

1 **OSAGE NATION CONGRESS**

2  
3 2<sup>nd</sup> Session of the 3<sup>rd</sup> Congress

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5 **BILL NUMBER ONCA 13-16**

6  
7 **ENROLLED**

8  
9 **April 22, 2013**

10  
11 **SPONSOR: William Supernaw**

12  
13 **An Act**

14 To govern the conduct of Osage Nation elections, including elections for Principal Chief, Assistant Principal Chief,  
15 Osage Nation Congress, elections for the retention of Judges of the Osage Judiciary, and other elections required by  
16 the Constitution and by law; and to establish an alternate effective date.

17  
18 *Be it enacted by the Congress of the Osage Nation:*

19  
20 **OSAGE NATION ELECTION CODE**

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93 **CHAPTER ONE – GENERAL PROVISIONS AND DEFINITIONS**

94

95 **SECTION 1.1. SHORT TITLE**

96

97 This Act may be cited as “The Osage Nation Election Code.”

98

99 **SECTION 1.2. PURPOSE**

100

101 This Code is enacted pursuant to Section 2, Article XIII of the Constitution to govern the

102 conduct of Osage Nation elections, including elections for Principal Chief, Assistant Principal

103 Chief, Congress, elections for the retention of Judges of the Osage Judiciary, and other elections

104 required by the Constitution and by law, and to allow qualified voters to exercise their right to

105 vote.

106

107 **SECTION 1.3. SEVERABILITY**

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109 If any provision of this Code, or the application thereof, is held invalid, the remainder of  
110 this Code, or other applications of such provision shall not be affected.

111

112 **SECTION 1.4. DEFINITIONS**

113

114 Definitions below shall be listed alphabetically. In this code, unless the context otherwise  
115 requires:

116

117 A. **“ABSENTEE VOTER”** means a qualified voter who has successfully applied to  
118 the Osage Nation Election Board for such status and is entitled to vote by  
119 Absentee ballot according to prescribed rules.

120

121 B. **“BALLOT QUESTION”** means any issue to be decided by a vote of the Osage  
122 people.

123

124 C. **“CONGRESS”** means the Congress of the Osage Nation.

125

126 D. **“CONSTITUTION”** means the Constitution of the Osage Nation signed May 6,  
127 2006, and any adopted amendments.

128

129 E. **“CONVICTION”** means a judgment entered after a finding of guilt.

130

131 F. **“DEPOSE”** means to make a statement or statements, which are written down  
132 and sworn to.

133

134 G. **“ELECTIONEER”** or **“ELECTIONEERING”** means any of the following acts  
135 performed by any person:

136

137 1. the posting or display of campaign signs; or

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139 2. the display of symbols or letters intended to remind voters of a particular  
140 candidate or position; or

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142 3. the distribution of literature, cards, or any other item that could reasonably  
143 be considered campaign-related; or

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145 4. making any speech or sounds or playing any recordings that could  
reasonably be considered campaign related; or

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- 5. the continued occupation of any space on, or within ten (10) feet of, a paved approach to the polling place for the purpose of greeting voters; or
- 6. any other work for a political candidate or a ballot issue with the intent to solicit votes or other support for the political candidate or ballot issue.

- H. **“ELECTION OFFICIAL”** means any person authorized by the Osage Nation Election Board or the Election Supervisor to assist in the conduct of elections.
- I. **“ELECTION SUPERVISOR”** or **“SUPERVISOR”** means the duly authorized supervisor of elections who serves at the pleasure of the Osage Nation Election Board.
- J. **“ELECTORATE”** means all enrolled Members of Osage Nation who have attained the age of eighteen years.
- K. **“EMERGENCY”** means an unforeseen combination of circumstances or the resulting state that calls for immediate action.
- L. **“EXPUNGEMENT”** means the deletion and erasure of the criminal record of a candidate for public office.
- M. **“FRAUD”** means intentionally interfering with supplies used to conduct an election, in order to change a voter’s vote, or to change the composition of the official ballot or ballots, or to change the counting of the ballots, or to change the certification of the results of an election.
- N. **“GENERAL ELECTION”** means that election held on the first Monday in June in 2010 and every even numbered year thereafter. General Election does not include Minerals Council Elections.
- O. **“IMMEDIATE FAMILY”** means spouse, son, daughter, mother, father, sister, or brother, grandparent or grandchild, aunt, uncle, niece or nephew or member of the same household and includes those of the foregoing who are formally adopted by court order.
- P. **“KNOWINGLY”** in reference to a violation of this Election Code, means consciously and intentionally; however, it does not require any knowledge of the unlawfulness of the act or admission.

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- Q. **“MEMBER”** or **“ENROLLED MEMBER”** means an enrolled Member of the Osage Nation.
- R. **“MONTH”** means a calendar month unless otherwise expressed.
- S. **“MINERALS COUNCIL ELECTION”** means an election held according to the rules and regulations promulgated by the Minerals Council for the election of its Members held independently of other Osage Nation elections. Minerals Council Elections are not General or Special Elections.
- T. **“OATH”** means affirmation or declaration.
- U. **“OSAGE NATION ELECTION BOARD”** or **“BOARD”** means the three Member Board appointed by the Principal Chief with the advice and consent of Congress to administer or oversee all elections of the Osage Nation except elections for the Osage Nation Minerals Council.
- V. **“OSAGE VOTER REGISTRY”** means a list of qualified voters maintained by the Osage Nation Election Board that, when fully updated, is identical to a list of Members of the Osage Nation maintained by the CDIB/Membership Department of the Osage Nation who meet age requirements for voting and are not disqualified from voting by Osage law.
- W. **“PERSON”** means a corporation, company, partnership, firm, association or society, as well as a natural person. When the word “person” is used to designate the party whose property may be the subject of a criminal or public offense, the term includes the United States, the State of Oklahoma, the Osage Nation, which may lawfully own any property, or a public or private corporation, or partnership or association. When the word “person” is used to designate the violator or offender of any law, it includes a corporation, partnership or any association of persons.
- X. **“PRIMARY ELECTION”** means an election held on the second Monday of March in even-numbered years, or at other times as required by Osage law.
- Y. **“POLL WATCHER”** or **“WATCHER”** means a person designated by a candidate to observe the election process as allowed by Osage law.

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- Z. **“QUALIFIED VOTER”** means any enrolled Member of the Osage Nation, eighteen (18) years of age or older, whose name is found on the Osage Voter Registry. The term “qualified voter” has the same meaning as “eligible voter,” “registered voter,” and “those entitled to vote” as those terms are used in the Constitution.
  
- AA. **“REGISTERED MAIL”** means certified mail.
  
- BB. **“RESIDE”** means to have a residence.
  
- CC. **“RESIDENCE”** means a person’s place of abode where the person intends to remain for an undetermined period, having no present intention of removal from that place and to which, when he or she is absent, he or she intends to return.
  
- DD. **“SPECIAL ELECTION”** means an election held specifically to consider rejection of a referred act of the Congress, to consider the initiation of a law brought forward by initiative petition, to consider recall an elected official, to fill a vacant office, to consider a general referendum called by Proclamation of the Principal Chief and approved by the Congress in session, or for any other purpose provided by Osage law and not in conflict with the Constitution. Special Election does not mean a Minerals Council Election.
  
- EE. **“SIGNATURE”** means a mark, made by a person who cannot write, with his or her name written near it, and witnessed by a person who writes his or her own name as witness.
  
- FF. **“VILLAGE”** means the Grayhorse, Hominy or Pawhuska Indian Villages as defined by the Allotment Act of 1906.
  
- GG. **“VILLAGE ELECTION”** means a biennial election for the Village Committees or other election deemed necessary by the village.
  
- HH. **“VILLAGE RESIDENT”** means any Member who lives in a residence within the Grayhorse, Hominy, or Pawhuska Villages.
  
- II. **“VILLAGE VOTER”** means a Village Resident residing in the Hominy or Pawhuska Villages that has attained the age of 18 years.

265 **CHAPTER TWO – SUPERVISORY BODIES**

266

267 **SECTION 2.1. OSAGE NATION ELECTION BOARD**

268

- 269 A. Composition. The Osage Nation Election Board (the “Board”) shall be composed
- 270 of three (3) members and two (2) alternates, appointed by the Principal Chief with
- 271 the advice and consent of the Congress. The Board shall consist of members of
- 272 the Osage Nation. No elected official of the Osage Nation or any employee of the
- 273 Osage Nation or its business subsidiaries shall serve on the Board.
- 274
- 275 B. Terms. Terms shall be established pursuant to the Business, Commission, and
- 276 Advisory Boards Act.
- 277
- 278 C. Vacancies. In the event a Board member position is vacated, the remaining Board
- 279 member or members shall select the replacement from the available alternates
- 280 within three (3) business days if an election is scheduled less than ninety (90)
- 281 calendar days from the date the position was vacated, or within ten (10) business
- 282 days if an election is not scheduled less than ninety (90) calendar days from the
- 283 date the position is vacated. The alternate may then serve as a Board member for
- 284 the balance of the term.
- 285
- 286 D. Officers. The Board shall elect from its own membership a Chairperson and Vice
- 287 Chairperson.
- 288
- 289 E. Recusal.
- 290
- 291 1. Upon the filing of a candidate who:
- 292
- 293 a. Is a member of the immediate family of the Board; or
- 294
- 295 b. Lives with a Board member; or
- 296
- 297 c. Is a partner in a business concern with a Board member,
- 298
- 299 the Board Member associated with the candidate shall recuse
- 300 himself or herself from service on the Board for that election, and
- 301 an Alternate shall serve according to the provisions of this law.
- 302
- 303 2. Upon the certification of the election results in the election in which the
- 304 Board member has recused himself or herself, the Board member and

305 Alternate may assume the positions previously held. Recusal under the  
306 provisions of this section does not constitute a vacancy.  
307

308 F. Authority and Responsibility. The Board shall be responsible for administering all  
309 elections of the Osage Nation, unless otherwise provided by Osage law, and have  
310 the authority and responsibility to:

