

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: NOV 01 2018

ORDINANCE NO. 408 (2018)

WHEREAS, on September 6, 2018, Tribal Council passed Ordinance No. 173 (2018) which was amended to extend the time for amending the Tribal election laws codified at Cherokee Code Chapter 161; and

WHEREAS, Tribal Council and the community have requested changes to the election ordinance to improve the election process so that it produces trustworthy election results and address the problems encountered in the 2017 Tribal general election; and

WHEREAS, the amendments to the election ordinance are presented in this ordinance.

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that Cherokee Code Chapter 161, the election ordinance, shall be amended to read as follows:

Sec. 161-1. - Election dates.

- (a) The Cherokee General Election shall be held on the first Thursday in September ~~1999~~ 2019, and each two years thereafter.
- (b) The Primary Election for the office of Principal Chief and Vice-Chief shall be held on the first Thursday in June, ~~2015~~ 2019, and each four years thereafter.
- (c) The Primary Election for the offices of Tribal Council shall be held on the first Thursday in June, ~~2013~~ 2019, and each two years thereafter.
- (d) A Primary Election run-off shall be held on the third Thursday in June, ~~2013~~ 2019, and each two years thereafter, if necessary.
- (e) A General Election run-off shall be held on the third Thursday in September ~~1999~~ 2019 and each two years thereafter, if necessary,

Sec. 161-2. - Tribal Offices. [No changes are made to this section.]

Sec. 161-3. - Qualification for offices.

- (a) In order to run for or serve as the Principal Chief or Vice-Chief, a candidate must:
 - (1) Be an enrolled member of the Eastern Band of Cherokee Indians; and
 - (2) Be at least 35 years of age by the date of the primary election; and

- (3) Have resided on Cherokee trust land continuously for at least two years immediately preceding the date of the primary election; and
- (4) Continue to reside on Cherokee trust land during their term of office; and
- (5) Be a registered voter with the Tribal Election Board.
- (b) In order to run for or serve as a member of the Tribal Council, a candidate must:
- (1) Be an enrolled member of the Eastern Band of Cherokee Indians; and
- (2) Be at least 18 years of age by the date of the primary election; and
- (3) Have resided in the township which he or she is to represent for at least 90 days immediately preceding the date of the primary election; and
- (4) Continue to reside in the township in which the candidate was elected during their term of office; and
- (5) Be a registered voter with the Tribal Election Board.
- (c) In order to run or serve as a member of the Cherokee School Board, a candidate must:
- (1) Be an enrolled member of the Eastern Band of Cherokee Indians; and
- (2) Be at least 21 years of age by the date of the primary election; and
- (3) Reside in the community the candidate represents for at least one year immediately preceding the date of the primary election and continue to reside in that community during the term of office; and
- (4) Have received a high school diploma or the equivalent; and
- (5) Be a registered voter with the Tribal Election Board.
- (d) No person shall ever be eligible to file for or serve in any of the above Tribal Offices, if:
- (1) The person has been convicted of, pled guilty to, or entered a no-contest plea to a felony; or
- (2) The person has aided, abetted, counseled, or encouraged any person or persons guilty of defrauding the Eastern Band of Cherokee Indians or has defrauded the Tribe, or who may hereafter aid or abet, counsel or encourage anyone in defrauding the Eastern Band of Cherokee Indians; or
- (3) The person has been impeached and removed by the Tribal Council from any elected or appointed office, or found guilty in any jurisdiction to have violated a law that would constitute a violation of Section 17 of the Charter and Governing Document of the Eastern Band of Cherokee Indians; or
- (4) The person has resigned from Tribal elected or appointed office while under criminal investigation or under pending charges for fraud, or a violation of Section 17 of the Tribal Charter or Tribal Law; or
- (5) The person is more than ninety (90) days in default of an obligation to pay a debt to the Tribe, which obligation is imposed by law, contract or court order and the default has not been cured; or
- (6) The person fails to meet the residency requirements for elected office.
- (e) No person may file for, run for, or hold more than one Tribal elective office at any one time. However, a person may run for Tribal elected office while holding a different Tribal

1 office, so long as ~~the term of the office currently held will expire prior to or at the same~~
2 ~~time as the person would assume office if elected to the new office~~ the person resigns from
3 the current elected office prior to taking the oath of office for the newly elected office.
4

5 (f) No person is eligible to hold the office ~~for~~ of Principal Chief, Vice-Chief or Tribal Council
6 member while simultaneously being a Tribal employee or an employee of a Tribal entity. A
7 Tribal employee may run for office, but if elected must resign prior to taking the oath of
8 office for Principal Chief, Vice-Chief, or Tribal Council.
9

10 (g) ~~Members of the Tribal Council or School Board who change their residence from the~~
11 ~~township that they were elected to represent shall be removed from office by the Board of~~
12 ~~Elections if a petition is filed with the Board by an enrolled member registered in that~~
13 ~~township and upon such a finding made by the Board of Elections. Tribal Council or~~
14 ~~School Board members whose residence is challenged by such a petition shall have the~~
15 ~~right to a hearing by the Board of Elections at which they may present evidence and~~
16 ~~testimony in their own behalf. The Election Board's decision is the final decision to be~~
17 ~~made by a Tribal body but may be appealed to the Tribal Court for further review.~~
18

19 (h) ~~No person is eligible to hold the office for Cherokee School Board member while~~
20 ~~simultaneously being an employee or student of the Cherokee Central School System. No~~
21 ~~person is eligible to hold the office for Cherokee School Board Member while~~
22 ~~simultaneously being an employee or student of the Cherokee Central School System. An~~
23 ~~employee of the Cherokee Central School system may run for a seat on the Cherokee~~
24 ~~School Board, but that employee must resign from employment before taking the oath of~~
25 ~~office on the School Board.~~
26

27 (i) Where this section requires a person to reside or to have resided on Cherokee trust land
28 generally or in a particular Cherokee township or community, that requirement shall mean
29 that the person has made that place their primary, permanent place of abode for the
30 required period. It is where they live full-time except for temporary absences of relatively
31 short duration. All candidates and elected officials must continue to meet residency
32 requirements of their elected office for the duration of their candidacy and, if elected, for
33 the duration of their term(s). Any elected official who violates the residency requirement
34 shall be ineligible to hold the office and shall be removed therefrom by process of
35 applicable law. Suspected violations of the residency requirement shall be reported to the
36 Board of Elections in writing by the constituency of that elected office, e.g., Principal Chief
37 or Vice-Chief residency violations must be made by any enrolled member of the Tribe;
38 Tribal Council or School Board member residency violations must be made by an enrolled
39 member of the Tribe registered to vote in the township of the elected office.
40
41

42 **Sec. 161-4. - Filing for office – Certification of candidates.**

43

44 (a) All persons filing to be a candidate for Tribal elected office shall do so under his or her own
45 name and his or her original signature. All documents required to be filed with the Board of
46 Elections must bear the original signature of the candidate/principal and shall not be signed

1 by any person as an agent acting on behalf of the candidate/principal through a power of
2 attorney or other delegation of authority. This requirement applies to all applications for
3 candidacy and all other documents required to be filed with the Board of Elections by
4 candidates. Nothing in this subsection applies to the marking of ballots.

