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OSAGE NATION CONGRESS

5th Special Session of the 3rd Congress

RESOLUTION NUMBER ONCR 13-04

ENROLLED

May 15, 2013

SPONSOR: William Supernaw

A Resolution

To approve the Osage Nation Election Board Rules and Regulations governing elections in accordance with the Osage Nation Election Code.

Be it resolved by the Congress of the Osage Nation:

WHEREAS,

1. That the Osage Nation Election Code created an Election Board having the authority and responsibility to promulgate rules and regulations governing general and special elections;
2. That the Osage Nation Election Code requires the rules and regulations promulgated by the Election Board to be approved by the Osage Nation Congress; and
3. That the Election Board has adopted and submitted its promulgated rules and regulations for Congressional approval;

NOW, THEREFORE, BE IT RESOLVED,

That the Osage Nation Congress has reviewed and hereby approves the Osage Nation Election Board Rules and Regulations as adopted by the Election Board on May 15, 2013.

47 ADOPTED by the Osage Nation Congress on this 15th day of May, 2013.
48

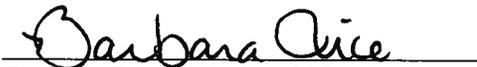
49
50 IN WITNESS WHEREOF, the Speaker of the Osage Nation Congress has
51 hereto attached his signature.

52
53
54 
55 Raymond Red Corn, Speaker
56 Osage Nation Congress
57

58
59 I, THE UNDERSIGNED, CERTIFY THAT THE FOREGOING IS A TRUE
60 EXTRACT FROM THE MINUTES OF THE Osage Nation Congress comprised of
61 twelve members and one ex-officio member with 10 members attending this meeting on
62 the 15th day of May, 2013, and that the above is in conformity with the provisions therein
63 adopted by a vote of 9 in favor, 0 against, and 3 absent.
64

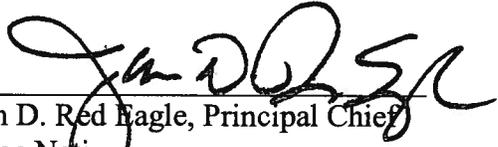
65 Daniel Boone	yes
66 Shannon Edwards	absent
67 John Free	yes
68 Alice Buffalohead	yes
69 John Jech	absent
70 John Maker	yes
71 Archie Mason	yes
72 Raymond Red Corn	yes
73 Geoffrey Standing Bear	absent
74 William Supernaw	yes
75 R.J. Walker	yes
76 Maria Whitehorn	yes

77
78 Said resolution has not been rescinded or amended in any way and the above is
79 the signature of the Speaker of the Osage Nation Congress.
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82 
83 Barbara Rice, Clerk
84 Osage Nation Congress
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APPROVAL

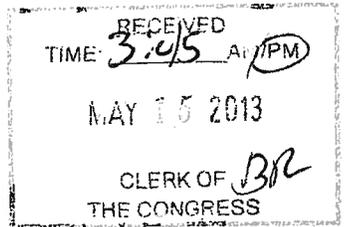
I, the Principal Chief of the Osage Nation, hereby affix my signature this 20th
day of may, 2013, to the above Resolution No. ONCR 13-04 authorizing it
to become a law under the Constitution of the Osage Nation.



John D. Red Eagle, Principal Chief
Osage Nation

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OSAGE NATION ELECTION BOARD
RULES AND REGULATIONS
RULE ONE – RULES AND REGULATIONS



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SECTION 1. AUTHORITY

The Osage Nation Election Board has the authority and responsibility to promulgate rules and regulations, concerning any matter within its jurisdiction pursuant to ONCA 11-40, The Osage Nation Election Code, Section 2.1 (I).

SECTION 2. PURPOSE

In an effort to ensure fair elections, the Osage Nation Election Board finds that it is necessary to develop rules and regulations for the proper operation of the Osage Nation's Elections for which the Osage Nation Election Board is responsible.

SECTION 3. DEFINITIONS

For the purposes of this Rule, the following definitions apply:

- A. "Campaign" means a systematic course of activities by
 - 1. Rival political candidates or organizations supporting candidates seeking public office in the Osage Nation government, or
 - 2. Groups of individuals or organizations supporting or opposing ballot issues to be considered by the Osage electorate.
 - 3. "Campaign activities" or "campaign purposes" means
 - a. selling, purchasing or distributing campaign fundraiser tickets, including complimentary tickets;
 - b. conducting campaign meetings;
 - c. distributing campaign literature or materials;
 - d. soliciting campaign assistance or support;
 - e. producing campaign literature or materials or storing such materials; or
 - f. traveling to or from campaign meetings.
- C. "Congress" means the Osage Nation Congress unless otherwise expressed.
- D. "Executive branch" means the Osage Nation Executive branch.