- 311
- 312 1. Promulgate rules and regulations, with Osage Nation Congress approval,  
313 not inconsistent with this Code, concerning any matter within its  
314 jurisdiction.  
315
    - 316 a. Exception: the promulgation of rules and regulations governing the  
317 election of the Osage Minerals Council.
    - 318 b. After approval by the Congress, such rules and regulations shall  
319 have the force and effect of law of the Osage Nation.
    - 320 c. The Board shall not implement any changes to such rules and  
321 regulations less than ninety (90) calendar days before an election.  
322
  - 323 2. Review the qualifications and disqualify any candidate who does not meet  
324 the qualifications established for that office by the Osage Constitution or  
325 Osage law.  
326
  - 327 3. Maintain the Osage Voter Registry for conducting all elections other than  
328 Village and Minerals Council elections, for referendum measures, the  
329 resolution of election disputes, and other uses allowed by law.  
330
  - 331 4. Appoint and supervise election officials and provide them with proper  
332 instructions and training for performing their duties.  
333
  - 334 5. Prepare, or cause to be prepared, the official ballot or ballots and be  
335 responsible for their safekeeping.  
336
  - 337 6. Enforce this Election Code and rules and regulations promulgated  
338 pursuant thereto.  
339
  - 340 7. Call a special election when, upon receipt and approval of petitions  
341 certified by the Election Supervisor, such petitions have been approved  
342 pursuant to Osage law and the Constitution.  
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8. Obtain the services of an Election Supervisor of the Osage Nation Election Board. The Election Supervisor will serve at the pleasure of the Board.
  9. Review and approve the titles, design and language of ballots.
  10. Retrieve and store election records.
  11. Be present at all times on any election day unless an emergency exists as determined by the Board.
  12. Administer and enforce the campaign donation limits, campaign activity restrictions and campaign reporting requirements set out in Osage law.
  13. Enforce all provisions of this Act under the authorizations and powers conveyed herein in a manner that avoids even the appearance of impropriety.
  14. The Board shall not be required to participate in inauguration ceremonies.
  15. Implement cost-effective measures to ensure maximum voter participation.

368 **SECTION 2.2. OSAGE NATION ELECTION OFFICE**  
369

370 A. Authority and responsibilities of the Election Supervisor of the Osage Nation  
371 Election Board. The Election Supervisor shall be the administrative officer and  
372 shall have general supervisory authority over elections held by the Osage Nation  
373 with duties, including, but not limited to:  
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1. Employ, with consent of the Board, or contract for the services of an Assistant Election Supervisor, Chief Clerk, and such other employees necessary to perform the duties related to Osage Nation elections.
  2. Terminate, with consent of the Board, employees or contract employees of the Osage Nation Election Office.
  3. Perform operational responsibilities of the Board, including, but not limited to, supervision, defining job positions and responsibilities of the employees, preparation of the annual budget, preparation and filing of all

385 reports, and the implementation of policy, findings and actions lawfully  
386 prescribed or determined by the Board.  
387

388 4. Request the Osage Nation Attorney General to prepare ballot titles and  
389 propositions summarizing proposed laws, accept and certify applications  
390 of initiative, referendum and recall, and prepare statements of purpose and  
391 captions for amendments to the Osage Constitution initiated by petition or  
392 by the Osage Nation Congress.  
393

394 5. Receive petitions for constitutional amendments, recall petitions, initiative  
395 petitions, referendum petitions, and other petitions as described in the  
396 Osage Constitution and Osage Law.  
397

398 a. Upon receipt, the Election Supervisor shall promptly assess the  
399 validity of such petitions.  
400

401 b. If said petitions are found valid and sufficient to meet the  
402 requirements of Osage law and the Constitution, they shall be  
403 certified by the Election Supervisor and submitted to the Board for  
404 approval within five (5) business days of certification.  
405

406 B. Minimum Time Requirement. The Election Supervisor shall be a contract or  
407 regular full-time position, and shall serve for a minimum of six (6) months prior  
408 to a General Election and at other times as necessary to fulfill the requirements of  
409 this Act.  
410

411 C. Vacancy. In the event a vacancy exists in the office of the Election Supervisor, the  
412 Chairperson of the Board shall have the authority to stand in the place of the  
413 Election Supervisor for the purpose of employing necessary personnel and other  
414 duties as necessary.  
415

416 D. Contingency Funding. The Congress shall be required to appropriate adequate  
417 contingency funding for temporary personnel in the event of the unexpected  
418 absence of essential Board employees.  
419

### 420 SECTION 2.3. ELECTION COMMITTEE 421

422 A. Composition. At least one (1) Election Committee shall be appointed by the  
423 Board for each polling place. Each Election Committee shall consist of a judge,  
424 one (1) or more inspectors, and two (2) or more clerks as determined necessary by

425 the Board, and alternates as necessary. No elected official of the Osage Nation,  
426 candidate for elected office, immediate family member of an elected official or  
427 candidate, any person living with an elected official or candidate, or any person  
428 that is a partner in a business concern with an election official or candidate shall  
429 serve on an Election Committee.  
430

- 431 B. Authority and Responsibility. Under the supervision of the Election Supervisor,  
432 the Election Committees shall conduct elections at the voting place(s) and shall be  
433 empowered to carry out and enforce all rules and regulations promulgated and  
434 delegated by the Board, pursuant to Section 2.1, for the orderly and fair conduct  
435 of all elections.  
436  
437

### 438 **CHAPTER THREE – QUALIFICATION AND REGISTRATION OF VOTERS**

#### 439 **SECTION 3.1. EXCLUSION**

440 This section applies to elections conducted by the Osage Nation Election Board and does  
441 not apply to Village Elections and Minerals Council elections.  
442  
443  
444

#### 445 **SECTION 3.2. ELIGIBILITY CRITERIA AND CONDITIONS**

- 446  
447 A. Any qualified voter shall be permitted to vote in Osage Nation elections.  
448  
449 B. Disqualifications: [RESERVED]  
450

#### 451 **SECTION 3.3. OSAGE VOTER REGISTRY**

- 452  
453 A. The Board shall maintain a permanent roll of qualified voters known as the Osage  
454 Voter Registry. The Osage Voter Registry shall include all enrolled members of  
455 the Osage Nation eighteen (18) years of age or older who have been issued an  
456 Osage Nation membership card on or after October 9, 2002 bearing the signature  
457 of a Principal Chief of the Osage Nation.  
458  
459 B. Any member whose eighteenth (18th) birthday occurs on or before any election  
460 shall be placed on the Osage Voter Registry six (6) months prior to that election.  
461

#### 462 **SECTION 3.4. AVAILABILITY OF THE OSAGE VOTER REGISTRY TO QUALIFIED VOTERS**

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502
- A. Availability. In order to create a favorable environment in which members may effectively initiate law, repeal law by referendum, petition the Osage government, recall elected officials, organize political parties or engage in the support or opposition of ballot issues, the Osage Voter Registry, including mailing address information, shall be available to qualified voters, said availability subject to Osage and federal law.
  
  - B. Requests and Publication. A publication of lists or sub-lists of the Osage Voter Registry in digital and/or printed medium shall be provide upon request to any qualified voter.
    - 1. Each requestor shall be required to sign an agreement that limits the use of such lists and sub-lists to political, non-commercial purposes.
    - 2. Any person eligible to make a request must present a government issued photo identification in order to receive a list or sub-list.
    - 3. Requests may include sub-lists of the names and addresses of those who voted in a particular election, or the names of those living in a particular region.
    - 4. The digital medium shall be in a format or formats commonly used in commerce.
    - 5. The Election Supervisor shall set nominal fees for services related to the provision of requested information.
  
  - C. Privacy Program. The Election Supervisor shall establish and maintain a privacy program. The purpose of such a program shall be to offer qualified voters the option of having their names omitted from the published lists provided under Section 3.4 (B).
    - 1. The Election Supervisor shall develop an application, and notification process for participation in a privacy program, and shall ensure that all general information published by the Board contains notice of the programs' availability.
  
  - D. List of consequences. The potential consequences of participation in a privacy program shall be listed prominently on the application for inclusion in the

503 program. Any list of consequences shall include factual information on the  
504 inability to receive mailings from those initiating petitions, recalls and referenda.  
505  
506

## 507 **CHAPTER FOUR – QUALIFICATION AND NOMINATION OF CANDIDATES** 508

### 509 **SECTION 4.1. QUALIFICATION FOR PRINCIPAL CHIEF AND ASSISTANT PRINCIPAL CHIEF** 510

511 Any enrolled member, who is at least thirty-five (35) years of age on the date of the  
512 election and has never been convicted of a felony, is eligible to become a candidate for the office  
513 of Principal Chief or Assistant Principal Chief of the Osage Nation.  
514

### 515 **SECTION 4.2. DISQUALIFICATIONS – EXECUTIVE** 516

- 517 A. The Principal Chief and the Assistant Principal Chief shall not hold any other  
518 office or position of profit under the Osage Nation nor hold any office, be it  
519 elected or appointed, under any other tribal government or any state, county, or  
520 federal government. For the purposes of this subsection, “office” is defined as an  
521 elected or appointed position of trust or authority, where the person elected or  
522 appointed carries out some portion of a government’s sovereign powers.  
523

- 524 1. Any candidate for Principal Chief or Assistant Principal Chief shall not be  
525 certified as a candidate for office if a felony conviction appears on a  
526 certified court record.  
527

### 528 **SECTION 4.3. QUALIFICATION FOR OSAGE NATION CONGRESS** 529

530 Any enrolled member, who is at least twenty-five (25) years of age on the date of the  
531 election and has never been convicted of a felony, is eligible to serve as a member of the Osage  
532 Nation Congress.  
533

### 534 **SECTION 4.4. DISQUALIFICATIONS – CONGRESS** 535

- 536 A. Members of the Osage Nation Congress shall not hold any other office or position  
537 of profit under the Osage Nation during the term for which the member is elected  
538 or appointed. No member of the Osage Nation Congress shall hold any other  
539 tribal office under another Indian nation during his or her term of office.  
540 Candidates for Osage Nation Congress may also be disqualified by other  
541 provisions of this code. For the purposes of this subsection, “tribal office” is  
542 defined as an elected or appointed position of trust or authority, where the person

543 elected or appointed carries out some portion of a government's sovereign  
544 powers.

