

**TRADITIONAL  
COUNCIL**

**CHAIRMAN**

Estavio Elizondo, Sr., Menikapah

**SECRETARY**

Freddie Hernandez, Sr., Kisakodita

**TREASURER**

David Treviño, Wapikaoda

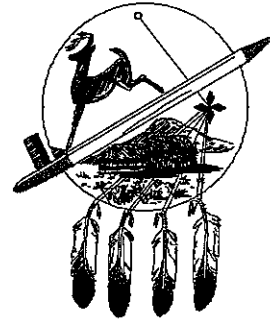
**MEMBERS**

Kendall Scott, Sr., Metaa

Daniel Gonzalez, Sr., Pietanakaaka

**KICKAPOO  
TRADITIONAL  
TRIBE OF TEXAS**

2212 Rosita Valley Rd.  
Eagle Pass, Texas 78852



**TRIBAL COUNCIL**

**RESOLUTION No. 2025-005**

**RESOLUTION DULY ADOPTED BY THE KICKAPOO TRADITIONAL COUNCIL**

**APPROVING AND ADOPTING THE  
THIRD AMENDED ELECTION ORDINANCE**

**WHEREAS,** The Kickapoo Traditional Tribe of Texas ("Tribe") is an Indian tribe organized under Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), codified at 25 U.S.C. 476, et seq., and under the Tribal Constitution, which was approved by the United States Secretary of Interior on July 11, 1989; and

**WHEREAS,** The Traditional Council of the Tribe ("Tribal Council") is the governing body of the Tribe as specified under Article III, Section I, of the Tribal Constitution; and

**WHEREAS,** The Tribal Council has the powers necessary to act for the Tribe and to represent the Tribe in all matters under powers vested in it by Article VII of the Tribal Constitution; and

**WHEREAS,** The Tribal Council has the power to appoint officials, committees, boards, and commissions, and delegate responsibilities thereto, as may be required; and

**WHEREAS,** On February 27, 2024, the Tribal Council amended and enacted the Kickapoo Traditional Tribe of Texas Election Ordinance which rescinds and repeals all prior versions thereof; and

**WHEREAS,** The Tribal Council has created the Kickapoo Traditional Tribe of Texas Third Amended Election Ordinance to better establish standards and regulations in the election process; and

**WHEREAS,** The Tribal Council hereby wishes that the Kickapoo Traditional Tribe of Texas' Third Amended Election Ordinance rescinds and repeals all prior versions of the Election Ordinance thereof; and


**WHEREAS,** The Tribal Council wishes to approve and enact the Kickapoo Traditional Tribe of Texas Third Amended Election Ordinance; and

**WHEREAS,** The Tribal Council finds that it is in the best interest of the Tribe, to approve and enact the Kickapoo Traditional Tribe of Texas Third Amended Election Ordinance, in substantially the form attached hereto as Exhibit A.

**NOW THEREFORE, BE IT RESOLVED,** that the Tribal Council finds it in the best interest of the Tribe that the Kickapoo Traditional Tribe of Texas Third Amended Election Ordinance be amended and enacted as provided in Exhibit A; and **FURTHER BE IT RESOLVED,** that the proper officials of the Tribe be, and they hereby severally are, authorized, empowered, and directed, for, in the name of and on behalf of the Tribe, to execute all such further documents, certificates, or instruments, and to take all such further actions, as any such officer may deem necessary or desirable in order to carry out each of the foregoing resolutions and fully to effectuate the purposes and intents thereof, the taking of such action by such official or officials to be conclusive evidence of such authority and that all actions taken by the officials of the Tribe to date, in connection with the foregoing resolutions or otherwise, are hereby in all respects confirmed, ratified and approved in all respects; and **FINALLY BE IT RESOLVED,** that this resolution is effective immediately upon execution by the Tribal Council.


## ATTESTATION

We, the undersigned Kickapoo Traditional Tribal Council members acting in our official capacities as the governing body of the Kickapoo Traditional Tribe of Texas certify that the above resolution is a true and accurate resolution adopted at a meeting called and conducted on **January 16, 2025** at the Kickapoo Tribal Governmental offices located at 2212 Rosita Valley Road in Eagle Pass, Texas with a quorum being present. Each signatory below indicates his vote by circling his choice on Resolution No. 2025-005 as follows:

  
\_\_\_\_\_  
Estavio Elizondo, Sr. Council Chairman


☒ FOR / ☐ AGAINST

1-16-25  
Date

  
\_\_\_\_\_  
Freddie Hernandez, Sr., Council Secretary

☒ FOR / ☐ AGAINST

01/16/25  
Date

  
\_\_\_\_\_  
David Treviño, Council Treasurer

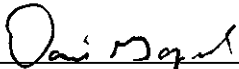
☒ FOR / ☐ AGAINST

1-16-25  
Date

\_\_\_\_\_  
Kendall R. Scott, Sr., Council Member

FOR / ☐ AGAINST

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Daniel Gonzalez, Sr., Council Member

☒ FOR / ☐ AGAINST

1-16-25  
Date


## CERTIFICATION

I, Freddie Hernandez, Sr., the Secretary of the Kickapoo Traditional Tribe of Texas Traditional Council, or designated agent, hereby certify that a duly called meeting of the Tribal Council was held and that Resolution No. 2025-005 was approved and enacted on **January 16, 2025**. The Traditional Council voted as follows:

<u>4</u>	in favor
<u>0</u>	opposed
<u>0</u>	abstained
<u>1</u>	absent

Freddie Hernandez, Sr., Secretary

By:

  
\_\_\_\_\_  
Signature

## EXHIBIT A

---

**KICKAPOO TRADITIONAL TRIBE  
OF TEXAS**

**THIRD AMENDED  
ELECTION ORDINANCE**

**Enacted by the Traditional Council on January 16, 2025**

**Effective as of January 16, 2025**

## TABLE OF CONTENTS

	Page
ARTICLE I. GENERAL PROVISIONS .....	1
ARTICLE II. DEFINITIONS .....	1
ARTICLE III. ELECTION BOARD .....	3
Section 3.1 <u>General Authority</u> .....	3
Section 3.2 <u>Appointment</u> .....	3
Section 3.3 <u>Term of Office</u> .....	3
Section 3.4 <u>Officers</u> .....	3
Section 3.5 <u>Appointment of Election Judges</u> .....	3
ARTICLE IV. ELIGIBILITY TO VOTE .....	4
Section 4.1 <u>Eligibility to Vote</u> .....	4
Section 4.2 <u>"Residency" Defined</u> .....	4
Section 4.3 <u>Computation of Period of Residence</u> .....	4
Section 4.4 <u>List of Eligible Voters</u> .....	4
ARTICLE V. ELIGIBILITY TO RUN FOR OFFICE .....	4
Section 5.1 <u>Eligibility to Run for Office</u> .....	4
Section 5.2 <u>Notice of Election</u> .....	5
Section 5.3 <u>Nominations</u> .....	5
Section 5.4 <u>Preliminary List of Certified Candidates</u> .....	6
Section 5.5 <u>Challenges to or by a Candidate</u> .....	6
Section 5.6 <u>Final List of Certified Candidates</u> .....	7
ARTICLE VI. EARLY VOTING.....	7
Section 6.1 <u>Eligibility</u> .....	7
Section 6.2 <u>Form Request</u> .....	7
Section 6.3 <u>Early Voting Procedures</u> .....	8
ARTICLE VII. BALLOTS AND VOTING.....	8
Section 7.1 <u>Preparation of Official Ballots</u> .....	8
Section 7.2 <u>Write-In Voting</u> .....	8
Section 7.3 <u>Ballot Boxes</u> .....	8
Section 7.4 <u>Hours of voting</u> .....	8
Section 7.5 <u>Manner of Voting</u> .....	9
Section 7.6 <u>Voters Needing Assistance</u> .....	9
Section 7.7 <u>Manner of Marking Ballots</u> .....	9
ARTICLE VIII. POLL WATCHERS.....	9

