

**Delaware Nation
CONSTITUTIONAL ELECTION CHECKLIST**

TECHNICAL SUGGESTIONS

- † Constitution Revision Committee shall review technical suggestions of Bureau of Indian Affairs (BIA) and Field Solicitor.
- † Constitution Revision Committee shall either accept or reject the suggestions of the BIA and/or Field Solicitor.
- † Constitution Revision Committee shall submit amendments to the Executive Committee for final approval.
- † The Executive Committee shall either accept or reject proposed changes and pass a resolution requesting an election.

COMPOSITION OF ELECTION BOARD

- † Constitution Revision Committee shall make suggestions to the Executive Committee as to composition of Election Board. (Pursuant to 25 C.F.R. § 81.8, the Election Board must consist of the “officer in charge acting as chairman and two representatives of the tribal governing body or an authorized representative committee.”)
- † The Executive Committee shall pass a resolution recognizing the composition of the Election Board.

NOTICE OF ELECTION

Upon receipt of the authorization from the BIA to conduct an election, the Election Board shall:

- † Not less than thirty (30) days nor more than sixty (60) days, notify by regular mail all adult members of the Nation who are eligible to vote of the need to register if they intend to vote on the constitutional amendments.¹ 25 C.F.R. § 81.11(a).
- † Notice of the election shall be sent to the individual’s last known address as it appears on the records of the local BIA unit. 25 C.F.R. § 81.11(a).

¹ Any Tribal member who will be eighteen (18) years of age within one hundred fifty (150) days from the date of authorization and who is otherwise eligible to vote shall also be notified and shall be eligible to register to vote on the constitutional amendments. However, such person will not be allowed to vote if the election falls before their eighteenth (18th) birthday. 25 C.F.R. § 81.11(b).

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- † Post any written notice at the local BIA unit, Tribal headquarters and elsewhere as determined by the Election Board. 25 C.F.R. § 81.14.
- † Determine whether additional notice will be given by television, radio, newspaper, poster or mail and whether Native language will be used in addition to English. 25 C.F.R. § 81.14
- † Each notice sent to a member residing off the reservation shall be accompanied by a preaddressed registration form. 25 C.F.R. § 81.11.
- † Compile in alphabetical order an official list of registered voters, including those members who have requested absentee ballots and those members who will turn eighteen (18) as provided in 25 C.F.R. § 81.11(b).
- † At least twenty (20) days prior to the election, post a copy of the official list of registered voters at the local unit of the BIA and at various other public places designated by the Election Board. 25 C.F.R. § 81.12
- † Post the text of the amendments at the local BIA office and other appropriate locations within two (2) days of giving notice of election date. 25 C.F.R. § 81.14

OFFICIAL BALLOTS

- † Ballot must not contain more than two (2) alternatives. 25 C.F.R. § 81.20(a).
- † Ballot must address only a single question. 25 C.F.R. § 81.20(b)(1).
- † If the proposed ballot conflicts with other provisions in the Constitution, the ballot shall be prepared so that the question includes all changes in those other provisions in order to avoid contradiction in the Constitution. 25 C.F.R. § 81.20(b)(2).
- † Amendments shall be identified with alphabetical designations, i.e., Proposed Amendment A, Proposed Amendment B. 25 C.F.R. § 81.20(3)
- † The following statement shall appear on each of the proposed amendments and shall be completed following the election:

Having been duly adopted and approved, Proposed Amendment (A,B,C, etc.) is hereby designated as Amendment No _____ to the Constitution of the Delaware Nation. 25 C.F.R. § 81.20(3)
- † Each ballot shall be stamped in red ink on it's face in the same place:

OFFICIAL BALLOT
(Facsimile Signature)
CHAIRMAN, ELECTION BOARD. 25 C.F.R. § 81.20(c)

ABSENTEE BALLOTS

í Upon request, the Election Board shall mail absentee ballots to registered voters who may be entitled to them pursuant to 81.6.

í The following must accompany the absentee ballots that have been mailed to Tribal members:

- í inner envelope bearing “Absentee Ballot” on the outside.
- í instructions for completing absentee ballots (*See Attachment B*)
- í full text of the proposed amendment.
- í pre-addressed outer envelope, imprinted on the back:

I, *[Insert name of voter]* hereby certify that I am a qualified voter of the Delaware Nation; that I will be 18 years of age or over at the election date and am entitled to vote in the election to be held on *[Insert election date]*; and that I cannot appear at the polling place on the date of the election because *[Indicate one of the following reasons]*: I am a non-resident voter []; or I expect to be temporarily absent from the reservation []; or because of illness []; or physical disability []; or because no polling place has been established []. I further certify that I marked the enclosed ballot in secret.

