

**ELECTION CODE**  
**OF THE**  
**MATTAPONI INDIAN TRIBE**

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## ARTICLE 1

### DEFINITIONS

The following terms, whenever used or referred to in this Code, shall have the meanings stated below. The definitions shall apply regardless of whether such terms are used in their singular or plural form.

- a. **Ballot:** A document or card prepared by the Election Board in accordance with this Code and officially approved by the Election Board as an authorized means for recording the vote of a single voter in an election.
- b. **Business Day:** Any day Tribal government offices are open for business.
- c. **Community Meeting:** Any meeting called by the Tribal Council to provide information regarding elections or other matters, other than an Election Meeting. Only Voting Members, those challenging their exclusion from the Voting Members List, or witnesses may attend, unless Tribal Council allows other people.
- d. **Candidate:** Any person who declares themselves for or is nominated to run for an elected position and meets the eligibility requirements of Section 800.
- e. **Constitution:** The Constitution of the Mattaponi Indian Tribe adopted by the Voting Members.
- f. **Day or Days:** Calendar days, except as expressly defined otherwise in this Code.
- g. **Election Board:** The Election Board shall consist of the Tribal Council Secretary and two people, regardless of tribal status, appointed by the Council to assist in administering elections.
- h. **Election Day:** Election Day is the first Saturday in February every two (2) years, except for Special Elections.
- i. **Election Meeting:** The meeting held on Election Day, or any Special Election Day, pursuant to Article 5, Article 6, or Article 7, at which Voting Members cast their votes. Only Voting Members may attend, except for Election Board Members, aides for disabled voters, or any security personnel.
- j. **Election Notice:** The written notice distributed to all Voting Members regarding an upcoming Mattaponi Tribal election that includes significant dates, forms, or other information necessary for participating in the election process.
- k. **Initiative:** A procedure for Voting Members to submit by petition a proposed tribal law, or the proposed repeal or amendment of an existing tribal law, for approval by the Voting Members.

- l. **Polling Place:** The Polling Place is the Community Center, unless changed or expanded by Tribal Council.
- m. **Referendum:** A procedure for the Tribal Council to submit a proposed tribal law, or proposed amendment or repeal of an existing tribal law, to be decided by the Voting Members.
- n. **Special Election:** An election to fill a vacancy in the office of Assistant Chief or on Tribal Council. The procedures for a special election shall follow the regular election procedures set forth in this Code, except that the election may be held at any time. Any person elected in a special election shall serve the unexpired term of the vacated seat.
- o. **Tribal Land:** Any land held by the Commonwealth of Virginia or the United States in trust for the Mattaponi Tribe or owned in fee by the Mattaponi Tribe or any entity that is wholly owned by the Mattaponi Tribe.
- p. **Voting Member:** A person who:
  - i. is an enrolled member of the Mattaponi Indian Tribe;
  - ii. has attained the age of eighteen (18) by Election Day;
  - iii. holds an assignment of land on the Reservation granted by the Tribal Council or who has otherwise been permitted to live on the Reservation by the Tribal Council; and
  - iv. has paid all Residency Taxes due to the Tribe.
- q. **Voting Members List:** The names of Voting Members certified by the Election Board as eligible to vote in an election.

## ARTICLE 2

### GENERAL PROVISIONS

#### **200. Title.**

The following Code shall be known as the Election Code of the Mattaponi Indian Tribe.

#### **201. Statement of Purpose.**

The purpose of the Election Code is to:

- a. regulate the conduct of elections as set forth in Section 205;  
and
- b. facilitate full participation by Voting Members in the electoral process through

the enactment of standards and procedures for conducting fair, legal, and impartial tribal elections.

**202. Authority.**

This Election Code is enacted by the Mattaponi Tribal Council pursuant to the inherent sovereign authority of the Mattaponi Tribe.

**203. Regulations May be Developed.**

The standards and procedures for all elections under this Code may be further defined through regulations promulgated by the Election Board created and empowered herein. Any regulations shall comply with this Election Code.

