



Title XIII – Election Rules and Regulations

Alabama-Coushatta Tribe of Texas Comprehensive Codes of Justice

“Election Rules and Regulations”

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Title XIII – Election Rules and Regulations is comprised of Tribal statutes relevant to elections conducted by the Alabama-Coushatta Tribe of Texas.

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PREAMBLE

This Election Rules and Regulations Ordinance (“Election Ordinance”) is hereby established by the Alabama-Coushatta Tribal Council pursuant to the authority delegated by Article VIII, Section 5 of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas. The intent and purpose of this Election Ordinance is to establish procedures for fair elections and to ensure the secrecy and sanctity of Tribal ballots.¹

CHAPTER 1. TRIBAL ELECTION BOARD

Sec. 101. Authority

Pursuant to Article V, Section 10 of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, the Tribal Council delegates authority to a Tribal Election Board (“Board”), which shall have the authority to conduct Tribal elections and address matters pertaining to elections, in accordance with this ordinance.

Sec. 102. Appointment of Tribal Election Board

The Tribal Council shall appoint five (5) enrolled members of the Alabama-Coushatta Tribe of Texas to serve as the Tribal Election Board. In order to serve on the Board, an enrolled Resident member, as defined in Sec. 401 (a), must be eligible to vote in a Tribal election and shall not be a candidate for Tribal Council. The terms of the initial Board Members shall be staggered with two (2) Members serving for one (1) year, two (2) Members serving for two (2) years, and one (1) Member serving for three (3) years. The Tribal Council shall determine the initial number of years each Board Member will serve. After the initial appointment, Board Members shall serve staggered terms of three (3) years. The Tribal Council shall appoint the initial Board no later than June 30, 2026.

All Members may be eligible for re-appointment at the end of their term. When a Board Member’s term expires or a Board vacancy occurs, the Tribal Council shall appoint a new Member within sixty days of the vacancy.

An annual meeting of the Board shall be held on the first Tuesday in September. The Board shall then choose from its Members a Chairperson, a Vice-Chairperson, and a Secretary to serve in said roles for a calendar year. In the absence of any Board member, the minimum number of Members required to be present at any meeting of the Board shall be three (3).

Sec. 103. Duties & Responsibilities

It is the responsibility of the Election Board to ensure that Tribal Elections are conducted in a fair and expedient manner and that there is public confidence in the election process. To aid in this process, the following is to serve as a guide and should not be deemed

¹ Preamble revised on September 22, 2014, by Tribal Resolution #2014-65; revised on October 3, 2016, by Tribal Resolution #2016-68.

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all-inclusive of the appropriate and/or inappropriate conduct affecting the position of the Election Board.

(A) The **duties of the Tribal Election Board officers** shall be as follows:

1. The Chairperson shall conduct Board and public meetings, serve as a representative of the Board at official functions, and execute documents on behalf of the Board.
2. The Vice-Chairperson shall act on behalf of the Chairperson in the Chairperson's absence or if the position is vacant.
3. The Secretary shall record the minutes of each meeting and prepare an official version for review and adoption at the next meeting of the Board. In the absence of the Chairperson and Vice-Chairperson, the Secretary shall be authorized to conduct meetings.

(B) The **duties of the Board** shall be as follows:

1. Board members shall be responsible for overseeing all Tribal elections, enforcing all Election Rules and Regulations, and performing all administrative duties set forth in this Title.
2. Prior to assuming duties of the Election Board, Board members shall take an "Oath of Office" and fulfill all obligations as stated within.
3. Following appointment to the Board, Board members shall execute a "Confidentiality Agreement" and comply with all terms and conditions as stated within.
4. Board members shall not engage in electioneering, political discussions or unnecessarily delay a voter at the polling place.
5. Board members shall participate in the Certification of the Candidates.
6. The Board shall ensure that a minimum of two (2) Board Members are present at polling locations for voting in any election.
7. The Board shall provide ballots to the Elderly and/or infirmed, assist in the execution of those ballots when necessary, and return said ballots to the official ballot box.
8. The Board shall verify that persons wishing to cast a ballot are listed on the approved eligible voter list for the Tribe.
9. The Board shall ensure that a minimum of three (3) Board Members are present during the vote count until it is concluded, and a

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determination is made as to whether a candidate has received a majority vote, or if a Runoff Election is required, and who is eligible to be a candidate in the Runoff Election. A majority vote is defined in Section 801 of this Ordinance.

10. Only in the instance of a General Election, the Board shall prepare a “Certification of Candidacy” for any write-in candidate who has received an adequate number of votes that qualifies as a majority vote or for placement in a Runoff Election.
11. The Board shall prepare a “Certification of Election Results” for any General, Runoff, or Special Elections for submission to the Tribal Council.

