



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 20245

LY REFER TO:

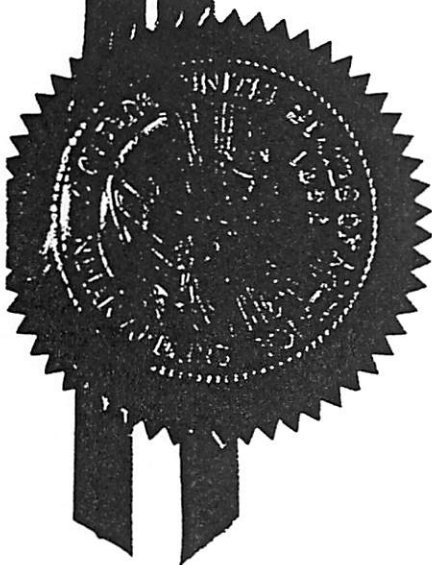
Pursuant to Title 28, section 1733, United States Code, I hereby certify that each annexed paper is a true copy of a document comprising part of the official records of the Bureau of Indian Affairs, Department of the Interior:

1. Rules and Regulations for the Organization of the Indian Tribes of Oklahoma under section 3 of the Oklahoma Welfare Act as approved by the Secretary of the Interior.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name, and cause the seal of the Bureau of Indian Affairs to be affixed on the day and year first above written.

Ernest Bailey
(Signature)

Certifying Officer
(Title)



Rules and Regulations for the Organization
of the Indian Tribes of Oklahoma under section 3
of the Oklahoma Welfare Act (Pub. No. 816-74th Congress)
As Approved by the Secretary of the Interior.

Section 3 of the Oklahoma Welfare Act (Pub. No. 816-74th Congress) provides in part as follows:

"Any recognized tribe or band of Indians residing in Oklahoma shall have the right to organize for its common welfare and to adopt a constitution and bylaws, under such rules and regulations as the Secretary of the Interior may prescribe. The Secretary of the Interior may issue to any such organized group a charter of incorporation, which shall become operative when ratified by a majority vote of the adult members of the organization voting: Provided, however, That such election shall be void unless the total vote cast be at least 30 per centum of those entitled to vote. Such charter may convey to the incorporated group, in addition to any powers which may properly be vested in a body corporate under the laws of the State of Oklahoma, the right to participate in the revolving credit fund and to enjoy any other rights or privileges secured to an organized Indian tribe under the Act of June 18, 1934, (48 Stat. 984): Provided, That the corporate funds of any such chartered group may be deposited in any national bank within the State of Oklahoma or otherwise invested, utilized, or disbursed in accordance with the terms of the corporate charter."

1. The Department will cooperate with and offer its advice and assistance to any authorized tribal council or representative committee of a tribe of Indians residing in Oklahoma in the drafting of a constitution, by-laws, and charter. Said constitution, by-laws, and charter may be drafted simultaneously, in order that the respective provisions thereof may be harmoniously adjusted to one another, and the organization of the tribe be treated as one process. This procedure may be followed in view of the fact that under the Oklahoma Welfare Act most of the powers which the tribe may exercise are to be set forth in the charter, rather than in the constitution and by-laws, as is the case under the Indian Reorganization Act. The constitution, including the by-laws, and the charter, however, will be voted on in two separate elections. No

tribe may receive a charter of incorporation until it is organized under an approved constitution and by-laws.

2. An election on the adoption of a constitution and by-laws, or charter, will be called by the Secretary of the Interior upon request by the tribal council or any authorized representative committee, or upon a petition signed by at least one-third of the adult members of the tribe where such a council or committee does not exist, or fails to request such election. The Secretary of the Interior will call an election, however, only after the submission of said constitution and by-laws, or charter, and approval thereof by him. Constitution and by-laws, and charter, will be effective when ratified by a majority vote of the adult members of the tribe voting in an election in which at least 30 per cent of those eligible to vote cast their ballots.

3. The following rules shall determine the eligibility of voters in any election on a constitution and by-laws, or charter, for a tribe of Indians residing in Oklahoma:

(a) Any member of the tribe shall be entitled to vote, regardless of residence.

(b) Descendants of members, although not enrolled as members of the tribe shall be entitled to vote, if recognized as members of the tribe. Any person omitted from the tribal rolls, through accident or mistake, shall likewise be entitled to vote, if recognized as a member of the tribe, or tribes.*

*(Explanatory note: The purpose of this section is merely to provide a voting roll and determine who is entitled to vote. It does not in any way authorize removals from or additions to the official Tribal Rolls. - - William Zimmerman, Jr., Assistant Commissioner of Indian Affairs.)

(c) No person not a member of the tribe shall be entitled to vote.

(d) No person who has abandoned his tribal membership shall be entitled to vote, even though he may be enrolled as a member. The right of any such person to vote shall be determined by the election board as provided in section 7 of these regulations.