**204. Conflicting Laws Repealed.**

This Code revokes all prior election laws, customs, or traditions.

**205. Scope.**

This Code shall govern the conduct of the following Mattaponi Tribal elections:

- a. Elections for seats on the Tribal Council, including elections to fill vacancies and run-off elections;
- b. Elections for ratification and approval of the Constitution and any amendments to the Constitution, whether proposed by the Tribal Council or by the Voting Members, and
- c. Any Referendums or Initiatives.

**206. Computation of Time.**

In computing any period of time prescribed or allowed by this Code, the time period shall begin the day after the act, event, or default. The last day of the period computed shall be included, unless it is a Saturday, a Sunday, or a Tribal holiday, in which case the time period shall run until the end of the next day that is not one of the aforementioned days.

**ARTICLE 3**

**ELECTION BOARD**

**300. Establishment of Election Board.**

The Tribal Council hereby establishes an Election Board composed of the Tribal Council Secretary and two members who shall be appointed by Resolution of the Council. The members appointed by Council shall work at the direction of the Secretary. If the Secretary is a candidate for office, the Chief or Assistant Chief, whomever is not a Candidate, shall assume the responsibilities

of the Secretary in conducting the election. However, the first election held after the adoption of the Constitution shall be conducted exclusively by the two members of the Election Board without the involvement of any tribal officer.

**301. Qualifications.**

- a. The two Election Board Members appointed by the Tribal Council must be at least eighteen (18) years old.
- b. No person may be appointed as an Election Board Member if that person has been convicted within the past ten (10) years of a felony.
- c. The Election Board Members appointed by the Tribal Council may be persons who are not enrolled members of or affiliated with the Tribe.

**302. Terms of Election Board Members.**

Each Election Board Member shall serve a four (4) year term of office and may be re-appointed any number of times. For the initial appointment of Election Board Members, the Council may vary the terms to achieve staggered terms.

**303. Responsibilities of the Election Board.**

- a. The Election Board shall work under the direction and assist the Secretary in the conduct and certification of the results of Tribal elections in accordance with the requirements of the Constitution, once adopted, and this Code.
- b. Each Board Member shall take an oath before the Chief or Assistant Chief affirming their commitment to the laws of the Mattaponi Tribe, and to ensuring free and fair elections.
- c. The Election Board shall prepare the notice of all Election Meetings, prepare the Voting Members List, review Candidate petitions and prepare the Candidates List, print election materials and ballots, prepare the ballot box and polling place, count ballots, and maintain ballots or other records as required by this Code.

**304. Election Board Vacancy.**

- a. If an Election Board position becomes vacant, a new Election Board Member shall be appointed by resolution of the Tribal Council.
- b. An Election Board Member may resign by submitting their written resignation to the Secretary. Their resignation shall become effective upon submission.

**305. Expenses and Compensation.**

Election Board Members shall be entitled to reimbursement for actual and reasonable

expenses incurred in the discharge of their duties, provided that such reimbursement shall be in accordance with any expense reimbursement policies and procedures established by the Tribal Council. Election Board Members may receive a stipend for service on the Election Board only if made pursuant to a compensation plan approved by the Tribal Council. Until such a compensation plan has been approved by the Tribal Council, service on the Election Board is voluntary.

## **ARTICLE 4**

### **VOTER ELIGIBILITY**

#### **400. Rights of Voting Members**

Only Voting Members can vote in elections, run as Candidates, or vote on the Constitution, Referendums, and Initiatives.

