

ARTICLE IX – ELECTIONS

Section 1. Voters. Members of the Tribes age eighteen or older shall be eligible to vote in an election.

Section 2. Voter Registration.

(a). Cheyenne voters shall register to vote in the Cheyenne District in which they reside. Cheyenne voters who do not reside within a Cheyenne District shall register to vote in any Cheyenne District; provided that once registered in such District, the voter shall not be permitted to change Districts unless he or she establishes residency in another Cheyenne District.

(b). Arapaho voters shall register to vote in the Arapaho District in which they reside. Arapaho voters who do not reside within an Arapaho District shall register to vote in any Arapaho District; provided that once registered in such District, the voter shall not be to change Districts unless he or she establishes residency in another Arapaho District.

(c). A Member of the Tribes who possesses both Cheyenne and Arapaho blood shall register to vote in either a Cheyenne District or an Arapaho District, provided that such Member may only change from a Cheyenne District to an Arapaho District, or from an Arapaho District to a Cheyenne District, once.

(d). A Member who is properly registered to vote in a District shall not be required to re-register to vote unless the Member establishes residency in another District or fails to vote in two consecutive elections.

Section 3. Election Commission.

(a). There shall be an Election Commission to conduct all elections in a fair and impartial manner in accordance with laws of the Tribes. The Election Commission shall select one of its members to serve as the Chairman of the Election Commission. The Legislature shall not have Executive or administrative authority over the Election Commission.

(b). The Election Commission shall consist of eight Members with one Cheyenne Member and one Arapaho Member from each District. The Members of the Election Commission shall be elected from their respective Districts to serve a term of four years. Elected officials of the Tribes shall not be eligible to serve on the Election Commission.

(c). Each Member of the Election Commission shall possess at a minimum a High School degree or its equivalent. No person convicted of a felony shall serve as an Election Commission Member.

(d). Members of the Election Commission who are convicted of a violation of the Election laws or who have violated the Election laws as determined by the Judicial Branch shall not be eligible to serve on the Election Commission, and such conviction or violation shall be punishable by a jail term of up to one year and a fine of up to five thousand dollars per offense.

Section 4. Nominations. Each candidate for elective office shall file a nomination petition with the Election Commission. Each nomination petition shall contain at least ten signatures of Members of the Tribes who are qualified to vote.

Section 5. Candidates. Any employee of the Tribes who is a candidate for elective office in a Primary Election or General Election, except incumbents, shall be granted leave without pay for ten working days prior to any Primary Election or General Election, unless they are elected in which case they shall receive four weeks back pay.

Section 6. Polling Sites. All votes shall be cast at a District polling site. There shall be at least one but no more than three polling sites in each District. Polling sites located outside a District shall be prohibited.

Section 7. Ballots.

(a). All elections shall be conducted by secret written ballots.

(b). Absentee voting shall be permitted for eligible voters who do not reside in a District or who are unable to vote at the polls for reasons established by law.

(c). The Election Commission shall properly account for all official ballots and shall utilize a bar code or equivalent system to ensure the integrity of the official ballots.

Section 8. Procedures.

(a). Beginning on May 1st of an election year, nominations for elective office shall be open to qualified candidates. Nominations shall close on June 1st. The Election Commission shall make all determinations regarding the eligibility of candidates to seek elective office and shall publish a preliminary list of qualified candidates no later than June 15th. Any Member of the Tribes may challenge a name on, or the omission of a name from, the preliminary list of candidates by filing a written protest with the Election Commission by July 15th. The Election Commission shall decide all written protests to the preliminary list of candidates no later than August 1st. The Election Commission shall publish a final list of candidates no later than August 15th.

(b). The Election Commission shall publish a preliminary list of eligible voters no later than June 15th of an election year. The Enrollment Department and the Election Commission shall cooperate in the development of the preliminary list of eligible voters. Any Member of the Tribes may challenge a name on, or the omission of name from, the preliminary list of eligible voters by filing a written protest with the Election Commission by July 15th. The Election Commission shall decide all written protests to the preliminary list of eligible voters no later than August 1st. The Election Commission shall publish a final list of eligible voters by August 15th.

(c). On election day, the Election Commission shall ensure that all ballot boxes are properly secured and sealed to ensure the integrity of the ballots.

(d). The candidate or issue receiving the greatest number of votes cast shall prevail.

(e). For purposes of enforcement of the election laws of the Tribes, the Election Commission shall be subject to suit for non-monetary, equitable relief exclusively in the Judicial Branch.

Section 9. Primary Election. A Primary Election for Governor and Lieutenant Governor, and Legislators shall be held on the first Tuesday following the first Monday in October in odd numbered years. The candidates receiving the two highest number of votes in the Primary Election shall proceed to the General Election.