Section 8.1	<u>Selected by candidates</u>	9
Section 8.2	<u>Limitations on Poll Watchers Activity</u>	9
Section 8.3	<u>Challenging a Voter</u>	9
<b>ARTICLE IX. COUNTING OF BALLOTS</b>		<b>10</b>
Section 9.1	<u>Delivery of Ballot Box to the Election Board</u>	10
Section 9.2	<u>Counting the Ballots</u>	10
Section 9.3	<u>Intent of the Voter Controls</u>	10
Section 9.4	<u>Certification of Votes</u>	10
Section 9.5	<u>Posting of Election Results</u>	11
<b>ARTICLE X. CERTIFICATION AND RECOUNT</b>		<b>11</b>
Section 10.1	<u>Certification of Election</u>	11
Section 10.2	<u>Candidates Receiving the Highest Number of Votes Declared Elected</u>	11
Section 10.3	<u>Recount</u>	11
Section 10.4	<u>Tie Votes</u>	11
<b>ARTICLE XI. ELECTION CONTEST</b>		<b>11</b>
Section 11.1	<u>Who May Contest</u>	11
Section 11.2	<u>Grounds for Contest</u>	12
Section 11.3	<u>When, Where and How Filed</u>	12
Section 11.4	<u>Decision of the Election Board</u>	12
Section 11.5	<u>Effect of Challenge on Election Results</u>	13
<b>ARTICLE XII. SPECIAL ELECTION</b>		<b>13</b>
Section 12.1	<u>Special Election</u>	13
<b>ARTICLE XIII. ELECTION OFFENSES</b>		<b>13</b>
Section 13.1	<u>Offenses Defined</u>	13
Section 13.2	<u>Penalties</u>	14
<b>ARTICLE XIV. INITIATIVE, REFERENDUM, AND RECALL</b>		<b>14</b>
Section 14.1	<u>Types of Actions</u>	14
Section 14.2	<u>Petition Requirements</u>	16
Section 14.3	<u>Filing of Petitions</u>	17
Section 14.4	<u>Certification of Petition</u>	17
Section 14.5	<u>Presentation of Measure to Tribal Council</u>	17
Section 14.6	<u>Circulation of Petition</u>	17
Section 14.7	<u>Validation of Petition</u>	17
Section 14.8	<u>Date of Election</u>	18
Section 14.9	<u>Adoption of Measure</u>	18
Section 14.10	<u>Effective Date of Measure</u>	19

**ARTICLE XV. GENERAL PROVISIONS ..... 19**  
    **Section 15.1 Severability ..... 19**  
    **Section 15.2 Effective Date ..... 19**  
    **Section 15.3 Effect of Prior Ordinances or Resolutions ..... 19**



**Kickapoo Traditional Tribe of Texas  
Third Amended Election Ordinance  
Effective as of January 16, 2025**

**ARTICLE I.  
GENERAL PROVISIONS**

The Traditional Council of the Kickapoo Traditional Tribe of Texas, by virtue of its inherent authority as a sovereign Indian Tribe, as recognized by Public L. No. 97-429, the Indian Reorganization Act of June 18, 1934 (48 stat. 984, as amended), and pursuant to the powers vested in the Traditional Council pursuant to Art. V, § 4 of the Constitution of the Kickapoo Traditional Tribe of Texas, enacts this Third Amended Election Ordinance to govern the conduct of Tribal elections.

The standards and procedures for elections may be further defined through regulations prepared and recommended by the Election Board and adopted by Traditional Council resolution. Any such regulations shall comply with this Election Ordinance and the Constitution of the Kickapoo Traditional Tribe of Texas.

Nothing in this Ordinance or any adopted regulations is intended to supersede the prevailing authorities of the Constitution of the Kickapoo Traditional Tribe of Texas. The provisions contained in this Ordinance should be interpreted, to the extent possible, in a manner so as not to be in conflict with the Constitution of the Kickapoo Traditional Tribe of Texas.

By enacting this Ordinance, the Traditional Council makes a limited waiver of sovereign immunity to enable the Tribal Court to take certain actions pursuant to Sections 11.4 and 14.4. This Ordinance does not, and shall not be construed to, waive in any other manner the sovereign immunity of the Kickapoo Traditional Tribe of Texas or its officers or employees to suit in any action arising out of their performance under this Ordinance, except for the limited circumstances described in Sections 11.4 and 14.4; nor does this limited waiver permit in any manner whatsoever the payment of monetary damages or attorney's fees relating to claims arising from election matters.

**ARTICLE II.  
DEFINITIONS**

Unless it otherwise clearly appears from the context, the following words and phrases shall have the ascribed meaning for purposes of interpreting and/or implementing this Election Ordinance:

**"Candidate"** shall mean a Tribal Member of the Kickapoo Traditional Tribe of Texas who has been nominated to serve as a member of the Traditional Council and who meets the eligibility criteria specified in Art. V, § 5 of the Constitution.

**"Canvass"** the act of examining and counting the returns of votes cast at a public election.

**"Constitution"** shall mean the Constitution of the Kickapoo Traditional Tribe of Texas, which was duly adopted in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 stat. 984), as amended.

**"Early Voter"** shall mean any Eligible Voter who (a) expects to be absent from the Reservation on the day of an election, (b) suffers from a physical disability or illness and who expects to be unable to travel to the polling place on the day of an election, or (c) expects to be engaged in any religious activity

on the day of an election.

**"Election Board"** shall mean the three (3) persons appointed to administer and supervise all Tribal elections by resolution of the Traditional Council pursuant to Art. V, § 4(a) of the Constitution.

**"Election Board Chairperson" or "Election Board Chair"** shall mean the Chairperson of the Election Board, appointed pursuant to Section 3.4 of this Election Ordinance.

**"Election Judge"** shall have the meaning provided in Section 3.5.

**"Eligible Voter"** shall mean a Tribal Member of the Kickapoo Traditional Tribe of Texas who is 18 years of age or older on the date of an election and who has resided within the jurisdiction of the Tribe for three (3) or more years immediately preceding the election.

**"Franchise"** shall mean the right to vote at public elections.

**"Immediate Family"** shall mean the spouse, child, parent, full or half-brother or sister of a candidate.

**"Irreparable Harm"** shall mean the harm caused by the actions of a Tribal Council or Election Board member that are outside the scope of the member's authority and/or breaches a duty to the Tribe that will adversely affect the financial or political stability of the Tribe.

**"KTTT" or "Tribe"** shall mean the Kickapoo Traditional Tribe of Texas.

**"Ordinance"** shall mean this Ordinance providing for the conduct of Tribal elections, which incorporates, and is subordinate to, the Constitution.

**"Poll Watcher"** shall have the meaning provided in Section 8.1.

**"Secretary"** shall mean the Secretary of the Interior or his or her authorized representative.

**"Special Election"** shall have the meaning provided in Section 12.1.

**"Traditional Council" or "Tribal Council"** shall mean the governing body of the Kickapoo Traditional Tribe of Texas, as provided in Art. III of the Constitution.

**"Tribal Lands"** shall mean all lands over which the Tribe may exercise jurisdiction under Art. I of the Constitution and other applicable law, and shall include, without limitation: (i) those 172.3 acres of land, more or less, located in Maverick County, Texas, and placed in trust for the benefit of the Tribe pursuant to Public Law No. 97-429; (ii) the additional 1,587 acres of land, more or less, located in Maverick County, Texas, and placed in trust for the benefit of the Tribe pursuant to the regulations at 25 CFR Part 151; (iii) all additional lands that may be acquired by the United States and held in trust for the Tribe; (iv) all additional lands which have been acquired by the Tribe or may be acquired by the Tribe in the future; and (v) all other lands over which the Tribe may exercise jurisdiction under applicable law, including without limitation those lands in Nacimiento, Coahuila, Mexico.

**"Tribe" and/or "Tribal"** shall mean the Kickapoo Traditional Tribe of Texas.

**"Tribal Member" or "Member"** shall mean a person who is enrolled in the Tribe pursuant to Article II of the Tribe's Constitution.

## **ARTICLE III. ELECTION BOARD**

**Section 3.1     General Authority.** Pursuant to Art. V, §4 of the Constitution, the Election Board shall have full and exclusive authority to implement the provisions of this Ordinance and to administer and supervise all Tribal elections.

**Section 3.2     Appointment.** The Traditional Council shall appoint three (3) Tribal Members over the age of twenty-one (21) to serve as the Tribal Election Board.

(a)     The Tribe's Director of Human Resources will perform a confidential public trust level background check on all appointees.

(b)     The Tribe's Director of Human Resources shall provide a summary of the background check results to the Tribal Council for consideration. The Tribal Council may, in its discretion, determine whether the background check should preclude any individual from serving on the Election Board; provided, however, that no person shall serve on the Election Board who has been convicted of a felony in the United States (or comparable offense in Mexico) by a final judgment of any court of competent jurisdiction within the last five (5) years.

