**ROSEBUD SIOUX TRIBE**
**Resolution No. 2020-101**

**WHEREAS,** the Rosebud Sioux Tribe is federally recognized Indian tribe organized pursuant to the Indian Reorganization Act of 1934 and all pertinent amendments thereof,

**WHEREAS,** the Rosebud Sioux Tribe is governed by a Tribal Council made up of elected representatives who act in accordance with powers granted to it by its Constitution and By Laws, and

**WHEREAS,** the Rosebud Sioux Tribal Council established the Rosebud Sioux Tribe Election Board pursuant to Article IV, Section 1 (u) of the Constitution and By Laws of the Rosebud Sioux Tribe, and

**WHEREAS,** the Rosebud Sioux Tribe Election Board has reviewed the Rosebud Sioux Tribe Election Code, Ordinance 86-10 and has developed proposed amendments to the Election Code, and

**WHEREAS,** the proposed amendments were developed to ensure that all tribal elections governed by the RST Election Code, Ordinance 86-10 are fair and conducted with all procedural requirements set forth in the code, and

**WHEREAS,** the Election Board did meet on April 7, 2019 in a special meeting and approved the drafting of this resolution to amend Ordinance 86-10;

**AMEND TO READ Page # 22**

Section 100-COMMUNITY ELECTIONS

103.A Community Officers

**AMEND TO READ Page # 6**

Section 202. Filing for Office

A. Any candidate for Tribal President, Tribal Vice President, Tribal Secretary, Tribal Treasurer or Tribal Council Representative may file for office by filing a nominating affidavit with the RST Election Board during regular working hours on any working day during the month of May immediately prior to a primary election.

B. No nominating affidavit shall be accepted by the secretary unless it is accompanied by: (1) filing fee receipt signed by the Treasurer, and (2) Bureau of Indian Affairs Census of Abstract signed by the appropriate governmental official or Tribal Certificate of Enrollment signed by the appropriate tribal official.

C. No person may file for more than one office during any Tribal election.

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**AMEND TO READ Page #9**

Section 301. Eligibility to Vote

A. Any enrolled tribal member at least 18 years old, who has established residency within one of the 20 recognized communities for at least 30 days prior to the election and has registered to vote with the RST Election Board before the Voter Registration deadline, shall have the right to vote.

**AMEND TO READ Page # 9 and 10**

Section 302. Registration

B. The registration form shall consist of the name of the voter, including maiden name and/or any other name known by, his/her community of residency, length of residency in that community stating the month, day and year of beginning of residency that has continued to date, birth date, tribal enrollment number, signature, physical address and notarization by the RST Election Board or notary public.

C. The community president, in collaboration with the other community officers, shall review the community voting list and when a voter on that list no longer meets the physical residency requirement of 30 days and has moved to another community on the reservation and this information is available to the community officers, they shall write this information on the voters list the submit to the RST Election Board office.

**AMEND TO READ Page # 10 and 11**

Section 304. Voting Procedures

B. The ballot shall be stamped/printed on the blank side with the words, "OFFICIAL BALLOT _____ COMMUNITY", by one of the judges. After a ballot is marked by a voter, it shall be folded by the voter so that the official stamps appears on the outside.

G. If a voter's name is not on the voters list, he/she should be advised to register to vote in accordance with Section 302, A. and B. A voter, after so registering and being placed on a community's voters list, shall be allowed to vote in the next election, if registered before the registration deadline.

**AMEND TO READ Page # 12 and 13**

Section 501. Appointment and Compensation

G. Committee members shall receive $100 per Tribal Election Day and mileage on Tribal Election Day to carry out the duties of the committee, $50 to attend an election workshop sponsored by the RST Election Board. Committee members shall also be compensated $100 and mileage for Special Elections.

**AMEND TO READ Page # 13**

Section 502. Vacancies, Oath of Office and Notice to Board

A. If a vacancy on the Community Election committee occurs or if any judge is not able to perform his/her duties, the remaining judges shall fill the vacancy with an eligible Community Member by appointment for the unexpired term.

**AMEND TO READ Page # 13 and 14**

Section 503. Duties of Committee

C. All committee members shall be present at their respective community voting place on election day one half hour before the polls open until all ballots are counted, properly recorded and certified, replaced in the ballot box and handed over to the Sergeant-at-Arms or designated Election committee member for delivery to the board.

**AMEND TO READ Page # 14**

Section 504. Challenging of Voters

C. The committee shall advise any apparently eligible voter whose name is not on the voter's list to register in accordance with Section 302 (A) and (B) before being allowed to vote in the next election.