Failure to fulfill the duties and responsibilities assigned as a Board Member, or to comply with the terms and conditions of the “Oath of Office,” “Confidentiality Agreement,” and/or “Code of Ethics” will result in action by the Tribal Council for immediate removal as a Board Member.

Sec. 104. Code of Ethics

Board Members shall comply with the terms and conditions of the following:

- (A) No person shall serve as a Board member if they are either a candidate for Tribal Council or elected to the Tribal Council.
- (B) No person shall serve as a Board Member during an election in which a member of the Board Member’s “immediate family” is a candidate in the election.

For this section, “immediate family” is considered a Spouse, Child(ren), Stepchild(ren), Parent, Stepparent, Grandparent, Siblings, Stepsiblings, and/or persons residing within the same household.

- (C) If a sitting Board Member, or a member of that Board Member’s immediate family as defined in subsection (B), becomes a candidate for Tribal Council in any Tribal election, that Board Member shall be immediately disqualified from participating in any duties or decisions of the Election Board for that election cycle.

Upon such disqualification, the Tribal Council shall promptly appoint a temporary replacement to serve in the place of the disqualified Board Member for that election cycle only. Upon completion of that election cycle, the original Board Member may resume service if otherwise eligible.

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(D) Board members shall not participate or engage in political activity or take an active part in the political campaign of a candidate, including but not limited to soliciting votes for that candidate, except to exercise a Board Member's right as a Tribal Member to express opinions privately and to cast votes as desired.

Sec. 105. Compensation

Board members shall be compensated for the time spent providing Board services at a rate to be determined by Tribal Council. Board Members who are employees of the Tribe shall be required to use Personal or Annual Leave while performing Board duties.

CHAPTER 2. TRIBAL ELECTIONS**Sec. 201. Annual Election**

The term "**Annual Election**" as referenced herein shall include all phases of the Annual election process, including Early Voting, General, Runoff, the Election of the Tribal Chairperson, and the swearing-in of candidates.²

Sec. 202. General Election³

In accordance with Article VIII, Section 1, of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, the Tribal General Election will be held annually on the **first Wednesday of November**. On the specified date, the positions of Tribal Council due to expire will each be elected for a **three (3) year term**. Due to the election cycles and staggered terms, Tribal Council seats to be filled shall be **two (2), two (2), and three (3)** on a repeating schedule.

Sec. 203. Early Voting

Every qualified voter of the Tribe, whose name appears on the approved List of Eligible Voters, shall be entitled to cast an Early Vote. The main purpose of Early Voting is to provide an opportunity for qualified voters, who for whatever reason may not be available for the General, Runoff, or Tribal Council Chairperson Election, to cast a vote. Early Voting is conducted on the Saturday prior to the scheduled election date.⁴

² Sec. 301 revised on October 3, 2016 by Tribal Resolution #2016-68.

³ Sec 101, and all related references throughout the Election Ordinance, revised on July 11, 2022, by Tribal Resolution #2022-61, changing "Primary Election" to "General Election."

⁴ Sec. 403 revised on October 17, 2016 by Tribal Resolution #2016-75.

Title XIII – Election Rules and Regulations/C.C.J.**Sec. 204. Runoff Elections**

A Runoff Election is required when the Tribal Election Board is unable to determine appointment to the Tribal Council due to more than one of the top candidates receiving the same number of votes. If a Runoff Election is required, it shall be held within fourteen (14) calendar days from the date of approval of the Certification of Election Results.

Sec. 205. Election of the Tribal Chairperson

In accordance with Article V, Section 4 of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, after the Annual Election for membership on the Tribal Council has been certified, the eligible voters of the Tribe will elect a Chairperson of the Tribal Council from the seven (7) elected members of the Tribal Council. The Chairperson shall be determined to be the member receiving the highest number of votes cast and will serve until the next Annual Election.⁵

CHAPTER 3. SPECIAL ELECTIONS**Sec. 301. Special Elections**

In accordance with Article VIII, Section 2, of the Alabama-Coushatta Tribe of Texas Constitution and By-Laws ***“Special Elections shall be held when called for by the Tribal Council, by the Constitution or by the voters as provided for in the Constitution.”*** Sections 302 and 303 of this Election Ordinance shall be considered as Special Elections.

If a Special Election is necessary, the Tribal Election Board may shorten any timelines applicable to the Annual and Runoff Elections to meet the needs of the specified Special Election.”⁶

Sec. 302. Tribal Council Vacancies

In accordance with Article IX, Section 2 of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, the Tribal Council shall have the power to fill vacancies created by reason of death, removal from office, resignation, or otherwise until the next General Election.