(e) Non-resident members may vote by absentee ballot. A ballot will be sent upon request to each such member in sufficient time to permit him to execute and return same on or before the date of the election. The ballot must be sworn to before a notary public, or other official authorized to administer oaths, and must be returned in a sealed envelope marked on the outside -- Non-resident Ballot. Proper records shall be kept of all such ballots sent out, to whom mailed, date of mailing, addresses of the voters, and of all such ballots returned, from whom received, and time of receipt. Absentee ballots shall not be counted until all other ballots are counted and no ballot received after the polls have closed shall be counted.

4. No person shall be entitled to vote in any election on the adoption of a proposed constitution and by-laws unless he has reached the age of 21 years.

5. There shall be an Election Board consisting of the Superintendent having jurisdiction over the tribe and representatives of an authorized council or committee of the Indians, whose duty it shall be to conduct the election, and to enforce and execute these rules and regulations.

6. The Election Board shall compile a list of voters, which shall be posted at the agency office and at various other public places convenient to the voters, at least 10 days prior to the election. Copies of such lists arranged according to voting districts, shall also be made, for the purpose of checking off each name as his or her ballot is cast, and of determining, in the event of any question, the right of any individual to vote. Each district shall be supplied with a list of those voters who will cast their ballot within that district.

7. The Election Board shall determine any claim as to the right of any person not listed to vote, as well as any challenge to the right to vote of any person who is listed, and the findings of such Board shall be final. The Election Board shall fix a date, not less than five days before the election, at which time all complaints will be heard and passed upon.

8. Not less than twenty (20), nor more than sixty (60), days' notice shall be given of the calling of an election, unless a shorter notice is requested by those authorized to request an election under Section 1 of these rules and regulations. Where an election is called upon less than 20 days' notice the time allowed absentee voters for the return of absentee ballots shall be extended beyond the date of balloting so as to afford such absentee voters a sufficient opportunity to register their votes.

9. Posters in the English, Indian or other appropriate languages in the discretion of the Superintendent, shall be distributed among the Indians, notifying them of the election, and shall be posted at the agency

office and at various other appropriate public places. Absentee members shall be notified by circular of the calling of the election, and shall receive instructions as to the proper manner of voting therein.

10. Official ballots for the election will be furnished by the Commissioner of Indian Affairs. These ballots should be counted on receipt thereof and should be carefully guarded at all times.

11. Mimeographed copies of the proposed constitution and by-laws shall be distributed to every eligible voter requesting same prior to the election.

12. Voting districts shall be delimited throughout the reservation or nation by the Election Board. A polling place shall be designated for each district, the choice of which shall be based upon the needs and convenience of the Indians. In all cases, unless there are strong reasons to the contrary, the regular voting places where elections are usually held shall be the polling places for the election. Places where state and county elections, in which the Indians participate, are usually held, may be chosen as polling places for the election. Where possible, voting equipment should be borrowed from the local authorities.

13. The polls shall remain open from 8:00 A.M. to 6:00 P.M., unless different hours are agreed to in advance, and the Indians are notified thereof.

14. The Election Board shall appoint a judge, clerk, and teller for each district. The duties of these officials shall be to see that the name of each person voting is on the approved list, that his name

is checked off as his ballot is cast, and that the ballot is individually executed. It shall be the further duty of these officials at the close of the polls to count the ballots, return them to the boxes, lock and mark the boxes, and on the evening of the election day turn over the certified election returns of the district, the ballot boxes, a list of those voting, and all unused ballots, to the Superintendent. Throughout the voting the ballot boxes shall be kept locked, and after the voting shall be opened only long enough to permit the counting of the votes.

15. Interpreters may be provided to explain the execution of the ballot to such Indians as may need instruction. Assistance may be provided for those unable to execute their own ballots, but all necessary precautions shall be taken to insure that the voter is not influenced in casting his ballot.

16. There shall be no electioneering within 200 feet of the voting place while the polls are open.

17. The Election Board shall canvass the returns from the various voting districts, and shall certify the result of the election to the Office of Indian Affairs. The result of the election shall be posted at the agency office and at other public places for the information of the Indians. A telegraphic report should be made to the Indian Office immediately after the result of the election is determined. Ballots and other election materials should be kept by the Superintendent and should be placed under lock and key for one year in the event of any protest or order for recount.

18. Elections on the adoption of amendments to an approved constitution and by-laws shall be called as provided in said constitution and by-laws, and shall be conducted in the manner prescribed in these rules and regulations, except where modified in said constitution and by-laws as to voting districts, eligibility of voters, and the manner of holding elections.

19. Elections on the ratification of a charter of incorporation issued to any organized tribe by the Secretary of the Interior, pursuant to section 3 of the Oklahoma Welfare Act, shall be conducted in the manner prescribed in these rules and regulations.

Approval recommended: December 14, 1936.

(Sgd) William Zimmerman, Jr.,

Acting Commissioner of Indian Affairs.

Approved: December 18, 1936.

(Sgd) Harold L. Ickes,

Secretary of the Interior.