**OSAGE NATION ELECTION BOARD
RULES AND REGULATIONS**

- 47 E. "Minor" means any person less than 18 years of age.
- 48
- 49 F. "Donations" means any cash, goods, or services received by the candidate
- 50 or the campaign, from any business entity, individual, or family member.
- 51
- 52 G. "Osage Nation equipment" is all tangible property purchased for and
- 53 owned by the Osage Nation government which includes telephones, copy
- 54 machines, fax machines, computers and vehicles.
- 55
- 56 H. "Osage Nation premises or property" means property owned or leased by
- 57 the Osage Nation, excluding residential areas. It includes Osage Nation
- 58 offices, conference rooms, and working areas. Osage Nation facilities that
- 59 are available to the public for use may also be used for campaign activities
- 60 on the same basis as the facilities are available to the public.
- 61
- 62 I. "Osage Nation supplies" means stationery, paper, stamps and other
- 63 supplies normally associated with government offices.
- 64
- 65 J. "Osage Nation time" means the actual time during which an Osage Nation
- 66 official or employee is performing, or should be performing, his or her
- 67 duties as an Osage official or employee during normal operating hours of
- 68 the Osage Nation government.
- 69
- 70 K. "Remedial action" includes, but is not limited to, orders for repayment of
- 71 costs associated with Election Board inquiries, orders to return campaign
- 72 contributions, corrections of reports required by this Rule, and other
- 73 actions consistent with the Board's authority and Osage law.
- 74

SECTION 4. FILING FEES & REQUIREMENTS

- 75
- 76
- 77 A. The filing fees shall be as follows:
- 78
- 79 1. Principal Chief \$500.00
- 80
- 81 2. Assistant Principal Chief \$400.00
- 82
- 83 3. Congressional Candidates \$300.00
- 84
- 85 4. Judicial Retention \$ 0.00
- 86
- 87 B. Payment shall be by cashier's check or money order only. No personal
- 88 checks shall be accepted. All fees shall be deposited in the Osage Election
- 89 Fund on a daily basis.
- 90
- 91 C. Prior to filing for office, candidates shall be required to open a separate
- 92 bank account in the name of the candidate or the candidate's campaign.

OSAGE NATION ELECTION BOARD

RULES AND REGULATIONS

93 All campaign donations shall be deposited into this account. Failure to
94 open a separate bank account and provide proof to the Election Supervisor
95 shall be reason to disqualify the candidate under Rule One, Section 5(D).
96
97 D. Each candidate shall be required to sign a statement acknowledging his or
98 her receipt of the candidate packet including the Osage Nation Election
99 Board Rules and Regulations and the responsibility to read and follow
100 them throughout the course of his or her campaign.
101

SECTION 5. ELIGIBILITY OF CANDIDATES

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103
104 A. Qualification of Candidates for Principal Chief and Assistant Principal
105 Chief is established in The Osage Nation Election Code, Section 4.1.
106 Qualification for Candidates for Osage Nation Congress is established in
107 The Osage Nation Election Code, Section 4.3.
108
109 B. The statutory requirements of The Osage Nation Election Code, Section
110 4.2 and Section 4.4 are that a candidate shall not be certified as a candidate
111 for office if a felony conviction appears on his or her certified court
112 record.
113
114 C. For a candidate to be eligible to file, he or she shall provide proof of a
115 separate bank account in the name of the candidate or candidate's
116 campaign.
117
118 D. The Osage Nation Election Supervisor shall render decisions certifying or
119 disqualifying all filed candidates within four (4) business days after the
120 receipt of the background checks. Pursuant to The Osage Nation Election
121 Code, Section 4.11, the Osage Nation Election Supervisor shall post a list
122 containing the names of all filed candidates on the door of the Osage
123 Nation Election office within twenty-four (24) hours of the closing of the
124 filing period. Upon completion of the certification process, the Election
125 Supervisor shall post a list containing the names of all certified candidates
126 on the Osage Nation Election Office door and the Osage Nation Election
127 Board website within twenty-four (24) hours.
128

SECTION 6. PRIVACY PROGRAM

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130
131 A. Pursuant to The Osage Nation Election Code, Section 3.4 (C) the Osage
132 Nation Election Board, through its Election Supervisor shall develop a
133 Privacy Program to offer qualified voters the option of having their names
134 omitted from the published lists provided under The Osage Nation
135 Election Code, Section 3.4 (B).
136

