

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

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3 **SECTION 1. AUTHORITY**
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5 The Osage Nation Election Board has the authority and responsibility to
6 promulgate rules and regulations, concerning any matter within its jurisdiction pursuant
7 to The Osage Nation Election Code, as amended.
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9 **SECTION 2. PURPOSE**
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11 In an effort to ensure fair elections, the Osage Nation Election Board finds that it
12 is necessary to develop rules and regulations for the proper operation of the Osage
13 Nation’s Elections for which the Osage Nation Election Board is responsible.
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15 **SECTION 3. DEFINITIONS**
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17 For the purposes of these Rules, the following definitions apply:
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- 19 A. “Candidate” means a person running for office whether successfully
20 elected or not.
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- 22 B. “Campaign” means a systematic course of activities by
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- 24 1. Rival political candidates or organizations supporting candidates
25 seeking public office in the Osage Nation government, or
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- 27 2. Groups of individuals or organizations supporting or opposing
28 ballot issues to be considered by the Osage electorate.
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- 30 3. “Campaign activities” or “campaign purposes” means
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- 32 a. selling, purchasing or distributing campaign fundraiser
33 tickets, including complimentary tickets;
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- 35 b. conducting campaign meetings;
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- 37 c. distributing campaign literature or materials;
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- 39 d. soliciting campaign assistance or support;
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- 41 e. producing campaign literature or materials or storing such
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- 44 f. traveling to or from campaign meetings; or
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g. encouraging voters to vote for or against a candidate or ballot issue.

- C. “Congress” means the Osage Nation Congress unless otherwise expressed.
- D. “Donations” means any self-donations, cash, goods, or services received by the candidate or the campaign, from any business entity, individual, or family member.
- E. “Executive branch” means the Osage Nation Executive branch.
- F. “Minor” means any person less than 18 years of age.
- G. “Osage Nation equipment” is all tangible property purchased for and owned by the Osage Nation government which includes, but is not limited to, telephones, copy machines, fax machines, computers, and vehicles.
- H. “Osage Nation premises or property” means property owned or leased by the Osage Nation, excluding residential areas. It includes, but is not limited to, Osage Nation offices, conference rooms, and working areas. Osage Nation facilities that are available to the public for use may also be used for campaign activities on the same basis as the facilities are available to the public.
- I. “Osage Nation supplies” means stationery, paper, stamps and other supplies normally associated with government offices.
- J. “Osage Nation time” means the actual time during which an Osage Nation official or employee is performing, or should be performing, his or her duties as an Osage official or employee during normal operating hours of the Osage Nation government.
- K. “Personal use” means anything purchased for use outside the campaign.
- L. “Petitioner” means an individual, group, or organization who presents a petition.
- M. “Remedial action” includes, but is not limited to, orders for repayment of costs associated with Election Board inquiries, corrections of reports required by this Rule, and other actions consistent with the Board’s authority and Osage law.

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95 **SECTION 4. CANDIDATE FILING FEES & REQUIREMENTS**
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97 A. The filing fees shall be as follows:

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99 1. Principal Chief \$500.00
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101 2. Assistant Principal Chief \$400.00
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103 3. Congressional Candidates \$300.00
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105 4. Judicial Retention \$ 0.00
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107 B. Payment shall be by cashier's check or money order only. No personal
108 checks shall be accepted.

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110 C. Prior to filing for office, candidates shall be required to:

- 111
112 1. Establish a separate bank account to be used for campaign purposes
113 only in the name of the candidate or the candidate's campaign;
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115 a. All campaign donations shall be deposited into this account,
116 including the candidate's personal funds used for campaign
117 purposes.
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119 b. All expenditures used for campaign purposes shall be spent
120 from this account.
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122 c. Failure to use this account for any and all donations and
123 expenditures shall result in a fine pursuant to Rule Two,
124 Section 5(G).
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126 2. Provide proof of the established campaign account upon filing.
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128 D. Each candidate shall be required to file for candidacy in person at the
129 Osage Nation Election Office located in Pawhuska, Oklahoma.
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131 E. After the close of the filing period, decisions certifying or disqualifying
132 filed candidates shall be rendered within four (4) business days after the
133 receipt of the background checks.
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SECTION 5. EMERGENCY PREPARATIONS