**AMEND TO READ Page # 14**

Section 602. Use of Ballot Boxes

C. Before the opening of polls, each ballot box shall be delivered by the Sergeant-at-Arms or designated Election committee member to each committee at the community voting place.

Section 604. Return of Ballot Boxes

A. After the canvass at the community level is completed level is completed, the locked ballot box shall be returned to the board the same evening by the sergeant-at-arms or designated Election committee member.

E. After the canvass by the board, the locked ballot boxes shall be kept in security in the Tribal Election office at Rosebud until such time as all candidates have been certified, any special elections held, and in time for appeals to expire, provided that if there is any litigation pending, the ballot boxes must not be removed from security nor the ballots destroyed.

**AMEND TO READ Page # 16 and 17**

Section 701. Counting of Ballots

B. When counting the ballots, the judges shall inspect the face of each ballot to see if the boxes are properly marked or if the face of the ballot is marked in such a way that it could be identified as "LEGAL" or "SPOILED".

C. If such ballots are not properly marked or could be identified as being cast by any voter, they shall be challenged by any judge, placed in an envelope marked "CHALLENGED BALLOTS", sealed and signed by at least two judges.

D. Challenged ballots shall not be counted by the committee. If the number of ballots challenged could change the result of the election, the sealed envelope containing challenged ballots shall be opened by the board during its canvass and a final decision made. All acceptable ballots shall be counted.

**AMEND TO READ Page # 19**

Section 901. Non-use of Alcohol and Illegal Drugs

A. Any candidate for tribal office who uses alcohol or drugs to buy, blackmail or otherwise coerce voters during an election period shall be automatically barred by tribal council from running for or holding any tribal office provided due process is followed.

B. It shall be the duty of the board to submit to the council any violations of this section providing it is brought to the board's attention and proven by substantial evidence during the course of an election hearing.

**AMEND TO READ Page # 19**

Section 902. Poll Watchers

G. A poll watcher must be an enrolled member of the Rosebud Sioux Tribe.

**AMEND TO READ Page # 22**

Section 1003.A Community Officers

Community President: The Community President shall preside over all duly called community meetings, shall call all community meeting in accordance with community bylaws.

Community Vice President: In the absence of the Community President, the Vice President shall perform all the duties of the President.

Community Treasurer: The Community Treasurer shall be the custodian of al Community monies/checks which are under the jurisdictional/control of the respective communities. The Treasurer shall pay out monies under the direction of the Community President and supported by Community Meeting minutes. Any checks signed by the Treasurer must be countersigned by the Community President or authorized check signer, in the absence of the President.

Community Secretary: The Community Secretary shall keep a full and accurate account of all proceedings of each regular and special community meetings. Secretary shall submit copies of Community minutes and resolutions to the Tribal Secretary's office within (5) days after such minutes have been approved by Community.

Community Sergeant-at-Arms: Elected within the community membership at respective community meeting. Maintain order at meetings and other duties as assigned by community.

**AMEND TO READ Page # 22**

Section 1004. Filing for Office

Any eligible candidate may file for Community President, Vice President, Secretary and Treasurer by filing a nominating affidavit with the RST Election Board Office or Community Election Committee Chairperson during regular working hours on any working day during the month of July immediately prior to annual community election. The Community Election Chairperson will submit all completed affidavits to the RST Election Board office on the last business day in July.

**AMEND TO READ Page # 22 and 23**

Section 1005. Community Elections

A. All Community Officers elections shall be held annually in conjunction with the RST General Election. In the year that there is no General Election, the RST Election Board shall designate the fourth Thursday of August as Community Officer Election.

B. All voting for Community Officers shall be done by ballot on the same day and time as RST General Election, with polls open at 8:00am and closing at 7:00pm.

C. The RST Election Board shall provide ballots, tally sheets and other pertinent forms to be used for community Officer Elections.

D. The highest vote getter in Community Officers election shall be elected as community officers.

F. The positions of sergeant-at-arms and other committees shall be elected at large from within the Community at the next scheduled community meeting.

I. Upon receipt of official notification that a community officer has resigned or has been properly removed from office, the RST Election Board shall hold a Special Election within 30 days to fill the vacant position in accordance with timelines for filing affidavits, elections and challenge periods set forth in this ordinance.

K. Any community Officer Election challenges shall be pursuant to challenge procedures set forth in Section 404, Section 504 and Section 802 of this Ordinance.

L. If no affidavits are filed for any community office position the Election Board will refer the vacant position back to the community at the next duly called community meeting. The community shall elect an eligible community member from within their community membership. Results of this election shall be given to the RST Election Board Office the next working day.