OSAGE NATION ELECTION BOARD

RULES AND REGULATIONS

- 137 B. The Osage Nation Election Supervisor shall mail notification of the
138 opportunity to be omitted from the published list to each eligible Osage
139 Nation voter every December.
140
- 141 C. The Osage Nation Election Board shall remove the names and addresses
142 of those persons choosing to participate in the Privacy Program from the
143 Osage Voter Registry subject to release to any eligible voter who would
144 request such registry.
145
- 146 D. The Osage Nation Election Board is only responsible for removing the
147 names and addresses of those persons participating in the Privacy Program
148 from future voter registries released after their enrollment in the program.
149
- 150 E. The Osage Nation Election Board is not responsible for the dissemination
151 of information of those persons participating in the Privacy Program
152 which may be attributed to previously released voter registries that predate
153 their enrollment in the program. This also applies to Tribal Membership
154 rolls.
155
- 156 F. Use of a voter registry after a period of one (1) year from the date of the
157 request is prohibited and is subject to punishment pursuant to Rule Two,
158 Section 5(D).
159

SECTION 7. DISPUTES ON ELIGIBILITY OF VOTERS

- 160
161
- 162 A. Any and all disputes or challenges regarding the eligibility of voters in the
163 Osage Nation Election shall present, to the Election Supervisor, no later
164 than thirty (30) business days prior to any Osage Nation Election.
165
- 166 B. Any voter of the Osage Nation shall have the right to challenge, in writing,
167 the eligibility of any person presenting him or herself to vote. Such
168 challenger shall identify in writing the name of the person challenged, the
169 reason for the challenge and the signature of the challenger.
170
- 171 C. Upon proper challenge, the Election Board shall notify the challenged
172 voter by mail including a copy of the challenge. The challenged voter
173 shall be allowed an opportunity to be heard by the Election Board as to the
174 challenge. Such hearing shall be conducted at least (5) five business days
175 prior to the Osage Nation Election. The burden of proof is on the
176 challenger to prove that challenged voter is ineligible to vote.
177
- 178 D. The Election Board shall make a determination as to whether the
179 challenged voter shall be eligible to cast a vote in the Osage Nation
180 Election, no later than three (3) business days prior to the Osage Nation
181 Election. Such determination shall be final as to the current Election only.
182

OSAGE NATION ELECTION BOARD

RULES AND REGULATIONS

SECTION 8. ELECTION NOTICES

Pursuant to the Osage Nation Election Code, Section 5.2 (A), the Osage Nation Election Board shall establish the polling sites for the Osage Nation Election and publish such location to the Osage Nation voters. Should circumstances prevent the election from taking place at the designated polling place, an alternative designation shall be made as soon as is reasonably practicable by the Osage Nation Election Board. The Osage Nation Election Supervisor shall be responsible for proper announcement and posting of the alternative polling site(s).

SECTION 9. SAMPLE BALLOTS

- A. Pursuant to The Osage Nation Election Code, Section 4.12 (B), an adequate supply of ballots plainly marked "Sample Ballots", 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.
- B. Candidates shall not, under any circumstances, mail out pre-marked sample ballots that could be mistaken by voters as Absentee Ballots or sample ballots issued by the Osage Nation Election Board.

SECTION 10. MANNER OF VOTING

Pursuant to The Osage Nation Election Code, Section 5.2 (B) voting shall be by secret ballot cast by individual eligible Osage voters. Using the marking prescribed by the Election Board, the voter shall mark his or her ballot by the method as may be required by the use of the ballot box. The voter shall then insert the ballot into the ballot box.

A. Absentee Voting.

- 1. An eligible voter requesting an Absentee Ballot at least forty-one (41) days prior to the election shall be sent an Absentee Ballot approximately forty (40) days prior to the election.
- 2. An eligible voter may request to be a Permanent Absentee Ballot Voter in order to have an absentee ballot automatically issued every election.
- 3. An Absentee Ballot shall be issued, without the necessity of an additional request, to an eligible voter who previously requested an Absentee Ballot for a prior Osage Nation Election held in that election year. These requests are considered to be temporary and are only valid during the specified election year.