- 545
- 546 1. Any candidate for Osage Nation Congress shall not be certified as a  
547 candidate for office if a felony conviction appears on a certified court  
548 record.

549

550 **SECTION 4.5. APPORTIONED DISTRICT REPRESENTATION**

551 [RESERVED]

552

553

554 **SECTION 4.6. FILING DATES AND REQUIREMENTS FOR PRINCIPAL CHIEF AND ASSISTANT**  
555 **PRINCIPAL CHIEF**

- 556
- 557 A. Members qualifying under Sections 4.1 and 4.2 of this Code may file as  
558 candidates for Principal Chief or Assistant Principal Chief:

- 559
- 560 1. Between December 16<sup>th</sup> and January 6<sup>th</sup> for the primary election to be held  
561 in March and the general election to be held in June of the same year, or  
562
- 563 2. For special elections in which either Principal Chief or Assistant Principal  
564 Chief are elected.

565

566 **SECTION 4.7. FILING DATES FOR OSAGE NATION CONGRESS**

567

568 An Osage citizen qualifying under Sections 4.3 and 4.4 of this code may file as a  
569 candidate for Osage Nation Congress between March 15<sup>th</sup> and March 31<sup>st</sup> for elections to be held  
570 in June of the same year.

571

572 **SECTION 4.8. PROHIBITION AGAINST MULTIPLE CANDIDACIES AND HOLDING MULTIPLE**  
573 **OFFICES**

- 574
- 575 A. No person may be registered as a candidate for more than one (1) position in an  
576 election.
  - 577
  - 578 B. No person may occupy the office of Principal Chief, Assistant Principal Chief, or  
579 be a member of the Osage Nation Congress while holding a concurrent position as  
580 a member of the Osage Minerals Council.

582 C. Except as expressly provided by this Act, no person may occupy more than one  
583 (1) of the following offices concurrently:

- 584
- 585 1. Principal Chief;
- 586
- 587 2. Assistant Principal Chief; or
- 588
- 589 3. Member of the Osage Nation Congress;
- 590

591 D. No person who is unsuccessful in a primary election may register as a candidate  
592 for any elected office within six (6) months of the primary election in which the  
593 person was a candidate. Nothing in this subsection shall be interpreted to prohibit  
594 an unsuccessful primary candidate from eligibility as a candidate in a Minerals  
595 Council election or a special election.

596  
597 **SECTION 4.9. ELIGIBILITY AND FILING DATES FOR JUDGES STANDING FOR RETENTION**

598  
599 A duly appointed or re-elected Judge in the Osage Nation Judiciary eligible for retention  
600 pursuant to the requirements of Sections 3, 4, 6, & 7 of Article XIII of the Constitution may file  
601 for retention between March 15th and March 31st for elections to be held in June of the same  
602 year. Candidates for retention may also be disqualified by other provisions of this code.

603  
604 **SECTION 4.10. FILING FEES, SUBMISSION OF DECLARATION OF CANDIDACY**

605  
606 The Board may set filing fees for candidates seeking office under this code, and include  
607 such fees in any additional rules and regulations submitted to the Osage Nation Congress for  
608 approval. Such fees shall be reasonable and not inconsistent with fees charged in other local  
609 elections in the region. All fees shall be deposited in the Osage Election Fund.

610  
611 **SECTION 4.11. CERTIFICATION OF CANDIDATES – CONTEST OF CANDIDACY**

612  
613 All persons found by the Board to meet all requirements for candidacy shall be certified  
614 as a candidate by the Election Supervisor. Only qualified voters may file a contest of candidacy.  
615 Any contest of candidacy shall be filed with the Board, and a public hearing shall be held to  
616 determine the validity of said candidacy. Any such contest shall be filed within three (3)  
617 business days of the posting of the names of all certified candidates, and a hearing on such a  
618 contest shall be held within three (3) business days of the contest's filing. The verdict of the  
619 Board shall be final. It shall be the duty of the Election Supervisor to post the names of all  
620 certified candidates in a public place within twenty-four (24) hours of certification.

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622 **SECTION 4.12. PREPARATION OF BALLOTS**

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- A. Preparation. It shall be the responsibility of the Election Supervisor to prepare, or cause to be prepared, the ballots for each election. The printing of the ballots shall take place as soon as possible after all candidates have been certified by the Board. Paper ballots upon which are printed the names of the candidates shall be used in the tribal elections.
- B. Sample Ballot. An adequate supply of ballots plainly marked, "Sample Ballot", and printed on a paper of different color from that of the ballots prepared for voting purposes shall be distributed and shall be posted in public places in each precinct to acquaint voters with the ballot and voting procedures.
- C. Format. The ballots shall utilize colors and symbols that will allow clear differentiation between ballots for the Executive and Legislative positions and those of the Minerals Council.
- D. Order of Candidate Names. The order in which names appear on the ballot shall be determined by lot. The meeting to draw lots shall be held on a weekday, holidays excepted, between the hours of 9:00 a.m. and 7:00 p.m. The Election Supervisor shall, in full view of those present at the meeting, clearly write or print the name of each candidate for a particular position or positions on separate pieces of paper measuring equal size. There shall be a separate drawing for each office, and one for the Osage Nation Congress. The names of the candidates shall be written or printed on the same color or type of paper. The papers shall be folded in half one (1) time so that the names are not visible and shall be placed into a container selected by the Election Supervisor. The Election Supervisor shall draw one (1) paper at a time, and the first name or names drawn shall appear first on the ballot, the second drawn shall appear second on the ballot, and so on until all names are drawn.
- E. Deceased Candidate. In the event any candidate appearing on the ballot dies after ballots are printed but prior to the date of the election, the Election Supervisor shall post a notice of this fact at the polling places(s). Unless otherwise provided by Osage law, votes cast for the deceased candidate shall not be considered in the tally, and such votes shall be void.

**CHAPTER FIVE – CONDUCT OF ELECTIONS**

**SECTION 5.1. VOTER REGISTRATION, PRIMARIES AND ELECTION DATES**

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- A. Registration of Voters. Voters are not required to register with the exception of absentee voters who must apply to the Election Supervisor for absentee voter status according to the provisions of the Code.
  
  - B. Voter Identification. Any qualified voter may vote in any Primary, General or Special election upon presentation of a government-issued photo ID, or positive identification by two (2) persons serving as election staff, provided those persons sign an affidavit affirming the voter's identity. The Board may approve other commonly accepted identification methods.
  
  - C. Primary Election – Principal Chief and Assistant Principal Chief.
    - 1. A Primary Election for the positions of Principal Chief and Assistant Principal Chief shall be held on the second Monday in March in even numbered years in which the positions of Principal Chief and Assistant Principal Chief are on the ballot in the general election, and when special elections are called pursuant to Section 11.1 (D) of this code.
  
    - 2. If two (2) or fewer candidates for Principal Chief or Assistant Principal Chief file by the filing deadline, those candidates shall advance to the general or special election and no primary election for those offices shall be held.
  
  - D. Primary Election – Osage Nation Congress. There shall be no primary election for the Osage Nation Congress.
  
  - E. General Election. The General Election shall be held on the first Monday in June in 2012 and every even numbered year thereafter.
  
  - F. Special Election. Special elections shall be called by the Principal Chief to fill a vacancy as provided by Osage law or as required by Article XI, Section 8, and Article XX of the Constitution.
  
  - G. Oath of Office. All newly elected officials shall take the oath of office, subscribe to same, and assume the duties of their respective offices on the first Wednesday of the first month after their election, excepting holidays, in which case the oath shall be taken on July 3<sup>rd</sup>. Any newly elected official who fails to comply with this provision on the assigned date shall not occupy the office to which they were elected, and said office shall be considered vacant. Any newly elected official temporarily incapacitated by accident or illness shall be exempted from this

703 requirement until that time they are able to assume the responsibilities of their  
704 elected position unless otherwise provided by Osage law.

- 705  
706 H. Recall Elections. Recall elections shall be held within one hundred (100)  
707 calendar days of the certification of the recall petition by the Osage Nation  
708 Supreme Court. The date of the election shall be set by the Board and shall  
709 constitute a special election.  
710

711 **SECTION 5.2. ELECTION PROCEDURES – GENERAL**  
712

- 713 A. Election Notice. Voting places shall be designated by the Board, and shall be  
714 open during the hours of 12:00 p.m. to 8:00 p.m. the Friday preceding the day of  
715 the election, 10:00 a.m. to 4:00 p.m. the Saturday preceding the day of the  
716 election, and 8:00 a.m. to 8:00 p.m. Central Daylight Savings Time on the day of  
717 the election. The Election Supervisor shall announce all elections by Election  
718 Notice posted at least forty-five (45) calendar days before the election at the  
719 voting places. In addition, the Election Supervisor shall mail an Election Notice  
720 to each Qualified Voter at his or her last known address. The Election Notice  
721 shall set the time, date, and place or places the election will be held, the  
722 qualifications required to vote, information on obtaining absentee ballots, and  
723 clearly set forth all methods by which a voter may obtain assistance in voting.  
724

- 725 1. For the purpose of maximizing participation of Members in the democratic  
726 process, the Election Supervisor shall, in the interim period between  
727 elections, use cost-effective media to encourage Members to provide  
728 accurate mailing addresses in coordination with the CDIB/Membership  
729 Department. The costs of such efforts shall be adequately funded by the  
730 Osage Nation Congress through the Osage Election Fund.  
731

- 732 B. Manner of Voting Generally. Voting shall be by secret ballot. Except as  
733 otherwise provided, any qualified voter may vote by appearing at the prescribed  
734 voting place, announcing to election officials his or her name and address, signing  
735 the ballot sign out sheet, and by marking and placing the ballot in the ballot box  
736 or electronic vote counting device. The election officials shall ask for proof of  
737 identification before permitting the qualified voter to vote. Any eligible voter who  
738 will be unable to vote in person may vote by absentee ballot as prescribed in  
739 Section 5.3.  
740

- 741 C. Early Voting. At the close of each early voting election day, the ballot box shall  
742 be locked and all other associated material shall be placed in a sealed container.

