

Section 1.3.

Candidates for Office.

1.3(A). Eligibility.

A candidate for office must: (1) be an enrolled member of the Tribe; (2) be enrolled with the Reservation of his/her candidacy; (3) reside on the Reservation of his/her candidacy and enrollment; and (4) meet the requirements of Article IV, Section 4 of the Constitution, as set forth in Section 1.3(D). A candidate for Committeeperson to represent a district established pursuant to Section 1.4(A), below, must reside in the district of his/her candidacy and enrollment. Requirements (1), (2) and (3) must be met for at least the twelve-month period immediately preceding the date established for the Primary election. No member of the Tribe will be eligible to hold office, either as a Committeeperson or Officer, unless he or she will reach his/her twenty-first (21st) birthday on or before the date of the Primary or Special Election. A candidate may file for only one (1) position.

1.3(B). Reservation Definition.

A Reservation is defined as all lands within the exterior boundaries of the reservation. A Band governing body, by official action, may define "reservation" to include specified lands outside the boundaries of the reservation, as may be defined by treaty, statute, executive order, or other document considered sufficient authority by the Band governing body, including all lands considered Indian Country under the governmental authority of that Reservation.

1.3(C). Filing of Notice of Candidacy.

1.3(C)(1). For Regular Elections, eligible candidates must file their notice of candidacy for Chairperson, Secretary/Treasurer, or Committeeperson, with the Secretary/Treasurer of the Band governing body or his/her designee beginning on the next business day after the Tribal Executive Committee prepares the election announcement. The filing period shall end not less than ten (10) days after it begins.

1.3(C)(2). For Special elections, eligible candidates must file their notice of candidacy for such offices beginning the next business day after the Band governing body prepares and posts the election announcement. The filing period shall end not less than ten (10) days after it begins.

- 1.3(C)(3). The Notice of Candidacy must be in writing, include the Candidate's physical (residence) address, have the original signature of the candidate, comply with the requirements of Section 1.3(D), below, and be filed by the candidate in person. A filing fee will accompany each notice of candidacy. The amount of the fee will be Thirty Dollars (\$30.00) for Officers (Chairperson, Secretary/Treasurer) and Fifteen Dollars (\$15.00) for Committeeperson. An incomplete Notice of Candidacy shall be rejected by the Secretary/Treasurer of the Band governing body or his/her designee.
- 1.3(C)(4). Each Band governing body will certify eligible candidates for office in accordance with the Minnesota Chippewa Tribe Constitution, the Minnesota Chippewa Tribe Election Ordinance and the dates and guidelines established for Minnesota Chippewa Tribe elections. Within twenty-one (21) days after the filing deadline the Band governing body must notify the Tribal Executive Committee of the eligible and ineligible candidates and the position for which they have filed. Certification decisions must adhere to the requirements of the Constitution and this Ordinance. The Band governing body shall make its certification decision based on all information available at the time for determination including information provided by the person who filed the Notice of Candidacy.
- 1.3(C)(5) If a candidate fails to submit a complete Notice of Candidacy, Certification of Eligibility, or Authorization and Consent to Disclosure during the filing period, the Band governing body shall not certify the candidate as eligible for office.
- 1.3(C)(6) Any person who has filed a complete Notice of Candidacy has standing to challenge the certification or non-certification of a person who has filed a Notice of Candidacy for the same position. Any challenge of such a decision must be filed with the Executive Director of the Minnesota Chippewa Tribe or a person designated in writing by the Executive Director by 4:30 p.m. on the second business day following receipt by the Tribal Executive Committee of the notice of certification or non-certification. Any challenge must state the reason(s) why the decision of the Band governing body did not comply with the requirements of the Constitution. Immediately upon receipt of a challenge, the Executive Director or

designee shall: (1) notify the Band governing body of the challenge and advise it that a complete record of all documents related to the challenge determination must be submitted to the Executive Director on the next business day; and (2) notify the Tribal Election Court of Appeals that a challenge has been filed. Notwithstanding any provision of this Ordinance, the Tribal Election Court of Appeals shall convene and within twenty-four (24) hours of said notice decide the issue of certification or non-certification based on the record provided by the Band governing body. The Tribal Election Court of Appeals may convene by telephone conference. The decision of the Tribal Election Court of Appeals must be in writing and signed by the Chief Judge. The decision of the Tribal Election Court of Appeals shall be final.

- 1.3(C)(7). If a member serving in any position on an existing Band governing body, and whose term does not end with the current election, desires to file for a different office on that Committee, he/she may do so. However, at least fifteen (15) days prior to the day that the Election Announcement is posted pursuant to Section 1.2(A)(3), such member will file with the Band governing body or its designee and serve upon each of its other members a notice of resignation from that member's current position. Said resignation shall be irrevocable upon certification of the tribal member who has resigned as a candidate, and will be effective upon the successful candidate's assumption of authority of the position for which such member has filed.
- 1.3(C)(8). In the event another incumbent member desires to file for the office for which a notice of resignation has been filed and served, he/she must file and serve a notice of resignation as least three (3) days prior to the date that the Election Announcement is prepared.
- 1.3(C)(9). Each office for which a notice of resignation has been filed and served in accordance with this section will be included in the Election Announcement, and a Special Election for those positions will be held contemporaneously with the Regular Election.