**Section 3.3     Term of Office.** Each member of the Election Board shall serve for a term of four (4) years, except that no member of the Election Board may serve more than two (2) consecutive full terms. When an Election Board Member is appointed to fill an unexpired term, that appointment shall only extend through the length of the term of the Board member they are replacing, and it will not constitute a full term.

**Section 3.4     Officers.** The members of the Election Board shall select from among their members a Chairperson and a Secretary.

(a)     The Chairperson shall preside at all meetings of the Election Board and shall perform such other duties as are assigned by this Ordinance or by the Election Board.

(b)     The Secretary shall take minutes at each and every meeting of the Election Board and shall perform such other duties as are assigned by this Ordinance or by the Election Board.

**Section 3.5     Appointment of Election Judges.** It shall be the responsibility of the Election Board to appoint no fewer than three (3) persons to serve as Election Judges, who shall assist the Board by overseeing the conduct of the election on Election Day.

(a)     The Election Judges shall be appointed no less than sixty (60) days before the scheduled date of an election unless a shorter period of time is mandated by this Ordinance. One of the three (3) Election Judges shall be appointed the Presiding Election Judge.

(b)     Election Judges shall be at least eighteen (18) years of age and must be in good standing with the Tribe.

(c)     At least one of the Election Judges shall be able to read and write the English language and shall be able to speak the Kickapoo language.

(d)     On Election Day, all of the Election Judges shall be at the polling place no later than 8:00 a.m. and shall remain there until the election materials are delivered to the Election Board after the close of the polls.

(e) Election Judges are allowed to be present during the counting of the ballots should they choose to do so.

#### **ARTICLE IV. ELIGIBILITY TO VOTE**

**Section 4.1** **Eligibility to Vote.** Each enrolled Member of the Tribe shall be eligible to vote in any Tribal election, provided that such Member:

- (a) Is 18 years of age or older on the date of the Election; and
- (b) Has resided within Tribal Lands for at least three (3) years preceding the date of the election.

**Section 4.2** **"Residency" Defined.** A "resident" within the meaning of this Ordinance is a Tribal Member who has their principal place of residence within Tribal Lands and has a present intention to continue residency on Tribal Lands permanently or indefinitely. For purposes of this Ordinance, the "place of residence" of any Tribal Member shall be determined by the following rules, where applicable:

(a) The place to which a Tribal Member's habitation is fixed and to which, whenever the Tribal Member is absent, they have the intention of returning shall be considered their residence

(b) A Tribal Member shall not be held to have gained or lost their residence solely by reason of their absence from Tribal Lands to obtain employment outside the jurisdiction of the Tribe provided that such absence is for a period of not more than seven (7) months in any calendar year. A person shall not be held to have lost their residence solely by reason of maintaining a second home on Tribal Lands in Nacimiento, Coahuila, Mexico, provided that such person maintains a home on lands subject to the jurisdiction of the Tribe.

(c) If a Tribal Member moves outside Tribal Lands with the intention of remaining there for more than seven (7) months in any calendar year, they shall no longer be considered a resident for purposes of this Ordinance, even if they entertain an intention of returning to Tribal Lands at some future date.

**Section 4.3** **Computation of Period of Residence.** The period of residence shall be computed by including the day on which the Tribal Member's residence on Tribal Lands begins and by excluding the day of the next election.

**Section 4.4** **List of Eligible Voters.** The Election Board shall post a list of Eligible Voters no less than sixty (60) days before an election unless a shorter period of time is required by this Ordinance. This list of Eligible Voters shall serve as the voter registration described in Art. V, § 3, of the Constitution. Any Tribal Member may challenge the eligibility of any voter on the list in accordance with the procedures in Section 8.3.

#### **ARTICLE V. ELIGIBILITY TO RUN FOR OFFICE**

**Section 5.1** **Eligibility to Run for Office.** Any Tribal Member who desires to become a candidate for election to the Traditional Council:

- (a) must be a Tribal Member, and must have been a Member for the three (3) years immediately preceding the election in which office is sought;
- (b) must be thirty-five (35) years of age or older on the date of the election; and
- (c) must not have:
  - (i) been convicted of a felony in the United States (or comparable offense in Mexico) by a final judgment of any court of competent jurisdiction; or
  - (ii) intentionally harmed another Tribal Member with a dangerous weapon; or
  - (iii) converted Tribal funds or property to their personal use. For the purposes hereof, the term "converted" means "to steal", and such conversion includes treating the Tribe's funds or goods as one's own, holding onto such Tribal property that accidentally comes into the convertor's (taker's) hands, or purposely giving the impression that Tribal assets belong to them. Such Tribal funds or property must be valued at or greater than \$100.00 and the conversion may be determined by (A) any court of competent jurisdiction or (B) the Election Board pursuant to Section 5.5 of this Election Ordinance.
- (d) must reside within Tribal Lands for the three (3) years immediately preceding the election.

**Section 5.2 Notice of Election.** No less than forty-five (45) days preceding an election, unless a different amount of time is specified in another section of this Ordinance, the Election Board shall cause to be posted on the doors to the Tribal Government Office Building, and at no fewer than two other locations on Tribal Lands selected by the Election Board, a notice specifying the date, time and place of the upcoming Tribal election and of the procedure to be followed for nominating candidates to run for the office of Traditional Council, if appropriate. Notice may also be posted at appropriate places outside the Tribal Lands. If the election is for an initiative or referendum a copy of the initiative or referendum will be posted alongside of the notice of election. If the election is a recall the name of the Tribal Council member being recalled shall be displayed in the notice of election. Notice of the Tribal election shall remain posted until the date for the election has passed.

**Section 5.3 Nominations.** Beginning on May 15<sup>th</sup> and ending on June 30<sup>th</sup> of the election year, a Tribal Member who meets the criteria specified in Section 4.1 above may be a candidate for elective office by completing and submitting a (1) nomination form, (2) petition signed (or marked) by no less than twenty-five (25) Eligible Voters, and (3) fee of \$500.00, to the Election Board; provided, however, if the end date falls on a Saturday or Sunday, such end date shall be the following Monday.

- (a) Nominations shall be taken for the specific office or seat on the Council for which a candidate wishes to run.
- (b) The candidate who wishes to run for the office must choose the office that they wish to run for: Chairperson, Secretary, Treasurer, Member 1, or Member 2 and the nomination must reflect the same office. The candidate must complete the "candidate form" provided by the Election Board, which shall indicate the particular office that the candidate wishes to run for, and which shall include the candidate's contact information (address and telephone number), which shall be used for notification purposes.

(c) The candidate who wishes to run for Council Member Seat No. 1 or Council Member Seat No. 2 must choose for which seat they wish to appear on the ballot - Council Member Seat No. 1 or Council Member Seat No. 2 - and the nomination submitted to the Election Board must reflect the same Seat Number as that chosen by the candidate.

(d) The candidate must agree to participate in the "Meet the Candidate" event that shall take place no more than one week prior to the election day.

(e) The candidate must agree to adhere to the Tribal Council Code of Ethics if such candidate is elected to office.

(f) If an Eligible Voter cannot sign their name, they may make their mark on the petition. However, the mark must be attested to as being valid by an Eligible Voter who is not the nominee or a member of the nominee's immediate family.

(g) If it appears to the Election Board that the person being nominated satisfies the criteria specified in Section 5.1, above, and that at least twenty-five (25) signatures (or marks) on said petition are the valid signatures (or marks) of Eligible Voters, the Election Board shall certify the person as a candidate for election to the Traditional Council.

(h) If it appears to the Election Board that the person being nominated does not satisfy the criteria specified in Section 5.1, above, or that less than twenty-five (25) signatures (or marks) on said nomination form are the valid signatures (or marks) of Eligible Voters, the Election Board shall cause a notice to that effect to be delivered to the person seeking to be a candidate, or to their residence, no less than ninety (90) days before an election.

**Section 5.4 Preliminary List of Certified Candidates.** No less than sixty (60) days before an election, the Election Board shall prepare and post a list of all candidates who are eligible to run for office in the Tribal election. The certified list of candidates shall be posted on the doors to the Tribal Government Office Building in such a manner that said list is legible from the outside of the building and at no fewer than two (2) other locations on Tribal Lands selected by the Election Board. The list may also be posted at appropriate places outside the Reservation.

**Section 5.5 Challenges to or by a Candidate.** Any Eligible Voter who disagrees with a decision of the Election Board to certify or not to certify a Tribal Member as a candidate may challenge that decision to the Election Board within fourteen (14) days of the date of the decision. The challenge must (a) be signed by the person challenging the decision of the Election Board, (b) state the reason(s) they disagree with the decision of the Election Board, and (c) be received by the Election Board during the 14-day period.