Section 10. General Election. A General Election for Governor and Lieutenant Governor, and Legislators shall be held on the first Tuesday following the first Monday in November in odd numbered years. The candidates receiving the highest number of votes in the General Election shall be seated.

Section 11. Special Election. A Special Election shall be held when called for by the Legislature by law or by this Constitution.

Section 12. Certification of Election Results. The Election Commission shall certify all election results within twenty-four hours of the election. A tie vote in a General Election shall be decided in a Special Election.

Section 13. Election Challenges. All protests and challenges to the results of an election shall be initially filed with the Election Commission. The Election Commission shall render a final determination on any protest or challenge within forty-eight hours setting forth in writing separate findings of fact and conclusions of law. If the Election Commission fails to render a final determination on an election protect or challenge within forty-eight hours, the original certification of the election results shall be deemed final for purposes of judicial review. An appeal of a final determination made by the Election Commission on any protest or challenge to the results of the election may be filed directly with the Supreme Court. The Supreme Court shall hear and decide all election appeals within twenty days, provided that, if the Supreme Court fails to decide such appeals within twenty days, then the decision of the Election Commission shall be final and no subsequent judicial review shall be permitted.

Section 14. Oath of Office. A Justice of the Supreme Court shall administer the Oath of Office for all newly elected officials of the Tribes on the first Saturday in January following an election. The Oath of Office shall require all elected officials to swear an oath and allegiance to serve all the People of the Tribes, to refuse all gifts or favors in exchange for official action, or to refrain from providing any gifts, favors, or money in exchange for political gain, and to uphold the Constitution of the Tribes.

Section 15. First Elections.

(a). Following the adoption of this Constitution, Business Committee Members whose terms began under the terms of the Constitution and Bylaws of the Cheyenne- Arapaho Tribes dated 1975, as amended, shall be considered a District Legislator under this Constitution.

(b). In the 2007 election, a Primary Election and a General Election shall be held in accordance with the terms of this Constitution. In the 2007 elections, the seat for the C-1 District Legislator and the seat for the C-3 District Legislator shall be filled. In the 2007 election, the seat of the A-1 District Legislator whose term expires in the 2007 shall be re-designated as the new A-3 District Legislator seat, and such seat shall be filled in the 2007 election. In the 2007 election, the seat of the A-2 District Legislator whose term expires in the 2007 shall be re-designated as the new A-4 District Legislator seat, and such seat shall be filled in the 2007 election. Persons elected in 2007 to serve as Legislators in the C-1, C-3, A-3, and A-4 seats shall serve four year terms.

(c). Following the adoption of this Constitution, a Special Election shall be held to fill the Offices of Governor and Lieutenant Governor. The Special Election shall include a Primary Election to be held within thirty days after the adoption of this Constitution, and a General Election to be held thirty days after the Primary Election. Article IX of this Constitution shall not apply to the Special Election. The existing Election Board in office as of the date of the adoption of this Constitution shall conduct the Special Election. The Election Board shall provide reasonable notice of the Special Election including adequate time for candidates to file their candidacies, and shall conduct the Special Election in a fair and impartial manner. All eligible voters of the Tribes as of the date of the adoption of this Constitution shall be entitled to vote in the Special Election. The teams of Governor/Lieutenant Governor candidates who receive the two highest numbers of votes in the Primary Election shall proceed to the General Election, and the team of Governor/Lieutenant Governor candidates who receive the highest number of votes in the General Election shall be declared the winner. The persons elected together as the Governor and Lieutenant Governor shall serve until replaced or until re-elected in the 2009 elections. The Election Board shall administer the Oath of Office to the winners of the seats of Governor and Lieutenant Governor within three days of the certification of the results of the Special Election.

(d). In the 2007 election, the eight seats on the Election Commission shall be filled. The election of Election Commission Members shall be held on the date of the General Election in 2007. The person receiving the highest number of votes per District for the position of Election Commission Member shall be seated, provided, that any tie votes shall be decided in a Special Election. Until the 2007 election, the Tribal Council may continue to select and employ Election Board Members who shall serve until replaced in the 2007 election. The existing Election Board in office as of the date of the adoption of this Constitution shall remain in office until properly replaced. No Member of the Election Board may be a candidate for Election Commission Member in the 2007 election. Until an Election Commission is elected in the 2007, the Election Board shall have all the duties and responsibilities as the Election Commission as indicated in this Constitution.

(e). Following the adoption of this Constitution, the incumbent Chief Judge of the Tribal Court, and the three most recent Justices of the Supreme Court, shall remain in office with the full judicial authority to act in accordance with this Constitution until such time as replaced or reappointed in accordance with this Constitution.