743 Early voting ballots shall not be processed or counted. The locked ballot box and  
744 sealed container shall be stored in fire resistant containers in a secured location at  
745 the Osage Nation Election Office until 11:00 a.m. on the day of the election. At  
746 that time:

- 747  
748 1. The Election Supervisor, accompanied by the Osage Nation Police, shall  
749 retrieve the locked ballot boxes and sealed containers from the Osage  
750 Nation Election Office; and
- 751  
752 2. Shall personally transport the locked ballot boxes and sealed containers to  
753 the polling place, where it shall be immediately delivered to the Board.
- 754  
755 3. The Board shall retain all keys or other means of access to the locked  
756 ballot boxes during transport described in this section.
- 757  
758 4. The ballots may be counted and tallied by the Election Committee upon  
759 receipt.
- 760  
761 5. Poll watchers may be present for all activities described in Subsection 5.3  
762 (C).

763  
764 D. Electioneering. No person shall be allowed to electioneer within three hundred  
765 (300) feet of the entrance to any polling location while an election is in progress,  
766 nor shall any person, except election officials and other persons authorized by  
767 law, be allowed to approach the ballot box while an election is in progress or  
768 remain within fifty (50) feet of the polling place except while actually voting. No  
769 written or printed material other than that provided by the Board shall be publicly  
770 placed or exposed on public or private property within three hundred (300) feet of  
771 the entrance to any polling location while an election is in progress. Signs shall be  
772 installed to clearly indicate the boundaries beyond which electioneering may not  
773 occur, and the Osage Nation Police shall be authorized to enforce electioneering  
774 provisions of this code. The Board may, with the approval of the Osage Nation  
775 Congress, establish additional policies on electioneering.

776  
777 E. Voting by Person with Physical Disabilities or Language Barriers. If a voter or  
778 voter's agent presents himself or herself and states that he or she, because of a  
779 physical disability or language barrier, is unable to mark the ballot, assistance  
780 shall be provided by at least two (2) election officials.

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F. Poll Watchers. Candidates for the office of the Principal Chief, Assistant Principal Chief, and each candidate for the Osage Nation Congress may submit the name of one (1) person as their respective designated watcher at each polling place. No candidate for any elected office of the Osage Nation shall be a watcher. Watchers are prohibited from using all electronic devices, conversing with voters and election officials, and divulging any information as to the count prior to the announcement by the Board. A watcher shall not return to the polling place after leaving. Any disruption by watchers will be cause for their removal from the polling place. Poll watchers are to remain only in designated areas. Watchers shall not receive compensation for their services.

G. Voting Violations. A person is guilty of violation of this code who:

1. Knowingly votes more than once at any election; or
2. Not being entitled to vote, knowingly votes; or
3. Hinders the voting of others; or
4. After having received a ballot as a voter, knowingly fails to cast the ballot or return the ballot to election officials before leaving the polling place or going outside the voting area; or
5. Knowingly adds a ballot to those legally cast at any election by fraudulently introducing the ballot into the ballot box or mixing the ballot with other ballots lawfully cast while they are being canvassed or counted; or
6. Knowingly detains, destroys, alters, or mutilates a ballot or election returns; or
7. Intentionally disables or removes from the polling place or custody of an election official, a voting machine, ballot box, or voting record; or
8. While at a voting location, refuses to obey a lawful order of an election official, or
9. Fraudulently applies for or uses an absentee ballot.

H. Penalties.

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1. Any person violating the provisions of Subsection 5.2 (D) or 5.2 (G) is guilty of a criminal offense, and upon conviction, shall be subject to a fine not to exceed five thousand dollars (\$5,000), or a term of imprisonment not to exceed one (1) year, or both.
  2. Persons not subject to the criminal jurisdiction of the Osage Nation Court shall be subject to immediate exclusion from Osage Nation property.
- I. Specific Time Requirements.
1. Times designated as “Central Daylight Savings Time” may be converted to Central Standard Time for special elections as necessary.
  2. Dates designated may be altered in accordance with the Osage Nation Time Calculation Act.

**SECTION 5.3. ABSENTEE VOTING**

- A. Request for Ballot, Request for Absentee Ballot Application, and Status of Ballots.
1. Any qualified voter shall be entitled to vote by absentee ballot, and may request an absentee ballot application by either coming in person to the office of the Election Supervisor, by sending a letter or electronic message to the Election Supervisor, or by facsimile. A person requesting an absentee ballot application shall identify himself or herself using the name under which he or she registered in the Osage Voter Registry. The Election Supervisor shall maintain a printable absentee ballot application form on the Osage Nation website. The absentee ballot application shall be the only form used to request an absentee ballot. A legible photocopy of a government-issued photo ID is required to be submitted with the absentee ballot application.
  2. The Election Supervisor shall establish rules regarding proper identification of absentee ballot applicants that sustain the integrity of the absentee voting process.
  3. The Election Supervisor shall maintain a record of all applications, together with a record of the names and addresses of all persons to whom

862 absentee ballots are mailed or delivered, including the date of mailing or  
863 delivery.

- 864
- 865 4. Absentee ballot applications shall be accepted until thirty (30) calendar  
866 days prior to election day.
- 867
- 868 5. All absentee ballot stubs shall be consecutively numbered. Ballots shall  
869 not be numbered.
- 870
- 871 6. All absentee ballot applications and absentee ballots mailed to voters shall  
872 bear standard U.S. first class postage and be mailed by Osage Election  
873 Board staff, with the exception of ballots mailed to addresses outside the  
874 continental U.S. Ballots mailed to addresses outside the continental U.S.  
875 may be sent by expedited delivery, provided all ballots mailed to addresses  
876 outside the continental U.S. are mailed using the same level of expedited  
877 delivery.
- 878
- 879 7. Any eligible voter who receives an absentee ballot and does not complete  
880 and mail the ballot, but instead wishes to cast his or her vote in person,  
881 must first:
- 882
- 883 a. Surrender his or her absentee ballot to the Election Supervisor or  
884 authorized designee on election day; or
- 885
- 886 b. Sign an affidavit stating they requested an absentee ballot but did  
887 not vote it.
- 888
- 889 8. All absentee ballot applications shall be processed by Election Office  
890 staff.

891

892 B. Delivery or Mailing of Documents to Applicant. Unless it is evident that the  
893 applicant for an absentee ballot is not an eligible voter, the Election Supervisor  
894 shall immediately cause the following documents to be delivered or mailed in  
895 accordance with Section 5.3(A)(6), provided such mailing does not occur more  
896 than forty (40) calendar days before the election.

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- 898 1. An official ballot for the proposed absentee voter shall be clearly marked  
899 "Absentee Ballot".
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2. An inside envelope labeled “For Absentee Ballot Only” for the ballot to be put into after the voter has marked it.
3. A postage paid outside envelope shall bear the address of the Osage Nation Election Office printed on the front.
4. The outside envelope or ballot receipt shall bear a certificate to be signed by the absentee voter.
5. The Election Supervisor shall supply printed instructions to absentee voters substantially as follows:
  - a. Mark the ballot and place it in the white envelope marked “For Absentee Ballot Only”. Seal it.
  - b. Place the envelope marked “For Absentee Ballot Only” in the outer envelope.
  - c. Sign the certificate on the outside envelope or ballot receipt.
  - d. Seal the outer envelope and mail. The ballot must arrive in the Pawhuska, Oklahoma Post Office by 10:00 a.m. local time the day of the election to be considered valid. Ballots arriving with unsigned certificates will be considered void.

C. Ballot Certificate Form.

1. Criminal penalties are provided by statute for knowingly filing false information in such statements. The following, or a substantially similar certification, shall be clearly printed on the outside envelope:

(Purpose and date of the Election)

Certification: I have enclosed my ballot for the elections of the Osage Nation.

(VOTER’S SIGNATURE)

- D. Receipt of Voter’s Ballot. The absentee ballots shall remain in a locked ballot box in the Pawhuska, Oklahoma Post Office until 10:00 a.m. on the day of the election. At that time:

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1. Absentee ballots shall be retrieved at 10:00 a.m. The Election Supervisor, accompanied by the Osage Nation Police shall retrieve the locked ballot box from the Post Office, and shall personally transport the locked ballot box to the polling place, where it shall be immediately delivered to the Board.
2. The Board shall retain all keys or other means of access to the locked ballot boxes during transport described in this section.
3. Poll watchers may be present for all activities described in Subsection 5.3 (D).

E. Retention of Materials. All material used for procuring and casting an absentee ballot shall remain under the Board’s control for a period of one (1) year after the day of the election.

**SECTION 5.4. COUNT AND RETURN OF VOTES – TIES**

- A. Count and Results. With the exception of absentee and early voting ballots, the ballots cast shall be counted and tallied by the Election Committee beginning at 8:00 p.m. Central Daylight Savings Time or immediately after voting is completed on the day of the election. The Board shall immediately prepare a consolidated return of the election results and post said results at the polling place. The Election Supervisor may promulgate other procedures as necessary to assure the prompt and accurate reporting of results.
- B. Securing Ballots. After counting, all ballots shall be placed in sealed containers marked with the date of the election by the Election Committee. All unused, spoiled or rejected ballots shall be labeled and placed in the sealed containers. The sealed containers containing all ballots shall be immediately returned by the Judge and at least one (1) other precinct committee official to the Board.
- C. Primary Election Results. In a primary election, the two (2) Principal Chief/Assistant Principal Chief candidates receiving the highest number of votes shall be placed on the ballot for the general election after the primary election results are certified by the Election Supervisor and signed by the Board.
- D. Tie Vote. When a tie vote is certified in the election of any candidate, the Board shall, at a public meeting and in the presence of the candidates involved or their

981 designee, if they or any of them desire to be present, select the successful  
982 candidate by lot. When a successful candidate is to be selected by lot pursuant to  
983 the provisions of this section, the following procedures shall be observed:  
984

985 1. The Election Supervisor shall, on or before the tenth day following the  
986 election, notify each of the tying candidates for which the vote was tied.  
987 The notice shall include the time, date and location of the selection, shall  
988 be made in writing by registered or certified mail and shall be postmarked  
989 not fewer than five (5) business days prior to the meeting;  
990