5
6 (ab) All persons filing to be a candidate for election to the office of Principal Chief, Vice-Chief,
7 Tribal Council, or School Board ~~must~~ shall do all of the following:

8 (1) ~~P~~pay the required filing fees ~~with~~ at the Tribal Finance Office ~~between~~ no sooner than
9 March 1 and no later than March 15 of the year of the election. Persons paying such fees
10 are advised to inform themselves of the hours of operation of the Tribal Finance Office.

11 a. The filing fee to be a candidate for the office of Principal Chief or Vice Chief is
12 \$700.00.

13 b. The filing fee to be a candidate for a seat on Tribal Council is \$500.00.

14 c. The filing fee to be a candidate for a seat on the School Board is \$350.00.

15
16 Filing fees are non-refundable and shall be paid by cash, cashiers check or money order.
17 A receipt from the Tribal Finance Office, showing that the applicable filing fee has been
18 paid, shall be submitted with the candidate application forms described in subparagraph
19 (2), below.

20
21 (2) Submit to the Board of Elections completed and properly executed candidate application
22 forms (also known as filing forms). The same deadline that applies for payment of the
23 filing fees above applies to submission of the candidate application forms. ~~Must pay the~~
24 ~~filing fee with the Tribal Finance Office between March 1 and March 15 of the year of the~~
25 ~~election. All candidates must complete filing forms to establish that they meet the~~
26 ~~qualifications of the office for which they file.~~

27 (bc) The Board of Elections shall review all applications and other required information, including
28 but not limited to background checks, and ensure that the required filing fees have been paid
29 in order to ~~and shall~~ certify whether or not each applicant as ~~either eligible or ineligible~~ is
30 eligible to be a candidate for Tribal elected office. The Board of Elections shall ~~and~~ notify the
31 each applicant of its decision ~~by registered mail on or before~~ by March 31 of the election year,
32 or may be picked up in person from the Board of Elections Office on or before the March 31
33 deadline provided the person signs, at the Board office, proof of receipt of the notice of
34 decision. ~~Candidates shall be contacted by Board of Elections Office to pick up and sign for~~
35 ~~the notice of certification.~~ Any adverse decisions shall ~~be accompanied with~~ include a clear
36 and concise statement as to the reason(s) for denial ~~of an applicant's eligibility~~ and shall
37 include a list of the applicant's rights to request a hearing before the Board of Elections the
38 following information:

39 (1) That the applicant may appeal the denial of certification and may request a hearing
40 before the Board of Elections for the appeal. The request for a hearing before the
41 Board shall be in writing, signed by the applicant, and shall be filed with the
42 Chairman of the Board within five (5) business days of receipt of notice of the
43 denial. The person appealing the decision of the Board shall pay the appeal filing
44 fee expressed by the Board in its schedule of fees.

- 1 (2) If an appeal is timely and properly filed, the Board shall schedule a hearing and that
2 hearing shall be held within five (5) business days of the date the Board received
3 the notice of appeal. The Board shall give the person whose eligibility was denied
4 notice of the date and time for the hearing. Notice of the scheduled hearing shall
5 be provided as described in C.C. Sec. 161-29 ("Service of communications by the
6 Board of Elections") within two (2) business days of the date the Board received
7 the request for hearing.
- 8 (3) At the appeal hearing before the Board, the appellant shall have the right to present
9 written evidence and/or oral testimony to address the deficiency in their application
10 that was identified by the Board's decision which deficiency rendered the appellant
11 ineligible.
- 12 (4) The Board shall issue a written decision within five (5) business days following the
13 hearing. The written decision shall express whether or not the prospective candidate
14 satisfies the requirements for the office for which candidacy is sought. The final
15 written decision from the Board of Elections shall be provided to the applicant in
16 any of the ways described in C.C. Sec. 161-29 ("Service of communications by the
17 Board of Elections"). A decision by the Board of Elections to affirm its prior
18 decision that the person is ineligible may be appealed by that person to the
19 Cherokee Supreme Court for error of law. The only person with standing to appeal
20 to the Court shall be the person whose eligibility was denied.
- 21 (d) Within three (3) business days of receipt of notice of certification as a candidate for
22 Tribal office, the candidate shall do the following:
- 23 (1) sign an agreement under oath to use the voter registration list provided to the
24 candidate pursuant to Section 161-11.3 of this Chapter only for truthful
25 communications with eligible voters in connection with the election and to clearly
26 identify himself/herself in all such election-related communications;
- 27 (2) affirm in writing and under oath that they are aware of, understand and agree to
28 follow the requirements of this Chapter including, but not limited to, the following:
- 29 (i) the residency requirements for the office sought;
30 (ii) the eligibility criteria to be a candidate for the office sought;
31 (iii) that communications by the candidate with the Board and with public shall be
32 truthful; and
33 (iv) applicable financial and ethics reporting requirements expressed in this Chapter
34 and C.C. § 117-45.3(9) (Code of Ethics).
35 (v) that any violations of the requirements for candidacy or the oaths or attestations
36 shall be grounds for de-certification by the Board of Elections.
- 37 Any claims or complaints of violation of the requirements of this subpart (2) shall
38 be directed to the Board of Elections for investigation.
- 39
40

1 ~~(c) Each candidate must pay a filing fee to the Tribal Finance Office. Candidates for the office of~~
2 ~~Principal Chief and Vice Chief shall pay a filing fee of \$700.00. Candidates for the Tribal~~
3 ~~Council shall pay a filing fee of \$500.00. Candidates for the School Board shall pay a filing~~
4 ~~fee of \$350.00. All fees are non-refundable and shall be paid by cash, cashiers check, or money~~
5 ~~order.~~

6 ~~(d) No candidate shall have his or her name placed on any official ballot unless the candidate has~~
7 ~~been both certified as eligible by the Board of Elections and has not been de-certified, and has~~
8 ~~timely paid the proper filing fee to the Tribal Finance Office pursuant to Subsections (a), (b),~~
9 ~~and (c) of this Section, has properly executed required oaths and attestations, and has complied~~
10 ~~with the requirements expressed under C.C. § 117-45 (Code of Ethics).~~