- A. The Osage Nation Election Board shall assure that to the extent of their ability the balloting shall not be interrupted due to power outages or the instance of inclement weather.
- B. The Osage Nation Election Board may utilize back-up power sources to operate the balloting equipment should the electrical power fail during the election process.
- 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 6. ELECTION BOARD PARTICIPATION IN CAMPAIGNS

- A. No Election Board Member, Osage Nation Election Board Contractor, or Osage Nation Election Office Employee shall participate in any event in support of or opposition to 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 or ballot issue of his or her choice during the balloting process.
- C. Such prohibition on participation shall include the following: attending any candidate campaign/fundraiser event, 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, Osage Nation Election Board Contractors, and Osage Nation Election Office Employees shall be permitted to attend nonpartisan community functions.

OSAGE NATION ELECTION BOARD
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RULE TWO – CAMPAIGN FINANCE REPORTING AND PRACTICE

SECTION 1. CANDIDATE CAMPAIGN REPORTING REQUIREMENTS

A. All donations, including self-donations, for any and all campaign purposes, shall be deposited into this account. All expenditures for any and all campaign purposes shall be spent from this account. Failure to use this account for any and all donations and expenditures shall result in a fine pursuant to Rule Two, Section 5(G).

B. Primary Election campaign reporting filing dates are as follows:

1. The first Primary Election campaign reporting statement shall be filed at least seventeen (17) days prior to the election date, and no more than twenty-one (21) days prior to the election date. The reporting period shall be from the beginning of the campaign (whether or not such campaign began prior to the official candidate filing period) and end twenty-four (24) days prior to the election date.

2. Primary Candidates shall file their final campaign reporting statement within seven (7) calendar days after the election. This campaign reporting statement shall be a complete report of all donations and expenditures beginning the day after the end date of the first campaign reporting statement. This will include any and all expenditures and deposits including those outstanding.

C. General Election campaign reporting filing dates are as follows:

1. The first General Election campaign reporting statement shall be filed at least seventeen (17) days prior to the election date, and no more than twenty-one (21) days prior to the election date. The reporting period shall be from the beginning of the campaign (whether or not such campaign began prior to the official candidate filing period) and end twenty-four (24) days prior to the election date.

2. General Election candidates shall file their final campaign reporting statement within seven (7) calendar days after the election. This campaign reporting statement shall be a complete report of all donations and expenditures beginning the day after the end date of the first campaign reporting statement. This will include any and all expenditures and deposits including those outstanding.

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- D. A standard form for campaign reporting statements, including deadlines, shall be provided by the Election Board.

- E. The campaign reporting statement shall be completed and accompanied by bank documentation showing the campaign account deposits and expenditures from the campaign start date until the end date.

- F. Campaign reporting statements shall include the balance of funds at the time of the end date.

- G. 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, if known;
 - 3. The date the donation was made to the candidate or campaign;
 - 4. The amount of the donation, or if multiple donations, the total amount of all donations; and
 - 5. The equivalent of such amount in goods or services from an individual or family received by the candidate or the campaign;
 - 6. The general services of volunteers shall be exempt.

- H. 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;
 - 3. The date of the expenditure; and
 - 4. The amount of the expenditure.

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- I. Campaign reporting statements shall be filed with the Election Office, which 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 by email if any inaccuracies are found in the statement.
 - 2. For campaign reporting statements submitted by the deadline, candidates shall have three (3) business days, upon the date email notification is sent by the Election Office, to correct the inaccuracies and report such corrections to the Election Office. If, after the three (3) day period, the Election Board rules the inaccuracies are not corrected, the candidate shall be subject to adjudication as provided by Rule Two, Sections 5(A), 5(D), and 5(E).
 - 3. Candidates failing to submit campaign reporting statements by the deadline shall result in a fine and penalties pursuant to Rule Two, Section 5(E). Failure to comply within three months shall prohibit the individual from being certified as a candidate for future elections. The individual may appeal the denial of candidacy pursuant to Rule Two, Section 5(I).
 - 4. Certification shall not preclude a finding that the provisions of this Rule have been violated if inaccuracies in the reporting statements are subsequently revealed. No action against candidates shall be taken by the Osage Nation Election Board after candidates have taken Oath of Office.