#### **401. Voting Members List.**

- a. At least fifty (50) days before each Election Day, the Election Board shall prepare a Voting Members List (the “List”), including their addresses.
- b. The Election Board shall have access to the Tribal Roll and all other tribal records held by any other Mattaponi office or official that are relevant to the development and certification of the List.
- c. The Election Board shall make the Voting Member List available to Voting and non-Voting members to inspect and include a process through which an enrolled member can either appeal their exclusion from the List or by which a Voting Member may challenge another person’s inclusion on the List.
- d. Within five (5) days of publishing the List, a Voting or non-Voting member may submit a written challenge pursuant to subsection (c).
- e. If one or more challenges are filed, the Secretary shall provide notice of a Community Meeting which shall be held no more than ten (10) days after the List is made available. Only challenges submitted in writing to the Secretary prior to the meeting shall be heard. Only Voting Members, those challenging their exclusion from the Voting Members List, or witnesses may attend, unless Tribal Council allows other people. At the meeting, the Council shall consider any evidence presented regarding a person’s eligibility to be on the List and make a final determination of whether a person is eligible to be included on the List.
- f. Any Council Member whose inclusion on the List is challenged shall not be allowed to vote on their own eligibility to be included on the List.
- g. If no challenges are filed regarding the List, it shall become the final List for the upcoming election. If the List is challenged as set forth in this section, the Secretary shall prepare and publish the final List at the conclusion of the meeting.



## ARTICLE 5

### CONSTITUTIONAL ELECTIONS

**500. Adoption of the Constitution.**

Pursuant to the inherent authority of the Mattaponi Tribe as a sovereign tribe and the Tribal Council's authority as the Tribe's governing body, the Secretary is directed to hold an election for the adoption of the Tribal Constitution following the procedures provided in this Code. The adoption of the Constitution shall be the only measure on the ballot. If the Constitution is not approved, a subsequent election may be held but not sooner than six (6) months after the election in which it was rejected.

**501. Debate Regarding Constitution.**

One week before the vote on the Constitution, a meeting shall be held to discuss provisions of the Constitution. The Election Board may create rules for this meeting.

**502. Vote Required for Approval.**

A vote on adopting a Constitution as presented shall be effective upon a majority vote of Voting Members, provided that at least thirty percent (30%) of Voting Members cast ballots.

**503. Voting Process to Adopt a Constitution.**

The vote to adopt a Constitution shall be conducted in the same manner prescribed in Article 10 in this Code. Only Voting Members, the Election Board, and security personnel shall be allowed to attend a meeting and vote on the adoption of the Constitution.

**504. Amendments to the Constitution.**

- a. **Proposed by Tribal Council or by Petition of Voting Members.** The process to amend the Constitution by a proposal set forth by resolution of the Tribal Council or Petition of the Voting Members shall occur in accordance with the requirements provided in Article 7 of this Code.
- b. **Vote Required for Approval.** An amendment to the Constitution shall be effective upon a majority vote of Voting Members approving such amendment, provided that at least thirty percent (30%) of Voting Members cast ballots.
- c. **Rejected Amendments.** If a proposed amendment to the Constitution is not approved, a subsequent amendment election may be held but not sooner than six (6) months after the election in which it was rejected.

## ARTICLE 6

### GENERAL ELECTIONS

#### **600. First Election After Adoption of the Constitution.**

Pursuant to Article VI, Section 2 of the Mattaponi Constitution, the terms of office of executive officers and Tribal Council members are staggered. In the first election following the adoption of the Constitution, the Chief shall be elected to a term of four (4) years, and the Assistant Chief shall be elected to a term of two (2) years. The four Candidates who receive the highest number of votes for the office of Tribal Council in this first election following the adoption of the Constitution shall hold office for a period of (4) years and the three remaining Candidates shall hold office for a period of two (2) years. Thereafter, all terms of office will be for a period of four (4) years.

#### **601. The Date and Timetable for General Elections for Elective Office.**

General Elections for the Tribal Council shall be held every two (2) years on the first Saturday in February, also referred to as Election Day. The election process for General Elections shall follow a timetable that allows for adequate public notice of the election and an opportunity for the Mattaponi Tribal electorate to participate in the election to the fullest extent, and meet the deadlines provided in Section 603.