11 ~~(e) Candidates who are denied certification shall have the right to request a hearing before the~~
12 ~~Board of Elections. Such hearings may be obtained only by filing a written request with the~~
13 ~~Chairman of the Board of Elections within five business days of the adverse ruling by the~~
14 ~~Board of Elections. Such hearing requests shall be hand delivered to the office of the Board~~
15 ~~of Elections during normal business hours. Such hearing request shall be considered served~~
16 ~~on the date of the hand delivered. The burden for appearance at the scheduled date and time~~
17 ~~shall be on the denied candidate. At such hearing, any person denied certification shall have~~
18 ~~the right to present written evidence or oral testimony to establish their qualification as a~~
19 ~~candidate for that particular office. The Board shall issue a written decision to the candidate~~
20 ~~stating whether the candidate satisfies the requirements for such office within two business~~
21 ~~days after the conclusion of the hearing. If the candidate is deemed not to meet the~~
22 ~~qualification for the office, the reasons for denial shall be stated by the Board in its written~~
23 ~~decision. The written decision from the Board of Elections shall be sent to the candidate by~~
24 ~~certified mail with return receipt requested. Proof of service of process is a return receipt from~~
25 ~~the United States Postal Service or a return of service from the Cherokee Police Department.~~

26 ~~(f) All candidates shall sign an agreement under oath to use the voter list provided to the candidate~~
27 ~~pursuant to Section 161-11.3 of this Chapter only for truthful communications with eligible~~
28 ~~voters in connection with the election. The candidate must clearly identify himself/herself in~~
29 ~~all such communications. Any claims or complaints shall be directed to the Board of Elections~~
30 ~~for investigation. The voter list shall be furnished to each candidate in printed form, and if~~
31 ~~requested by the candidate, in electronic form set by field identifiers in a manner to permit the~~
32 ~~candidate to utilize the list electronically for the intended purpose of communication with the~~
33 ~~registered voters. The Election Board shall take all steps necessary to assure that the electronic~~
34 ~~list is made accessible for the candidate to properly utilize.~~

35 ~~(g) If at any time prior to the election, should a candidate no longer meet the eligibility~~
36 ~~requirements of Section 161-3 of this Chapter, the Board of Elections may decertify that~~
37 ~~person as a candidate. A decertified candidate may request a hearing under Section 161-4(c).~~

38 Sec. 161-4.1 – Decertification of a candidate.

39
40 (a) If at any time before the primary, general or special election at issue, a candidate for
41 elected office no longer meets the applicable eligibility requirements, the Board of
42 Elections may decertify that person as a candidate. A decertified candidate may request a
43 hearing as provided in this section.
44

1 (b) Only the following shall have standing to file a protest seeking decertification of a
2 candidate whom the Board has already determined is eligible to run for office in that
3 election cycle:

4 (1) The Board of Elections upon its own initiative and investigation; or

5 (2) Any enrolled member of the EBCI who is registered to vote in the Tribal
6 election. All protests must be submitted to the Board of Elections in writing
7 and on forms provided by the Election Board or, if not on forms provided by
8 Board, then in a typed or legible writing. Each protest shall contain sufficient
9 detail to give the Board notice of the facts that the protester asserts support
10 decertification. All protests shall, at a minimum, contain the following
11 information: (1) the name, mailing address, physical address, telephone
12 number and email address (if one is available) of the protester; (2) the dates
13 and approximate times of the act(s) being protested; (3) a description of the
14 subject of the protest; (4) the name, mailing address, telephone number and
15 email address (if one is available) of all witnesses known to the protester; and
16 (5) copies of all supporting records, photos and other documentary evidence
17 in the possession or control of the protester that the protester wants the Board
18 to consider. All protests must include a sworn statement signed by the
19 protester, before a notary, that the allegations presented in the protest are true
20 or that the protester, upon information and belief, believes them to be true.

21 (c) Such protest shall be filed with the Board no later than five (5) business days after the
22 Board publishes in the Cherokee One Feather the preliminary unofficial list of candidates
23 for the election at issue. The person filing the protest shall pay the protest filing fee
24 expressed by the Board in its schedule of fees.

25 (d) Acting on its own investigation or upon receipt of a timely filed protest to decertify a
26 candidate, the Board of Elections shall give written notice to the candidate at issue within
27 two (2) business days which notice shall inform the candidate that:

28 1. The Board has, upon its own investigation, determined that the candidate
29 does not meet the eligibility requirements and should be decertified, and the
30 notice shall state the particular grounds supporting decertification; or

31 2. The Board has received a written protest from a properly registered voter
32 and the protest alleges that the candidate is not eligible and should be de-
33 certified. A copy of the protest and all supporting documents submitted by
34 the protestor shall be included with the notice.

35 3. Notice shall be provided in any of the ways described in C.C. Sec. 161-29
36 ("Service of communications by the Board of Elections").

37 (e) The candidate or the challenger may request a hearing before the Board. The request shall
38 be in writing and shall be filed with the Chairman of the Board within five (5) business
39 days of receipt of the notice of the complaint from the Board.

40 (f) Within five (5) business days of the date the Board received the request for hearing, the
41 Board shall schedule a hearing to be held within ten (10) business days. The Board shall

1 give the candidate and the challenger notice of the hearing in any of the ways described in
2 C.C. Sec. 161-29 ("Service of communications by the Board of Elections").

3 (g) At the hearing before the Board, the parties shall have the right to present written evidence
4 and/or oral testimony to address the alleged grounds for decertification.

5 (h) The Board shall issue a written decision within five (5) business days following the hearing.
6 The written decision shall express whether or not the candidate satisfies the requirements
7 for the office for which candidacy is sought. The final written decision from the Board of
8 Elections shall be sent to the candidate and the challenger, if any, in any of the ways
9 described in C.C. Sec. 161-29 ("Service of communications by the Board of Elections").
10 The decision of the Board of Elections affirming its decision that the person is eligible and
11 remains certified as a candidate, or reversing its decision and decertifying the candidate,
12 may be appealed to the Cherokee Supreme Court by the non-prevailing party. The
13 Supreme Court shall review the decision of the Board for error of law.

14 (i) A protest of a person's certification as a candidate by the Board of Elections shall be filed
15 within thirty (30) days of the last date on which the Board of Elections may issue such a
16 certification. The protest is void if it is not filed within that thirty (30) day period.