SECTION 2. BALLOT ISSUE REPORTING REQUIREMENTS

- A. Individuals, groups, or organizations receiving donations for campaign activities to support or oppose ballot issues to be considered by the Osage electorate shall:
 - 1. File with the Election Board before the commencement of campaign activities;

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2. Upon filing, provide proof of a separate bank account in the name of the individual, group, or organization. All donations, including self-donations, for any and all campaign purposes, shall be deposited into this account. All expenditures for any and all campaign purposes shall be spent from this account. Failure to use this account for any and all donations and expenditures shall result in a fine pursuant to Rule Two, Section 5(G).
 3. Designate an individual responsible for the filing of required documents and reports;
 4. File two (2) campaign reporting statements detailing any donations of two hundred dollars (\$200) or more, or the equivalent of that amount in goods and services received by the campaign, the expenditures made by the campaign, and any balance of funds at the time of the statements. Multiple donations by a single donor that accumulate to two hundred dollars (\$200) or more shall be reported in the name of the donor.
 5. Any individuals, groups, or organizations violating this section shall be referred to the Osage Nation Attorney General’s Office for further legal action.
- B. The 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, if known;
 3. The date the donation was made to the campaign;
 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 campaign;
 7. The general services of volunteers shall be exempt.

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- C. The expenditures in the campaign reporting statement shall include the following:

RULE TWO – CAMPAIGN FINANCE REPORTING AND PRACTICE

- 1. The name of the individual or vendor receiving the campaign funds;
- 2. The goods or services received in return for the expenditure;
- 3. The date of the expenditure; and
- 4. The amount of the expenditure.

- D. A standard form for the campaign reporting statement shall be provided by the Election Board including deadlines to be consistent with Rule Two, Section 1(D).

- E. The campaign reporting statement shall be accompanied by bank documentation showing the campaign account deposits and expenditures.

- F. Campaign reporting statements shall be filed with the Election Office, which 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 if any inaccuracies are found in the statement.
- 2. For campaign reporting statements submitted by the deadline, individuals, groups, or organizations shall have three (3) business days, upon the date email notification is sent by the Election Office, to correct the inaccuracies and report such corrections to the Election Supervisor. If, after the three (3) day period, the Election Board rules the inaccuracies are not corrected, the individual, group, or organization shall be subject to adjudication as provided by Rule Two, Section 5 (A)(D) and (E).

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3. Individuals, groups, or organizations failing to submit campaign reporting statements by the deadline shall result in a fine pursuant to Rule Two, Section 5(E). Failure to comply shall prohibit the individual, group, or organization from ballot issue campaigning for future elections until the report is submitted.

G. Certification shall not preclude a finding that the provisions of this Rule have been violated if inaccuracies in the reporting statements are subsequently revealed.

SECTION 3. CAMPAIGN FUNDING RESTRICTIONS AND PROHIBITIONS

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 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 (as defined in Rule 1, Section 3 (H)) 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.

The performance of campaign tasks or activities by Osage Nation personnel on Osage Nation time is prohibited.

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- B. 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.

- C. 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.

- D. Individual Osage Nation elected officials and employees are prohibited from engaging in campaign fundraising activities through the solicitation of contributions from:
 - 1. Their subordinates, or
 - 2. Businesses such individuals may supervise, or
 - 3. Businesses such individuals may inspect, regulate, or monitor in the fulfillment of their job responsibilities.

SECTION 5. PROCEDURES AND PENALTIES FOR VIOLATIONS OF THESE RULES

- A. Any candidate who commits a campaign violation may be disqualified, removed from the race, and his or her votes shall be considered void.

- B. Any funds found to have been improperly donated or not reported shall be subject to forfeiture to be paid into the Osage Nation Election Fund.