991 2. The Election Supervisor shall, in full view of those present at the meeting,  
992 clearly write or print the name of each tied candidate on separate pieces of  
993 paper measuring approximately equal size. The names of the candidates  
994 shall be written or printed on the same color and type of paper. The  
995 papers shall be folded in half one (1) time so that the written names are not  
996 visible and shall be placed into a container selected by the Election  
997 Supervisor;  
998

999 3. The Election Supervisor shall draw, or may designate a person other than  
1000 the candidates, witnesses or other person directly interested in the election  
1001 to draw, one (1) paper, and the name of the candidate appearing on the  
1002 first drawn paper shall be declared the winner. The Election Supervisor,  
1003 or designee, shall then expose the other name or names not drawn to all  
1004 witnesses present; and  
1005

1006 a. The meeting shall be held on a weekday, holidays excepted,  
1007 between the hours of 9:00 a.m. and 7:00 p.m.  
1008

1009 b. In the event a tie vote occurs in a ballot issue or the retention of a  
1010 Judge, the tie shall be broken by lot, with a 'yes' or 'no' paper  
1011 being drawn to determine the outcome.  
1012

1013 E. Statement of Conduct and Certifying Results. Following the election a statement  
1014 is to be prepared by the Election Supervisor pertaining to the conduct of the  
1015 election and certifying to the correct tabulation of the votes for each qualified  
1016 candidate of the election. The statement shall also set forth the names of the  
1017 elected candidates and the office to which each was elected, or if a primary  
1018 election, the statement shall set forth the names of the candidates for Principal  
1019 Chief/Assistant Principal Chief to be placed on the general election ballot. The

1020 statement shall be signed by all Board Members in order to be valid. The  
1021 statement shall be delivered to the Principal Chief.  
1022

1023 F. Divulging Count Progress. It shall be unlawful for any person to divulge the  
1024 progress of the count except in such manner provided by law.  
1025

1026 G. Retention of Materials. All material used for procuring and casting a ballot shall  
1027 remain under the Board's control for a period of one (1) year after the day of the  
1028 election.  
1029

1030 **SECTION 5.5. COUNTING ABSENTEE BALLOTS – ELECTION DAY**  
1031

1032 A. At 9:30 a.m. on the day of the election, the absentee workers shall meet to count  
1033 absentee ballots in the manner herein after prescribed:  
1034

1035 1. Counting of absentee ballots shall commence at 10:00 a.m. at a secure  
1036 location deemed appropriate by the Board.  
1037

1038 2. Upon delivery of the unopened absentee ballots:  
1039

1040 a. The signature located on the outside of each outer envelope shall  
1041 be checked to ensure that it is the signature of the absentee voter;  
1042 or  
1043

1044 b. The outside of each outer envelope shall be checked to make sure  
1045 the envelope bears a unique and predetermined barcode or other  
1046 similar verification data.  
1047

1048 3. Each outer envelope shall be opened and separated from the inner  
1049 envelope.  
1050

1051 4. The inner envelopes shall then be opened; the absentee ballots therein  
1052 shall be removed and inserted into the electronic voting device designated  
1053 to count absentee votes.  
1054

1055 5. In the event the electronic voting device does not successfully read the  
1056 absentee ballot and where the ballot may be clearly read by the workers,  
1057 the workers may enter the ballot information into the electronic voting  
1058 device with Board approval. Such determination will be made by two (2)  
1059 absentee workers who shall each read and verify the vote on each

1060 electronically unreadable ballot and call out the result to another worker  
1061 who will then enter that data into the electronic voting device.

- 1062
- 1063 6. After the polls close, the electronic voting device shall print the three  
1064 totals tapes or reports.
- 1065
- 1066 7. After the tapes or reports are finished printing, the Election Supervisor  
1067 and/or all Board Members shall sign on the designated lines on the tapes  
1068 or reports, and the tally sheet shall be completed. Three (3) totals tapes or  
1069 reports shall be printed. The Election Supervisor or designee shall sign  
1070 each.
- 1071
- 1072 8. Signed totals tapes or reports, ballots, and outer and inner envelopes shall  
1073 be placed in the absentee ballot box or boxes and the ballot box shall be  
1074 retained in a safe place until opened by order of the Board in the event a  
1075 contest is filed. If no contest is filed, the ballots may be destroyed one (1)  
1076 year after the election. No information concerning voting tallies shall be  
1077 posted or made public information until after 8:00 p.m. of the day of the  
1078 election.
- 1079
- 1080 9. The absentee workers shall complete the ballot accounting form and attach  
1081 it to the original totals tapes or reports and to the tally sheet and the said  
1082 form, tapes or reports, and tally sheet shall be placed in the elections  
1083 return envelope for return to the Board.
- 1084

1085 **SECTION 5.6. RECOUNTS**

1086

- 1087 A. Request for Recount. Only candidates for office may ask for a recount and only  
1088 for the office that he or she sought. A candidate requesting a recount shall file a  
1089 written petition with the chairperson of the Board. An advance fee to cover costs  
1090 of the recount of five hundred dollars (\$500) per polling location will be charged  
1091 to the candidate requesting the recount, and must accompany the written petition.  
1092 Payment shall be by cashier's check or money order only. No personal checks  
1093 will be accepted. The time limit for filing a request for a recount shall be from the  
1094 first business day following the Board's certification of election results and shall  
1095 continue for three (3) business days. Recounts shall be conducted by the Board.
- 1096
- 1097 B. No Certification Until Completion of Recount. Recount candidates shall not be  
1098 certified by the Board to the Principal Chief until the recount is completed. The  
1099 Board shall certify all other elected candidates not affected by the results of a

1100 recount.

- 1101
- 1102 C. Referendum Election, Initiative, Recall or Constitutional Amendment. Any
- 1103 qualified voter may request a recount, in such an election, in accordance with
- 1104 Section 5.6 (A).
- 1105
- 1106
- 1107

1108 **CHAPTER SIX – CHALLENGES TO ELECTION RESULTS**

1109

1110 **SECTION 6.1. WHO MAY CHALLENGE AN ELECTION RESULT**

1111

1112 Only a candidate, and no other person, may challenge the correctness of the announced

1113 results of an election in which that candidate ran for elected office and then only for the office

1114 that he or she sought. Any eligible voter, and no other person, may challenge the correctness of

1115 the announced results of a referendum, initiative, recall, or constitutional amendment election.

1116 All challenges must strictly comply with all applicable provisions of this Chapter.

1117

1118 **SECTION 6.2. GROUNDS FOR CHALLENGES**

1119

- 1120 A. Allegations of Fraud. An election result may be challenged on the basis of an
- 1121 allegation of fraud if the candidate, or any person authorized to act for such
- 1122 candidate, whose right to the office is contested, has given to a voter, election
- 1123 judge or election clerk a bribe or reward, or has offered such bribe or reward for
- 1124 the purpose of procuring his or her election. The act complained of must have
- 1125 occurred at a polling location, or in the casting of an absentee vote. The complaint
- 1126 must identify the specific polling location or other location, or if in the casting of
- 1127 absentee ballots wherein such fraud occurred, the specific act constituting such
- 1128 alleged fraud and the names of the alleged perpetrators of such fraud.
- 1129
- 1130 B. Allegations of Irregularities Other than Fraud. An election result may be
- 1131 challenged on the basis of an allegation of irregularities other than fraud if such
- 1132 challenge alleges a sufficient number of irregularities and of such a nature that:
- 1133
- 1134 1. The outcome of the election would have been contrary to the reported
- 1135 result; or
- 1136
- 1137 2. Proves that it is impossible to determine with mathematical certainty
- 1138 which candidate is entitled to be certified as elected, or in an election
- 1139 concerning a referendum, initiative, recall, or constitutional amendment,

1140 that the outcome of the election is impossible to determine with  
1141 mathematical certainty.

1142  
1143 **SECTION 6.3. PROCEDURE FOR CHALLENGES**  
1144

- 1145 A. Filing Deadline and Fee. Challenges must be filed in writing with the Board on  
1146 the complaint form provided by the Board within three (3) business days  
1147 following the election. The challenge must provide the necessary information  
1148 required by Section 6.2 and be accompanied by a cash bond of five hundred  
1149 dollars (\$500).  
1150
- 1151 B. Receipt. Upon receipt of a challenge the Board shall:  
1152
- 1153 1. Review the challenge for complete compliance with this Section, and if in  
1154 compliance, shall forward the petition to the Chief Justice of the Osage  
1155 Nation Court, or such other Judge as the Chief Justice may assign.  
1156
  - 1157 2. File a response or answer on or before the hearing date set by the Court.  
1158
- 1159 a. The judge shall hear and determine said issue without delay or  
1160 continuance of more than five (5) business days.  
1161
  - 1162 b. On the day of the hearing, the challenged candidate may file an  
1163 answer to such petition or may file a cross-petition, setting forth in  
1164 detail, as required of a petitioner herein, such cross claims of fraud.  
1165
  - 1166 c. The decision of said judge shall be final as to any changes in the  
1167 total votes, and a copy of such judgment and decision shall be  
1168 furnished to the Board.  
1169
- 1170 C. Proven Fraud of Candidate. If fraud is proven on the part of a candidate, such  
1171 candidate shall be declared ineligible for the office for which he or she was a  
1172 candidate. In all cases where a petition is filed which alleges fraud, but after a  
1173 hearing said allegations are not proven by clear and convincing evidence, the  
1174 contestant shall be civilly liable in damages to the challenged candidate or Board  
1175 for all damages sustained, including reasonable attorney fees and all reasonable  
1176 and proper costs of conducting such contest. The bond shall be forfeited to the  
1177 extent necessary to pay attorney fees and costs.  
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- D. Proven Outcome is Impossible to Determine with Mathematical Certainty. If, in a general or special election, the challenger is able to prove it is impossible to determine with mathematical certainty which candidate is entitled to be certified as the election winner, or in an election concerning a proposed measure or issue, prove that the outcome of the election is impossible to determine with mathematical certainty, the judge shall notify the Chairperson of the Board of same.
1. It shall then be the duty of the chairperson of the Board to notify the Principal Chief of said decision.
  2. The Principal Chief shall then order a new election as soon as is practical in the same manner as the contested election, with the identical candidates or issues; provided that any candidate upon whom fraud has been proven shall not be a candidate in the new election.
  3. This subsection shall not apply to primary elections.
- E. Evidence of Violation. The person or persons challenging the election results must prove by clear and convincing evidence that the Board or its subordinates violated an election ordinance or otherwise conducted an unfair election and that the outcome of the election would have been different.