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19 **Sec. 161-4.12. - Write-in candidates.** [Except for re-numbering this section to be Sec. 161-4.2,
20 no substantive changes are made to this section.]

21
22 **Sec. 161-5. - Primary elections.** [No changes are made to this section.]

23
24 **Sec. 161-6. - Recounts.**

25
26 (a) If the vote count in any Tribal election results in a tie, the Board of Elections shall conduct
27 a recount of all ballots cast for that particular office or seat. Such recount shall be
28 conducted by the Board of Elections within two (2) business days after the closing of the
29 polls for that election. The recount shall be performed by the members of the Board of
30 Elections. A "tie" is defined as two or more candidates for the same seat receiving the
31 same number of votes.

32 (b) If any unsuccessful candidate in any Tribal election is defeated by no more than two
33 percent (2%) of the total number of votes cast for that particular office or seat, such
34 candidate may request a recount by filing a written request with the Board of Elections
35 within two (2) business days after the closing of the polls for that election. The recount
36 shall be conducted by the Board of Elections within three (3) business days of filing of the
37 request by the unsuccessful candidate.

38 (c) The two percent (2%) threshold necessary for a recount shall be measured by answering
39 the following question: is the difference between the number of votes received by the
40 unsuccessful candidate who is seeking the recount, and the immediately closest successful
41 candidate, within two percent (2%) of all the votes cast for those two candidates? If the
42 difference is within two percent (2%), the Board of Elections shall conduct a recount if a
43 request for a recount is filed pursuant to this section. Any fraction of a percent over two

percent (2%) shall be considered outside the two percent (2%) threshold requiring a recount.

(e d) At the conclusion of any such recount, the Board of Elections shall announce the tally and unofficial results of the recount which shall become the official tally for that office pending official certification of the results of the election to the Tribal Council pursuant to Section 161-16.1 of this Chapter.

(d e) Any candidate on a ballot subject to a recount by the Board of Elections may personally observe the recount which will be televised and in a controlled environment to observe the recount. Should the candidate choose to not attend, they may designate one representative to observe the recount. Such representation must be designated in writing, with such written appointment delivered to the Board of Elections prior to the commencement of the recount. Such observers shall not participate in or interfere with the recount activities of the Board of Elections and may be ejected by the chairman if they interfere with or disrupt the recount process.

(f) Regardless of any other expression in this section, nothing in this section shall prohibit the Board of Elections from recounting ballots upon its own initiative as part of an investigation, for quality control purposes, or for any other reason.

Sec. 161-7. - Run-off elections.

(a) The Board of Elections shall have the authority to conduct run-off elections to fill the offices for Principal Chief, Vice-Chief, Tribal Council, and School Board.

(b) A run-off election shall be held within fifteen (15) calendar days of the decision of the Board of Elections to hold such a run-off.

(c) The Board of Elections shall have authority to conduct run-off elections if any of the following occur:

(1) The Board determines that a recount of ballots would not produce an accurate vote count; or

(2) The Board determines upon research and investigation conducted on its own initiative, or in response to a timely filed protest under C.C. Sec. 161-16, that irregularities in the conduct of the election affected the actual outcome of the election or rendered the results contrary to the Tribal Charter or this Chapter; or

(3) The Board determines upon research and investigation conducted on its own initiative, or in response to a timely filed protest under C.C. Sec. 161-16, that irregularities in the conduct of the election rendered the results unreliable by clear and convincing evidence.

(b-d) If, after a recount of ballots by the Board of Elections, two or more candidates running for elected office seats on the School Board, Tribal Council, Vice-Chief, or Principal Chief receives the same number of votes and the individual number of votes cast for each candidate represents the largest vote total by any candidate in the primary election for the last available position on the general election ballot, the Board shall conduct a primary run-off election between such candidates. The candidate receiving the greatest number of votes in that primary run-off election shall be deemed eligible to stand for the general election.

(b-e) If, after a recount of ballots by the Board, in the Tribal Council general election, two candidates receive the same number of votes and the individual number of votes cast for each candidate represents the largest vote total by any individual candidate for that

township, there will be no run-off election. ~~The two candidates with the highest vote totals shall be deemed elected to the two (2) Council seats on the Council for that township.~~

(e f) If, after a recount of ballots by the Board of Elections in the Tribal Council general election, two or more candidates running for the last available seat on the Tribal Council receive the same number of votes that constitute the second highest vote totals in the general election and the votes represent the second largest vote total by any individual candidate for that township, the Board shall conduct a run-off election between such candidates. The candidate receiving the greatest number of votes in the run-off election shall be deemed elected to the second Council seat on the Tribal Council for that township.

(d g) If, after a recount of ballots by the Board of Elections, two or more candidates running for a seat on the School Board, or for the seat office of Vice Chief, or the office of Principal Chief, receive the same number of votes in the general election and the individual votes totals represent the largest vote total by any individual candidate for that race, the Board shall conduct a run-off election between such candidates. The candidate receiving the greatest number of votes in the run-off election shall be deemed elected to office, a seat on the School Board or to the seat of Vice Chief or Principal Chief as the case may be,

(e h) Should the Board of Elections determine that a recount of ballots would not determine the accurate vote count or make either of the determinations described in subsection (c)(2) or (c)(3) of this section, the Board of Elections shall issue conduct a run-off election between all only the candidates that the Board deems as necessary to resolve any issues concerning the accuracy of the vote count or to remedy irregularities in the conduct of the election. All decisions made by the Board of Elections in regards to run-off elections shall be final.

~~(f) A run-off election shall be held within 15 days of the decision of the Board of Elections to hold such a run-off.~~

(g i) The Board of Elections shall not provide absentee ballots for run-off or special elections.

Sec. 161-8. – Special elections Filling vacancies in elected office.

(a) ~~In case of a vacancy for the office of Principal Chief, the Vice Chief shall become the Principal Chief and shall serve the balance of the elected term of office until his or her successor is elected.~~ Vacancy in the Office of Principal Chief. If the office of Principal Chief becomes vacant, the Vice Chief shall become the Principal Chief upon being sworn-in by the Chief Justice of the Cherokee Supreme Court or his/her designee. The newly sworn-in Principal Chief shall serve the balance of the Principal Chief's elected term of office. No special election shall be held.