(a) Immediately upon receipt of an appeal, the Election Board shall notify the Tribal Member whose candidacy is being challenged and shall schedule a hearing to be held no less than twenty-eight (28) days before the date of the election.

(b) Both the appellant and the challenged candidate shall appear at the hearing. The burden of persuasion shall be on the person who files the challenge. The Election Board has the authority to subpoena and call witnesses and obtain any evidence it thinks is relevant. If the challenged candidate fails to appear at the hearing or notify the Election Board of their inability to appear (such reason provided for the inability to appear may be accepted or denied in the sole and absolute discretion of the Election Board), the candidate will be disqualified. If the appellant fails to appear or notify the Election Board of their inability to appear at the hearing (such reason

provided for the inability to appear may be accepted or denied in the sole and absolute discretion of the Election Board), the appellant's challenge shall be void and of no effect.

(c) The Election Board shall issue its decision on a challenge to the Certified List of Candidates no more than three (3) days following the hearing referenced in Section 5.5(a) above. The decision of the Election Board shall be final and shall not be subject to further review.

**Section 5.6 Final List of Certified Candidates.** The Election Board shall prepare a Final List of Certified Candidates, which shall be posted no less than fourteen (14) days before an election on the doors to the Tribal Government Office Building in such a manner that such list is legible from the outside of such building, and at no less than two (2) other locations on Tribal Lands selected by the Election Board. The list may also be posted at appropriate places outside the Reservation.

## ARTICLE VI. EARLY VOTING

**Section 6.1 Eligibility.** Any Eligible Voter may vote early in the election who (i) expects to be absent from the Reservation on the day of an election, (ii) suffers from a physical disability or illness and who expects to be unable to travel to the polling place on the day of an election, or (iii) expects to be engaged in any religious activity on the day of an election. Such Eligible Voters shall request an Early Voting Ballot from the Election Board. No Eligible Voter shall be eligible for an Early Voting Ballot unless such voter is mentally fit to vote. For purposes of clarification, an otherwise Eligible Voter shall not be deemed mentally fit to vote if such individual (a) has been determined to be *non compos mentis*, or not of sound of mind, by the Tribal Court or other court of competent jurisdiction or (b) is under a guardianship (unless such individual under guardianship has been subsequently adjudged as mentally competent by the Tribal Court or other court of competent jurisdiction).

**Section 6.2 Form Request.** Form requests for an Early Voting Ballot shall be made in substantially the following form:

I, (name of Eligible Voter), am an Eligible Voter of the Kickapoo Traditional Tribe of Texas. To the best of my knowledge and belief, I am entitled to vote early in the Tribal election because

(Check one):

( ) I have a physical disability or illness that does or will prevent me from being able to travel to a polling place on the day of the election.

( ) I will be absent from the Kickapoo Village Indian Reservation on the day of the election.

( ) I will be engaged in religious activity on the day of the election.

I hereby apply for an Early Voting Ballot of my own free will and will vote by Early Voting Ballot according to my own conscience, free from any undue influence.

Dated: \_\_\_\_\_  
Signed: \_\_\_\_\_  
Address: \_\_\_\_\_

Enrollment Number: \_\_\_\_\_

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above-signed person, personally known to me, appeared and executed this application for an Early Voting Ballot.

Attest:

\_\_\_\_\_

(See "Exhibit 4").

**Section 6.3      Early Voting Procedures.**

(a)      Upon receipt of a request for an Early Voting Ballot, the Election Board member shall deliver to the applicant an Early Voting Ballot.

(b)      The Election Board shall prepare rules and procedures for Early Voting, including the date and time for such Early Voting, and shall provide a copy of such rules and procedures to the Tribal Council no later than June 30 of each election year.

(c)      Early Voting Ballots received shall be processed in accordance with Article IX of this Ordinance.

**ARTICLE VII.  
BALLOTS AND VOTING**

**Section 7.1      Preparation of Official Ballots.** The Election Board shall prepare and provide printed ballots for each Tribal election.

(a)      The order in which the candidate's names appear on the ballot shall be determined by a random drawing conducted by the Election Board at a meeting that is announced in advance and is open to the candidates.

**Section 7.2      Write-In Voting.** The ballots shall not contain a space for write-in voting and no write-in votes shall be permitted in any Tribal election.

**Section 7.3      Ballot Boxes.** There shall be two (2) ballot boxes which shall remain locked at all times except as described below.

(a)      On the day of the election, the Election Board shall deliver the proper number of ballots and the official list of Eligible Voters, both of which shall be enclosed in the locked ballot boxes, to the Presiding Election Judge.

(b)      The Presiding Election Judge shall unlock and open the ballot boxes in the presence of all the Election Judges and any Poll Watchers present at the time for opening the polls.

**Section 7.4      Hours of Voting.** The polls shall be open on Election Day at 8:00 a.m. and shall close at 6:00 p.m. Any Eligible Voter who is in line, but who has been unable to cast their vote, by 6:00 p.m. shall be permitted to vote.



**Section 7.5** **Manner of Voting.** Any Eligible Voter desiring to vote shall appear at the polling place and shall announce their name and, if requested, their residence address to the Presiding Election Judge.

(a) If an Election Judge does not know the identity of the person requesting a ballot and has reason to doubt that person's identity, the Election Judge shall request identification or have the voter identified by a known Eligible Voter.

(b) After the voter has been properly identified, the Election Judge shall announce that person's name in a voice sufficiently loud to be audible to others present. If a Poll Watcher doubts that person's eligibility to vote, the Poll Watcher may file a challenge, in accordance with the procedures specified in Section 8.3, below.

(c) If the voter's name is found on the official list of eligible voters by the Election Judge, the voter shall be provided with a ballot.

(d) Voting shall be done by secret ballot.

**Section 7.6** **Voters Needing Assistance.** Any otherwise Eligible Voter who is blind, disabled, or unable to read or write, may be given assistance by a person of the voter's choice.

**Section 7.7** **Manner of Marking Ballots.** An Eligible Voter shall mark their ballot by placing a cross (X) or checkmark (✓) in the box to the left of the name of the candidate for whom the voter wishes to vote. The voter may only vote for one (1) candidate per vacant office seat. No person shall take or remove a ballot from the polling place.

## **ARTICLE VIII. POLL WATCHERS**

**Section 8.1** **Selected by Candidates.** Each candidate, or a group of candidates, may designate one person each, to observe the casting of ballots and the counting of ballots (a "Poll Watcher").

(a) A Poll Watcher must be a Tribal Member over the age of eighteen (18).

(b) Each Poll Watcher's name shall be made known to the Election Board by the candidate or group of candidates selecting them no later than ten (10) days before the day of the election.

**Section 8.2** **Limitations on Poll Watchers' Activity.** Poll Watchers may observe the election and may make written notes, but they may not interfere in any way with the process of voting except that a Poll Watcher may challenge a voter's eligibility to vote by following the procedures described in Section 8.3. Poll Watchers in the counting room shall remain in the counting room until the close of the counting.

**Section 8.3** **Challenging a Voter.** When any person applies for a ballot or offers their ballot for deposit in the ballot box, their right to vote in that election may be orally challenged by any Poll Watcher upon any or all of the following grounds:

(a) That they have not resided on Tribal Lands for three (3) years immediately preceding the date of the election;

(b) That they are not a Tribal Member;

(c) That they are enrolled in another Indian tribe, in addition to the Kickapoo Traditional Tribe of Texas;

(d) That they already voted in the Tribal election;

(e) That they are not at least 18 years of age; or

(f) That they (i) have been determined to be *non compos mentis*, or not of sound of mind, by the Tribal Court or other court of competent jurisdiction or (ii) are under a guardianship.

The Election Board, in its sole and absolute discretion, shall determine whether the person challenged shall be entitled to vote. If the Election Board determines that such person is eligible to vote, the challenged person shall take an oath before the Election Board under penalty of Tribal law (pursuant to Section 13.2 herein), that the grounds for the challenge are untrue. If the person being challenged is not entitled to vote, no ballot may be delivered to them.

## **ARTICLE IX. COUNTING OF BALLOTS**

**Section 9.1     Delivery of Ballot Box to the Election Board.** As soon as the polls have closed and the last voter in line has cast their ballot, the Election Judges shall gather together the locked ballot box, any uncast ballots, and the official list of eligible voters, and shall deliver them to the Election Board.

