

2013

Aroostook Band of Micmacs

**ELECTION
ORDINANCE**

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**ELECTION ORDINANCE
AROOSTOOK BAND OF MICMACS**

SECTION 1. AUTHORITY

This Election Ordinance is hereby established by the Aroostook Band of Micmacs (ABM) through the following processes:

1. Establishment of Committee to draft the Election Ordinance
2. Approval by majority vote of Tribal Council on March 21, 2013
3. Public Hearing for the Community to discuss and recommend changes April 7, 2013

Tribal Clerk

The Tribal Clerk shall be responsible for ensuring candidates meet all requirements for running for office, conducting elections, determining the validity of election disputes and coordinating their resolution, certifying election results, preparing all necessary documents for polls, hiring poll sitters for polling sites and arranging for an independent notary to administer the oath of office to elected candidates. During the conduct of the election process, the Tribal Clerk shall not be interfered with politically or administratively in regards to the election process. Any Tribal member having evidence of impropriety with regard to the election process should submit such evidence, in writing, to the Tribal Council.

SECTION 2. PURPOSE

The intent and purpose of this Ordinance is to establish procedures to be precisely administered to ensure that the election procedure is fair and equitable as well as to ensure government stability that in turn, ensures community stability for our members.

SECTION 3. DEFINITIONS

- ABM Tribal Council** A nine (9) [1 Tribal Chief, 1 Vice-Chief and 7 members of Council] member governing body established within this ordinance to act as the sole legislative authority of the Tribe.
- Amendment** Any change to the content of the Election Ordinance.
- Alternates** Candidates that did not receive enough votes to be elected to the Tribal Council will be considered alternates for any Tribal Council seat that may become vacant during a term. Alternates will be seated to Tribal Council based on the highest number of votes received.

Candidate	Any person nominated for Tribal Council must be a Class A member of the Aroostook Band of Micmacs, must be 18 years of age on Election Day, and understands that they will be in office for either a two (2) year or a four (4) year term. Any person nominated for Tribal Chief or Vice Chief must be a Class A member of the Aroostook Band of Micmacs, must be 30 years of age on Election Day, and understands that they will be in office for a four (4) year term.
Class A, B, C Crimes	As defined by the State of Maine Class A, B, and C Crimes are considered felonies. Class A Crimes are the most serious of crimes such examples include but are not limited to: murder, manslaughter, gross sexual assault and aggravated trafficking in scheduled drugs. Class B Crimes are extremely serious charges such examples include but are not limited to: trafficking in drugs, sexual assault cases, aggravated assault cases and motor vehicle DUI involving serious bodily injury. Class C Crimes is the lowest level felony offense in Maine such offenses include but are not limited to: aggravated OUI where you may have two (2) or more priors, aggravated criminal mischief, and felony theft.
Designee	A Class A member of the Aroostook Band of Micmacs appointed by the Tribal Clerk to help with the election duties during election years. This person will assist the Tribal Clerk with any and/or all election duties as assigned by the Tribal Clerk as contained here within this document.
Election Dispute Committee	A five (5) person committee to be established by the community at the Annual meeting on election years with an alternate list if possible; the community members may volunteer to serve on this committee and the Tribal Clerk shall select the names of five (5) respected members in the event that a valid petition contesting the election is later received. These committee members may not be directly or immediately related to each other or to any candidate for office. This committee along with the Tribal Clerk would verify the validity of a recall; determine that there is sufficient justification, and that the requisite number of signatures has been submitted.
Eligible Voter	An enrolled member of Aroostook Band of Micmacs who is at least 18 years of age as of the date of the election and present in Aroostook County on Election Day.
Immediate Family Member	Spouse, Parent, Child, grandparent and Sibling.
Majority Vote	Majority vote represents the highest number of votes received in each election category (i.e. Chief, Vice-Chief, Council)