OSAGE NATION ELECTION BOARD

RULES AND REGULATIONS

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4. An Absentee Ballot request received after the initial Absentee Ballot issuance shall be processed and Absentee Ballots shall be issued each week thereafter. Absentee ballot applications shall be accepted until thirty (30) calendar days prior to Election Day.
 5. Pursuant to The Osage Nation Election Code, Section 5.3 (A) (6), all Absentee Ballot applications and Absentee Ballots mailed to voters shall bear standard U.S. first class postage, with the exception of ballots mailed to addresses outside the continental U.S. Ballots mailed to addresses outside the continental U.S. may be sent by expedited delivery, provided all such ballots are mailed using the same level of expedited delivery.
 6. An eligible voter who has requested an Absentee Ballot may vote in person on the Osage Nation Election day at the designated polling place once they have surrendered the previously issued Absentee Ballot. Surrendered Absentee Ballots shall be considered void.
 7. An eligible voter having requested an Absentee Ballot who is unable to surrender the previously issued Absentee Ballot at the polling place on the Osage Nation Election day may execute an affidavit stating that the eligible voter has not previously cast the Absentee Ballot and that the eligible voter desires to vote in person at the designated polling place.
 8. The previously issued Absentee Ballot belonging to an affiant stating that they have not previously cast a ballot shall be voided.
 9. Absentee Ballots shall only be mailed to the address designated by the Board at the Pawhuska, Oklahoma, United States Post Office and any absentee ballot mailed to the Election Office physical address shall be considered void.
 10. Void ballots shall not be counted as valid ballots in the Osage Nation Election.
 11. Absentee Ballots shall be retrieved from the Pawhuska, Oklahoma, United States Post Office and processed as prescribed by The Osage Nation Election Code, Section 5.3 (E).
 12. Absentee Ballots shall be counted as provided in the Osage Nation Election Code, Section 5.5. The Absentee Ballots, properly received, shall be processed pursuant to the Osage Nation Election Code, Section 5.5.

OSAGE NATION ELECTION BOARD
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- B. Spoiled Ballots.
1. A Replacement Ballot may be issued at the discretion of the Election Supervisor in exchange for a ballot that has been spoiled or marked in error by the voter in the process of voting. Such determination of the Election Supervisor is subject to the approval of the Election Board.
 2. A Spoiled Ballot for which a Replacement Ballot has been issued shall be folded and stapled together with an explanation of the Spoiled Ballot, signed by the Election Supervisor and initialed by a representative of the Election Board. Such Spoiled Ballots shall be segregated in a sealed container for retention and review by the Election Board.
- C. Write-in Voting.
1. Write-in votes for candidates not properly on the ballot in the manner prescribed in The Osage Nation Election Code, Chapter Four shall not be counted.
- D. Voting by Persons with Physical Disabilities or Language Barriers.
1. If a voter or voter's agent presents himself or herself and states that voter, because of a physical disability or language barrier, is unable to mark the ballot, assistance shall be provided by at least two election officials. The voter may also be accompanied by a person of his or her choice in casting his or her ballot. Proxy voting is prohibited.
 2. A wheelchair shall be available at the polling place to assist a disabled voter into the designated polling place so a voter may cast his or her ballot. At least two election officials shall be available to assist the disabled voter from their vehicle into the polling place, where the ballot shall be cast. The voter may also be accompanied by a person of his or her choice in casting his or her ballot. Proxy voting is prohibited.
- E. Policing the Voting Area.
1. A designated Election Official shall police the voting area after each voter to assure that no marks have been made in the voting area that may be deemed to be campaign material or electioneering.

OSAGE NATION ELECTION BOARD
RULES AND REGULATIONS

- 320 2. Any material that may be deemed to be campaign material or
321 electioneering shall be immediately removed from the visibility of
322 the voting area and reported to the Election Supervisor.
323

324 **SECTION 11. COUNTING BALLOTS**
325

- 326 A. Properly voted ballots shall be tabulated by a computer assisted hand
327 count of individual ballots.
328
329 B. In the event that a recount is properly petitioned, pursuant to The Osage
330 Nation Election Code, Section 5.6, and the original count is found to be
331 flawed, the petitioning party shall be reimbursed the five hundred dollars
332 (\$500.00) required to request the recount.
333
334 C. A recount shall consist of visually auditing every ballot.
335
336 D. An internal post-election audit shall be conducted.
337

338 **SECTION 12. PRIMARY ELECTION PROCEDURES**
339

- 340 A. Pursuant to The Osage Nation Election Code, Section 5.4 (C), in a primary
341 election, the two (2) Principal Chief/Assistant Principal Chief candidates
342 receiving the highest number of votes shall be placed on the ballot for the
343 general election after the primary election results are certified by the
344 Election Supervisor and signed by the Election Board.
345
346 B. All other rules of the Osage Nation General Election shall apply to the
347 Osage Nation Primary Election.
348

349 **SECTION 13. RUN-OFF ELECTION PROCEDURES**
350

- 351 A. Pursuant to The Osage Nation Election Code, if no candidate for the office
352 of Principal Chief or Assistant Principal Chief receives a majority of all
353 votes cast for such office, the two candidates receiving the highest number
354 of votes at such election shall be placed on the official ballot as candidates
355 for a Run-off Election to be held on the third Monday of July in the same
356 year.
357
358 B. All other rules of the Osage Nation General Election shall apply to the
359 Osage Nation Run-off Election.
360

361 **SECTION 14. EMERGENCY PREPARATIONS**
362

- 363 A. The Osage Nation Election Board shall assure that to the extent of their
364 ability the balloting shall not be interrupted due to power outages or the
365 instance of inclement weather.