Sec. 303. Recall Election

The power to recall any elected Tribal Council Member, who is in the second calendar year or later of said member’s present term, is specifically reserved to the eligible voters of the Tribe. Only one Tribal Council Member shall be considered for recall in any given election, and no Tribal Council Member may be recalled unless at least thirty (30) percent of

⁵ New Sec. 601 originally Sec. 501 added on September 23, 2014, by Tribal Resolution #2014-65; revised to Sec. 601 on October 3, 2016, by Tribal Resolution #2016-68.

⁶ Sec. 404A added on January 23, 2012, by Tribal Resolution #2012-11; revised on September 23, 2014, Tribal Resolution #2014-65.

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Eligible Voters who voted in the immediate prior Annual Election sign the petition and a majority of those voting cast their ballot in favor of recall. ⁷

CHAPTER 4. VOTER QUALIFICATIONS & ELIGIBLE VOTER LIST**Sec. 401. Persons Qualified to Vote**

As provided by **Article VIII, Section 3. Eligible Voters**, of the **Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas**, the eligible voters of the Alabama-Coushatta Tribe of Texas are:

- “(a) All Resident Tribal members who are eighteen (18) years or older and who have maintained continuous residence within the territory of the Tribe, as defined in Article I, Section 1 of this Constitution, for a period of six (6) months prior to the date of any election, are eligible to vote in both the Annual Election of the Tribe or any Special Election; and*
- (b) All Non-Resident Tribal Members who are eighteen (18) years or older are eligible to vote only in the Annual Election of the Tribe or as provided for in this Constitution.”*

Every qualified voter of the Tribe whose name appears on the approved List of Eligible Voters shall be entitled to vote.

Each voter shall be entitled to cast multiple votes – one vote each for the same number of candidates as there are Tribal Council positions to be filled. Where two Tribal Council positions are to be filled, each voter may cast one vote each for two different candidates; where three Tribal Council positions are to be filled, each voter may cast one vote each for three different candidates.

Sec. 402. List of Eligible Voters

The Tribal Enrollment Officer shall be responsible for maintaining a current **“List of Eligible Voters”**. This list shall be presented to the Tribal Council for approval as the official list for the current election and posted at least thirty (30) calendar days prior to the election.

Upon approval by the Tribal Council, the Tribal Enrollment Officer shall provide the list to the Tribal Election Board and have it available in the Tribal Enrollment Office. The Tribal Enrollment Officer shall also post the list in the Cultural Center.

It is the personal responsibility of each Tribal member who meets the voter qualifications as defined herein to verify placement of their name on the list. Qualified persons whose names are not reflected on the list must contact the Tribal Enrollment Officer and submit the necessary documentation to be included on the list at least five (5) calendar

⁷ Sec. 404E added on October 3, 2016, by Tribal Resolution #2016-68.

days prior to Early Voting. The Tribal Enrollment Officer shall present the name of the person to the Tribal Council for approval to be placed on the List of Eligible Voters.⁸

CHAPTER 5. CANDIDATE QUALIFICATIONS AND NOMINATION PROCESS

Sec. 501. Qualifications of Candidates

In accordance with **Article VIII, Section 4**, of the **Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas**, candidates for the position of Tribal Council shall:

1. Be a resident member of the Tribe, as defined in Article II, Section 7 of the Constitution, which states, ***“All enrolled members of the Alabama-Coushatta Tribe of Texas living on the territory of the Tribe, as defined by Article I, Section 1 of the Constitution, with the intent to make the Territory their fixed and permanent home, shall be considered Resident Tribal Members”;***
2. Is no less than twenty-five (25) years of age, and;
3. Has maintained continuous residence within the territory of the Tribe, as defined in Article 1, Section 1, for no less than one (1) year preceding the date of the Annual Election.⁹

Sec. 502. Notice of Nomination Meeting & Election Date

Candidates for the position of Tribal Council are selected by nomination at a Tribal Council Nomination Meeting (“Nomination Meeting”) scheduled annually at least thirty (30) calendar days prior to the General Election. The Tribal Election Board shall issue a Public Notice for a “Tribal Council Nomination Meeting” at least fourteen (14) calendar days before the date of a Nomination Meeting. This Notice shall be posted at the Cultural Center and delivered to each Tribal residence on the Reservation. The Notice shall state the date, time, and location of the Nomination Meeting, and set forth the election date and the respective offices to be filled.

