.

2. Vacancy of a Chief's position:

   a. The vacant Chief's position shall be filled by his or her Sub-Chief for the number of years remaining on the Chief's term.

3. Vacancy of a Sub-Chief's position:

   a. Tribal Council may either leave the position vacant, or may appoint an individual, who would otherwise meet the qualifications, to the position of Sub-Chief until the next regularly scheduled election.
   b. The Tribal Council shall direct the Board through a Tribal Council Resolution to include the vacant Sub-Chief position among those positions to be filled in the next upcoming election for the number of years remaining on the Sub-Chief's term.

4. Vacancy of a Tribal Court Judge or Justice:

   The Tribal Council may either leave the position vacant, or may appoint an individual temporarily, who meets the qualifications for the position, to the position until such time as the position is put to election, not to exceed three (3) years.

VII. Eligibility of Voters

At the time of voting an eligible voter must:

A. Be at least eighteen (18) years of age.

B. Be an enrolled member of the Saint Regis Mohawk Tribe.

C. Reside in the United States for at least six months immediately prior to the election.

D. Have their name on the most current eligible voters list. It is the responsibility of all Tribal members to ensure they are on the eligible voters list.

VIII. Absentee Voting

A. To vote by Absentee ballot an individual must:

1. Contact the Tribal Clerk's office to request an "Absentee Ballot Application"

2. Tribal Clerk's office shall confirm the eligibility of the voter.

3. Upon confirmation of eligibility, the Tribal Clerk's office shall provide the voter one "Absentee Ballot Application" and one "Ballot" for each position.

4. The application must be notarized and returned with ballots.

5. Ballots must be received by 12:00 p.m. the day of the Election.

B. Absentee Ballots shall be made available when nominees have met all eligibility criteria and have been certified by the Election Board.

C. Absentee ballots will be kept in a locked ballot box in the Tribal Clerk's office and will be opened during the counting procedure.

D. A clear record of absentee ballot requests shall be maintained by the Tribal Clerk.

E. In-home voting will only be available for home bound eligible voters residing on the Saint Regis Mohawk Reservation, as defined by the Treaty of 1796. Home bound eligible voters must request this service and the Election Board shall keep a record of all requests. A member of the Election Board and a representative of the Tribal Clerk's Office will be available to provide this service.

F. The Election Board shall make arrangements for Walk-In voting, which shall be conducted in accordance will all the rules for regular elections and referendums, to take place for at least two (2) sessions prior to the scheduled election or referendum date. Such dates shall be publicized in advance, by the Election Board.

G. The Election Board shall take all necessary precautions to secure any ballots received from Absentee voting, In-Home Voting or Walk-In voting until the counting of votes begins.

IX. Caucus Procedure

Caucus will be held annually on the first Saturday in May and shall be held in accordance with the following procedures:

A. The Board will call the Caucus to order at 10:00 a.m.

B. The Board shall review the eligibility criteria for candidates.

C. The Board will open the floor for nominations for the elective positions.

D. Nominees for all elected positions can accept or refuse the nomination at the time of the Caucus or by the close of business on the ***Wednesday*** immediately following Caucus.

E. Nominators must be an eligible voter as specified in Section VII.

F. All prescribed forms for elective positions will be available at the time of Caucus and in accordance with nomination procedures.

G. The Board shall call the Caucus to an end when all nominations are completed. The Board will then read aloud all nominations to provide all attendees with the unofficial list of candidates.

H. The Board shall post an un-official list of candidates one (1) week after Caucus. All nominees are responsible for taking their drug test within three (3) business days of caucus. The Election Board will not be responsible for any nominee's failure to meet this requirement prior to the posting of the un-official list of candidates. The Election Board shall post the official list of candidates two (2) weeks after caucus.

X. Nominations

A. Nominations shall be received at the scheduled Caucus.

B. Nominations shall be received on forms prescribed by the Board. Any person whose name is on the eligible voters list has the right to nominate or second the nomination of any duly qualified person to run for the elective offices that are posted.