**OSAGE NATION ELECTION BOARD
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- B. The Osage Nation Election Board may utilize back-up power inverters to operate the balloting equipment should the electrical power fail during the period the polls are to be open.
- C. Should the inhabitants of the polling place be required to take cover due to a tornado warning, the Election Board shall make every effort to secure the balloting device to prevent any tampering with the balloting device or the Absentee Ballots, so received and segregated.

SECTION 15. ELECTION BOARD PARTICIPATION IN CAMPAIGNS

- A. No Election Board Member, Osage Nation Election Board Contractor or Osage Nation Election Board Employee shall participate in any event in support of a particular candidate or issue.
- B. Such prohibition on participation shall not prevent any qualified Osage Nation Voter from casting his or her vote for the candidate of his or her choice during the balloting process.
- C. Such prohibition on participation shall include the following: making donations to candidates, wearing buttons or clothing in support of a particular candidate or issue; volunteering to assist a candidate with mailings or any other activities generally considered to be campaigning, or defined as "Campaign Activities" or "Campaign purposes".
- D. Notwithstanding the foregoing, Election Board members shall be permitted to attend nonpartisan community functions.

OSAGE NATION ELECTION BOARD
RULES AND REGULATIONS

RULE TWO – CAMPAIGN FINANCE REPORTING AND PRACTICE

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SECTION 1. CAMPAIGN REPORTING REQUIREMENTS

- A. Each candidate for elected office shall file two campaign reporting statements. All donations from individuals, corporations, LLC's, or any business entity whether organized by state, tribal, or federal charter shall be reported as well as expenditures from the beginning of the campaign (whether or not such campaign began prior to the official candidate filing period) up to the statement filing date shall be reported in the campaign reporting statements.
- B. The first campaign reporting statement shall be filed at least fifteen (15) days prior to the election date, and no more than twenty (20) days prior to the election date.
- C. Candidates shall file the second campaign reporting statement within fifteen (15) days after the election. This campaign reporting statement shall be a complete report of all donations and expenditures from the beginning of the campaign up to the statement filing date.
- D. A standard form for campaign reporting statements, including deadlines, shall be provided by the Election Board.
- E. Prior to filing for office, candidates shall be required to open a separate bank account in the name of the candidate or the candidate's campaign, which all donations shall be deposited into for any and all campaign purposes.
- F. The campaign reporting statement shall be accompanied by a bank statement showing the campaign account deposits and deductions.
- G. Campaign reporting statements shall include the balance of funds at the time of the statement.
- H. All donations recorded in the campaign reporting statement shall include the following information for each donor:
 - 1. First and last names of each donor or the name of the business entity;
 - 2. Employer, or indicate self-employment or unemployment;
 - 3. The date the donation was made to the candidate or campaign;

OSAGE NATION ELECTION BOARD
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4. The amount of the donation, or if multiple donations, the total amount of all donations;
 5. Anonymous or unidentifiable cash donations shall be listed as miscellaneous donations; and
 6. The equivalent of such amount in goods or services from an individual or family received by the candidate or the campaign;
 7. The general services of volunteers shall be exempt.
- I. All expenditures recorded in the campaign reporting statement shall include the following:
1. The name of the individual or vendor receiving the campaign funds;
 2. The goods or services received in return for the expenditure; and
 3. The date of the expenditure.
- J. Campaign reporting statements shall be filed with the Election Supervisor who shall verify that the campaign reporting statements comply with the provisions of this Rule, and submit a report of findings to the Election Board.
1. The Election Board shall:
 - a. certify campaign reporting statements, or
 - b. notify the candidate submitting the statement of deficiencies.
 2. For campaign reporting statements submitted by the deadline, candidates shall have three (3) business days to correct the deficiencies and report such corrections to the Election Supervisor. If, after the three (3) day period, the Election Board rules the deficiencies are not corrected, the issue shall be subject to adjudication as provided by applicable rule or Osage law.
 3. Candidates failing to submit campaign reporting statements by the deadline shall result in a fine pursuant to Rule Two, Section 5(E). Candidates shall have the next three (3) business days after the deadline to submit the campaign reporting statement with no deficiencies.