Nomination Meeting	An annual meeting, every odd number of years, consisting of Class A members where a quorum of at least 45 Class A members must be present to conduct nominations for Tribal Chief, Vice-Chief, and Tribal Council; and a quorum of 60 Class A members must be present to conduct any other official Tribal business.
Polling Place	The only location where a valid ballot may be cast.
Primary Election	Elections will be held on the second (2 nd) Tuesday in May in every odd numbered year. Those running for office who receive majority vote of ballots cast shall be elected to office.
Public Hearing	A hearing to inform the community on subjects that include ordinances, laws, special circumstances that affect the community as determined by the Tribal Council.
Recall	A procedure to remove an elected official from office.
Referendum	The process whereby the Micmac community votes on ordinances, laws, special circumstances that effect the community as determined by the Tribal Council or the Constitution. There shall always be a public hearing prior to a referendum. A referendum follows the same ballot and polling procedures as the conduct of an election.
Register of Voters	The Tribal Clerk is responsible for maintaining and updating the membership list and from that list creating a voting list of members at least 18 years of age on the date of the election. Such list of eligible votes shall be provided to each polling place and shall be available for inspection by any Tribal member at any time.
Resident Absentee Voter	Any eligible voter who requests an absentee ballot in accordance with the procedure established within this ordinance.
Run-Off Election	The election to be held in the event of a tie vote. Such election will proceed within 15 days of the primary Election day for all candidates with a tie vote.
Tribal Clerk	A full time permanent employee responsible for coordinating all election activities. The Tribal Clerk shall be responsible for ensuring candidates meet all requirements for running for office, conducting elections, determining the validity of election disputes and coordinating their resolution, certifying election results, preparing all necessary documents for polls, hiring poll sitters for polling sites.

SECTION 4. TYPE OF ELECTIONS

A} Primary Election

The Primary election shall be conducted on the second (2nd) Tuesday in May of each odd numbered year for all open seats on Tribal Council, as well as the Tribal Chief, and the Vice-Chief, when those positions are on the ballot.

B} Run-Off Election

An election to be held in the event of a tie. Such election will be set for 15 days from the Primary election day and will follow the same polling process as the Primary election for all candidates with a tie vote.

SECTION 5. TRIBAL CLERK RESPONSIBILITIES DURING ELECTION

A. Duties

The Tribal Clerk has the overall responsibility for conducting the elections. These duties include, but not limited to the following.

(1) **Publication of Nomination Meeting**

Nomination meeting will be held on the first (1st) Sunday in the month of April. Notice of the Nomination meeting will be mailed no later than the second (2nd) week in March. Nomination eligibility will be clearly printed on the notice to inform membership of eligibility requirement. Such notice will be mailed out with no other content included to ensure the notice is clear.

(2) **Publication of Candidate Biographies**

If they wish, nominees may submit biographies no later than the Friday following the nomination meeting. The Tribal Clerk will consolidate biographies into a mailing that will be mailed out no later than the end of the third week in April.

(3) **Publication of Election Date/Poll Sitters/Ballot Counters**

The election date is the second (2nd) Tuesday in May. Notice will be mailed in the second (2nd) week in April. Such notice will include the exact date, time, and location of polls and will be mailed with no other content included. Voting will be held during the hours of 9 a.m. – 7 p.m. in three (3) locations; Houlton, Caribou, and Presque Isle. Two poll sitters per polling location are required. Poll sitters must be Tribal members and at least 18 years of age and cannot be related to the person sharing the polling site. Four (4) ballot counters will be hired to count ballots with the Tribal Clerk and an Aroostook County Deputy Sheriffs.

B. Ballot Process for Election

Creating and printing official ballots for any election/referendum is the responsibility of the Tribal Clerk. The Tribal Clerk will adhere to the following process for ballots:

- (1) Ballots will have all candidate names in alphabetical order by last name in the given sections they are running for (Chief, Vice-Chief, Council). If an individual is known by a name other than their legal name, the ballot may indicate the other name in quotations if so desired from the candidate.
- (2) Clear instructions will be written on the ballot for each section.
 - Chief instruction- Check only one box in this section. If more than one box is checked, this section will not be counted.
 - Vice-Chief instruction – Check only one box this section. If more than one box is checked this section, will not be counted.
 - Tribal Council instruction – Check up to seven (7) boxes. If more than seven (7) boxes are checked, this section will not be counted.
- (3) Ballots will be printed on special paper and should have a watermark on the ballot.
- (4) No one shall have access to the Tribal Clerk’s office while ballots are being made and printed.
- (5) Ballots will be created and printed on the day before the election to ensure confidentiality.
- (6) Printing ballots
 - Tribal Clerk shall designate another Tribal member (her designee) to assist with the printing of the ballots.
 - Tribal Clerk will ensure constant monitoring of the ballots while they are being printed.
- (7) NO CANDIDATES FOR OFFICE SHOULD BE IN THE RECEPTION AREA FOR ANY REASON WHEN BALLOTS ARE BEING PRINTED.
- (8) For each of the polling locations, there will be 125 ballots printed with the ballots for each area printed separately.
- (9) Once printed, the ballots for each area will be sealed in a separate envelope. The Tribal Clerk and her designee shall sign the envelope.
 - The Tribal Clerk shall place the sealed ballots along with an empty manila envelope, marked “Spoiled Ballots”, pens, sign in sheets, voter lists, and directions for poll sitters in the ballot box for the polling location. Ballot boxes are to be clearly marked for each polling location.