**CHAPTER SEVEN – INITIATIVE, REFERENDUM, AND RECALL ELECTIONS**

**SECTION 7.1. EXEMPTIONS & RESTRICTIONS – INITIATIVE AND REFERENDUM**

- A. Void Petition. If, before an election to approve a law initiated by petition, a measure that is substantially the same is enacted, the petition is void.
- B. Restrictions. The initiative shall not be used to dedicate revenues, make or repeal appropriations, create courts, define the jurisdiction of courts or prescribe their rules, or enact local or special legislation. The referendum shall not be applied to dedications of revenue, to appropriations, or to laws necessary for the immediate preservation of the public peace, health, or safety of the Osage People. No article, section, or provision of the Constitution shall be amended except as provided in Article XX of the Constitution.

- 1218 C. Time Limitation. Unless otherwise provided by Osage law, a referendum petition  
1219 may be filed only within ninety (90) calendar days after adjournment of a  
1220 legislative session at which the act was passed.  
1221

1222 **SECTION 7.2. INITIATIVE AND REFERENDUM**  
1223

- 1224 A. Application. A person or organization intending to file a petition for initiative or  
1225 referendum shall, before receiving said petition forms, file with the Board an  
1226 application provided by the Board. Such an application shall set forth his or her  
1227 name, or, if an organization, its name and the names and titles of its officers,  
1228 address, his or her intention to circulate and file a petition, and the text of the  
1229 proposed law or resolution or portion thereof, to be referred, or the initiative law  
1230 proposed. The application must also bear the signatures of one hundred (100)  
1231 qualified voters. The application may then be submitted to the Election  
1232 Supervisor.  
1233
- 1234 B. Election Supervisor's Duties. Upon receipt of the application, the Election  
1235 Supervisor shall determine that the matter to be referred or initiated is not in  
1236 conflict with the Constitution. Upon certification of the application, the Election  
1237 Supervisor shall within five (5) business days assign a number to the petition,  
1238 which number shall appear on the face of each copy thereof, and issue that  
1239 number and petition forms. Numbers shall be assigned to petitions by the Board in  
1240 numerical sequence and in the order of filing applications, and a record shall be  
1241 maintained in the Election Supervisor's office of each application received and of  
1242 the number assigned and issued to the applicant. Denial of certification shall be  
1243 subject to judicial review.  
1244
- 1245 C. Signature Requirements and Time Limitations. The circulated petitions must be  
1246 filed within ninety (90) calendar days of delivery of the petitions to the sponsors,  
1247 or the petition shall be void. If signed by qualified voters who are equal in  
1248 number to at least fifteen (15) percent of the electorate the petition may be filed.  
1249 Petitions must also meet the requirements set forth by Section 7.5 of this code.  
1250
- 1251 D. Certification of Petition. The Election Supervisor shall undertake reasonable and  
1252 prudent measures to determine the validity of the signatures on any filed petition.  
1253 If the Election Supervisor finds the application in proper form with the necessary  
1254 number of valid signatures, he or she shall certify the application and prepare a  
1255 ballot title and proposition summarizing the proposed law or act to be referred.  
1256

1257 E. Election. The proposed law or referral of existing law shall be placed on the ballot  
1258 for the first election held after adjournment of the legislative session following the  
1259 filing.

1260

1261 **SECTION 7.3. RECALL**

1262

1263 A. Grounds for Recall – Osage Nation Congress, Executive, and Other Non-Judicial  
1264 Elected Officials. The grounds for recall of an officer other than a judge are:

1265

1266 1. Serious malfeasance or nonfeasance during the term of office in the  
1267 performance of the duties of the office; or

1268

1269 2. Conviction, during the term of office, of a felony; or

1270

1271 3. Conviction, during the term of office, of a misdemeanor involving moral  
1272 turpitude.

1273

1274 B. Grounds for Recall – Judiciary. RESERVED.

1275

1276 C. Recall Elections – Proximity to End of Term. A recall election may not occur less  
1277 than six (6) months before the end of an officer’s term.

1278

1279 D. Application. A person or organization intending to file a petition for recall of an  
1280 elected official shall, before receiving said petition forms, file with the Board an  
1281 application provided by the Board. Such an application shall set forth the name  
1282 and office of the official to be recalled and the specific conduct that may warrant  
1283 the recall. The application must also bear the signatures of one hundred (100)  
1284 qualified voters. The application may then be submitted to the Election  
1285 Supervisor.

1286

1287 E. Election Supervisor’s Duties. The Election Supervisor shall certify or deny the  
1288 application according to the required provisions of Section 7.3(D). Denial of  
1289 certification shall be subject to judicial review. Upon certification of the  
1290 application by the Election Supervisor, he or she shall, with the assistance of the  
1291 Osage Nation Attorney General, prepare a recall petition. The Election  
1292 Supervisor shall file the certified application and the recall petition with the Osage  
1293 Nation Supreme Court within five (5) business days after certifying the  
1294 application. The Osage Nation Supreme Court shall review the recall petition to  
1295 determine if the facts alleged in the recall petition are true and are sufficient  
1296 grounds for issuing a recall petition. Upon determination by the Osage Nation

1297 Supreme Court that the facts alleged in the recall petition are true and are  
1298 sufficient grounds for issuing a recall petition, the Election Supervisor shall  
1299 authorize circulation of a recall petition by the sponsor or sponsors.  
1300

1301 F. Signature Requirements and Time Limitations. The circulated petitions must be  
1302 filed within ninety (90) calendar days of delivery of the petitions to the sponsors,  
1303 or the petition shall be void. If signed by qualified voters who are equal in  
1304 number to at least fifteen percent (15%) of the electorate, the petition may be  
1305 filed. Petitions must also meet the requirements set forth by Section 7.5 of this  
1306 code.  
1307

1308 G. Certification of Petition. The Election Supervisor shall undertake reasonable and  
1309 prudent measures to determine the validity of the signatures on any filed petition.  
1310 If the Election Supervisor finds the application in proper form with the necessary  
1311 number of valid signatures, he or she shall certify the application.  
1312

1313 H. Election. The recall election shall be held within ninety (90) calendar days,  
1314 subject to the provisions of Section 7.3 (C). If an official who is the subject of a  
1315 recall petition resigns after the petition is filed, the election shall be cancelled  
1316 upon receipt of his resignation by the Board. An officer who is removed from  
1317 office by recall or who resigns from office after a petition for recall is certified  
1318 may not be appointed to fill the vacancy created.  
1319

1320 **SECTION 7.4. CONSTITUTIONAL AMENDMENT**  
1321

1322 A. Time Requirements. A petition to amend the Constitution shall be filed no less  
1323 than ninety (90) calendar days before the election at which the proposed  
1324 amendment shall be voted upon.  
1325

1326 B. Application. A person or organization intending to file a petition for constitutional  
1327 amendment shall, before receiving said petition forms, file with the Board an  
1328 application provided by the Board. Such an application shall set forth his or her  
1329 name, or, if an organization, its name and the names and titles of its officers,  
1330 address, his or her intention to circulate and file a petition, and the text of the  
1331 proposed constitutional amendment, in full. The application must also bear the  
1332 signatures of one hundred (100) qualified voters. The application may then be  
1333 submitted to the Election Supervisor.  
1334

1335 C. Election Supervisor's Duties. If the Election Supervisor finds the application in  
1336 proper form, he or she shall certify the application and prepare a petition for

1337 circulation by the sponsors. Upon certification of the application, the Election  
1338 Supervisor shall within five (5) business days assign a number to the petition,  
1339 which number shall appear on the face of each copy thereof, and issue that  
1340 number and petition forms. Numbers shall be assigned to petitions by the Board in  
1341 numerical sequence and in the order of filing applications, and a record shall be  
1342 maintained in the Election Supervisor's office of each application received and of  
1343 the number assigned and issued to the applicant. The petition shall contain the full  
1344 text of the proposed Amendment.

1345 D. Signature Requirements and Time Limitations. The circulated petitions must be  
1346 filed within one hundred eighty (180) calendar days of delivery of the petitions to  
1347 the sponsors, or the petition shall be void. If signed by qualified voters who are  
1348 equal in number to at least twenty-five percent (25%) of the electorate, the  
1349 petition may be filed. Petitions must also meet the requirements set forth by  
1350 Section 7.5 of this code.

1351  
1352 E. Certification of Petition. The Election Supervisor shall undertake reasonable and  
1353 prudent measures to determine the validity of the signatures on any filed petition.  
1354 If the Election Supervisor finds the application in proper form with the necessary  
1355 number of valid signatures, he or she shall certify the application and prepare a  
1356 ballot. The announcement of petition certification shall be made by the Election  
1357 Supervisor not less than sixty (60) calendar days prior to the election at which the  
1358 proposed amendment is to be voted upon.

1359  
1360 F. Publication. The Election Supervisor shall publish a summary of the proposed  
1361 amendment, including existing provisions of the Constitution which would be  
1362 altered or abrogated thereby, and the question as it shall appear on the ballot and  
1363 place such publication prominently in each polling place, at tribal administrative  
1364 offices, and furnish same to news media.

1365  
1366 G. Ballot Requirements. The ballot shall contain a statement prepared by the Osage  
1367 Nation Attorney General. The statement shall:

- 1368 1. Describe the purpose of the proposed amendment;
  - 1369 2. Be expressed in not more than one hundred (100) words;
  - 1370 3. Shall be true and impartial; and
  - 1371 4. Shall be composed in language that shall create no prejudice for or against  
1372 the amendment.
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H. Election. The proposed amendment shall be placed on the ballot for the next general election, subject to the provisions of Section 7.4 (A) of this code.