C. No person may nominate or second more candidates than he or she is entitled to vote for.

D. No person may accept a nomination nor may they run for more than one (1) position in any election.

E. Once nominations are closed the Board shall require each candidate to establish their eligibility by completing an affidavit that he or she fulfills the eligibility requirements.

F. The "Affidavit of Eligibility" must be completed and delivered to Tribal Clerk's Office by the close of business on the Wednesday immediately following the Caucus. The

Affidavit of Eligibility shall require nominees to specify what, if any, convictions they have.

G. The Election Board shall determine whether nominees are eligible to be candidates for elected office and shall make the initial residency determination within 48 hours of the close of Caucus. Should a nominee be deemed ineligible, the nominee has until the close of business of the Friday immediately following the Caucus, in which to prove his or her eligibility. The Elections Board's decision on ***residency*** shall be final.

H. Any candidate, who has accepted their nomination, may withdraw if they wish, by filing a "Notice of Withdrawal" as required by the Board, at least 48 hours before the scheduled Election.

I. Once a candidate has withdrawn, the candidate may not reinstate their candidacy for that Election.

J. A candidate who wishes to withdraw but fails to submit the "Notice of Withdrawal" by the prescribed time shall remain on the Ballot for the Election.

K. If only one qualified candidate is nominated at the time of Caucus and no qualified person is elected via write-in ballot then that person shall be elected to that position.

XI. Voting Procedure

A. The Board shall issue ballots containing the following information:

1. The Elective Position in question; and

2. The names of all candidates running for the elective position

B. Any eligible voter who is in line at the polling station at the time of closing shall be entitled to vote.

C. Each person presenting himself to vote must sign in and present their Tribal Enrollment card or valid photo identification prior to receiving their ballots for the election and must put their enrollment number next to their name.

D. Upon receiving the ballot each voter shall:

1. Immediately proceed to the designated voting area and place an (X) or check mark (√) or other mark which a majority of the Electin Board members agree clearly defines the choice, in the box beside the name of the candidate for whom he or she is voting;

2. Each ballot shall be placed in the designated ballot box for each electoral position.

3. Once a person completes the voting process they must exit the polling place.

E. A voter who inadvertently spoils a ballot may return it to the Board in order to obtain another ballot, and a Board member shall write or stamp the word "SPOILED" upon it, deposit it into the ballot box, and provide the voter with another ballot.

F. Any person at the time of voting who decides not to vote must return the ballots to the Election Board and must exit the building immediately.

G. No person is permitted to leave the polling place with any ballots in their possession. Election officials or Tribal Police shall, upon discovery, seize ballots in the possession of anyone leaving the polling place. Seized ballots will be marked "SEIZED" and "VOID". The provisions of this Section shall not apply to election officials required to move or process ballots as part of their official duties.

H. Any person who attempts to deposit anything other than the ballots in the ballot box will be asked to leave the polling place.

I. No person shall campaign nor shall any campaign paraphernalia be permitted on Tribal property during an election, special election or referendum. This includes emails to any facility that is under the jurisdiction of the Saint Regis Mohawk Tribe.

J. Members of the media, as well as protestors, will not be permitted on Tribal property during an election, special election or referendum.

I. Persons requiring assistance may take a person of their choosing to assist them to cast their ballot at the time of voting.

XII. Counting Procedure

A. Immediately following the casting of the last ballot and the closure of the polling place, the Board shall, in the presence of the appointed observers and the Saint Regis Mohawk Tribal Police Officer open the ballot boxes one by one. As ballots are examined the Board shall:

1. Reject and write or stamp "VOID" on all those ballots:
   a. That do not have any markings of them
   b. That have marks other than one (X) or check mark (√), or mark approved by the Election Board, in the assigned space
   c. That contains more than one vote on the ballot.

2. Report in writing on the backside of the ballot the reason for the rejection. The rejected ballot will be signed by all Election Board members to confirm the invalidity of the spoiled ballot.