OSAGE NATION ELECTION BOARD
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- 503 4. Certification shall not preclude a finding that the provisions of this
- 504 Rule have been violated if inaccuracies in the reporting statements
- 505 are subsequently revealed. No action against candidates shall be
- 506 taken by the Osage Nation Election Board after candidates have
- 507 taken Oath of Office.
- 508

SECTION 2. BALLOT ISSUE REPORTING REQUIREMENTS

- 509
- 510
- 511 A. Individuals, groups, or organizations receiving donations for campaign
- 512 activities to support or oppose ballot issues to be considered by the Osage
- 513 electorate shall:
- 514
- 515 1. File with the Election Board before the commencement of
- 516 campaign activities, and
- 517
- 518 2. Designate an individual responsible for the filing of required
- 519 documents and reports, and
- 520
- 521 3. File two (2) campaign reporting statements detailing any donations
- 522 of two hundred dollars (\$200) or more, or the equivalent of that
- 523 amount in goods and services received by the campaign, the
- 524 expenditures made by the campaign, and any balance of funds at
- 525 the time of the statements. Multiple donations by a single donor
- 526 that accumulate to two hundred dollars (\$200) or more shall be
- 527 reported in the name of the donor.
- 528
- 529 4. Any individuals, groups, or organizations violating this section
- 530 shall be referred to the Osage Nation Attorney General's Office for
- 531 further legal action.
- 532
- 533 B. The donations recorded in the campaign reporting statement shall include
- 534 the following information for each donor:
- 535
- 536 1. First and last names of each donor or the name of the business
- 537 entity;
- 538
- 539 2. Employer, or indicate self-employment or unemployment;
- 540
- 541 3. The date the donation was made to the candidate or campaign;
- 542
- 543 4. The amount of the donation, or if multiple donations, the total
- 544 amount of all donations;
- 545
- 546 5. Anonymous or unidentifiable cash donations shall be listed as
- 547 miscellaneous donations; and
- 548

OSAGE NATION ELECTION BOARD
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- 6. The equivalent of such amount in goods or services from an individual or family received by the candidate or the campaign;
 - 7. The general services of volunteers shall be exempt.
 - C. The expenditures in the campaign reporting statement shall include the following:
 - 1. The name of the individual or vendor receiving the campaign funds;
 - 2. The goods or services received in return for the expenditure; and
 - 3. The date of the expenditure.
 - D. Multiple donations by a single donor that accumulate to two hundred dollars (\$200) or more shall be reported in the name of the donor.
 - E. A standard form for the campaign reporting statement shall be provided by the Election Board.
 - F. The campaign reporting statement shall be accompanied by a bank statement showing the campaign account deposits and deductions. Campaign funds shall be segregated from other funds in a separate account in the name of the organization.
 - G. Campaign reporting statements shall be filed with the Election Supervisor who shall verify that the campaign reporting statements comply with the provisions of this Rule, and submit a report of findings to the Election Board.
 - 1. The Election Board shall:
 - a. Certify campaign reporting statements, or
 - b. Notify the individual, group, or organization submitting the statement of deficiencies.
 - H. The individual, group, or organization shall have three (3) business days to correct the deficiencies. If, after the three (3) day period, the Election Board rules the deficiencies are not corrected, the issue shall be subject to adjudication as provided by applicable rule or Osage law.
 - I. Certification shall not preclude a finding that the provisions of this Rule have been violated if inaccuracies in the reporting statements are subsequently revealed.

OSAGE NATION ELECTION BOARD
RULES AND REGULATIONS

SECTION 3. CAMPAIGN FUNDING RESTRICTIONS AND PROHIBITIONS

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- A. Campaign funds shall not be used for personal use of a candidate, employee or volunteer of the candidate's campaign, or any third party.
- B. Donations and other funds collected for campaign for or against a ballot issue, or by a candidate for election to the Osage government shall be used for campaign purposes or other purposes expressly allowed in this section.
- C. Minors are prohibited from making donations to candidates for elected office in the Osage Government. No person shall be allowed, nor shall any candidate accept, a donation in the name of a minor person. Minors are allowed to serve as campaign volunteers.
- D. A campaign or candidate shall not accept more than five thousand dollars (\$5,000) in cash, goods, or services from any business entity or corporation.
- E. A campaign or candidate shall not accept any donation of any kind from a business entity, if such business entity is owned in whole or in part by the Osage Nation or operated by or for the benefit of the Osage Nation.