I. Congressionally Ordered Elections to Consider Constitutional Amendments. Pursuant to Article XX, Section 1 of the Constitution, the Osage Nation Congress, in session, may order by resolution a special election for that purpose.

**SECTION 7.5. SIGNATURES AND VERIFICATION**

A. Signatures. Every eligible voter signing a petition shall do so in the presence of the person circulating the petition and who is to execute the affidavit of verification.

1. At the time of signing, the eligible voter shall sign his or her first and last names in the spaces provided and the voter so signing or the person circulating the petition shall print his or her first and last names and write, in the appropriate spaces following the signature, the signer's enrollment number, residence address, giving street and number, if any, and his or her post office address if any.

2. The voter so signing or the person circulating the petition shall write, in the appropriate spaces following the voter's address, the date on which the voter signed the petition.

3. All signatures of petitioners on a signature sheet shall be those of qualified voters. Any signature obtained in violation of the subsection shall be void and shall not be counted in determining the legal sufficiency of the petition.

4. The absence of a printed name shall invalidate that signature.

B. Verification. The person before whom the signatures and addresses were written on the signature sheet shall, on the affidavit form pursuant to this section, subscribe and swear before a notary public that each name on the signature sheet was signed and the name and address was printed in the presence of the voter and the circulator on the date indicated, and that in his or her belief each signer was a qualified voter.

- 1416 1. The affidavit shall be printed on the reverse side of each signature sheet on  
1417 a form provided by the Board.  
1418  
1419 2. Signature and handwriting comparisons may be made.  
1420

1421 **SECTION 7.6. PROCEDURE FOR WITHDRAWING SIGNATURES**  
1422

1423 A. Signature Withdrawal. An eligible voter who has signed a referendum petition  
1424 may, by executing and filing with the Board an affidavit in the form prescribed by  
1425 this Section within ten (10) business days from the day on which the petition is  
1426 filed with the Board, withdraw his or her signature from the petition. Any  
1427 signature so withdrawn shall not be counted in determining the legal sufficiency  
1428 of the petition. The affidavit shall:

- 1429  
1430 1. Be signed and sworn to before a notary public;  
1431  
1432 2. Be in the given name and surname of the affiant;  
1433  
1434 3. State the affiant's residence address, giving street and number, if any, his  
1435 or her post office address and the referendum number of the petition which  
1436 he or she signed; and  
1437  
1438 4. Affirm the affiant's intention to withdraw his or her signature from the  
1439 petition.  
1440

1441 B. The affidavit shall be provided by the Board.  
1442

1443 **SECTION 7.7. PROHIBITION ON CIRCULATING PETITIONS BY BOARD MEMBERS**  
1444

1445 No Board member or committees, contractors or employees of the Board shall circulate  
1446 any petition addressed in this chapter and all signatures verified by any such person as circulator  
1447 affiant shall be void and shall not be counted in determining the legal sufficiency of the petition.  
1448

1449 **SECTION 7.8. PROHIBITION ON SIGNING PETITION FOR PROFIT**  
1450

1451 Any person who gives or receives money or any other thing of value for signing a  
1452 petition addressed in this chapter, excluding payments made to a person for circulating such  
1453 petition, is guilty of a criminal offense, and upon conviction, shall be subject to a fine of not to  
1454 exceed five thousand dollars (\$5,000), or by imprisonment not to exceed one (1) year, or both.  
1455 Any non-member not subject to the criminal jurisdiction of the Osage Nation Court who violates

1456 this section shall be subject to exclusion from the Osage Nation property. Any signature obtained  
1457 in violation of this section shall be void and shall not be counted in determining the legal  
1458 sufficiency of the petition.  
1459

1460 **SECTION 7.9. PROHIBITION ON FALSE SIGNATURES**  
1461

- 1462 A. Any qualified voter may sign a petition addressed in this chapter.  
1463
- 1464 B. A person signing any name other than his or her own to a petition, except in a  
1465 circumstance where he or she signs for a person, in the presence of and at the  
1466 specific request of such person, who is incapable of signing his or her own name,  
1467 because of physical infirmity or knowingly signing his or her name more than  
1468 once for the same measure, at one (1) election, or who is not at the time of signing  
1469 a qualified voter, or any officer or person willfully violating any provision of this  
1470 chapter, shall be punished by a fine not exceeding five thousand dollars (\$5,000),  
1471 by imprisonment not to exceed one (1) year, or both. Any signature obtained in  
1472 violation of this chapter shall be void and shall not be counted in determining the  
1473 legal sufficiency of the petition.  
1474

1475 **SECTION 7.10. COERCION OR INTIMIDATION WITH RESPECT TO PETITIONS AND REFERENDUM**  
1476 **ELECTIONS**  
1477

- 1478 A. Coercion or Intimidation. It is unlawful for a person, directly or indirectly, to  
1479 make use of force, violence or restraint, or to inflict or threaten infliction, by  
1480 himself or herself or through any other person, of any injury, damage, harm or  
1481 loss, or in any manner to practice intimidation upon or against any person, in  
1482 order to induce or compel such person to sign or not to sign a petition or to vote or  
1483 refrain from voting for a particular measure at any ballot issue election provided  
1484 by this code, or on account of such person having voted or refrained from voting  
1485 at a ballot issue election.  
1486
- 1487 B. Penalties. Any person violating the provisions of this section is guilty of a  
1488 criminal offense, and upon conviction, shall be subject to a fine not to exceed five  
1489 thousand dollars (\$5,000), or by imprisonment not to exceed one (1) year, or both.  
1490
- 1491 C. Exclusion. Persons not subject to the criminal jurisdiction of the Osage Nation  
1492 courts shall be subject to exclusion from the Osage Nation property.  
1493

1494 **SECTION 7.11. VERIFICATION OF ELIGIBLE VOTERS**  
1495

1496 A. The Election Supervisor, with assistance as necessary from the Board, shall verify  
1497 the signatures and claims of persons signing the petition who claim to be qualified  
1498 voters within thirty (30) calendar days following the filing of the petition. If  
1499 investigation finds that persons signing the petition are not eligible Tribal voters  
1500 as of the date of signing the petition, the Board shall certify:

1501  
1502 1. The names, as well as the actual number, of persons selected by the Board  
1503 for verification found not to be qualified voters as of the date of signing  
1504 the petition.

1505  
1506 2. Whether the person whose signature appears in execution of each affidavit  
1507 of circulator was a qualified voter at the time of circulating the petition.  
1508

1509 **SECTION 7.12. COUNTING AND CANVASSING**

1510  
1511 If two (2) or more conflicting measures are approved at the same election, the Board shall  
1512 declare and certify to the Principal Chief which of the measures received the greatest number of  
1513 affirmative votes.  
1514

1515 **SECTION 7.13. DESTROYING, SUPPRESSING OR FILING FALSE REFERENDUM PETITION;**  
1516 **CLASSIFICATION**

1517  
1518 A person filing a petition who, at the time of filing the petition, knows it is falsely made,  
1519 or who knowingly destroys or suppresses a petition, or any part thereof, which has been duly  
1520 filed with the Board or the Election Supervisor as provided by this chapter is guilty of a criminal  
1521 offense punishable by a fine of not less than five hundred dollars (\$500), nor more than one  
1522 thousand dollars (\$1,000) and/or imprisonment for a term up to six (6) months.  
1523

1524 **SECTION 7.14. DEFEAT OF REFERRED MATTER**

1525  
1526 If a referendum election of any enacted or proposed law or resolution, or portion thereof,  
1527 of the Osage Nation Congress is unsuccessful, no referendum petition on the defeated ordinance  
1528 or resolution or portion thereof referred shall be permitted for a period of one (1) year from the  
1529 date of the election results wherein the referendum failed.  
1530

1531  
1532 **CHAPTER EIGHT – FUNDING OF ELECTIONS**

1533  
1534 **SECTION 8.1. ESTABLISHMENT OF THE OSAGE NATION ELECTION FUND**

- 1536 A. Establishment. There is hereby established the Osage Election Fund to provide  
1537 adequate and necessary funding, both foreseen and unforeseen, for election  
1538 activities set forth in this code.  
1539  
1540 B. Legal Remedy of Failure to Fund. Should the Osage Nation Congress fail to  
1541 adequately fund the Board, or should the Principal Chief strike funding necessary  
1542 to the Board in the conduct of its duties, the Board may seek legal remedy in the  
1543 Osage courts to force adequate funding of elections.  
1544  
1545

## 1546 CHAPTER NINE – VILLAGE ELECTIONS

### 1547 SECTION 9.1. BIENNIAL ELECTIONS

- 1548  
1549  
1550 A. The Pawhuska and Hominy Village Committees shall undertake biennial elections  
1551 for Five Person Village Committees. The Principal Chief shall schedule such  
1552 elections. The villages or Village Committees may seek the assistance of other  
1553 government entities to conduct their election as long as those elections are not  
1554 inconsistent with the Osage Constitution and Osage law. Only village voters may  
1555 vote in such elections.  
1556  
1557 B. The Chief shall appoint the Grayhorse Five Person Village Committee with the  
1558 advice and consent of the Osage Nation Congress.  
1559  
1560

## 1561 CHAPTER TEN – CONGRESSIONAL VACANCIES

### 1562 SECTION 10.1. DEFINITION OF VACANCY

- 1563  
1564  
1565 A. Definition. A vacancy, as used in this Act, shall occur in the event of:  
1566  
1567 1. The death, resignation, or removal of a Congressperson, or  
1568  
1569 2. The failure of a Congressperson-elect to take office for any reason, or  
1570  
1571 3. A Member of Osage Nation Congress taking the oath for another elected  
1572 office in Osage Nation government.  
1573  
1574 B. Declare Vacancy. In the event of serious and protracted illness, the Osage Nation  
1575 Congress may declare a Congressional vacancy. Such a declaration shall require a

1576 two-thirds (2/3) majority vote of the remaining Congresspersons, and shall be  
1577 effective immediately upon such a vote.  
1578

1579 **SECTION 10.2. PROCEDURE FOR FILLING A VACANCY**  
1580

1581 A. A vacancy shall be filled by a special election held within ninety (90) calendar  
1582 days of the occurrence or declaration of such a vacancy, with the following  
1583 exceptions:  
1584