#### **602. Commencement of Election Process.**

An initial meeting of the Election Board shall occur approximately three (3) months prior to Election Day. The primary purposes for the initial meeting shall be to establish the Event Calendar, prepare an Election Notice, and prepare and publish the Voting Members List.

#### **603. Event Calendar.**

The Event Calendar shall be provided to the Tribal Council and made available to the Mattaponi public. The Event Calendar shall set calendar dates for each of the following events:

- a. the Election Day date;
- b. publication by the Secretary of Voting Members List which shall be no later than fifty (50) days before Election Day;
- c. the date by which challenges under subsection 401(c) must be made, which shall be no later than forty-five (45) days before Election Day;
- d. the Community Meeting at which challenges are heard, and decisions are made by the Council regarding amendments to the Voting Members List, which shall be no later than forty (40) days before Election Day;

- e. Date by which petitions nominating Candidates must be submitted to the Election Board Secretary, which date shall be no later than twenty (20) days before Election Day;
- f. Date by which the Election Board shall verify petition signatures and Candidate qualifications, and by which the Secretary shall publish the names of qualified Candidates, which date shall be no later than fifteen (15) days before Election Day;
- g. Date by which disabled voters must request reasonable accommodations to vote pursuant to Section 1002(j), which shall be no later than thirty (30) days before Election Day;
- h. the assumption of office, which shall occur at the first Tribal Council meeting following the election.

**604. Election Notice.**

The Secretary shall distribute an Election Notice to all Voting Members that includes:

- a. Election Day date and a list of any issues to be voted on as a referendum or initiative;
- b. event timetable (regarding voter and candidate activities);
- c. meeting location and hours;
- d. other information deemed appropriate by the Secretary.

**605. Publication.**

Any notice or other document required to be published by the Event Calendar or other provisions of this Code shall be posted conspicuously within the Tribal community, including but not limited to the Tribe’s website and social media accounts, the Community Building, and the meeting location of the Tribal Council. Copies of the notice or other documents may, but are not required, to be hand-delivered to Voting Members at their residences.

**ARTICLE 7**

**REFERENDUMS AND INITIATIVES**

**700. Referendums.**

- a. Tribal Council may propose a Referendum on a legislative enactment. Any such proposal must be by Council resolution that clearly identifies and sets forth the specific enacted or proposed law that the Tribal Council submits for a Referendum.
- b. The proposed referendum shall be discussed at the next regularly scheduled Tribal Council Meeting and may be discussed at additional Tribal Council Meetings if a

majority of Voting Members in attendance at a Council so request, provided that a vote shall be held on the proposed Referendum within sixty (60) days of the date that it was proposed.

- c. A proposed Referendum cannot be withdrawn.

**701. Initiatives.**

- a. A Voting Member may submit an Initiative to propose a new law, or the amendment or repeal of an enacted law, by filing a Petition with the Secretary signed by at least twenty percent (20%) of the Voting Members.
- b. A proposed Initiative shall identify the issue or specific law that the Voting Members propose to be enacted or amended. The proposed Initiative may include the proposed enactment or amendment or may request that the Tribal Council prepare a discussion draft of the proposal, which shall be prepared within thirty (30) days after submission of the proposed Initiative. The proposed Initiative shall be available for review and its consideration shall be placed on the next regularly scheduled Tribal Council Meeting that is not less than thirty (30) days from the date that the Initiative was scheduled. Changes may be made to the proposed Initiative based on the discussion at the Tribal Council Meeting.
- c. A vote shall be held on a proposed Initiative within sixty (60) days of the date that it was proposed.

**702. Referendum or an Initiative Approval.**

- a. Each Officer and Member of the Tribal Council may publicly express their individual opinions about any proposed Referendum or Initiative, and each Officer and Council Member may vote in any Referendum or Initiative election.
- b. At least thirty percent (30%) of the Tribe's Voting Members must cast ballots in a Referendum or Initiative election for it to be considered a valid election. If at least thirty (30%) percent of Voting Members do not cast ballots in a Referendum or Initiative election, the Referendum or Initiative is defeated.
- c. Approval by the voters of a Referendum or Initiative requires at least sixty percent (60%) of the votes cast in the election.
- d. If a Referendum or Initiative is defeated in an election, the same matter cannot be the subject of a Referendum or Initiative election for at least six (6) months.