**Section 9.2     Counting the Ballots.** Upon receipt of the ballot box from the Election Judges, the Election Board shall open the ballot boxes and count the ballots. The Election Board may designate one or more persons to assist them in counting the ballots. Only the Election Board, Election Judges, the Poll Watchers and any designated assistants of theirs may be present in the room where the ballots are counted.

**Section 9.3     Intent of the Voter Controls.** In counting the ballots, the Election Board shall consider the intent of the voter, as evidenced by the markings on the ballot, which shall be given full consideration, and shall control when making the decision to count the vote and in deciding to whom or what it should be tallied to. Mechanical and technical defects in voting, or failure on the part of the voter to strictly follow the rules for balloting shall not invalidate a ballot.

**Section 9.4     Certification of Votes.** After all of the ballots have been counted, the Election Board Chairperson shall prepare a written report of the number of votes cast for each candidate, initiative, recall, and/or referendum.

(a) The Election Board report shall count each of the following categories of ballots and shall seal each category of ballot in a separate envelope:

(i) Ballots printed and not cast;

(ii) Ballots counted;

(iii) The results of the election reflecting candidate vote counts; and

(iv) Ballots "spoiled."

(b) The sealed envelope and report shall be delivered to the Traditional Council the next business day following the election.

**Section 9.5     Posting of Election Results.** As soon as the counting is completed, the Election Board shall post the preliminary results of the election, showing each candidate, initiative, recall, and/or referendum and the total number of votes each received, on the doors to the Tribal Government Office Building in such a manner that the results are legible from the outside of said building, and at no less than two (2) other locations on Tribal Lands selected by the Election Board.

## **ARTICLE X. CERTIFICATION AND RECOUNT**

**Section 10.1     Certification of Election.** Within twenty-four (24) hours of the election, the Election Board shall certify and finalize the results of the election unless it appears to the Board that gross irregularities occurred affecting the outcome of the election. The Board shall then file its certified report of election results with the Traditional Council and provide notice to Tribal Members. For purposes of recordkeeping, the Traditional Council shall accept the certified report of election results by resolution at its next regularly scheduled meeting.

**Section 10.2     Candidates Receiving the Highest Number of Votes Declared Elected.** The candidates receiving the highest number of votes for a particular office shall be declared to have been elected to the Traditional Council.

**Section 10.3     Recount.** When three (3) or fewer votes separate any candidate from the top candidate vote-getter for a particular office, such candidate receiving the lower number of votes may request a recount under the direction of the Election Board. The request for a recount must be made in writing and must be received by the Election Board no later than two (2) days after the preliminary results of the election are posted by the Election Board.

**Section 10.4     Tie Votes.** If two (2) or more persons who are running for the same office have an equal number of votes, a recount shall be ordered immediately. If the recount confirms the existence of a tie, it shall be broken as follows:

- (a)     The Chair of the Election Board and the candidates with the tie votes shall appear before the Traditional Council.
- (b)     The Chair of the Election Board shall deposit two or more folded pieces of paper in a container that is equal to the number of candidates who have received tie votes.
- (c)     One of the pieces of paper shall have a mark on it and the other(s) shall be blank.
- (d)     In the order in which their names appeared on the ballot and without looking into the container, the candidates who have received tie votes shall each withdraw one piece of paper from the container.
- (e)     The candidate who withdraws the piece of paper with writing on it shall be declared elected to the Traditional Council by the Election Board.

## **ARTICLE XI. ELECTION CONTEST**

**Section 11.1     Who May Contest.** Any Eligible Voter of the Kickapoo Traditional Tribe of Texas may contest a Tribal election in the manner provided by this Ordinance provided that such contest must be for one or more of the grounds set forth in Section 11.2.

**Section 11.2 Grounds for Contest.** An Eligible Voter may challenge a Tribal election on one or more of the following grounds:

(a) There was an intentional violation of this Ordinance on the part of the Election Board or any Election Judge and that violation affected the outcome of the election.

(b) A candidate elected to the Traditional Council was not eligible for the office at the time of the election.

(c) A candidate who received sufficient votes to be elected, or any person acting on the candidate's behalf, has given to a voter or any election official, or has offered to such person, a bribe or reward for the purpose of procuring their vote or otherwise affecting the outcome of the election or has committed any offense described in Section 13.1; provided, however, that regular campaign promises shall not be considered to be a violation of this Section.

(d) There were illegal votes of sufficient number to affect the outcome of the election.

**Section 11.3 When, Where, and How Filed.** Any challenge or contest to an election shall be filed with the Election Board Chair in writing within three (3) days following the certification of the final election results by the Board.

(a) The challenge or contest shall set forth with particularity, the allegations of the challenger and if appropriate, shall cite the paragraph of this Ordinance alleged to have been violated.

(b) A copy of the challenge must be served on any individual whose election is being challenged at the time the challenge or contest is filed and a certificate of service must be filed with the Election Board.

**Section 11.4 Decision of the Election Board.** The Election Board shall conduct a hearing on the allegations of any challenge or contest which is filed in accordance with this Ordinance within forty-eight (48) hours, except that when the complaint is against the Election Board, then the Tribal Court shall conduct the hearing. If the complaint is against an individual member of the Board, the remaining two Board members may conduct a hearing on the complaint.

(a) The challenger shall bear the burden of establishing that the results of the election were biased as a result of the allegations in the challenge.

(b) Any candidate whose election is being challenged or the sponsor of the initiative or referendum shall be present and shall be permitted to confront the witnesses and allegations against them or the measure.

(c) The decision of the Election Board shall be made no later than seventy-two (72) hours following the conduct of the hearing and shall be final and shall not be subject to appeal.

(d) In any action brought in Tribal Court under this Section 11.4, all proceedings shall be fully and finally resolved no later than thirty (30) days following the date of the election. If any election contest is not fully and finally resolved within thirty (30) days of the election, the Election Board's certification of the election results shall be final and not subject to further proceedings or appeal.

**Section 11.5** **Effect of Challenge on Election Results.** A challenge or contest that affects only some of the candidates elected to the Traditional Council shall not stay or otherwise affect the certification of results of the election as to any other candidates elected to the Traditional Council.

## **ARTICLE XII. SPECIAL ELECTION**

**Section 12.1** **Special Election.** Any election other than a Regular Election pursuant to Art. V, § 1 of the Constitution, shall be deemed a "**Special Election**". Unless otherwise specified in the provisions of this Ordinance, a Special Election shall be conducted in, but not limited to, the following occurrences:

- (a) An election or referendum is declared invalid as a result of less than thirty percent (30%) of eligible voter participation.
- (b) When the Election Board determines that allegations in an election contest are true and affected the outcome of the election as provided under this Ordinance.
- (c) Any election for an initiative (including a Constitutional amendment), referendum, or recall petition is filed in compliance with the requirements of this Ordinance and has been certified and validated by the Election Board.

## **ARTICLE XIII. ELECTION OFFENSES**

**Section 13.1** **Offenses Defined.** It shall be unlawful for any person, directly or indirectly, by themselves or through any person:

- (a) To pay, loan, or contribute, or offer to promise to pay, loan or contribute, any money or other valuable consideration to any voter, or to any other person, to induce such voter to vote or refrain from voting in any election for or against any candidate for election to the Traditional Council or any recall, referendum, or initiative; provided, however, that regular campaign promises shall not be considered a violation of this Section.<sup>1</sup>
- (b) To give, offer, or promise any office, or employment, or to promise or procure any office, or employment, to any voter, or to any other person, in order to induce such voter to vote or refrain from voting in any election; or to induce any voter to vote or refrain from voting at such election for any particular person, initiative, referendum, or recall.
- (c) To advance or pay, or cause to be paid, any money or other valuable thing, or for the use of any other person with the intent that the same, or any part thereof, shall be used in bribery at any Tribal election; or to knowingly pay, or cause to be paid, any money or other thing of value to any person in discharge or repayment of any money expended in whole or in part in bribery at such an election.
- (d) To receive, agree to receive, or contract for, any money, gift, loan, or other thing of value, office, place, or employment for voting or agreeing to vote, or for agreeing to vote or refrain from voting for any particular person or persons, initiative, referendum, or recall.

---

<sup>1</sup> The key difference between a campaign promise and a bribe lies in the exchange: a bribe offers immediate personal gain to the recipient for a specific action (i.e., typically a quid pro quo arrangement), while a campaign promise is a prospective policy commitment made to the electorate at large, without direct personal compensation.