1585 1. If a vacancy occurs less than ninety (90) calendar days before a general  
1586 election and the position vacated would not be filled until the following  
1587 general election, the unsuccessful candidate receiving the highest number  
1588 of votes in the upcoming general election shall serve the balance of the  
1589 term of the vacated position.  
1590

1591 2. If a vacancy occurs less than one hundred eighty (180) calendar days  
1592 before a general election and the position vacated would have been filled  
1593 at the upcoming general election, the position shall remain vacated until  
1594 filled at the upcoming general election.  
1595

1596 3. If the vacancy is a result of a Congressperson-elect failing to take office  
1597 for any reason, the unsuccessful candidate that received the highest  
1598 number of votes in the most recent election for a Congressional position  
1599 shall assume the vacated position and serve the full term.  
1600

1601 4. If the vacancy results from the election of a sitting Congressperson to  
1602 Principal Chief or Assistant Principal Chief:  
1603

1604 a. Midway through that Congressperson's term; and  
1605

1606 b. The election was a general election, the unsuccessful  
1607 Congressional candidate receiving the highest number of votes in  
1608 the general election shall be considered a Congressperson-elect,  
1609 and may fill the position for the remaining two (2) years of the  
1610 term.  
1611

1612 **CHAPTER ELEVEN – EXECUTIVE VACANCIES**  
1613

1614 **SECTION 11.1. EXECUTIVE VACANCIES AND ABSENCES**  
1615

1616 A. Principal Chief Vacancy. In the event of a vacancy to the office of the Principal  
1617 Chief, the Assistant Principal Chief shall succeed to the office for the remaining  
1618 portion of the four (4) year term to which the Principal Chief was elected, said  
1619 succession subject to the provisions of this section.

1620  
1621 B. Assistant Principal Chief Vacancy and Principal Chief Appointment. In the event  
1622 of a vacancy to the office of Assistant Principal Chief, the Principal Chief shall  
1623 appoint a successor to serve for the balance of the term, by and with the advice  
1624 and consent of the Osage Nation Congress.

1625  
1626 1. An Acting Assistant Principal Chief appointed by the Principal Chief  
1627 under the provisions of this subsection shall not fill a vacancy in the office  
1628 of Principal Chief unless first confirmed by the Osage Nation Congress as  
1629 Assistant Principal Chief. If an Acting Assistant Principal Chief so  
1630 appointed is not confirmed by the Osage Nation Congress by an  
1631 affirmative majority of seven (7) or more votes within fifteen (15)  
1632 calendar days of a vacancy in the office of Principal Chief, the provisions  
1633 of Subsection (D) of this section apply, and the nomination of the Acting  
1634 Assistant Principal Chief shall be considered rejected.

1635  
1636 C. Principal Chief Absent or Unable to Perform Duties. Whenever for a period of six  
1637 (6) months, the Principal Chief has been continuously absent from office or  
1638 unable to discharge the duties of the office by reason of mental or physical  
1639 disability, the office shall be deemed vacant. Mental or physical disability shall be  
1640 proven upon review and approval by Congressional resolution of an affidavit  
1641 signed by two (2) licensed physicians stating that the Principal Chief is unable to  
1642 perform his or her duties due to mental or physical disability, and has been so  
1643 disabled for at least six (6) months.

1644  
1645 D. Speaker to Act as Principal Chief. If the Principal Chief's office becomes vacant,  
1646 and the Assistant Principal Chief is unable to succeed to the office or act as  
1647 Principal Chief, the Speaker of the Osage Nation Congress shall act as Principal  
1648 Chief. Upon taking the position of Acting Principal Chief, the Speaker shall be  
1649 empowered and obligated by law to schedule an election to fill any vacant elected  
1650 positions in the Executive Branch, provided that more than one hundred eighty  
1651 (180) calendar days would pass before the next General Election. While serving  
1652 as Acting Principal Chief, the Speaker shall appoint an Acting Speaker to serve in  
1653 the Speaker's absence, and shall refrain from voting or debate in the Osage Nation  
1654 Congress. While serving as Acting Principal Chief, the Speaker's absence in the  
1655 Osage Nation Congress shall not constitute a vacancy.

1656  
1657 **CHAPTER TWELVE – OSAGE MINERALS COUNCIL**  
1658

1659 **SECTION 12.1. MINERALS COUNCIL ELECTIONS**  
1660

- 1661 A. Purpose. Section 2, Article XIII of the Constitution requires the Osage Nation  
1662 Congress to “enact an election Code governing all necessary election procedures.”  
1663 The Constitution also stipulates that “the Osage Minerals Council is recognized as  
1664 an independent agency within the Osage Nation” and that the Council may  
1665 “promulgate its own rules and regulations as long as such rules and regulations  
1666 are not inconsistent with the laws neither of the Osage Nation nor with the rules  
1667 and regulations established by the United States Congress in the 1906 Allotment  
1668 Act.”  
1669
- 1670 B. Understanding both requirements, the Osage Nation Congress hereby delegates  
1671 the promulgation and adoption of rules and regulations governing Minerals  
1672 Council elections to the Minerals Council subject to the requirements set out in  
1673 subsections (C) and (D) of this section.  
1674
- 1675 C. Minerals Council election rules and regulations shall:  
1676
- 1677 1. Ensure a fair and open election;
  - 1678
  - 1679 2. Contain prohibitions against electioneering and fraud;
  - 1680
  - 1681 3. Provide for a separate committee, group, or entity to oversee the election;
  - 1682
  - 1683 4. Provide a procedure for contesting Minerals Council elections in the Trial  
1684 Court of the Osage Nation;
  - 1685
  - 1686 5. Be consistent with the Constitution and laws of the Osage Nation; and  
1687
  - 1688 6. Be adopted by Minerals Council resolution.  
1689
- 1690 D. Any qualifications established for voters in Minerals Council elections shall not  
1691 include membership in the Osage Nation.  
1692
- 1693 E. The rules and regulations promulgated by the Osage Minerals Council for  
1694 Minerals Council elections are exempt from the administrative rulemaking  
1695 requirements set forth in Osage Law.

1696  
1697 **CHAPTER THIRTEEN – SUBSTANTIAL COMPLIANCE, REPEALER, AND**  
1698 **ALTERNATE EFFECTIVE DATE**

1699  
1700 **SECTION 13.1. SUBSTANTIAL COMPLIANCE**  
1701

1702 In cases of disputes as to compliance with the regulations, substantial, rather than  
1703 complete compliance with these regulations shall be deemed adequate.  
1704

1705 **SECTION 13.2. REPEALER**  
1706

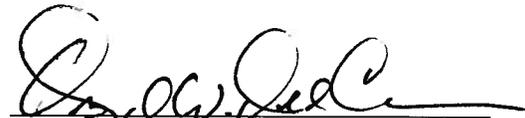
1707 ONCA 11-40 and ONCA 08-27 are hereby repealed by the Osage Nation Congress, and  
1708 shall have no force or effect of law after the effective date of this Act.  
1709

1710 **SECTION 13.3. ALTERNATE EFFECTIVE DATE**  
1711

1712 The bill is effective upon signature of the Principal Chief or upon signature of the Speaker of the  
1713 Osage Nation Congress following legislative override.  
1714

1715  
1716  
1717  
1718  
1719  
1720 ENACTED by the Osage Nation Congress on this 22<sup>nd</sup> day of April, 2013.  
1721  
1722

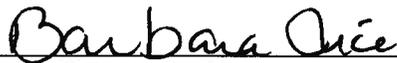
1723 IN WITNESS WHEREOF, the Speaker of the Osage Nation Congress has  
1724 hereto attached his signature.  
1725

1726  
1727   
1728 Raymond Red Corn, Speaker  
1729 Osage Nation Congress  
1730

1731  
1732 I, THE UNDERSIGNED, CERTIFY THAT THE FOREGOING IS A TRUE EXTRACT  
1733 FROM THE MINUTES OF THE Osage Nation Congress comprised of twelve members and one  
1734 ex-officio member with 12 members attending this meeting on the 22<sup>nd</sup> day of April, 2013, and  
1735 that the above is in conformity with the provisions therein adopted by a vote of 11 in favor, 1  
1736 against, and 0 absent.  
1737  
1738

1739	Daniel Boone	yes
1740	Shannon Edwards	yes
1741	John Free	yes
1742	Alice Buffalohead	yes
1743	John Jech	yes
1744	John Maker	no
1745	Archie Mason	yes
1746	Raymond Red Corn	yes
1747	Geoffrey Standing Bear	yes
1748	William Supernaw	yes
1749	R.J. Walker	yes
1750	Maria Whitehorn	yes

1751  
1752 Said bill has not been rescinded or amended in any way and the above is the  
1753 signature of the Speaker of the Osage Nation Congress.

1754  
1755  
1756   
1757 Barbara Rice, Clerk  
1758 Osage Nation Congress  
1759  
1760  
1761

1762 **EFFECTIVE DATE CERTIFICATION**

1763  
1764 I, THE UNDERSIGNED, CERTIFY THAT THE FOREGOING EFFECTIVE DATE  
1765 was approved by a two-thirds vote of the Osage Nation Congress in accordance with the  
1766 Constitution of the Osage Nation Article VI, Section 13. This provision was adopted by a vote  
1767 of 11 in favor, 1 against, 0 abstentions, and 0 absent.  
1768

1769	Daniel Boone	yes
1770	Shannon Edwards	yes
1771	John Free	yes
1772	Alice Buffalohead	yes
1773	John Jech	yes
1774	John Maker	no
1775	Archie Mason	yes
1776	Raymond Red Corn	yes
1777	Geoffrey Standing Bear	yes
1778	William Supernaw	yes
1779	R.J. Walker	yes
1780	Maria Whitehorn	yes

1781  
1782   
1783 Barbara Rice, Clerk  
1784 Osage Nation Congress

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**APPROVAL**

I, the Principal Chief of the Osage Nation, hereby affix my signature this 23<sup>rd</sup> day of April, 2013, to the above Bill No. ONCA 13-16 authorizing it to become a law under the Constitution of the Osage Nation.

  
John D. Red Eagle, Principal Chief  
Osage Nation