**ARTICLE 8**

**CANDIDATE DECLARATIONS AND NOMINATIONS**

**800. Qualifications for Candidates for Elective Office.**

To be a Candidate for elective office, a person must:

- a. be on the Voting Members List;
- b. be at least twenty-five (25) years of age by the beginning of the term of office;
- c. not have been convicted within the last ten (10) years of a felony;
- d. not be employed by the Bureau of Indian Affairs or by any other Federal agency, not including any branch of the United States Armed Forces, or be an elected or appointed official of any County or Commonwealth board, commission, court or agency; and
- e. once elected for an office, any person who holds a different elective tribal office or is a sitting judge on the Tribal judiciary shall be deemed to have resigned from their current elective office or judgeship.

**801. Becoming a Candidate.**

Any Voting Member may be a candidate for Chief, Assistant Chief, or Tribal Council if a petition nominating the Voting Member is signed by at least ten percent (10%) of the Voting Members and is submitted to the Secretary according to Section 603(e) of this Code. The Candidate must sign the petition to accept the nomination. Once all qualified Candidates have been nominated, the Election Board shall post the names of the Candidates as required by Article VI, Section 4 of the Constitution and Section 603(f) of this Code.

**802. Withdrawal from Candidacy.**

A Candidate may withdraw their candidacy by submitting a signed statement requesting removal from the election and ballot. A request to be removed will be final and non-reversible. If a Candidate withdraws, an announcement shall be made at any Community Meeting prior to Election Day and at the Election Day Meeting.

**803. Candidate Name Appearing on Ballot.**

- a. A Candidate's legal name must appear on the ballot.
- b. A Candidate may also include an Indian name, or a nickname, which shall appear in parentheses.

**ARTICLE 9**

**BALLOTS AND BALLOT BOXES**

**900. Ballot Criteria.**

All ballots used in the conduct of an election shall:

- a. be printed in such a way as not to identify the voter;
- b. be printed in such a thickness to make it impossible to look at the back and tell for whom it was marked;
- c. include the date, name, and type of the election for which the ballot shall be used;
- d. include instructions stating the number of candidates for each office for which a voter may lawfully vote depending on the number of Council seats that are open for election that year;
- e. be approved by the Secretary prior to reproduction for an election; and
- f. be supplied by the Secretary in sufficient quantity to assure that each voter whose name appears on the Voting Members List may receive a ballot. Additional ballots shall be available for replacing spoiled ballots.

**901. Name Alphabetization.**

The order the names appear on the ballot for each position shall be alphabetical.

**902. Ballot Storage.**

Ballots shall be stored securely in a locked container prior to being issued.

**ARTICLE 10**

**VOTING AT THE ELECTION MEETING**

**1000. Polling Place Setup.**

- a. Voting shall occur during the Election Meeting.
- b. The Secretary shall preside at the Meeting. If the Secretary is a Candidate for Election, either the Chief or Assistant Chief shall preside, whomever is not a Candidate, and shall assume the responsibilities of the Secretary in conducting the election.
- c. The ballot box shall be inspected by at least three Voting Members who are not Candidates prior to the commencement of voting. The Voting Members shall affirm there are no ballots in the box. After inspection, the ballot box shall be locked until it is opened at the end of the voting.
- d. Tables that can seat at least three people, with partitions for privacy between each seat, shall be set. Writing instruments shall be provided.