- (e) To vote knowing that such voter is not entitled to vote.
- (f) To change or attempt to change any ballot after it has been deposited in a ballot box either before or after said ballots have been canvassed.
- (g) To add or attempt to add any ballot to those legally polled at any election by fraudulently introducing the same into the ballot box either before or after the ballots therein have been canvassed.
- (h) To willfully detain or destroy any election returns or to in any manner interfere with the officers holding an election or conducting a canvass, or with voters lawfully exercising their franchise in such a manner as to prevent or interfere with the lawful conduct of such elections or canvassing of ballots.
- (i) To interfere in any manner with any election officer in the lawful discharge of their duties.
- (j) To induce any election officer or official whose duty it is to ascertain, announce, or declare the result of any election, to violate or refuse to comply with their duty or any law regulating the same.
- (k) To take, carry away, conceal, remove, or destroy any ballot or other thing from the polling place, or from the possession of the person or persons authorized by this Ordinance to have the custody thereof.
- (l) To make use of any force, violence, or restraint, or to inflict or threaten the infliction of any injury, damage, harm, or loss, or in any manner to practice intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting in any election or to induce such person to vote or refrain from voting for any particular person, initiative, referendum, or recall.
- (m) To, by abduction or duress, or any forcible or fraudulent device or contrivance whatever, to impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any voter, either in giving or refraining from giving their vote at any election, or in giving or refraining from giving their vote for any particular person, initiative, referendum, or recall.
- (n) To add to or subtract from the votes actually cast at an election or to alter election returns.
- (o) To electioneer or circulate cards or handbills of any kind at or within fifty (50) yards of a polling place, or to engage in any practice that interferes with the freedom of voters to exercise their franchise, or otherwise disrupt the administration of the polling place.

**Section 13.2 Penalties.** Any person who commits an offense described in 13.1, above shall be fined not more than \$1,000 and/or sentenced to imprisonment for a term not to exceed one (1) year.

#### **ARTICLE XIV. INITIATIVE, REFERENDUM, AND RECALL**

##### **Section 14.1 Types of Actions.**

(a) **Initiative** -- Tribal voters may initiate legislation by filing an initiative petition with the Election Board signed by at least one hundred (100) Eligible Voters of the Tribe, which complies with the requirements of this Ordinance. It shall be the duty of the Election Board to certify that said petition complies with this Ordinance. Once the petition has been certified and validated by the Election Board, the Election Board shall then deliver said petition to the Tribal Chairperson, without delay, along with a certificate stating that the signatures on the petition have been validated and that it otherwise complies with the requirements of this Ordinance. Within forty-five (45) days of the receipt of a properly certified, validated, and completed petition, the Chairperson of the Tribal Council shall call an initiative election on the proposed measure in accordance with the procedures set forth in this Ordinance. The results of the initiative election shall be conclusive and binding on the Tribal Council and the measure shall become the law of the Tribe provided that at least thirty percent (30%) of the Tribe's eligible voters shall vote in the election and more than fifty percent (50%) of the votes cast are in favor of the initiative.

Eligible voters of the Tribe may present any issue as a measure for an initiative except that no initiative election may be held for the purpose of voting on whether to distribute any Tribal funds as per capita payments pursuant to a revenue allocation plan. No initiative shall serve to abrogate, modify, or amend any properly approved contract or agreement made by the Tribe or one of its Tribal entities. Furthermore, no initiative election may be held to fire, suspend, terminate, or remove from employment, nor hire, any employee of the Tribe or of one of its Tribal entities.

(b) **Referendum by Voters** -- Eligible Voters of the Tribe may refer Tribal Council resolutions or ordinances to a vote of the people by filing a referendum petition with the Election Board under the requirements of this Ordinance. The Tribal Council shall, upon receipt of a valid petition signed by one hundred (100) Eligible Voters of the Tribe, submit any enacted or proposed ordinance or resolution or other action of the Tribal Council to a popular referendum. The Chairperson of the Tribal Council shall call for an election on said referendum to be held within forty-five (45) days of the receipt of a valid petition or request to be held in accordance with the procedures set forth in this Ordinance. The results of the referendum election shall be conclusive and binding on the Tribal Council and the measure shall become the law of the Tribe provided that at least thirty percent (30%) of the Tribe's Eligible Voters shall vote in the election and more than fifty percent (50%) of the votes cast are in favor of the referendum.

Eligible Voters of the Tribe may present any issue as a measure for a referendum except that no referendum election may be held for the purpose of voting on whether to distribute any Tribal funds as per capita payments pursuant to a revenue allocation plan. No referendum shall serve to abrogate, modify, or amend any properly approved contract or agreement made by the Tribe or one of its Tribal entities. Furthermore, no referendum election may be held to fire, suspend, terminate, or remove from employment, nor hire, any employee of the Tribe or of one of its Tribal entities.

(c) **Referendum by Tribal Council** -- The Tribal Council shall upon request by a majority vote of the Tribal Council, submit any enacted or proposed ordinance or resolution or other action of the Tribal Council to a popular referendum to be held in accordance with the procedures set forth in this Ordinance. The motion shall be made at the time of adoption of the measure, and the measure shall not go into effect until it is adopted through an election held in accordance with the procedures set forth in this Ordinance. The Chairperson of the Tribal Council shall call for an election on said referendum to be held within forty-five (45) days of the request of the majority of the Tribal Council. The results of the referendum election shall be conclusive and binding on the Tribal Council and the measure shall become the law of the Tribe provided that at least thirty percent (30%) of the Tribe's Eligible Voters shall vote in the election and more than fifty percent (50%) of the votes cast are in favor of the referendum.

(d) **Recall** – Eligible Voters of the Tribe may initiate the recall of a Tribal Council member or other elected official by filing a recall petition with the Election Board that complies with the requirements of this Ordinance. The Tribal Council shall, upon receipt of a valid petition demanding recall of a member or members of the Tribal Council, Election Board, Membership Committee or Appeals Board, or any other popularly-elected position, which has been signed by one hundred (100) Eligible Voters of the Tribe and certified by the Election Board, call an election to be held on the proposed recall in accordance with the procedures set forth in this Ordinance. No Tribal Council member or any other Tribal official may be recalled unless at least thirty percent (30%) of the Tribe's Eligible Voters shall vote in the election and more than fifty percent (50%) of the votes cast are in favor of the recall. Once the Tribal Council has made a determination of validity of a recall petition against a Tribal Council member, that Council member shall no longer have any authority on the Council until such a time as the recall election has been conducted. Only one official shall be considered for recall in any given election.

- (i) Recall of a Tribal Council member or any other Tribal official who has been the subject of a recall petition and which has been submitted to the voters and rejected shall not be considered again for at least twelve (12) months. If a member of the Tribal Council or any other elected Tribal official is removed, recalled, resigns, forfeits office, or the office otherwise becomes vacant, the Tribal Council shall appoint a person who meets the qualifications for election to office to serve the remainder of that term, except that if more than two (2) or more years remain in the term, a Special Election shall be held to fill the position.
- (ii) In order for a recall petition to be valid, the petitioner bears the burden of showing that the subject Tribal Council member or elected Tribal official engaged in malfeasance, misfeasance, neglect of duty, drunkenness in the performance of duties, incompetence, permanent inability to perform official duties, or conviction of a felony involving moral turpitude, and that the Tribe will likely suffer Irreparable Harm, as defined in this Ordinance, as a result of those actions if such Tribal Council member or elected Tribal official is allowed to complete their term.

#### **Section 14.2 Petition Requirements.**

(a) **Sponsor.** Each petition must have at least one (1) sponsor with whom all correspondence and communication with the Election Board shall take place. The sponsor must be an Eligible Voter and the sponsor's name must appear on each petition signature page along with the sponsor's mailing address and phone number.

(b) **Purpose and Measure.** Each petition signature page other than a recall petition must contain the statement that "THE PURPOSE OF THIS PETITION IS TO HAVE A SPECIAL ELECTION ON THE FOLLOWING MEASURE." In the case of a referendum, the number and date of adoption of the measure to be referred, and a summary of it, or if a proposed measure, the title of the measure and a summary of it, must appear at the top of each page. In the case of a recall petition, each signature page must contain the following statement "RECALL PETITION FOR TRIBAL COUNCIL MEMBER [or other elected TRIBAL OFFICIAL]", or an equivalent statement. In addition, each signature page on every petition must show the date of certification of the petition by the Election Board. Each petition signature page must have attached to it a complete copy of the proposed measure or measures to be referred. A recall petition may include a statement



on each page of the reasons why recall of the Tribal Council member or elected Tribal official is being sought.