SECTION 4. USE OF OSAGE GOVERNMENT RESOURCES PROHIBITED

- A. The use of Osage Nation time, equipment, supplies, or Osage Nation premises for campaign activities or campaign purposes is strictly prohibited, with the following exception:
 - 1. Beginning at noon on the Friday before Election Day through 4:00 p.m. the day after Election Day, campaign materials shall be allowed on Osage Nation premises in the areas of the campaign campsites and within the boundaries of each candidate's campsite only.
- B. The performance of campaign tasks or activities by Osage Nation personnel on Osage Nation time is prohibited.
- C. The use of Osage Nation mail service for campaign purposes is prohibited, with the exception of paid campaign advertising in the Osage News or its successor.
- D. The use of Osage Nation telephones, computers, servers, or electronic mail accounts for campaign purposes is prohibited. This prohibition shall not be interpreted to mean that candidates are prohibited from using Osage Nation electronic mail or telephones to fulfill their official duties.

OSAGE NATION ELECTION BOARD

RULES AND REGULATIONS

- 641 E. Individual Osage Nation elected officials and employees are prohibited
642 from engaging in campaign fundraising activities through the solicitation
643 of contributions from
644
645 1. Their subordinates, or
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647 2. Businesses such individuals may supervise, or
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649 3. Businesses such individuals may inspect, regulate, or monitor in
650 the fulfillment of their job responsibilities.
651

652 SECTION 5. PROCEDURES AND PENALTIES FOR VIOLATIONS OF THESE RULES

- 653
654 A. Any candidate who commits a campaign violation may be disqualified,
655 removed from the race, and his or her votes shall be considered void.
656
657 B. Any funds found to have been improperly donated or not reported shall be
658 subject to forfeiture to be paid into the Election Board Fund.
659
660 C. Campaign signs shall not be posted on any Osage Nation premises or
661 property. If a campaign sign is posted on any Osage Nation premises or
662 property:
663
664 1. The candidate shall be notified to remove the sign; or
665
666 2. The sign can be removed by any party and returned to the Election
667 Office where the candidate may pick up the campaign signs after
668 signing a receipt for the campaign signs.
669
670 a. After the candidate is notified the sign is at the Election
671 Office, he or she shall have ten (10) days to reclaim it.
672
673 D. Any candidate, individual, group, or organization deemed to have violated
674 any of the Osage Nation Election Board Rules and Regulations herein
675 shall be subject to a fine of up to one thousand dollars (\$1,000), unless
676 otherwise specified.
677
678 E. Candidates who fail to submit their campaign reporting statements by the
679 required deadlines pursuant to Rule Two, Section 1(B) and (C), shall be
680 assessed a fine of five hundred dollars (\$500). Failure to comply shall
681 prohibit the candidate from filing for office for future elections until the
682 fine is paid.
683
684 F. All votes for candidates who fail to comply with Rule 2, Section 1 of the
685 Osage Nation Election Board Rules and Regulations shall be considered
686 void. The Election Supervisor shall post a notice of this fact at the polling

OSAGE NATION ELECTION BOARD

RULES AND REGULATIONS

- 687 places and on the Osage Nation website before polls open on Election
688 Day.
689
- 690 G. All fines shall be paid by 4:30 p.m. the Wednesday preceding Election
691 Day. If the candidate fails to comply, all votes for that candidate shall be
692 considered void, and the Election Supervisor shall post a notice of this fact
693 at the polling places before polls open on Election Day.
694
- 695 H. Any candidate penalized for a violation of these regulations may seek
696 reconsideration of the decision by filing a written appeal with the Osage
697 Nation Election Board within two (2) business days after receiving notice
698 of such penalty from the Election Board. The appeal shall set forth in
699 detail the basis for the appeal, including all facts and legal authority
700 supporting the appealing party's contention that the penalty is
701 unwarranted. The appealing party shall attach all supporting
702 documentation to the appeal, including all affidavits, photographs and
703 other documentary evidence. The appealing party bears the burden of
704 proof.
705
- 706 I. The Election Board shall issue a written decision within five (5) business
707 days following the filing of the appeal. The Election Board shall notify
708 the appealing party of the decision in writing.
709
- 710 J. Any person violating the Osage Nation Election Code, Section 7.3 in any
711 manner by initiating an unauthorized recall petition shall be guilty of a
712 misdemeanor and, upon conviction, shall be subject to a fine not to exceed
713 one thousand dollars (\$1,000), or to imprisonment not to exceed one (1)
714 year, or both.
715
- 716 K. Any person violating the Osage Nation Election Code, Section 7.2 and
717 Section 7.4 in any manner by initiating an unauthorized initiative or
718 referendum petition shall be guilty of a misdemeanor and, upon
719 conviction, shall be subject to a fine not to exceed five hundred dollars
720 (\$500), or to imprisonment not to exceed three (3) months, or both.
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**OSAGE NATION ELECTION BOARD
RULES AND REGULATIONS**

RULE THREE – COMMUNICATIONS PROTOCOL AND PROCEDURES

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SECTION 1. COMMUNICATIONS WITH GOVERNMENT OFFICIALS

- A. In an effort to ensure fair elections, the Osage Nation Election Board finds that it is necessary to develop rules for communicating with Osage Nation Government Officials and potential and/or declared candidates for Osage Nation Elections.