(b) ~~If the position of Vice Chief is vacated, the Council may elect a successor from Tribal Council Representatives, who shall serve until his or her successor is elected the balance of the elected term of office.~~ Vacancy in the Office of Vice Chief. If the office of Vice Chief becomes vacant, the Tribal Council shall elect a successor from the then-current Tribal Council representatives no later than the next regularly scheduled Tribal Council session after the vacancy occurs. The Tribal Council representative elected to fill the vacancy shall become the Vice Chief upon being sworn into the office of Vice Chief by the Chief Justice of the Cherokee Supreme Court or his/her designee. The newly sworn-in Vice Chief shall serve the balance of the Vice Chief's elected term of office. No special election shall be

1 held unless none of the then-sitting Tribal Council representatives are qualified to hold the
2 office of Vice Chief.
3

4 (c) ~~If the office of the Principal Chief and Vice Chief become vacant simultaneously, the~~
5 ~~Chairman of the Council shall become Principal Chief and shall serve the balance of the~~
6 ~~elected term of office and the Council shall elect a Vice Chief who shall serve the balance~~
7 ~~of the elected term. If the Chairman of the Tribal Council does not meet the qualifications~~
8 ~~for the office of Principal Chief, the vacancy shall be filled as follows: The office of Vice~~
9 ~~Chief shall be filled through election by Tribal Council, and the Vice Chief shall serve in~~
10 ~~place of the Principal Chief until a special election can be held. The Board of Elections~~
11 ~~shall give public notice of a period of 15 days during which qualified persons may file for~~
12 ~~office of Principal Chief. A special election shall be held 30 days after the last filing date.~~
13 ~~The individual receiving a majority of votes cast in such special election shall be deemed~~
14 ~~elected to the office of Principal Chief. If no candidate receives a majority in such special~~
15 ~~election, the Board shall conduct a run-off election between the two candidates receiving~~
16 ~~the most votes in the special election, with the run-off election to be held two weeks after~~
17 ~~the special election. The candidate receiving the most votes in the run-off election shall be~~
18 ~~deemed elected to the seat of Principal Chief. Once the Principal Chief is elected and~~
19 ~~seated, the acting Principal Chief shall step down and resume his or her elected position as~~
20 ~~Vice Chief.~~ Simultaneous Vacancy in the Office of Principal Chief and Office of Vice Chief
21 – Chairman of Tribal Council Qualified. If the office of the Principal Chief and the office
22 of the Vice Chief become vacant simultaneously, the Chairman of the Tribal Council, if
23 qualified, shall become Principal Chief upon being sworn into the vacant position by the
24 Chief Justice of the Cherokee Supreme Court or his/her designee. The newly sworn-in
25 Principal Chief shall serve the balance of the Principal Chief's elected term of office.
26 Additionally, the Tribal Council shall elect a Vice Chief from among the then-serving
27 Tribal Council representatives qualified to serve as Vice-Chief, and such Tribal Council
28 election shall be held at the first regularly scheduled Tribal Council session immediately
29 following the occurrence of the vacancy. The newly elected Vice Chief shall be sworn-in
30 by the Chief Justice of the Cherokee Supreme Court or his/her designee. The newly sworn-
31 in Vice Chief shall serve the balance of the Vice Chief's elected term of office. No special
32 election shall be held unless none of the then-sitting Tribal Council representatives are
33 qualified to hold the office of Principal Chief and Vice Chief as provided herein. If a
34 special election is held, the candidate winning the special election shall serve the remaining
35 time left in the term of office. There will be no other election during the general election at
36 the mid-point of the four (4) year term, if applicable.
37

38 (d) Simultaneous Vacancy in the Office of Principal Chief and Office of Vice Chief – Chairman
39 of Tribal Council Not Qualified. If the office of the Principal Chief and Vice Chief become
40 vacant simultaneously and the Chairman of Tribal Council is not qualified to fill the vacancy
41 in the office of Principal Chief, the vacancy shall be filled as provided in this subsection. The
42 Tribal Council representative elected by Council to fill the vacant office of Vice Chief shall
43 temporarily serve as "Acting" Principal Chief until the Board of Elections conducts a special
44 election of all registered and eligible voters within sixty (60) days of the vacancy to fill the
45 position of Principal Chief. The Board of Elections shall provide public notice in the Cherokee

1 One Feather print edition for two print cycles (two weeks) and in the electronic edition for
2 fifteen (15) consecutive calendar days, during which time qualified persons may file to be
3 candidates for election to the office of Principal Chief. The Board of Elections shall expedite
4 the certification of candidates to meet the expedited time frames. All application filing
5 requirements, including payment of fees and other requirements, shall be complied with in
6 accordance with the notice provided by the Board of Elections for the special election for the
7 office of Principal Chief. The Board of Elections shall conduct a special election within thirty
8 (30) days after the close of the candidate filing date. The candidate receiving a majority of
9 votes cast in the special election (i.e., fifty percent (50%) of votes cast plus one (1) vote) shall
10 be deemed elected to the office of Principal Chief. If no candidate receives a majority of the
11 votes cast in the special election, the Board shall conduct a run-off election between the two
12 candidates who received the greatest number of votes in the special election. The Board of
13 Elections shall conduct the run-off election not later than two (2) weeks after the date of the
14 special election. The candidate receiving the greatest number of votes in the run-off election
15 shall be deemed elected to the office of Principal Chief. Once the Principal Chief is elected
16 and sworn-in by the Chief Justice of the Cherokee Supreme Court or his/her designee, the
17 “Acting” Principal Chief shall step down and resume the duties of the office of Vice Chief to
18 which he or she was previously elected by Tribal Council.

19 (e) *Simultaneous Vacancy in the Office of Principal Chief and Office of Vice Chief – No Qualified*
20 *Tribal Council Members.* If the offices of the Principal Chief and Vice Chief become vacant
21 simultaneously and none of the then-sitting Tribal Council representatives are qualified to fill
22 the vacant positions, the Board of Elections shall provide notice and conduct a special election
23 of all registered and eligible voters to fill both vacancies in the manner provided in subsection
24 (d). In such a situation, the Chairman of the Tribal Council shall serve as “Acting Chief” until
25 the Principal Chief or Vice Chief is elected and sworn in to office as provided in subsection
26 (d).

27 (f) *Authority of “Acting” Principal Chief.* Any person serving as “Acting” Principal Chief as
28 provided in subsection (d) or (e) of this section until a special election is held, shall have
29 limited authority while he or she is the Acting Principal Chief. His or her authority shall be
30 limited to performing administrative and ministerial functions necessary to keep the Tribal
31 government running with a minimum of disruption and change.