A “Notice of Runoff Election” shall contain the same information and be posted and delivered in the same manner.¹⁰

Sec. 503. Nomination Meeting

The Board shall create an agenda for the Nomination Meeting. During the Nomination Meeting, the Board shall:

⁸ Sec. 302 revised on January 23, 2012, by Tribal Resolution #2012-11; revised on September 23, 2014, by Tribal Resolution #2014-65; revised on October 3, 2016, by Tribal Resolution #2016-68.

⁹ Sec. 201 revised on September 23, 2013, by Tribal Resolution #2013-69; revised on September 23, 2014, by Tribal Resolution #2014-65; revised on October 3, 2016, by Tribal Resolution #2016-68.

¹⁰ Sec. 104 revised on September 23, 2014, by Tribal Resolution #2014-65; revised on October 3, 2016, by Tribal Resolution #2016-68.

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1. Announce the expiring Tribal Council seats.
2. Request and record the nomination of candidates as presented by Tribal members in attendance.
 - a. Only Tribal members who are eligible to vote shall be allowed to make a nomination.
 - b. Nominations shall be limited to one (1) per Tribal member.
 - c. No Tribal member shall nominate their own self as a candidate for Tribal Council.
3. Ensure that everyone in attendance who wants to make a nomination has done so.
4. Announce the date for the General Election.

CHAPTER 6. CANDIDATE CERTIFICATION AND OFFICIAL BALLOT**Sec. 601. Certification of Candidacy**

Within five (5) calendar days following the Nomination Meeting, the Tribal Election Board shall meet to review and determine whether the nominated candidates meet the required qualifications as defined in **Section 501** of this Ordinance. All candidate information shall be verified by the Tribal Enrollment Officer. A “**Certification of Candidacy**” form, a sample of which is attached as Addendum A, shall be completed and signed by the Tribal Enrollment Officer and the Board Chairperson, or designated Member of the Board.

The Certification of Candidacy form shall then be signed by the candidate, signifying their acceptance as a candidate. The form shall then be presented for acceptance at the next Tribal Council Meeting.

Sec. 602. Approval of Official Ballot

Following acceptance of all Certification of Candidacy forms, a sample of the **Official Ballot** for the current election year shall be presented to the Tribal Council for approval. Upon approval, the sample ballot shall be distributed to Tribal residences, posted at approved Tribal facilities, and/or any other means as determined appropriate within five (5) calendar days.

An opportunity for candidates to be added by write-in is allowed during the General Election. No additional write-in candidates will be accepted during a Runoff Election, and any votes received for write-in candidates will not be counted.

Title XIII – Election Rules and Regulations/C.C.J.**CHAPTER 7. CONDUCTING OF ELECTIONS****Sec. 701. Polling Location**

The Alabama-Coushatta Tribe Cultural Center shall be the polling site for every General, Runoff, and Special Election, including any Early Voting that takes place. Unless otherwise designated, the Tribal Council Chambers shall be the area for voting. The polling place shall open at 7:00 a.m. and remain open continuously until 7:00 p.m.

A minimum of two (2) Tribal Election Board Members must be present at the polling place at all times while voting is being conducted.

Sec. 702. Ballots & Ballot Box

The same ballot box shall be utilized for all votes cast. At all times, unless otherwise specified herein, the box shall be kept in a secure location within the Tribal Treasury Office. The Board Chairperson, or designated Member of the Board, shall keep the key in their possession. The box shall be constructed with an opening in the top through which a ballot may be inserted and in such a manner that the box must be unlocked before the ballots can be removed.¹¹

Sec. 703. Electioneering Prohibited

No person shall be allowed to electioneer within three hundred (300) feet of any ballot box while an election is in progress. Electioneering shall include, but is not limited to, the posting of signs, verbal discussion of candidates and/or election, and displaying and/or exchanging voter/voting-related written material.¹²

Sec. 704. Verification/Signing of Voter List

Tribal members appearing at the designated polling place to cast their vote should inform the Board Members of their name. The Board Members shall then check the List of Eligible Voters to verify that the person is eligible to vote.¹³

Board Members may request the identification of persons wanting to vote in order to verify their identity. Forms of identification that may be requested include an Alabama-Coushatta Tribe of Texas Enrollment Card, a valid state identification card or driver's license, a passport, or another State or Federal identification card.¹⁴

¹¹ Sec. 402 revised on October 3, 2016, by Tribal Resolution #2016-68.

¹² Sec. 406 Revised on October 3, 2016, by Tribal Resolution #2016-68.

¹³ Sec. 408 revised on October 3, 2016, by Tribal Resolution #2016-68.

¹⁴ Sec. 409 amended on July 11, 2022, by Tribal Resolution #2022-61, replacing the term "C.D.I.B. card" with "Alabama-Coushatta Tribe of Texas Citizenship Card."