Signed _____ *[Voter’s signature]* 25 C.F.R. § 81.19(b).

í The Election Board shall make and keep a record of:

- í ballots mailed;
- í to whom mailed;
- í date of request;
- í the date of mailing;
- í the address on the envelope;
- í the date of the return of the ballot; and
- í from whom received. 25 C.F.R. § 81.19(d).

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- † After recording receipt date, the Election Board shall open the outer envelopes, secure them, and place the unmarked inner envelope containing the ballots in a separate box reserved for that purpose. 25 C.F.R. § 81.19(a).
- † Eligible voters shall be given ten (10) days from the mailing out of an absentee ballot to receive and return the ballot. 25 C.F.R. § 81.19(a).
- † Spoiled Absentee Ballots: Any spoiled or mutilated absentee ballot may be exchanged for another by making a request to the Election Board. No extensions of time will be given for those that won't be returned in time. 25 C.F.R. § 81.20(e)
- † No absentee ballot will be counted if received later than the close of the polls or some other deadline established by the Election Board.

ELECTION DAY

- † The Election Board shall designate hours the polling places shall remain open; Default hours are 8:00 a.m. to 7:00 p.m. 25 C.F.R. § 81.15.
- † The Election Board shall verify the name of the voting member is on the official list of eligible voters. 25 C.F.R. § 81.8(b)(1)
- † The Election Board shall ensure ballot boxes are locked at all times. 25 C.F.R. § 81.8(b)(2).
- † If a voter spoils or mutilates² a ballot in the course of voting at the poll, the voter shall destroy it in the presence of election officials. Election officials will record the destroyed ballot and give the voter a new ballot. 25 C.F.R. § 81.20(d).

CLOSING OF POLLS

- † The Election Board shall count regularly cast ballots and then absentee ballots. 25 C.F.R. § 81.8
- † Even though it will not be possible to determine the voter's intent, spoiled/mutilated ballots are to be counted for purposes of determining whether the required percentage of voters have cast their ballots in the election. Invalid ballots³ shall not be counted for the purposes of determining the required percentage of votes cast. 25 C.F.R. § 81.21.

² Mutilated ballot means an official ballot that has been damaged to the extent that it is not possible to determine the choice the voter intended to make. 25 C.F.R. § 81.1(l).

³ Invalid ballot means an official cast ballot discovered at the time the votes are counted which does not comply with the requirements for voting or is not an official ballot. 25 C.F.R. § 81.1(j).

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↑ Return all ballots, unused ballots, and a completed certificate of the results of the election to the officer in charge. 25 C.F.R. § 81.8.

↑ The Election Board shall certify the results of the election to the BIA using Attachment A. 25 C.F.R. § 81.23.

ATTACHMENT A

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to a Secretarial election authorized by the *[Insert title of authorizing agent]* on *[Insert date]*. The attached amendment of the Constitution and Bylaws of the Delaware Nation was submitted to the qualified voters of the Nation and on *[Insert date]*, was duly *[adopted/rejected]* by a vote of *[Insert number]* for and *[Insert number]* against and *[Insert number]* cast ballots found spoiled or mutilated in an election in which at least 30 percent of the *[Insert number]* members entitled to vote, cast their ballot in accordance with the Indian Reorganization Act, the Act of June 18, 1934, 48 Stat. 984, as amended.

Signed: _____ Date: _____, 200_
Chairman of the Election Board

Signed: _____ Date: _____, 200_
(Each Board member must sign)

ATTACHMENT B

INSTRUCTIONS FOR ABSENTEE BALLOTS

The absentee voter shall mark the ballot and the ballot shall then be folded so as to conceal the marking and be placed in the envelope marked "Absentee Ballot" and the envelope sealed. The voter shall then place the sealed envelope marked "Absentee Ballot" in the outer envelope, seal it and complete the certificate and mail it. The preaddressed outer envelope shall be directed to the election board at the reservation. Absentee ballots must be received by the election board not later than the close of the polls or as otherwise directed by the election board.