32 (d g) ~~In the event of a vacancy on the Tribal Council with more than six months remaining in~~
33 ~~the elected term, the Board of Elections shall schedule a special election within 45 days of~~
34 ~~such vacancy. The Board of Elections shall give public notice of a period of 15 days during~~
35 ~~which qualified persons may file for the vacant Tribal Council seat. The candidate receiving~~
36 ~~the most votes in the special election shall be deemed elected to the vacant Tribal Council~~
37 ~~seat. If there are less than 90 days remaining in the term of the vacated member, the seat shall~~
38 ~~remain vacant until the next regular election.~~ *Vacancy on Tribal Council.* In the event of a
39 vacancy on Tribal Council that has more than six months remaining in the elected term
40 applicable to that Council seat, the Board of Elections shall conduct a special election of
41 registered voters in that township within forty-five (45) days of the date the Tribal Council
42 seat became vacant. The Board of Elections shall provide public notice in the Cherokee One
43 Feather print edition for two print cycles (two (2) weeks) and in the electronic edition for
44 fifteen (15) consecutive days, during which qualified persons may file for certification as a
45 candidate for the vacant Tribal Council seat, to pay required fees and perform other

1 requirements of this Chapter for becoming a candidate for the office sought. The Board shall
2 expedite the certification of candidates. The candidate receiving the greatest number of votes
3 cast in the special election shall be deemed elected to the vacant Tribal Council seat. If there
4 are six (6) months or less remaining in the term of the vacated Tribal Council seat, no special
5 election shall be held and the Tribal Council seat shall remain vacant until the next regular
6 election.

7 ~~(e h)~~ In the event of a vacancy on the School Board with more than six months remaining in the
8 elected term, the Board of Elections shall schedule a special election within 45 days of such
9 vacancy. The Board of Elections shall give public notice of a period of 15 days during
10 which qualified persons may file for the vacant School Board seat. The candidate receiving
11 the most votes in the special election shall be deemed elected to the vacant School Board
12 seat. If there are less than six months remaining in the term of the vacated member, the seat
13 shall remain vacant until the next regular election. *Vacancy on School Board.* In the event
14 of a vacancy in one of the seats for School Board, if that seat has more than six (6) months
15 remaining in the elected term of office, the Board of Elections shall conduct a special
16 election within forty-five (45) days of such vacancy. The Board of Elections shall provide
17 public notice in the Cherokee One Feather print edition for two print cycles (two (2) weeks)
18 and in the electronic edition for fifteen (15) consecutive days, during which time qualified
19 persons may file for certification as a candidate for the vacant School Board seat, to pay
20 required fees, and perform other tasks required in this Chapter for becoming a candidate for
21 the office sought. The candidate receiving the highest number of votes in the special
22 election for the vacant School Board seat shall be deemed elected to the vacant seat. If
23 there are six (6) months or less remaining in the term of the vacated seat, the seat shall
24 remain vacant until the next regular election.
25

26 ~~(f i)~~ *Candidates Shall Be Qualified.* ~~When filling vacated elected offices, e~~ Candidates for all
27 vacated elected offices must meet all applicable qualifications for that office pursuant to
28 Section 161-3 of this Chapter.

29 ~~(g j)~~ *No Absentee or Early Voting.* ~~The Board of e~~ Elections shall not provide issue absentee ballots
30 or conduct early voting in for run-off or special elections.

31 ~~(k)~~ *Eligible Persons May Run.* Nothing in this section shall be construed to prohibit a person,
32 who is otherwise eligible and qualified, from running to fill an office even if the office is to
33 be filled by special election.
34
35

36 **Sec. 161-9. - Referendums/initiatives.**

37 (a) *Purpose.* A referendum is the people's ability to refer newly enacted law by petition, from
38 the legislation to the ballot for final approval. The following rules shall apply,

39 (b) *Definitions.*

40 *Initiative* shall mean the right and procedure by which citizens can propose a law by
41 petition and ensure its submission to the electorate.

1 *Referendum* shall mean the submission of a proposed public measure or actual statute to
2 a direct actual vote.

3 (c) *Process.*

4 (1) A referendum/initiative issue shall only be established by resolution of the Tribal Council,
5 duly ratified by the Principal Chief.

6 a. ~~A referendum initiated by Tribal Council does not need a petition. The petition~~
7 ~~requirement described below shall not apply to any resolution or issue properly~~
8 ~~before Council on Tribal Council's own initiative, and which Tribal Council decides,~~
9 ~~also on its own initiative, to present to the Cherokee people for referendum vote.~~

10 (2) A petition requesting the Tribal Council to authorize an election on a
11 referendum/initiative question shall require a petition of:

12 a. Twenty-five percent (25 percent %) of the registered voters to sign a petition the
13 Tribal Council for a resolution for in support of a referendum/initiative election on a
14 proposed ordinance or action by the Tribal Council or Principal Chief.

15 b. Thirty-three percent (33 percent %) of registered voters to sign a petition the Tribal
16 Council for resolution for a referendum/initiative election on a proposed change to
17 the Charter or Governing Document.

18 ~~The petition requirement shall not apply to any resolution or issue properly before~~
19 ~~Council, which Council, on its own initiative, presents to the Cherokee people for~~
20 ~~referendum vote.~~

21 (3) Only natural persons may petition for a referendum on an issue.

22 (4) A petition shall be on a standardized form provided by the Board of Elections and shall
23 include the designation of three (3) signatories comprising the Petitioner's Committee with
24 their names, addresses and enrollment numbers; multiple lines for the signee's printed
25 name, signature, date of signature, address, and enrollment number of supporters of the
26 petition; and a full explanation of the proposed action sought by referendum and shall
27 include the full text of the proposed action. The Petitioner's Committee shall be
28 responsible for the content of the proposed legislation. This proposed legislation shall
29 appear on all signature sheets.

30 (5) The Petitioner's Committee shall submit the proposed referendum language and the text
31 explaining the proposed action to the Board of Elections for review to pre-certify the
32 referendum issue/question as consisting of only one issue or question prior to collecting
33 signatures on the petition. The Board shall have sixty (60) days from the date the
34 Petitioner's Committee submits the referendum language to review the information
35 submitted and to pre-certify the question for the petition. If the Board makes a negative
36 finding, the Petitioner's Committee can revise and resubmit the proposed referendum to
37 the Board.

38 (6) Petition Certification by the Board of Elections.

39 a. Once the Petitioner's Committee has collected all the required signatures, the
40 signed petitions shall be submitted to the Board of Elections for verification that

1 all information required on the petition, including the required number of
2 signatures and all associated information, is contained on the petition. The Board
3 of Elections shall have ninety (90) days to approve or deny certification of the
4 petition. If the Board denies certification, the Petitioner's Committee may attempt
5 to cure the deficiencies and resubmit the signed petitions to the Board.