3. The ruling of the Election Board regarding the validity of a ballot shall be the final decision.

B. In the presence of the Board and the Saint Regis Mohawk Tribal Police Officer, the election personnel shall:

1. Count the confirmed ballots for each candidate;

2. Upon conclusion of counting make a written statement of the number of confirmed votes and the number of rejected ballots; and

3. Sign the written statement

C. Immediately following the counting of the ballots the Board shall:

1. Publicly announce the unofficial winners of all elective positions; and

2. Release a signed statement showing the number of votes that were cast at the time of the election and show the amount of votes for each candidate.

D. In the event of a tie the Board may call for a recount of the ballots for the position in question.

E. In the event the successful candidate for a position fails to take office, the position will be filled by a Special Election to be held in accordance with this Ordinance.

F. After the confirmation of a tie, the Board shall call for a special election one week from the regular election for the position in which the Election Board has called a tie. The Special Election shall be conducted under Sections IV, VII, VIII, XI, and XII of this document.

XIII. Referendums

A. A Tribal Referendum must occur within ninety (90) days of receipt of a valid petition or the 2/3 vote of Tribal Council.

B. The referendum question shall be presented to the community at a minimum of three (3) public meetings to be held at the Saint Regis Mohawk Tribal Community Building or another suitable location prescribed by the Board.

C. The referendum question shall be posted in the Saint Regis Mohawk Tribal Community Building, at least one local newspaper, and shall be aired as an announcement on CKON Radio Station at least thirty (30) days prior to the date of the Referendum.

D. The community announcement must include the following information:

1. Referendum question
2. Date of Referendum.
3. Polling location for Referendum.
4. Polling location hours.
5. Contact information should a community member have questions.

E. At least one (1) Saint Regis Mohawk Tribal Police Officer shall be present in the polling station from opening to closing and shall witness the counting process.

F. Eligibility of voters for a referendum shall be the same as prescribed in Section VII of this Ordinance.

G. The Saint Regis Mohawk Tribal Clerk's office shall provide the Board with a final Eligible Voters List by close of business, the last business day prior to the Election or referendum. Individual voters are responsible for making sure their name is on this list.

H. Absentee voting shall be the same as prescribed in Section VIII of this Ordinance.

I. The Referendum results shall be decided by a majority of eligible voters casting ballots in the Tribal Referendum.

J. No minimum number of voters must cast ballots in order for the results of a Tribal Referendum to be adopted.

K. The numerical results of a Referendum shall be certified by the Board.

L. Any appeals to the results of a Referendum shall be dealt with in accordance with Section XIV of this Ordinance.

M. Petitions

Upon submission to and acceptance by the Election Board, a petition shall be deemed final and complete and no further signatures shall thereafter be added. The following procedures shall be used for verification of petitions:

1. The Election Board shall acknowledge receipt of Petition, in writing, addressed to the individual presenting the Petition.

2. As of the date of the submission of the Petition, the Tribal Clerk will generate the Eligible Voters List and determine both the number of eligible voters of the SRMT and the number of valid signatures required for a Petition to be successful.

3. In order for a signature to be valid, the individual signing the Petition must be on the Eligible Voters List as of the date of the submission of the Petition.

4. The Tribal Clerk, or their designee, shall verify each signature by reviewing the Petition against the Eligible Voters List.

5. Valid signatures for a Petition must include:

    a. Printed Name
    b. Signature
    c. Enrollment Number

d. Date of Birth

6. If the signature does not contain all of these requirements, but the Tribal Clerk, or their designee, can ascertain whether the individual is an eligible voter, the signature shall be accepted and counted.

7. The Tribal Clerk, or their designee, shall make the final determination as to the validity of any signature and may take into consideration whether the signature is legible, whether an individual has signed multiple times, or whether a name properly matches with an enrollment number, among other considerations.