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Upon verification of eligibility and identity, the Tribal member shall then sign the voter list and be issued a ballot.

Sec. 705. Issued Ballots

Numbered paper ballots shall be utilized for voting purposes in all Tribal elections. Each voter shall vote only by the ballot issued to him/her by the Board Members. In a General Election, each voter shall be entitled to cast multiple votes – one vote each for the same number of candidates as there are Council positions to be filled. Where two Council positions are to be filled, each voter may cast one vote each for two different candidates; where three Council positions are to be filled, each voter may cast one vote each for three different candidates.

Once issued a ballot, the voter shall remain in the immediate polling area until they have submitted their ballot. Exceptions to this requirement are stated in **Section 706**.¹⁵

Sec. 706. Special Provisions for the Elderly and/or Infirm

Ballots may be personally delivered to qualified voters who are elderly and/or infirmed on the date of and during the regular polling hours designated for a General, Runoff, or Special Election, by the following options:

(A) Ballots Delivered to Tribal Residences

For the purposes of this Section, residence is defined as the place where the Tribal member is living or regularly staying at the time the request that a ballot be delivered is made. Ballots may be delivered to a Resident elderly and/or infirm Tribal member under the following conditions:

1. The Tribal member's name appears on the approved List of Eligible Voters; and
2. The Tribal member has submitted a verbal request to the Tribal Election Board requesting a ballot be delivered to a residence located on Tribal lands prior to the election date; and
3. Because of age and/or infirmity, they are unable to be physically present at the designated polling place to cast their vote or are physically unable to perform the act of voting.

For the purposes of this Section, a physical disability is defined as a physical condition that affects a person's physical capacity, such as mobility, vision, stamina, or dexterity.

¹⁵ Sec. 407 revised on October 3, 2016, by Tribal Resolution #2016-68; revised on October 17, 2016, by Tribal Resolution #2016-75.

(B) Ballots Delivered Curbside

Ballots may be delivered to an elderly and/or infirm Tribal member curbside on the election date under the following conditions:

1. The Tribal member's name appears on the approved List of Eligible Voters; and
2. On the election date, the Tribal member requests to the Tribal Election Board to vote curbside at the polling location; and
3. Because of age and/or infirmity, they are unable to be physically present at the designated polling place to cast their vote or are physically unable to perform the act of voting.

For those voters eligible for assistance under this Section, ballots shall be delivered by at least two (2) Board Members who shall witness the vote being cast and will return the ballot for deposit into the official ballot box. The Board Members may assist an eligible voter by reading the ballot aloud and marking it as directed by the voter. The Board Members may be requested to attest to an eligible voter's action and any assistance provided by the Board Members.¹⁶

Sec. 707. Provisional Votes

If an individual appears at the polling place to vote and their name does not appear on the approved List of Eligible Voters, the Election Judges shall contact the Tribal Enrollment Officer immediately to verify the eligibility of the individual. If the Enrollment Officer is not available, the individual shall be offered the opportunity to cast a provisional vote. Once the individual has marked the ballot provided to them, the provisional vote shall be placed in an envelope clearly marked Provisional Vote and secured by the Election Judges at the time it is cast. Prior to the counting of ballots, the Election Judges shall verify the eligibility of the individual who casts the provisional vote by consulting with the Tribal Enrollment Office and reviewing the applicable enrollment records.

¹⁶ Sec 405 amended on July 11, 2022, by Tribal Resolution #2022-61, defining the term "physical disability" and stating what actions the Election Judges may take to assist elderly or infirm voters. It further was amended to limit the accommodations provided to Tribal Citizens physically present within the boundaries of the Reservation lands of the Tribe on the date of and during the regular polling hours of any General, Runoff or Special Election.

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If the Election Judges determine that the individual was an eligible voter at the time of the election, the provisional vote shall be removed from the envelope and counted with the official ballots. If the Election Judges determine that the individual was not an eligible voter, the provisional ballot shall not be counted, and the envelope shall remain unopened and be retained with the election records.

**CHAPTER 8. PROCEDURE FOR COUNTING BALLOTS AND CERTIFYING
ELECTION RESULTS**

Sec. 801. Procedure for Counting

Once the polls close, a vote count shall be conducted by and in the presence of the Tribal Election Board Members only, except for Members who have been recused from conducting duties. Counting for all elections shall be continued without adjournment until completed.

All Board Members shall be present during the opening of the ballot box. One (1) Board Member shall read the name(s) of the candidates marked on the ballot out loud, and one (1) Board Member shall confirm the name(s) of the candidates marked on the ballot out loud. The remaining three (3) Board Members shall tally votes on separate official tally sheets. The tally shall continue until each person tallying has the same count for each candidate.