- B. The Osage Nation Election Board is ultimately responsible for the communications that flow in and out of the Osage Nation Election Board Office. The Election Supervisor serves at the pleasure of the Osage Nation Election Board. The Election Supervisor is responsible for the conduct and communication of the Chief Clerk and such other contractors and personnel of the Osage Nation Election Board.

- C. Osage Nation Government Officials and their representatives shall utilize the following procedures when communicating with the Osage Nation Election Board:
 - 1. All communications shall be directed to the Chairman of the Osage Nation Election Board.

 - 2. The Chairman is responsible for disseminating the proper information to the Election Board members, the Election Supervisor, and such other contractors and personnel of the Osage Nation Election Board.

 - 3. All communications shall be recorded. Such proper forms of communication recording are enumerated below:
 - a. The Osage Nation Election Board Chairman may designate any other Election Board Member, the Election Supervisor or appropriate contractor to respond to communications on behalf of the Election Board.

 - b. Such designation shall be in writing with the stated purpose and any limitations of the communication in writing.

 - c. A copy of the designation and the communication shall be retained at the Office of the Osage Nation Election Board for a period of not less than seven (7) years.

OSAGE NATION ELECTION BOARD

RULES AND REGULATIONS

SECTION 2. COMMUNICATIONS WITH POTENTIAL AND DECLARED CANDIDATES

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- A. Potential and Declared Candidates for Osage Nation Elections shall utilize the following procedures when communicating with the Osage Nation Election Board for any complaints or unusual questions.
 - 1. All written communications shall be directed to the Chairman of the Osage Nation Election Board.
 - 2. All communications shall be managed in a courteous and professional manner.

- B. Osage Nation Election Board, staff and contractors shall utilize the following procedures when communicating with candidates or potential candidates:
 - 1. All persons staffing the Osage Nation Election Board Office are responsible for documenting any complaints, or unusual requests or incidents that take place during the course of their service with the Osage Nation Election Board.
 - 2. Such staff shall document in writing, any exceptional or unusual circumstance or unusual request; the manner of the request whether in person, by telephone, letter or e-mail.
 - 3. Such staff shall then forward any complaint or unusual request by the Candidate to the Chairman of the Osage Nation Election Board for the Osage Nation Election Board's review.
 - 4. When appropriate, communications may be recorded by audio or video means.
 - 5. All communications shall be managed in a courteous and professional manner.

SECTION 3. COMMUNICATIONS WITH THE OSAGE NATION ELECTION BOARD

- A. The following are appropriate forms of communication to, from and within the Osage Nation Election Board:
 - 1. E-mail
 - 2. Letter
 - 3. Telephone communication followed by a written memorandum documenting such communication.

OSAGE NATION ELECTION BOARD
RULES AND REGULATIONS

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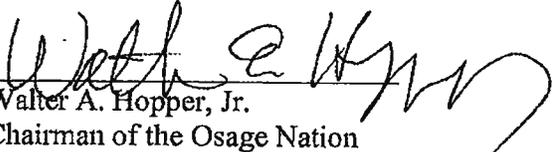
4. Written memorandum

- B. There is no expectation of privacy within the communications of the Osage Nation Election Board, its staff or contractors and any declared or potential candidates. The only expectations of privacy within the Osage Nation Election Board, its staff or contractors shall be those matters discussed properly within Executive Session of an Osage Nation Election Board meeting, Osage Nation Election Board personnel matters and those discussions between the Osage Nation Election Board and its attorneys which may be protected by attorney client privilege.

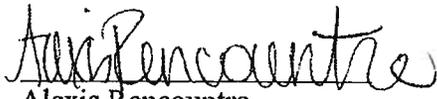
OSAGE NATION ELECTION BOARD
RULES AND REGULATIONS
CERTIFICATION

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I hereby certify that the above and foregoing Osage Nation Election Board Rules and Regulations were considered by the Osage Nation Election Board, at a duly called meeting in Pawhuska, Oklahoma, at which a quorum was present and the same was adopted by a vote of 3 in favor, 0 opposed, 0 abstentions, and 0 absent, on this 15th day of May, 2013.


Walter A. Hopper, Jr.
Chairman of the Osage Nation
Election Board

Attest:


Alexis Rencountre
Election Supervisor