8. Once all of the signatures have been reviewed by the Tribal Clerk, or their designee:

a. If the Petition contains the required number of valid signatures, the Petition shall be verified and presented to the Election Board for action to call for a referendum in accordance with the Petition.

b. If the Petition does NOT contain the required number of valid signatures, a written notice will be sent to the individual who presented the Petition, by the Tribal Clerk or their designee, notifying him/her that the Petition has been denied and shall state the reasons for the denial.

XIV. Appeals and Hearing Procedures

A. General Provisions

1. Any appeals must be in writing and addressed to the Board within five (5) business days immediately following the Election or Referendum.

2. The Election Board shall determine the course of action taken on the appeal and shall conduct a hearing for the complainant to be heard, in accordance with the procedures below.

3. The Election Board shall render a decision within five (5) business days. All decisions mad made by the Election Board shall be final and there shall be no appeals to Tribal Court.

4. Appeals requesting overturning of Election and Referendum results will only be considered under the following circumstances:

a. The Election Board finds that a person declared elected was not qualified to be a candidate.
b. The Election Board finds that there was a violation of this Ordinance in the conduct of the Referendum or Election that may have changed the result.

c. The Election Board finds that there was corrupt or fraudulent practice in relation to the Ordinance, on the part of elected officials, Election Board members, or Candidates.

5. Complaints of minor procedural violations or error will be addressed, in writing, by the Election Board, but shall not be the basis of overturning Election or Referendum results.

B. Hearing Procedures

1. The Election Board will schedule a hearing within 5 days after the receipt of an appeal or request for a hearing.

2. The Election Board will preside and may select one of its members to be the chairperson who will conduct the hearing.

3. Before the hearing, the complainant will be given the opportunity to examine any public documents at Tribal Clerk's office directly relevant to the hearing. The complainant will be allowed to request a copy from the Tribal Clerk of any such document at their expense. Any document not made available to the complainant before the hearing cannot be used at the hearing.

4. The Complainant may, but is not required to, be represented by a lawyer or other representative at your expense.

5. If the Complainant fails to appear at the time scheduled for the hearing, the Election Board may determine that the right to a hearing has been waived, in which case your appeal or complaint may be dismissed, decided upon the written complaint filed, or it may postpone the hearing for a period not to exceed five (5) days.

6. The Election Board will have sole responsibility for regulating the conduct of the hearing. Failure to follow the Election Board's directions may result in exclusion from the hearing, in a decision against the disorderly party, or in such other relief as the Election Board shall reasonably determine.

7. Complaint may have maximum of three other persons in attendance at the hearing. Because of the serious nature of the hearing process, children will not be allowed in the hearing room. Families are responsible for arranging for necessary childcare.

8. Complaint will present evidence first and question any witnesses. A list of witnesses you plan to call must be presented to the Election Board prior to the hearing. The Election Board will swear in witnesses.

9. Evidence will be considered without regard to admissibility under the normal strict rules for judicial proceedings. All hearings shall be conducted informally, and both oral and documentary evidence pertinent to the facts and

issues raised may be received. The Election Board alone will have the authority to decide challenges to the admissibility of evidence.

10. The Election Board's determination on all matters relating to the hearing, including the final determination of the appeal or complaint, is final.

XV. AMENDMENT

This Ordinance may be amended upon the approval and adoption of such amendments by the majority of Tribal Council.

XVI. REPEALER

This Ordinance shall supersede and replace all prior Ordinances, or portions thereof, adopted by the Saint Regis Mohawk Tribe, as they pertain to the matters contained herein.

SAINT REGIS MOHAWK TRIBAL COUNCIL

Randy Hart

Randy Hart, Tribal Chief

Ron LaFrance, Jr., Tribal Chief

Paul O. Thompson

Paul O. Thompson, Tribal Chief

I hereby certify that the Saint Regis Mohawk Tribal Council has duly adopted this Ordinance, as amended, for all future Tribal Elections and Referendums, this 2nd day of April, 2013.

Corleen Jacco, Tribal Clerk

- Seal -