If one or more candidates receive a majority of the votes cast in the General Election, the candidate(s) shall be declared elected. In determining a majority vote for a position of Tribal Council, candidates with the highest number of all votes cast will be elected to the open/vacant positions.

Sec. 802. Posting of Election Results

At the conclusion of the vote count, the Board shall post the **“Unofficial Results of the Election”** in the front window of the Cultural Center. The results may also be posted via other approved means of communication, i.e. Tribal Blackboard, Tribal website, etc.

Sec. 803. Certifying Vote

At the conclusion of all elections (General, if applicable, Runoff, or Special Election) and after the Period discussed in Chapter 9 has elapsed, the Board shall complete and execute a **“Certification of Election Results”** form for submittal and approval by the Tribal Council at the next scheduled Tribal Council meeting. The Certification of Election Results Form is attached as Addendum B.¹⁷

¹⁷ Sec. 412 revised on October 17, 2016, by Tribal Resolution #2016-75.

Title XIII – Election Rules and Regulations/C.C.J.**Sec. 804. Retention of Ballot Boxes and Election Results**

All ballots and materials used to conduct the Election shall be placed in the ballot box immediately after the count is completed. The box shall be locked and secured with the Tribal Treasury Office for thirty (30) calendar days or, if required, until a Runoff Election is held. After expiration of this time period and/or completion of the Runoff Election, the box, ballots, tally of each election, and the results thereof shall be retained in the permanent records in the Tribal Records Department.¹⁸

Sec. 805. Retention of Election Records and Papers

The Tribal Records Department shall retain and preserve all election records from the date of an election for three years, at which point said records shall be destroyed by either shredding or incineration. The Tribal Records Department shall also upload the election records and papers to a digital format.¹⁹

CHAPTER 9. DISPUTES OVER THE OUTCOME OF AN ELECTION²⁰**Sec. 901. Authority**

Pursuant to Article V, Section 10 of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, the Tribal Council delegates to the Tribal Election Board the authority to decide all disputes arising during and concerning the election process. Decisions of the Election Board shall be appealable to the Tribal Court. The decision of the Tribal Court shall be final with no further right to appeal.²¹

Sec. 902. Election Protests²²

Candidates may initiate an election protest within two (2) calendar days following the election date (“Protest Period”). All election protests shall be filed in writing with the Tribal Election Board by 5:00 p.m. on the second calendar day.

Written protests submitted to the Tribal Election Board shall include the following: the protesting candidate’s name, address, enrollment number, and, with specificity, the reason(s) he/she wishes to contest the election. If requested by the protesting candidate, a recount shall only be conducted if five (5) or less votes separate the candidate seeking the recount from the prevailing candidate. Any candidate seeking a recount shall be required to pay expenses arising from the recount, regardless of the outcome of the recount.

¹⁸ Sec. 413 revised on October 3, 2016, by Tribal Resolution #2016-68.

¹⁹ Sec. 415 added on July 11, 2022, by Tribal Resolution #2022-61.

²⁰ Chapter 5 Title revised on October 3, 2016, by Tribal Resolution #2016-68.

²¹ New Sec. 501 added on October 3, 2016, by Tribal Resolution #2016-68.

²² Sec. 502 amended on July 11, 2022, by Tribal Resolution #2022-61, clarifying the procedures for initiating and conducting a recount.

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Immediately following the close of the Protest Period and upon receiving a written protest of an election, the Election Board shall gather facts relevant to the allegations outlined in the protest. The Election Board shall render its written decision regarding the protest by 5:00 p.m. within three (3) calendar days of receiving a written protest. A copy of the written decision shall be sent to the protesting candidate. Additionally, a copy of the Election Board's written decision shall be filed in the election materials and may be posted for Tribal Member review.²³

Sec. 903. Appeal

A notice of appeal of the Election Board's decision may be filed with the Tribal Court by the protesting candidate. The appeal shall be filed within one (1) business day of the delivery of the Election Board's written decision. The appeal shall be in writing and state the grounds for the appeal.

The Tribal Court shall hold a hearing within two (2) business days of receiving a notice of appeal to decide whether or not to uphold the Election Board's decision.

The Tribal Court shall render its decision on the appeal within one (1) business day of the conclusion of the hearing by 5:00 p.m. The decision shall be in writing and state the grounds for reversing or upholding the Election Board's decision. The decision of the Tribal Court shall be final and non-appealable.