**1001. Interference with Elections.**

- a. No person shall use tribal assets or resources to solicit, persuade or endeavor to persuade any person to vote for or against any Candidate, or for or against any Initiative or Referendum.
- b. No person shall:
  - i. attempt to intimidate, abuse, or threaten a person in order to cause them to vote for or against any particular candidate or for or against any Referendum, Initiative, or other ballot question that is being voted on at an election;
  - ii. directly or indirectly, including on social media, utter or address any threat or intimidation to, or assault, an Election Official or other person authorized to administer or enforce election laws, or to conduct, oversee or monitor an election, or to assist in the carrying out of such duties, with the intent to induce such person to do any act not authorized by law or to refrain or delay in the performance of any duty imposed by law; or
  - iii. carry a firearm into a Community or Election Meeting.
- c. It shall be the duty of the Secretary at the polling place to obtain such assistance as may be required to maintain order about the building during the election.

**1002. Voting.**

- a. Only Election Board Members, Voting Members, aides for disabled voters, and security shall be allowed to enter the Community Building for an election.
- b. An Election Board Member shall be positioned at the door with the Voting Members List. If the voter's name is on the Voting Members List, the Board Member shall check the voter's name off the List, the voter shall initial the check mark, and the voter shall be allowed through the door.
- c. Once all Voting Members have entered the building, the Secretary shall call the meeting to order.
- d. The Secretary may provide opening words, invite an opening prayer, and shall provide a description of the voting process.
- e. Each Candidate then shall be allowed to speak for no more than five (5) minutes. After all Candidates have spoken, there shall be a question and answer period for no longer than thirty (30) minutes. Each question must be asked in one (1) minute or less, and no answer shall be longer than two (2) minutes. If a voter becomes disruptive during the question and answer period, they will be given one warning by the Secretary to correct their behavior. Any more disruptions will result in the voter's expulsion from the meeting. The voter shall be allowed to return to the meeting when voting commences, unless the voter causes a further disruption, which will result in another expulsion and a forfeiture of the

voter's vote.

- f. After Candidate speeches and questions and answers have concluded, the Secretary shall direct voters to form a line to receive their ballots and writing instruments. Voters shall then be directed to the voting stations.
- g. Voters shall only be able to vote while at a voting station. Voters waiting to vote shall wait in line.
- h. If a voter becomes disruptive while waiting in line or voting, they shall be asked to vote outside the Election Meeting room in a designated area.
- i. A voter shall mark the ballot using the instrument provided. The mark, to be valid, must be identifiable within the appropriate place on the ballot for which it is intended. After the ballot is marked, the voter shall fold the ballot in half or quarters and deposit the ballot in the ballot box.
- j. A voter who is disabled and unable to vote without assistance must alert the Election Board in writing thirty (30) days before Election Day of reasonable accommodations they require to vote, including the provision of an absentee ballot or the use of an adult aide of the voter's choice. The Election Board may provide further regulations for accommodating disabled voters and make determinations about accommodations based on the cost of the requested accommodations.
- k. Should any voter spoil a ballot, the voter shall fold and return the spoiled ballot in the presence of the Secretary. The voter shall then place the spoiled ballot in an envelope marked "spoiled ballots." The voter shall be provided another ballot. The Secretary shall retain the spoiled ballot for the election record.

### **1003. Unused and Spoiled Ballots.**

All unused and spoiled ballots must be accounted for by the Election Board. The unused ballots are to be preserved with all polling place materials and promptly returned to the Election Board with the locked ballot box.

## **ARTICLE 11**

### **BALLOT COUNTING AND RESULTS**

#### **1100. Ballot Counting.**

- a. Before counting ballots, the Secretary shall announce that no person may leave and re-enter the ballot counting area while counting is in progress.
- b. All ballots are to be accounted for, including cast ballots, spoiled ballots, and unissued ballots.
- c. Decisions regarding the intent of the voter on questionable ballots shall be



made by majority vote of the Election Board. Any ballot on which the intent of the voter cannot be determined shall be preserved for safekeeping with the notation placed on the face of the ballot indicating it was not counted.