- Once everything has been placed inside the ballot box, the Tribal Clerk shall lock the box and place duct tape over the opening of the box.
 - Repeat this process for each ballot box location and secure the boxes.
- (10) The Tribal Clerk will turn over all keys to the ballots box to her designee and retain her keys that open any entrance to the building and to the Tribal Clerk's office. The keys for the ballot boxes will be given to whoever is transporting the ballots with the Tribal Clerk.

C. Absentee Ballots

- (1) Absentee Ballots may be obtained only from the Tribal Clerk, by mail or in person. Any Tribal member asking for an Absentee Ballot will complete and submit an application form provided by the Tribal Clerk.
- (2) Absentee ballots will only be given out for the following reasons:
 - Absentee Ballots will be provided to eligible voters who are residents of Aroostook County on election day but who are unable to attend the polls due to military service, school, employment, who are physically handicapped, or who have a valid medical reason.
- (3) An absentee ballot vote can be delivered one week after nominations.
- (4) Absentee ballot must be notarized, sealed and delivered to the Tribal Clerk.
- (5) A self-addressed stamped envelope will be enclosed with the ballot. Both the envelope that the ballot is being sent to the member in and the self-addressed stamped envelope will be clearly marked ABSENTEE BALLOT.
- (6) The absentee ballot needs to be identical to the regular ballot with the addition of a notary section.
- (7) The absentee ballot MUST be notarized. If the ballot is returned and is NOT notarized it will NOT be counted. The Ballot will indicate that the voter will give up their anonymity by voting absentee.
- (8) Absentee ballots will not be opened by anyone until the official count takes place and will be securely kept by the Tribal Clerk until the ballot counting has been completed.
- (9) Only an Aroostook County Deputy Sheriff at the Administration building may open the absentee ballots.

D. Transporting Ballots

- (1) On Election Day, the Tribal Clerk and the designated assistant will take steps to ensure that she can deliver all of the ballot boxes to the polling location without stopping on the way.
- (2) The Tribal Clerk and her designated assistant will retrieve the ballot boxes from the Administration building by 6:00 a.m. on Election Day. Transport of the Houlton ballot box only will take place first, with return to the Administration building for retrieval and transport of the Caribou ballot box next.
- (3) The ballot boxes will not be left in the presence of one person at any time, will be taken directly to the poll, and will be opened at the poll by the transporters in the presence of the poll sitters to ensure that the ballot box is empty.
- (4) Upon delivery of the ballots to the poll, the Tribal Clerk will give a copy of the voting instructions to the poll sitters and go over the instructions with the poll sitters. The poll sitters for Houlton need to be on site by 7:00 a.m., at Caribou by 8:15 a.m. and at Presque Isle by 9:00 a.m..

E. Instructions to be Given to Poll Sitters

- (1) Do NOT open the seal on the ballots until the first voter arrives. They will be the witness to the seal being broken.
- (2) One poll sitter will need to verify membership and age (18 and older) by highlighting the individual's name on the membership list provided. Once membership and age has been verified, the voter will sign the sign-in sheet.
- (3) Only after this process has been done will the other poll sitter provide the individual with a ballot.
- (4) Poll sitters will NOT cross responsibilities so they should determine who will be doing what prior to the first voter arriving.
- (5) If an individual is not listed on the membership list, call the Tribal Clerk for verification of membership.
- (6) If a voter has questions regarding the ballot or needs help reading the ballot, the poll sitter may provide assistance. HOWEVER, do NOT cross ethical boundaries!!!! Do NOT under any circumstances tell the voter who they should vote for, even if they ask your opinion.
- (7) There will be no loitering or campaigning within the polling site! If this should happen contact the Tribal Clerk immediately. It is the Tribal Clerk's responsibility to handle these situations as to not put the poll sitters in an awkward situation.