(c) **Forms.** The Election Board may issue a suggested form of petition for use by Tribal Members, but any petition which meets the requirements of this Section shall be sufficient for filing with the Election Board. "Exhibit 1", attached to this Ordinance, is an example of an Initiative Petition. "Exhibit 2", attached to this Ordinance, is an example of a Referendum Petition. "Exhibit 3", attached to this Ordinance, is an example of a recall petition.

**Section 14.3 Filing of Petitions.** Petitions first shall be filed by the sponsor with the Election Board by hand delivery or mail addressed to KTTT Election Board, KTTT Tribal Government Office Building, 2212 Rosita Valley Road, Eagle Pass, Texas 78852 or at a Post Office Box established by the Election Board for Tribal elections. The purpose of the filing of the petition with the Election Board is for the Election Board to certify that the petition meets the requirements of this Ordinance. Upon the filing of a petition for an initiative, referendum, or recall, the Election Board shall forward a copy of the petition to the Tribal Council.

**Section 14.4 Certification of Petition.** The Election Board shall review all petitions for compliance with the requirements set forth in this Ordinance. Certification or rejection by the Election Board shall occur within thirty (30) days after receipt of a petition. The Election Board may enlist the support of the KTTT Legal Counsel for help with determining whether the petition meets the requirements of this Ordinance. The sponsor of a petition may seek a writ of mandamus from the Tribal Court thirty (30) days after receipt of the petition by the Election Board, to compel action on the petition. Once certified, the Election Board shall proceed in accordance with Section 14.5 of this Ordinance. If the petition is determined to be invalid, the Election Board shall reject the petition and render its decision in writing, send the sponsor a copy of its decision, and post a copy of the decision at the KTTT Tribal Government Office Building. The sponsor of such petition shall have the right to appeal the determination of the Election Board to the Tribal Court.

**Section 14.5 Presentation of Measure to Tribal Council.** Upon certification of the petition by the Election Board, the Election Board shall present the petition to the Tribal Council at its next regular or special meeting. The Tribal Council may, at its sole and absolute discretion, consider the measure contained in an initiative or referendum petition and may adopt it.

**Section 14.6 Circulation of Petition.** A petition may be circulated once a certified petition has been approved by the Election Board. A petition may be circulated only by Tribal Members who are eligible to vote in Tribal elections. Persons asked to sign a petition must be given sufficient opportunity to read the summary of the measure and the attached complete copy of the measure for initiative and referendum petitions, and such persons must be advised that they must be an Eligible Voter in order to sign the petition. The petition must state on its face that the person signing the petition did so of their own free will and that neither the sponsor of the petition nor any person circulating the petition offered and/or promised any Tribal Member signing said petition anything of value in return for that Tribal Member's signature on the petition. Neither the sponsor of the petition nor any person circulating the petition may threaten or coerce any Tribal Member in order to obtain that Tribal Member's signature on the petition.

**Section 14.7 Validation of Petition.** Sponsors of a petition may file completed petitions at any time within ninety (90) days of certification. Not later than fifteen (15) days after receipt of a petition by the Election Board, the Election Board must verify the number and genuineness of the signatures (or marks), including that at least one hundred (100) Eligible Voters have signed, and that the petition is filed within ninety (90) days of certification. If the requirements of this Ordinance are met, the Election Board shall so

verify, and the petition shall be validated. The Election Board shall immediately report such decision to the Tribal Council.

(a) Signatures or Marks. The name of each signer must be printed and the signature (or mark) must be in ink. Signers must be eligible to vote in Tribal elections as set forth in Section 4.1 of this Ordinance.

(b) Verification. On the back of each signature page shall be a statement, signed (or marked) by the Tribal member who circulated that page, stating that they are an Eligible Voter, that they circulated the signature page for a petition with a complete copy of the measure attached, and that the signatures (or marks) on it are true and authentic to the best of their knowledge. The Election Board shall verify the genuineness of each signature (or mark) on a petition, and that each person signing the petition is an Eligible Voter. The Election Board may use appropriate Tribal records for such verification, including but not limited to signature cards, voter registrations, and Tribal enrollment records. The signature petition(s), once the verification process has been completed, shall be subject to in-person review by the person or persons named in the petition.

(c) Withdrawal of Signature or Mark. A petition signature (or mark) may not be withdrawn from a completed petition without a Tribal Court order finding that such petition signature (or mark) was obtained by fraud or under duress.

(d) Recall Petition – Statement of Tribal Council Member. Upon receipt by the Election Board of a completed recall petition, the Election Board shall notify in writing the Tribal Council member named in such petition and shall inform such member of their right to submit a brief written statement responding to the petition by the deadline for validation of the petition as set forth in Section 14.7 of this Ordinance. If the recall petition is validated by the Election Board and the Tribal Council member has submitted a statement as set forth in this subsection, the statement shall be (a) included with ballots sent to all Early Voters, (b) posted at the Tribal Government Office Building, (c) posted on the Tribal website, and (d) posted at any polling place on the day of the recall election.

**Section 14.8 Date of Election.** Upon validation of the petition for recall, referendum, or initiative, the measure shall be placed on the ballot for the next regularly scheduled Tribal Council election if such election is scheduled to be held within forty-five (45) days. If such Tribal Council election is not scheduled to occur within forty-five (45) days, then a special election shall be scheduled to consider the recall or measure within forty-five (45) days thereafter and no less than thirty (30) days' notice thereof shall be provided to eligible Tribal voters in accordance with this Ordinance; provided, however, special elections shall only be held during the period October through April. Any special election shall be held in the same manner as a regular election and the matter on the ballot shall be limited to the measure contained in the petition (or petitions if more than one petition has been validated) and any measure or measures referred by the Tribal Council; provided, however, that the Election Board may set a shorter time for in-person voting in a special election as it determines appropriate. Only one (1) official shall be considered for recall in any given special election.

**Section 14.9 Adoption of Measure.** A majority vote (i.e., more than fifty percent (50%)) of those Eligible Voters actually voting shall be required for the adoption of any measure by the Tribal Council or the recall of any elected official provided that at least thirty percent (30%) of the Eligible Voters vote in the election. In the event that there are conflicting measures placed upon the ballot, the ballot shall state that the voter may vote for as many measures as they choose. In the event that more than one measure receives a majority of the votes cast, the measure receiving the greatest number shall be adopted and no further election shall be held without full compliance with the requirements of this Ordinance.

**Section 14.10 Effective Date of Measure.** Unless an initiative, referendum, or recall petition submitted to the Tribal Council specifies a later date of effect, any such measure or recall passed by an election shall become effective upon certification of the election by the Election Board.

**ARTICLE XV.  
GENERAL PROVISIONS**

**Section 15.1 Severability.** If any provision or part of any provision of this Election Ordinance is determined to be invalid, unenforceable, or contrary to applicable law by the Tribal Court, or other court of competent jurisdiction, it shall be severed, and the remaining provisions of this Ordinance shall not be affected thereby and shall remain valid and fully enforceable.

**Section 15.2 Effective Date.** This Ordinance shall become effective immediately upon its enactment by the Tribal Council.

**Section 15.3 Effect of Prior Ordinances or Resolutions.** This Ordinance shall supersede and revoke all prior ordinances, regulations, or resolutions relating to the subject matter hereof, including the conduct of Tribal elections and/or voting in Tribal elections.

[Signatures on Next Page]

20\_.

choice as follows:

Estavio Elizondo, Sr., Council Chairman

~~FOR~~ / AGAINST

Date 1-16-25

Freddie Hernandez, Sr., Council Secretary

FOR / AGAINST

Date 01/16/25

David Treviño, Council Treasurer

FOR / AGAINST

Date 1-16-25

Kendall R. Scott, Sr., Council Member

FOR / AGAINST

Date \_\_\_\_\_

Daniel Gonzalez, Sr., Council Member

FOR / AGAINST

Date 1-16-21

## CERTIFICATION

I, Freddie Hernandez, Sr., the Secretary of the Kickapoo Traditional Tribe of Texas Traditional Council, or designated agent, hereby certify that on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, a duly called meeting was held, with a quorum being present, and that on that day the foregoing ELECTION ORDINANCE was read, passed, approved, and enacted by a vote as shown below:

4 in favor  
0 opposed  
0 abstained  
1 absent

Freddie Hernandez, Sr., Secretary

By: \_\_\_\_\_

Signature

Freddie Hernandez Sr

Printed Name

**EXHIBIT 1  
INITIATIVE PETITION**

THE PURPOSE OF THIS PETITION IS TO HAVE A SPECIAL ELECTION ON THE FOLLOWING  
LEGISLATION (*complete copy attached to this petition*) PROPOSED BY KTTT TRIBAL MEMBERS:

Title of Proposed Measure \_\_\_\_\_

Subject \_\_\_\_\_

Summary of Proposed Measure: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Sponsor of Proposed Measure:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email Address: \_\_\_\_\_

The information must be completed and submitted to the Election Board  
for certification before circulation of petition.