M. Removal of any Tribal Community Officer position shall be pursuant to respective community by-laws.

1. Section 301. A. Any enrolled member at least 18 years old, who has established residency ~~on the reservation~~ for at least 30 days prior to the election and has registered to vote shall have the right to vote. **Delete "on the reservation" from this subsection.**

2. Section 302. B. The registration form shall consist of the name of the voter, including maiden name and/or any other name known by, his/her community of residency, length of residency in that community stating the day, month and year of beginning residency that has continued to date, birth date, tribal enrollment number, signature, ~~post office address~~ and notarization by the RST Election Board or a public notary. **Delete "post office address" from this subsection.**

3. Section 302. E. ~~When the RST Election Board office find the written information that a voter has moved to another community, the RST Election Board Office shall contact that~~

~~community's officers and give them this information regarding this particular voter and ask for the community officers verification that this voter does meet the 30 day physical residency requirement before adding that voter's name to the voting list, this will help ensure tribal voters who do not meet the residency requirement retain their privilege to vote.~~ **Delete in entirety this section.**

4. Section 701. B. ~~Upon opening the ballot box, the judge shall remove the ballots, keep them unfolded, and count them. All ballots are checked to see if they are obviously not those printed for the election or if they do not have the official stamp on the blank side, and all such ballots not printed for the election or not having the official stamp are marked "ILLEGAL", Then if the number of ballots cast is more than the~~ **Delete in entirety this section.**

5. Section 701. C. ~~Number of voters signed to receive a ballot, the excess number shall be drawn unfolded from the remaining legal ballots~~ and marked "EXCESS". **Delete in entirety this section.**

6. Section 701. D. ~~"ILLEGAL" and "EXCESS" ballots shall be placed in an envelope marked "ILLEGAL/EXCESS BALLOTS", sealed and signed by at least two judges. Such illegal and excess ballots shall not be counted in the election results.~~ **Delete in entirety this section.**

7. Section 901. A. ~~All sale of alcohol by establishments with a RST Liquor License shall be banned during a twenty-four (24) hour period starting at 6:00 P.M. (1) one day before the primary and general election days, or any other tribal election and ending at 7:00 P.M. on the day of the election.~~ **Delete in entirety this section.**

8. Section 901. B. ~~The board shall give the Bureau of Indian Affairs and Tribal Law Enforcement a standing request to cooperate fully in the enforcement of this ban.~~ **Delete in entirety this section.**

**WHEREAS,** the RST Election Board acting under their subject matter jurisdiction did approve and submitted the amended RST Election Code, Ordinance 86-10 to the RST Governmental Affairs Committee for their perusal and recommendation to the RST Council for approval, now

**THREFORE BE IT RESOLVED**, the Rosebud Sioux Tribal Council accepts the recommendation of Rosebud Sioux Tribal Election Board and RST Governmental Affairs Committee and hereby adopts the amendments to the Rosebud Sioux Tribe Election Code, Ordinance 86-10 as per RST 86-08 Legislative Procedure.

**ROSEBUD SIOUX TRIBE**
**Resolution No. 2020-101**

**CERTIFICATION**

This is to certify that the above Resolution No. 2020-101 was duly passed by the Rosebud Sioux Tribal Council in session on April 30, 2020, by a vote of fourteen (14) in favor, three (3) opposed and zero (0) not voting. The said resolution was adopted pursuant to authority vested in the Council. A quorum was present.

**ATTEST:**

Wayne Boyd, Secretary
Rosebud Sioux Tribe

Rodney M. Bordeaux, President
Rosebud Sioux Tribe

# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Rosebud Agency
Post Office Box 228
Mission, South Dakota 57555

IN REPLY REFER TO:
Office of the Superintendent

JUN 1 1 2020

Honorable Rodney Bordeaux
President, Rosebud Sioux Tribe
Post Office Box 430
Rosebud, South Dakota 57570

Attention: Louis Wayne Boyd, RST Secretary

Dear President Bordeaux:

The following resolutions, received in this office on 06/10/2020 have been reviewed and re-routed to the appropriate branches.

**Resolution No. 2020-101**
**Resolution No. 2020-108**
**Resolution No. 2020-112**
**Resolution No. 2020-114**
**Resolution No. 2020-115**
**Resolution No. 2020-116**
**Resolution No. 2020-121 (Amended: 05/26/2020)**
**Resolution No. 2020-122**
**Resolution No. 2020-123**
**Resolution No. 2020-124**
**Resolution No. 2020-126**
**Resolution No. 2020-127**
**Resolution No. 2020-128**
**Resolution No. 2020-129**
**Resolution No. 2020-130**
**Resolution No. 2020-131**

Sincerely,

Lee A. Beardt
Superintendent

Enclosure