6 b. Any signature more than one (1) year old on a petition, and any signature of a
7 person who is no longer a registered voter or who has died since signing the petition,
8 shall be void and not counted.

9 (7) Submission of Certified Petition to Tribal Council and the Principal Chief.

10 a. After the Board of Elections certifies the petition, the Petitioner's Committee shall
11 submit the certified petition to the Tribal Council. The Tribal Council Chairman
12 shall place the petition on the agenda of the next regularly scheduled Tribal
13 Council session. Nothing in this section requires an immediate decision by Tribal
14 Council assembled, and nothing herein prohibits Tribal Council from tabling the
15 matter for review and other actions within its authority.

16 (8) Required votes.

17 a. Not less than fifty-one percent (51 percent %) of registered voters must vote in a
18 referendum/initiative election on a before the proposed amendment to the Charter
19 or Governing Document shall be enacted or repealed or the election is deemed void.

20 ~~(4) —~~ b. If a majority of the Not less than thirty percent (30%) of registered voters voting
21 must vote in a referendum/initiative election are in favor of the enactment to enact or
22 repeal of an ordinance or resolution or the election is deemed void, provided that at
23 least thirty percent (30 percent %) of registered voters have voted in such an election,
24 the ordinance or resolution shall be enacted or repealed. No action No decision
25 approved or denied by the voters on an issue undertaken by this procedure shall be
26 overturned by Tribal Council for two (2) years.

27 ~~a. —~~ A petition shall be on a standardized form provided by the Board of Elections and
28 shall include the designation of three signatories as the Petitioner's Committee;
29 signature lines for the names, addresses and enrollment numbers of supporters of the
30 petition; and a full explanation of the proposed action sought by referendum
31 including the full text of the proposed action. The Petitioner's Committee shall be
32 responsible for the content of the proposed legislation. This proposed legislation shall
33 appear on all signature sheets.

34 ~~b. —~~ The petition shall be submitted to the Board of Elections in order that the information
35 listed on the petition is verified. Only registered voters shall be counted in this
36 process.

37 ~~(5) Each resolution for referendum shall be in the full text form of the proposed action. Before~~
38 ~~the issue is presented to the Cherokee people for a vote, the text of the question shall be~~
39 ~~reviewed by the Office of the Attorney General and finally approved by the Tribal~~
40 ~~Council and the Principal Chief to ensure that the question for vote adequately and clearly~~
41 ~~informs the voter of the question to be answered, is limited to one question at a time, and~~
42 ~~encompasses only one issue per question.~~

1 (6 8) All registered voters shall be eligible to vote on a referendum issue.

2 (7 9) Referendums for any purpose of this Section shall be conducted by the following
3 procedures:

4 a. The Board of Elections shall ~~schedule~~ conduct a referendum election for any purpose
5 other than that of modifying the Charter and Governing Document ~~to be held~~ within
6 ninety (90) days of ratification of the resolution approving the issue for a referendum
7 vote.

8 b. Within ten (10) business days of ratification of the resolution the Board of Elections
9 shall ~~give~~ provide public notice for the upcoming referendum by advertising in the
10 Cherokee One Feather, Graham Star, and Cherokee Scout and by mailing notice to
11 all eligible voters. The ~~public~~ notice shall contain an election schedule which shall
12 notify all voters of the date of the election, the question to be voted on and the date
13 in which the voter registration rolls will close.

14 c. The Board of Elections shall close the voter registration books thirty (30) days prior
15 to the referendum election.

16 d. The Board of Elections shall appoint all election officials 30 days prior to the
17 election. The Board shall conduct an orientation for ~~precinct~~ election officials prior
18 to the election.

19 e. The Board of Elections shall issue ballots for referendum in accordance with the
20 absentee ballot application process pursuant to the procedures set out in this Section.

21 f. Persons desiring to vote by absentee ballot may begin applying for such ballot
22 immediately after receiving notice of the referendum election and all applications to
23 vote by absentee ballot must be submitted or post-marked by the U.S. Postal Service
24 not less than by at least fifteen (15) days prior to the election.

25 g. All absentee ballots for referendum election must meet the same criteria for any
26 other election and must be returned to and received by the Board of Elections ~~ten~~ not
27 less than five (5) days prior to the referendum election.

28 (8 10) The outcome of the referendum vote, if it has first met the minimum threshold of
29 voters, shall be certified by the Board of Elections and shall be deemed a binding action
30 or law duly passed and ratified by the Principal Chief.

31 (9 11) Any protest regarding an election irregularity shall be conducted ~~according to the~~
32 ~~procedures set out in the current law. (Tribal Election Law Section C.C. § 161-16).~~

33 (10 12) An issue that has been brought before ~~the~~ eligible voters and voted upon by
34 resolution on a referendum/initiative, regardless if the vote is later deemed void for lack
35 of the required percentage of voters, may not be voted upon again by voters in a
36 referendum/initiative election until a period of two (2) years has passed from the date of
37 the immediately preceding vote by eligible voters.

38 ARTICLE II. - VOTERS

39
40
41 Sec. 161-10. - Qualifications. [No changes are made to this section.]

1
2 **Sec. 161-11. - Registration.**
3

4 (a) Voter registration shall be conducted in such offices as may be designated by the Board of
5 Elections. The office designated by the Board shall be open for registration on all regular
6 business days, except as otherwise provided in this section. All voter registration shall
7 only be made in person or ~~sent by~~ through the United States Postal Service (USPS)
8 mail. All voter registration cards ~~received by mail~~ submitted to the Board must ~~be~~ have
9 the tribal member's signature notarized and must include a copy of the voter's government
10 issued photo ID card.
11

12 (b) Persons who are eligible to vote in EBCI Tribal elections ~~Voters~~ shall register in the
13 township in which they currently reside. Tribal members not living on Cherokee Trust
14 Land shall register in the township in which they last resided, if applicable. ~~Voters Tribal~~
15 members who have never resided on Cherokee Trust Lands but who are eligible to vote
16 shall register in the township in which his/her enrolled mother last resided. If the voter's
17 mother was not an enrolled member or never held a residence on Cherokee Trust Land,
18 then the ~~voter Tribal member~~ shall register ~~where~~ in the township his/her enrolled father
19 last resided, if applicable.
20

21 In the case that neither the eligible voter's mother or father held a residence on Cherokee
22 Trust Land, then the eligible voter shall register in the township where their nearest
23 matrilineal ancestor last resided. If the voter's mother's side of the family is not of
24 Cherokee descent, then the first matrilineal line on the father's side shall be used to
25 determine township, as information permits.
26