CHAPTER 10. ELECTION OF TRIBAL COUNCIL CHAIRPERSON²⁴

Sec. 1001. Authority

In accordance with Article V, Section 4 of the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, after the Annual Election for membership of the Tribal Council has been certified, the eligible voters of the Tribe will elect a Chairperson of the Tribal Council from the seven (7) elected members of the Tribal Council. The Chairperson shall be determined to be the member receiving the highest number of votes cast and will serve until the next Annual Election.²⁵

Sec. 1002. Request for Consideration as Tribal Council Chairperson

Within one (1) calendar day following approval of the Certification of Election Results for the General Election, or Runoff if necessary, the Tribal Election Board shall present a **"Petition to Participate in Tribal Chairperson Election"** form (attached as addendum D) to the existing and newly elected members of the Tribal Council. Should any of said Tribal

²³ New Sec. 502 added on October 3, 2016, by Tribal Resolution #2016-68; Revised on October 17, 2016, by Tribal Resolution #2016-75.

²⁴ New Chapter 6 originally Chapter 5 added on September 23, 2014, by Tribal Resolution #2014-65; revised to Chapter 6 on October 3, 2016, by Tribal Resolution #2016-68.

²⁶ Sec. 602 revised on October 17, 2016, by Tribal Resolution #2016-75.

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Council members choose to participate in the election for Tribal Chairperson, they shall submit the form to the Board Chairperson by 5 pm within two (2) calendar days.

The Election Board shall post a list of candidates for the election of Tribal Council Chairperson by noon on the seventh calendar day, excluding holidays, following approval of the Certification of the Election Results, along with a date for the Election of the Tribal Council Chairperson. The election of the Tribal Chairperson shall be held within thirty (30) calendar days from the date of approval of the Certification of Election Results. A sample ballot shall be distributed to Tribal residences and posted at approved Tribal facilities and/or by any other means as determined appropriate.

Where no specific Tribal Council Member opts in to be considered for Tribal Council Chairperson, all seven (7) Tribal Council members will be placed on the ballot for consideration by the eligible voters. The Tribal Council member who receives the highest number of votes cast by the eligible voters of the Tribe shall be elected as Tribal Council Chairperson.

If only one (1) Tribal Council Member opts to be considered for Tribal Council Chairperson, the Election Board shall present, at the next Tribal Council meeting, a Certification of Election Results stating that the one (1) candidate ran unopposed.²⁶

Only Tribal Council Members who have properly submitted a Petition to Participate in Tribal Chairperson Election form shall be eligible to receive votes in the election for Tribal Council Chairperson. Write-in candidates shall not be permitted, and any votes cast for individuals whose names do not appear on the Official Ballot shall not be counted.

CHAPTER 11. DEVIATION FROM TIME FRAMES

At the request of the Chairperson of the Tribal Election Board, the Tribal Council may authorize the deviation from any of the time frames set forth in this ordinance if the Council finds that such deviation is justified on the basis of exigent circumstances. To take said action, the Tribal Council must pass a Resolution detailing the factors requiring the action and setting forth the substitute time frames.

In the case of war, natural or man-made disaster, pandemic, or other emergency conditions or circumstances which makes it impossible for voters to exercise their right to vote, the Tribal Council, pursuant to Article VI, Section 1(j), may either postpone any election authorized under this Ordinance to a later date or make temporary modifications to the election rules set forth in this Ordinance to allow voters to safely exercise their right to vote. The Tribal Council shall do so by Tribal Council Resolution. In the event of postponement, the Board shall reschedule the election date as soon as practicable.²⁷

²⁶ Sec. 602 revised on October 17, 2016, by Tribal Resolution #2016-75.

²⁷ Sec. 416 added on July 11, 2022, by Tribal Resolution #2022-61.

Title XIII – Election Rules and Regulations/C.C.J.**CHAPTER 12. OATH OF OFFICE****Sec. 1201. Oath of Office**

All persons selected to fill the vacated Tribal Council positions during the Annual Election shall be sworn in and take office at the first regular scheduled Tribal Council meeting in January.

Persons selected to fill a vacated Tribal Council position in a Special Election will be sworn in and take office at the first regular scheduled Tribal Council meeting following the conclusion of that election.

It shall be the duty of the Tribal Chiefs to administer the Oath of Office to all newly appointed and/or re-elected Tribal Council members. A sample Oath of Office is attached as Addendum C.²⁸

²⁸ Sec. 414 revised on January 23, 2012, by Tribal Resolution #2012-11; Revised on October 3, 2016 by Tribal Resolution#2016-68

ADDENDUM A – Certification of Candidacy
CERTIFICATION OF CANDIDACY

Name of Candidate:				
Address:				
Election Date:				
	Is		Is Not	At least twenty-five (25) years of age.
	Is		Is Not	A Resident member of the Alabama-Coushatta Tribe as defined in Article II, Section 7 of the Constitution and By-Laws.
	Has		Has Not	Maintained continuous residence within the territory of the Tribe, as defined in Article I, Section 1 of the Constitution and By-Laws, for no less than one (1) year preceding the date of the Annual Election.