- C. Campaign signs shall not be posted on any Osage Nation premises or property. If a campaign sign is posted on any Osage Nation premises or property:
 - 1. The candidate shall be notified to remove the sign; or
 - 2. The sign can be removed by any party and returned to the Election Office where the candidate may pick up the campaign signs after signing a receipt for the campaign signs.
 - a. After the candidate is notified the sign is at the Election Office, he or she shall have ten (10) days to reclaim it.

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- D. Any candidate, individual, group, or organization deemed to have violated any of the Osage Nation Election Board Rules and Regulations herein shall be subject to a fine of up to one thousand dollars (\$1,000), unless otherwise specified.
- E. Candidates who fail to submit their campaign reporting statements by the required deadlines pursuant to Rule Two, Section 1(C) and (D), shall be assessed a fine of five hundred dollars (\$500). Failure to comply shall prohibit the candidate from filing for office for future elections until the fine is paid.
- F. Candidates who fail to submit their corrected inaccuracies by the deadline shall be assessed a fine of one hundred twenty-five dollars (\$125).
- G. Candidates who fail to use their campaign bank account shall be assessed a fine of one hundred twenty-five dollars (\$125).
- H. All fines that were assessed prior to this deadline shall be paid by 4:30 p.m. the Wednesday preceding Election Day. If the candidate fails to comply, all votes for that candidate shall be considered void, and the Election Supervisor shall post a notice of this fact at the polling places before polls open on Election Day. All fines assessed after the previously stated deadline shall be paid by 4:30 p.m. on the deadline date set by the Board. Unpaid fines shall be referred to the Attorney General’s Office immediately following the unmet deadline.
- I. Any candidate penalized for a violation of these regulations may seek reconsideration of the decision by filing a written appeal with the Osage Nation Election Board within two (2) business days after receiving notice of such penalty from the Election Board. The appeal shall set forth in detail the basis for the appeal, including all facts and legal authority supporting the appealing party’s contention that the penalty is unwarranted. The appealing party shall attach all supporting documentation to the appeal, including all affidavits, photographs and other documentary evidence. The appealing party bears the burden of proof.
- J. The Election Board shall issue a written decision within five (5) business days following the filing of the appeal. The Election Board shall notify the appealing party of the decision in writing.

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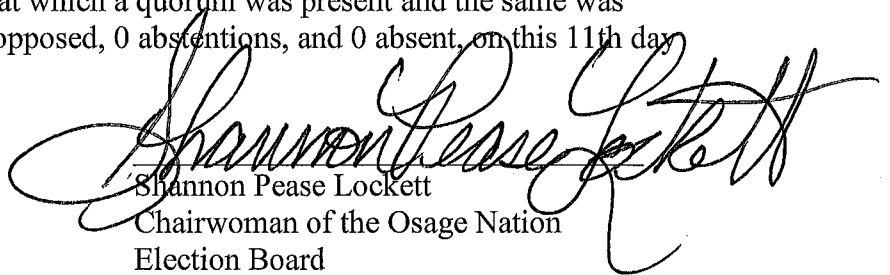
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- K. Any person violating the Osage Nation Election Code, Section 8.3 in any manner by initiating an unauthorized recall petition shall be guilty of a misdemeanor and, upon conviction, shall be subject to the maximum penalties allowed by federal law.

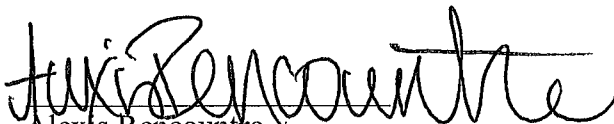
- L. Any person violating the Osage Nation Election Code, Section 8.2 and Section 8.4 in any manner by initiating an unauthorized initiative or referendum petition shall be guilty of a misdemeanor and, upon conviction, shall be subject to the maximum penalties allowed by federal law.

CERTIFICATION

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 11th day of April, 2023.


Shannon Pease Lockett
Chairwoman of the Osage Nation
Election Board

Attest:


Alexis Rencountre
Election Supervisor