27 For the purpose of this section the terms "mother" and "father" shall mean biological
28 mother and biological father, unless a legal adoption has occurred, in which case "mother"
29 and "father" shall mean adoptive mother and adoptive father. Eligible ~~Voters~~ moving
30 from one township to another must reregister in the new township. Failure to re-register
31 before an election may prohibit the voter from participating in an election for Tribal
32 Council or School Board.
33

34 (c) The Board of Elections may conduct special registrations within any ~~precinct~~ township if it
35 is deemed advisable. All such special registration shall be published at least one week in
36 advance in the Cherokee One Feather, Cherokee Scout, and Graham Star.
37

38 (d) The Board of Elections shall close the voter registration books at the close of business on
39 the Friday ~~prior to~~ immediately preceding the date set for early voting and the books shall
40 remain closed until the first Monday immediately following the primary election. Tribal
41 members who ~~are~~ have not registered to vote ~~on or~~ prior to the closing of the registration
42 books shall not be eligible to vote in the primary election. Those registered voters who
43 change their residence during this the period in which voter registration books are closed
44 are not required to update their registrations until the registration rolls reopen. The
45 residency requirement of ~~Subsection C.C. Sec.161-11.1(a) of this Chapter~~ shall be waived

1 during ~~this~~ the period in which voter registration books are closed pursuant to this section
2 period to resolve any conflicts within this Chapter C.C. Sec.161-11.1(a).
3

4 (e) The Board of Elections shall open the voter registration books on the Monday following
5 the primary election and the books shall remain open until the close of business on the
6 Friday ~~prior to~~ immediately preceding the date set for early voting during the general
7 election and the books shall remain closed until the first Monday immediately following
8 the general election. During the period when the registration rolls are closed those
9 registered voters who change their residence are not required to update their registration
10 until the registration rolls reopen ~~on the first business day following the certification of the~~
11 ~~general election~~. This residency requirement of Subsection 161-11.1(a) of this Chapter
12 shall be waived during this period to resolve any conflicts within this Chapter.
13

14 (f) The Board of Elections shall reopen the voter registration books on the next business day
15 following the certification of the results of the general election to Tribal Council.
16

17 **Sec. 161-11.1. - Changes in voter registration.** [No changes are made to this section.]
18

19 **Sec. 161-11.2. - Challenges to voter registration.**
20

21 (a) When the Board of Elections has or receives evidence demonstrating to the Board's
22 satisfaction that a voter is not registered in the correct township, the Board shall notify the
23 voter in writing and give the voter five (5) business days to submit ~~community~~ a township
24 change or to request a hearing as provided below to present information as to why the
25 township should not be changed.
26

27 (b) A challenge to a voter's township registration may be made by any enrolled member who
28 is registered to vote in the Tribal election, as provided in Section 161-11.1 through 161-
29 11.3. No protests of a voter's township registration shall be accepted or acted upon by the
30 Board of Elections between April 14 and the first business day following the certification
31 of the general election results. Such challenge may and the Board shall weigh the
32 evidence provided accordingly and issue the proper investigation required. See C.C.
33 Section 161-16 for proof of residency. The Board shall determine the voter's correct
34 voting township based on the evidence. The Board has the authority to move the voter's
35 registration to the correct township and notify each voter in writing of any changes. No
36 changes shall be made to a voter's township when the registration rolls are closed.
37

38 (c) The Board of Elections is authorized to utilize all resources available to properly
39 document a voter's residence for registration purposes. The burden is placed upon the
40 voter to dispute ~~any changes~~ a decision made by the Board of Elections ~~within to~~ the
41 registration books regarding a voter's township. Any affected voter may request a hearing
42 before the Board of Elections within five (5) business days from receipt of a change of
43 township notice. The Board shall afford any voter a hearing within five (5) business days
44 from receipt of hearing request. The affected voter has the right to present any witnesses
45 or documentation to the Board of Elections during the hearing. The Board will issue its

1 decision within five (5) business days from the date of the hearing to either rescind or
2 uphold its decision.

3
4 **Sec. 161-11.3. - Notice of voter registration.** [No changes are made to this section.]
5

6 **Sec. 161-12. - Polling places.**

- 7 (a) All designated polling sites places will be determined by the Board of Elections; and
8 (b) All polling places shall be located on trust land.
9 (c) No campaign signs of any kind shall be allowed within 100 yards of designated polling
10 places for a period of one week prior to the Election Date.
11 (d) The Board of Elections shall cause all polling places to have operational security cameras
12 onsite and working whenever voting is conducted at the site. Security cameras may record
13 audio, visual, or both. Security cameras shall be used to record activity at the polling
14 place but shall not placed on ballot equipment or in individual voting booths. Acquisition,
15 control, use and access to the security cameras shall be determined by the Board of
16 Elections, and shall depend on adequate funding for the equipment and personnel being
17 provided by Tribal Council. The security cameras shall be used to provide a visual and/or
18 audio record of activities at the polling place when voting is performed. The records
19 produced by the cameras shall be preserved for not less than one (1) year after the election
20 at issue.
21 (e) All polling places shall be managed to provide an opportunity for registered voters to cast
22 their votes in an orderly manner. Minor children may accompany adults to polling places
23 and to the voting machine; provided, however, that no person, regardless of age or any
24 other factor, shall be allowed to disturb or disrupt others who are attempting to cast their
25 vote. Any person causing a disturbance or disruption may be prohibited from entering, or
26 may be removed from, the polling place but such action shall not be used to deny a
27 registered voter their opportunity to vote.
28

29 **Sec. 161-13. - Election officials.**

- 30 (a) The board of elections shall appoint election judges, election clerks, door marshalls, and
31 alternates for each such position, to serve in the polling places.
32
33 (a-b) Qualifications. In order to serve as an election official, individuals must:
34 (1) Be enrolled members of the Eastern Band of Cherokee Indians; and
35 (2) Be at least 18 years of age by the date of the election; and
36 (3) Be able to read and write the English language; and
37 (4) Be a registered voter with the Tribal Election Board; and
38 (5) Not be a candidate and work any poll, nor immediately related to any candidate
39 within the ~~community they serve~~ township of service, nor have been an active
40 member of any candidate's campaign during that election year. Election officials may
41 and shall not express not support for any candidate working their polling place
42 position during the term of appointment as an election official; and:
43 (6) Must be willing to serve in any polling place; and
44 (6 7) Attend and complete the mandatory orientation training seminar provided by the
45 Board of Elections prior to each election.
46 (b c) Election judges.