Pursuant to the documentation stated above, the candidate:

	DOES meet the qualifications for candidacy as stipulated in the Constitution.
	DOES NOT meet the qualifications for candidacy as stipulated in the Constitution.
	Candidate ACCEPTS the nomination and declares his/her intent for candidacy in the upcoming election. Signature of Candidate:
	Candidate DECLINES the nomination and officially withdraws his/her name from candidacy in the upcoming election. Signature of Candidate:
Date:	Signature: Election Board Chairperson:
Signature: Election Board Member:	Signature: Election Board Member:
Signature: Election Board Member:	Signature: Election Board Member:
Date:	
Signature: Tribal Enrollment Officer:	Signature: Board Chairperson:

ADDENDUM B – Certification of Election Results
CERTIFICATION OF ELECTION RESULTS

Name of Candidate	Total Votes	Elected	Eligible for Runoff Election

Total Votes of All Candidates:	Total Votes Cast:
Date:	Time:
Signature: Election Board Chairperson:	
Signature: Election Board Member:	Signature: Election Board Member:
Signature: Election Board Member:	Signature: Election Board Member:

ADDENDUM C - Oath of Office
OATH OF OFFICE

I, _____, hereby swear or affirm that I accept the office of **TRIBAL COUNCIL** and shall perform duties of this office to the best of my abilities and skills in accordance with the Constitution and By-Laws of the Alabama-Coushatta Tribe of Texas, so help me God.

Signature of Tribal Council Member

Signature of Administering Officer

Name of Tribal Council Member

Name of Tribal Council Member

Date

Date

ADDENDUM D – Petition To Participate In Tribal Chairperson Election
PETITION TO PARTICIPATE IN TRIBAL CHAIRPERSON ELECTION

CHIEF ELECTION JUDGE

Name

Address

I, _____, elected Tribal Council Member, formally request
(Print Full Name)
that my name be placed on the Official Ballot to be considered for the Tribal Chairperson
position. If elected, I agree to accept the position and fulfill the requisite duties as Tribal
Chairperson to the best of my abilities and skills in accordance with the Constitution and
By-Laws of the Alabama-Coushatta Tribe of Texas, so help me God.

Signature of Tribal Council Member

Date

ADDENDUM E – Protest Period Calendaring
PROTEST PERIOD CALENDARING FOR THE ANNUAL ELECTION

DATE	EVENT	CITATION
	Election Date	Constitution Article VIII, Section 1
	5pm Deadline to file Protest with Election Judges	Election Ordinance Section 902
	Protest Candidate Hearing Before Election Judges	Election Ordinance Section 902
	5pm Deadline for Election Judges' written decision	Election Ordinance Section 902
	5pm Deadline for Protest Candidate to file Appeal with Tribal Court	Election Ordinance Section 903
	Protest Candidate Appeal Hearing Before Tribal Court	Election Ordinance Section 903
	5pm Deadline for Tribal Court's written decision	Election Ordinance Section 903
	Election Judge's Certification of Election Results submitted before Regularly scheduled Tribal Council Meeting	Election Ordinance Section 803
	5pm Deadline for Tribal Chairperson Candidates to file written notification of intent with Election Judges	Constitution Article V, Section 4 and Election Ordinance Section 1002
	Early Voting for Tribal Chairperson	Election Ordinance Section 1002
	Election Date for Tribal Chairperson	Election Ordinance Section 1002

ADDENDUM F
ALABAMA-COUSHATTA TRIBE OF TEXAS UNOFFICIAL ELECTION RESULTS

Election Type: _____
(General/Runoff/Special/Tribal Council Chairperson)

Election Date: _____

Polling Location: _____

Date Posted: _____

Time Posted: _____

VOTE TALLY

Candidate Name

**Total Votes
Received**

Total Ballots Cast: _____

Total Provisional Ballots (if any): _____

Provisional Ballots Counted: _____

Provisional Ballots Not Counted: _____

NOTICE

These results are **UNOFFICIAL** and are posted for informational purposes only. The results remain subject to the Protest Period and certification process in accordance with the Election Rules and Regulations of the Alabama-Coushatta Tribe of Texas. Official results will be finalized upon completion of all required procedures and approval of the Certification of Election Results.

Election Board Chairperson: _____

Signature: _____

Election Board Member: _____

Election Board Member: _____

Election Board Member: _____

Election Board Member: _____