(SIGNATURES ONLY ON THIS PAGE. START A NEW SHEET FOR ADDITIONAL SIGNATURES)

Certification of Petition by Election Board: Initials \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_.

**PETITION SIGNATURES**

	<u>Printed Name</u>	<u>Roll#</u>	<u>Address Signature</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

I, \_\_\_\_\_, am an enrolled KTTT Tribal Member eligible to  
vote. I circulated this signature page with a complete copy of the measure included, and I certify that the  
signatures (or marks) above are true and authentic to the best of my knowledge.

Signature of Tribal Member Circulating: \_\_\_\_\_ Roll # \_\_\_\_\_

**EXHIBIT 2  
REFERENDUM PETITION**

THE PURPOSE OF THIS PETITION IS TO HAVE A SPECIAL ELECTION ON THE FOLLOWING RESOLUTION OR ORDINANCE ENACTED BY THE KTTT TRIBAL COUNCIL: \_\_\_\_\_ (complete copy attached to this Petition)

Title and Number of Measure: \_\_\_\_\_

Subject: \_\_\_\_\_

Summary of Measure: \_\_\_\_\_

Sponsor of Referendum Petition:

Name \_\_\_\_\_ Roll# \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email Address: \_\_\_\_\_

The above information must be completed and submitted to the Election Board  
for certification before circulation of petition.

(SIGNATURES ONLY ON THIS PAGE.  
START A NEW SHEET FOR ADDITIONAL SIGNATURES.)

Certification of Petition by Election Board: Initials \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_.

**PETITION SIGNATURES**

Printed Name      Roll #      Address      Signature

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_

10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_

I, \_\_\_\_\_, am an enrolled KTTT Tribal Member eligible to vote. I circulated this signature page with a complete copy of the measure included, and I certify that the signatures (or marks) above are true and authentic to the best of my knowledge.

Signature of Tribal Member Petitioning: \_\_\_\_\_ Roll# \_\_\_\_\_



**EXHIBIT 3  
RECALL PETITION**

RECALL PETITION FOR \_\_\_\_\_,  
COUNCIL MEMBER.

Petition Sponsor Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email Address: \_\_\_\_\_

Reason for Seeking Recall: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The above information must be completed and submitted to the Election Board for certification before circulating the petition.

Certification of Petition by Election Board: Individuals \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_.

Printed Name	Signature	KTTT Membership Verification
--------------	-----------	------------------------------

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

9. \_\_\_\_\_

10. \_\_\_\_\_

11. \_\_\_\_\_

12. \_\_\_\_\_

13. \_\_\_\_\_

14. \_\_\_\_\_

15. \_\_\_\_\_

I, \_\_\_\_\_, am an enrolled KTTT Tribal Member eligible to vote. I circulated this signature page with a complete copy of the recall petition included and certify that the signatures (or marks) above are true and authentic to the best of my knowledge.

Signature of Tribal Member Petitioning: \_\_\_\_\_ Roll# \_\_\_\_\_

**EXHIBIT 4**  
**EARLY VOTING BALLOT**

I, ( \_\_\_\_\_ ), am an eligible voter. To the best of my knowledge and belief,  
I am entitled to vote early in the Tribal election because

(Check one):

- ( ) I have a physical disability or illness that does or will prevent me from being able to travel to a polling place on the day of the election.
- ( ) I will be absent from the Kickapoo Village Indian Reservation on the day of the election.
- ( ) I will be engaged in religious activity on the day of the election.

I hereby apply for an Early Voting Ballot of my own free will and will vote by Early Voting Ballot according to my own conscience, free from any undue influence.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Address: \_\_\_\_\_

Enrollment Number: \_\_\_\_\_

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above-signed person, personally known to me, appeared and executed this application for an Early Voting Ballot.

Attest:

\_\_\_\_\_

## **APPENDIX**

### **CONSTITUTION OF THE KICKAPOO TRADITIONAL TRIBE OF TEXAS ARTICLE V ELECTIONS**

#### **Section 1. Regular Elections**

Elections shall be held every two (2) years on the third Saturday in November with the members being selected to fill the positions with terms expiring that year on the Traditional Council. Following the first election conducted under this Constitution all terms of office shall be for four (4) years or until successors are duly elected and installed. Members of the Traditional Council shall be selected by secret ballot.

#### **Section 2. Special Elections**

In the event a special election is required by any provision of this Constitution, it shall be called by the Election Board and be governed by the Election Ordinance. All special elections shall be held at the earliest possible time during the period October through April, provided at least thirty (30) days' notice is given.

#### **Section 3. Eligible Voters**

Each tribal member as defined in Article II of this Constitution shall have the right to vote in any tribal election, provided such member: 1) is at least eighteen (18) years of age at the time of such election; and 2) has resided within the jurisdiction of the Tribe as defined in Article I for at least three (3) years at the time of the election. Residency shall be determined by a voter registration procedure to be set forth in the Election Ordinance.

#### **Section 4. Election Board and Ordinance**

(a) The Traditional Council shall appoint an Election Board consisting of three tribal members who shall administer and supervise all tribal elections. The Election Board shall resolve all matters pertaining to qualifications of prospective candidates, secret balloting, filing procedures, election disputes, and all other matters pertaining to or arising from tribal elections. The Election Board shall call and conduct all tribal elections in accordance with a tribal Election Ordinance. Members of the Election Board shall serve four (4) year terms, except no Board member may serve more than two (2) consecutive terms. The Election Board shall select a Chairman and Secretary from among the Board members. Members of the Election Board may be removed only through the recall procedure set out in Article VI, Section 3\*, except that if the Election Board refuses to call any election required by this Constitution, the Board members forfeit their position and the Traditional Council may appoint new members. Members of the Traditional Council may not be appointed to the Election Board.

\*The original version states §4, however there is no §4 in Article VI and the recall provision is contained in Article VI §3.

(b) All tribal elections shall be conducted in accordance with an Election Ordinance enacted by the Traditional Council consistent with this Constitution. Such ordinance shall provide

procedures for all aspects of elections, and shall also provide for the conduct of initiative, recall, removal and referendum elections, and a uniform petitioning procedure. Notice of all regular and special elections and meetings shall be posted in at least three (3) public places within the Kickapoo Village.

### **Section 5. Qualifications of Candidates**

Any person who desires to become a candidate for election or appointment to Traditional Council shall meet the qualifications set forth below:

- (a) Must be a tribal member as defined in Article II of this Constitution, and must have been a member for the three (3) years immediately preceding the election in which office is sought;
- (b) Must be at least thirty-five (35) years of age;
- (c) Must not have been convicted of a felony in the United States or a similar offense in Mexico by a final judgment of any court of competent jurisdiction, must not have intentionally harmed another tribal member with a dangerous weapon and must not have converted tribal funds or property to his or her personal use; and
- (d) Must reside within the jurisdiction of the Tribe as defined in Article I for the three (3) years immediately preceding the election in which office is sought.

### **Section 6. First Election**

The first election shall be called by the Election Board for the third Saturday in November, 1991. Until a Traditional Council is installed following the first election, the tribal members designated below shall constitute the Traditional Council, and may exercise all powers conferred by this Constitution.

*Raul Garza, AKA Makateonenodua*  
*Juan B. Gonzales, AKA Kechemo*  
*Adolfo Anico, AKA Pemosaaqua*  
*Pepe Trevino, AKA Pepisidia*  
*Vicente Lopez, AKA Chakapahthohah*

For the first election the two members of the Traditional Council receiving the fewest number of votes shall serve for two (2) year terms; the remaining members shall serve for four year terms. Thereafter all members of the Traditional Council shall serve four (4) year terms. In the event of a tie vote among three or more Council members with the lowest number votes, after the Chairman is elected, the Election Board shall supervise the drawing of lots among those remaining members with tie votes to determine those members who shall serve two (2) year terms.

### **Section 7. Installation of Traditional Council**

All duly elected members of the Traditional Council shall take office within seven (7) days following the election.

## **Section 8. Compensation**

The Traditional Council may by unanimous vote prescribe compensation for members of the Traditional Council as it deems advisable from available funds.