- (8) Do NOT leave the ballots unattended at any time.
- (9) Poll sitters may vote at the polling site they are attending but can NOT break the seal to the ballots in order to do so. Poll sitters may vote after the seal has been broken and at the time of poll closing. The poll sitter wishing to vote will highlight their name on the membership list, sign-in and then be provided a ballot by the other poll sitter.
- (10) If a poll sitter has questions, they must contact the Tribal Clerk.
- (11) The Polls are open from 9 a.m. – 7 p.m. An Aroostook County Deputy Sheriff will arrive at 7 p.m. to transport the ballots to the Administration office.
- (12) When the polls close at 7:00 p.m., the poll sitters may then vote in the presence of the Aroostook County Deputy Sheriff and then give the ballot box and all other election materials to the Aroostook County Deputy Sheriff for transport to the Administration.

F. Instructions for Counting Ballots

- (1) The four (4) ballot counters and the Tribal Clerk need to be at the Administration by 7:30 p.m. on election day.
- (2) When the first Aroostook County Deputy Sheriff arrives at the Administration office, the Tribal Clerk will turn over the keys to all ballot boxes, but no ballot box may be opened until all of the ballot boxes have arrived on site.
- (3) After opening all ballot boxes, the Tribal Clerk and her designee, along with the Aroostook County Deputy Sheriffs will verify that the number of completed ballots in each box and match that number with the number of signatures on the poll sign-in sheet.
- (4) The Aroostook County Deputy Sheriff will remove the ballots, one at a time and read the results aloud. The Tribal Clerk, her designated assistant, and the other Aroostook County Deputy Sheriff will each have a tally sheet prepared by the Tribal Clerk and will record the votes as announced.
- (5) Members of the Aroostook Band of Micmacs may observe the ballot tally but they will not be allowed to disrupt the process. If anyone disrupts the counting process, the Tribal Clerk has the authority to have that person removed.
- (6) Once the vote tally has been completed and verified by the Tribal Clerk, the results will be posted on the front door of the Administration building. This posting will be in descending order by the highest number of votes received and then will be reported to the local media. A cell phone voice mail will be created before the election as a way for Tribal members to call for election results.

SECTION 6. ELECTION OF TRIBAL COUNCIL

G. General Qualifications

Any member of the Aroostook Band of Micmacs may be a candidate for Tribal Chief, Vice-Chief, or Tribal Council provided they meet the following qualifications in accordance with the Constitution/Bylaws.

(1) Tribal Council

Any person nominated for Tribal Council must be a member of the Aroostook Band of Micmacs, must be 18 years old on the day on Election, and must reside in Aroostook County one (1) year prior to nominations.

(2) Tribal Chief/Vice-Tribal Chief

Any person nominated for Tribal Chief or Vice Chief must be a member of the Aroostook Band of Micmacs, must be 30 years old on the day on Election, and must reside in Aroostook County one (1) year prior to nominations.

H. Term of Office

Upon adoption of this Election Ordinance in 2013, the Aroostook Band of Micmacs will adopt staggered terms for the Tribal Council in order to ensure stability for the government and in turn, ensuring stability for the community.

(1) Tribal Chief

The term office for the Tribal Chief is four (4) years.

(2) Vice-Chief

The term of office for the Vice Chief is four (4) years.

(3) Tribal Council

Upon adoption of the Election Ordinance in 2013, the first three (3) candidates to be elected to Tribal Council shall serve four (4) year terms of office. The final four (4) candidates elected to Tribal Council shall serve two (2) year terms of office. In the event of a tie, the candidates shall be seated alphabetically by last name with the other candidates being moved to either a two (2) year term or alternate.

(4) In 2013, the seven (7) candidates with the highest number of votes after the successful candidates shall be designated as alternate and may be selected to fill Tribal Council vacancies in descending order based upon the number of votes received.

(5) In 2015, only the positions of the four (4) Tribal Council members elected to two (2) year terms under (3) above will be subject to election for four (4) year terms with the top four (4) unsuccessful candidates being designed as alternates as per (4) above. (See chart on Pg 13)

- (6) In 2017, the Tribal Chief, the Vice-Chief, and the three (3) Tribal Council positions elected in 2013 will be subject to election for four (4) year terms. (See chart on Pg 13)

I. Vacancies

Any officer may resign at any time by giving at least two (2) weeks written notice to the Tribal Council. In the event that the Tribal Chief is unable to complete his or her term, the Vice-Chief shall and will complete the remaining term as Tribal Chief. The remaining Tribal Council shall nominate and elect by written ballot who among the Tribal Council shall take the position as Vice-Chief.