- d. Write-in votes on the ballot shall not be counted. The rest of the ballot shall be counted.
- e. The Election Board shall count the ballots cast in the following manner:
  - i. Ballots shall be counted at the Election Meeting after all Voting Members have cast ballots.
  - ii. A white board or other large display shall be made visible to the Voting Members present. All offices, referendums, or initiatives that were voted on shall be written across the display. This may be prepared before the Meeting begins. One Election Board Member shall read aloud the results from the first ballot, and another Election Board Member or volunteer shall mark the corresponding category on the display. Another Election Board Member shall review the votes to confirm what is marked on the ballot is tallied correctly on the display. This shall be done for every ballot, and the vote for all items voted upon be read from each ballot before moving on to the next ballot.
  - iii. A recount of ballots shall be initiated if a reviewing Voting Member sees a discrepancy between what is on the ballot and what is tallied, or if requested by a Candidate if they did not win a seat and received three or fewer votes less than any Candidate elected. There shall be one recount per contested seat.
  - iv. Once any discrepancies or challenges have been resolved, the Secretary shall sign a form certifying the election.
- f. The Candidates with the highest number of votes will fill the number of open positions. If a vote on a referendum or initiative position ends in a tie, the matter shall be considered defeated.
- g. When canvas of election results has been completed, all cast and unissued ballots will be turned over to the Secretary who shall seal the marked ballots and tally sheets and lock them in a container.

#### **1101. Ballot Counting Observation.**

- a. All Voting Members may be present at the Ballot Count. Voting Members must remain quiet during the counting process and must not disrupt or interfere with the counting process in any way.
- b. Any infraction of this rule shall result in the expulsion from the Meeting of any individual disrupting or interfering with the vote counting process.

- c. If a violation occurs, the Secretary shall suspend the count until the individual or individuals responsible for disruption of the vote counting process is removed.
- d. Voting Members must remain at least ten (10) feet from the ballot box and Election Board Members.
- e. Voters may voice an objection at the Election Meeting to the Election Board if the rules and procedures of this Code are not followed during the voting or counting process.

**1102. Announcing Election Results.**

- a. The election results shall be announced at the Election Meeting.
- b. The day after the election, the Secretary shall provide written notice to each person elected of the length of their term of office and the date, time, and location that the oath of office will be administered to swear them in to office.
- c. The election winners shall not assume office or have any powers of office until they are sworn in.

**1103. Election Records Retention.**

The Secretary shall maintain all unused ballots and cast ballots as election records for at least one (1) year from the date of the election. After one (1) year, all ballots may be destroyed.

**ARTICLE 12**

**INSTALLATION OF ELECTED OFFICIALS**

**1200. Terms of Office.**

Unless a different term is stated in the Constitution, the term of office for an elected tribal official begins when the oath of office is administered at the next regularly scheduled council meeting following the election and ends when the oath of office is administered to the elected official's successor.

**1201. Vacant Seats.**

A vacancy in the office of Chief shall be filled by the Assistant Chief. Vacancies on the Tribal Council or office of Assistant Chief shall be filled by a Special Election, the procedures for which shall follow the regular election procedures set forth in this Code, except for the date of the special election. Any person elected in a Special Election shall serve the unexpired term of the vacated seat.

**1202. Oath of Office.**

- a. Every person, before assuming the powers and duties of an elective tribal office,

shall take the oath of office set forth below and shall be sworn in and installed into office by the Secretary.

- b. The following oath of office shall be administered to each person elected to office:

**I, [State Your Name], solemnly swear (or affirm) that I will faithfully execute the office of [position] of the Mattaponi Indian Tribe, and will to the best of my ability, preserve, protect, and defend the Constitution and laws of the Mattaponi Tribe. I further swear (or affirm) that I shall ensure that I will act with integrity, uphold tribal traditions, ensure protections of our tribal elders and those who cannot care for themselves, and continuously work to create a prosperous future for the next generation of Mattaponi descendants.**