In the event of a vacancy on Tribal Council, the alternate who received the highest amount of votes during the election will be offered the vacant seat for the duration of the Tribal Council members' term. If that alternate is unavailable or unable to fill the vacancy, the next alternate will be selected.

SECTION 7. ELECTION DAYS, VOTING HOURS, AND POLL LOCATION

- A} **Date of Election**
The election date is the second (2nd) Tuesday in May.
- B} **Election Hours**
Polls will be held the hours of 9 a.m. – 7 p.m. in three (3) locations.
- C} **Poll Locations**
The locations are Houlton, Caribou and Presque Isle.

SECTION 8. INSTALLATION OF SUCCESSFUL CANDIDATES

A newly elected Tribal Chief, Vice-Chief and Tribal Council members will be sworn into office at the beginning of the second regular council meeting in May and will take office immediately. The outgoing Tribal Council will update the newly elected Tribal Council during the second regular meeting in May.

SECTION 9. CONTESTING THE ELECTION RESULTS

Any registered voter of the Aroostook Band of Micmacs may contest an election. That person must put his or her challenge in writing, together with the signatures of sixty (60) additional signatures from registered Tribal voters and deliver the challenge with the signatures to the Tribal Clerk, with a copy to the Aroostook Band of Micmacs Administration office. The written challenge must be received by the Tribal Clerk by the close of business on the Thursday following Election Day and the sixty (60) signatures are to be submitted by the close of business on the Friday following Election Day. The Tribal Clerk would verify all signatures that are signed and printed legibly to confirm if they are Tribal members.

The only acceptable basis for challenging an Election is a violation of the Constitution / Bylaws and/or fraudulent activity can be proven in regards to the Election process.

The Tribal Clerk will oversee a committee made up of five (5) registered voters that will be established during the nominations meeting. Those five (5) cannot be immediately related to any member running for office. This committee will meet and decide on the validity of the petition by the close of business on the Wednesday following the receipt of the challenge. The committee's decision is final, along with a written explanation of the findings.

SECTION 10. RECALL

A. Recall Procedure

For the reasons herein, an elected official may be subject to a recall vote of the Tribal membership. To initiate a recall a Tribal voter must submit to the Tribal Clerk a petition which must include signatures representing fifty (50%) percent of the votes cast in the last Tribal election. If the Tribal Clerk and the Election Dispute Committee that was selected during the primary election determines that there is sufficient justification, that the requisite number of signatures has been submitted and the validity of the recall; a recall vote shall be scheduled using the election process contained herein. This process would be validated within 15 days following the receipt of the petition.

B. Recall Basis

A recall process initiated pursuant to (A) above is sustainable if it meets the criteria below. The basis for a recall may only be;

Instances where it can be shown, by impartial evidence that, while in office, the subject official has;

1. Been convicted of a Class A, B, or C crime while in office as defined by State of Maine Statute or.
2. Been convicted of a crime of moral turpitude while in office (examples: theft, sexual abuse, etc.,).
3. Misuse or misappropriation of Federal, State, or Tribal funds and/or assets for personal gain or benefit.
4. Has taken an action that violates the Oath of Office and/or Code of Ethics.

CHART-SECTION 6H. TERM OF OFFICE

<u>2013</u>	<u>2015</u>	<u>2017</u>	<u>2019</u>
Chief (4 yrs)		Chief (4 yrs)	
Vice Chief (4 yrs)		Vice Chief (4 yrs)	
Tribal Council (4 yrs)		Tribal Council (4 yrs)	
Tribal Council (4 yrs)		Tribal Council (4 yrs)	
Tribal Council (4 yrs)		Tribal Council (4 yrs)	
Tribal Council (2 yrs)	Tribal Council (4 yrs)		Tribal Council (4 yrs)
Tribal Council (2 yrs)	Tribal Council (4 yrs)		Tribal Council (4 yrs)
Tribal Council (2 yrs)	Tribal Council (4 yrs)		Tribal Council (4 yrs)
Tribal Council (2 yrs)	Tribal Council (4 yrs)		Tribal Council (4 yrs)

* Every odd number of years there will be an election that will take place. This chart is an example of this process*