

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL  
OF THE OGLALA SIOUX TRIBE  
(An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL OF THE OGLALA SIOUX TRIBE TO AMEND THE OGLALA SIOUX TRIBE ELECTION CODE TO ADD AN ALTERNATE METHOD FOR VERIFYING THE IDENTITY OF VOTERS AT POLLING SITES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, the Oglala Sioux Tribe adopted its Constitution and By-Laws by referendum vote on December 14, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934, codified as amended at 25 U.S.C. § 5123, and under Article III of the Constitution, the Oglala Sioux Tribal Council is the governing body of the Oglala Sioux Tribe, and

WHEREAS, Article IV, § 1 (k) and § 1(w), of the Tribal Constitution vests the Tribal Council with the authority to enact laws governing the conduct of persons on the Pine Ridge Indian Reservation and laws protecting and promoting the general welfare of the Tribe and its members, and

WHEREAS, Article VII, § 2, of the Tribal Constitution vests the Tribal Council with the authority to enact ordinances governing Tribal elections, and

WHEREAS, in the exercise of these authorities, the Tribal Council adopted the Oglala Sioux Tribe Election Code (hereafter "Election Code") to establish a uniform and comprehensive election process that is fair, impartial, and dignified for the election of members of the Tribal Council, Boards, and District government officials, Ordinance No. 20-13 (Feb. 25, 2020), as amended, and

WHEREAS, the Election Code currently provides that, in order to vote in tribal elections, "[a]ll voters must present to precinct judge or teller a valid tribal identification card, driver's license or state identification," and "[a]ll forms of identification must have a picture of the individual on it," Election Code § 13(A)(3), and

WHEREAS, the Tribal Council recognizes that some tribal members have experienced extraordinary hardship and difficulty in securing tribal identification cards, driver's licenses, or state identification cards due to government closures during the COVID-19 public health emergency and due to public health measures requiring tribal members to shelter in place during the COVID-19 public health emergency, and

WHEREAS, the Tribal Council enacts this Ordinance to amend the Election Code to add an alternate method of verifying the identity of voters at polling sites during elections held during the COVID-19 public health emergency, now

THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribal Council hereby amends Section 13(A) of the Oglala Sioux Tribe Election Code, Ordinance No. 20-13 (Feb. 25, 2020), as amended, to read as follows (with deletions in strikethrough and additions underlined and in bold):

Voters. To be eligible to vote in the Oglala Sioux Primary, General, and Special Elections, an individual must meet the following criteria:

- (1) Must be an enrolled member of the Tribe as defined in Article II of the Constitution, as amended;
- (2) Must meet the Tribal Constitutional requirements to vote as set forth in Article VII, Section 1 of the Constitution which states: "All members of the Tribe, 18 years or over, who resided on the reservation for a period of one year immediately prior to any election shall have the right to vote."
- (3) All voters must present to precinct the judge or teller a valid tribal identification card, driver's license or state identification. All forms of identification must have a picture of the individual on it.

(4) For any tribal election held during the State of Emergency declared by the Oglala Sioux Tribe relating to the COVID-19 public health emergency, an individual shall be permitted to vote even if the individual is not able to present a valid tribal identification card, driver's license, or state identification to the judge or teller, as required by subsection (3), above, if and only if there is present at the polling site an authorized employee of the Community Action Program (CAP) Office or District Service Center (DSC) for the Tribal District in which the polling site is located and that employee confirms the identity of the voter and signs the following statement:

"I, [insert name of authorized employee], am an employee of [insert name of CAP Office or DCS] and a resident of [insert name of Tribal District], and I do solemnly swear and affirm that on [insert date of election], an individual known to me as [insert name of voter] personally appeared at [insert name of polling site] to vote in the tribal election being held on that date and at that location, and based on information known to me in my capacity as an employee of [insert name of CAP Office or DCS] and a resident of [insert name of Tribal

District], I was able to confirm the identity of the individual to be [insert name of voter].


Signed under pains and penalties of perjury.

\_\_\_\_\_  
Signature of CAP/DSC Employee


\_\_\_\_\_  
Date"

BE IT FURTHER ORDAINED, that the foregoing amendment to the Election Code shall go into effect immediately.

I, as undersigned secretary of the Oglala Sioux Tribal Council of the Oglala Sioux Tribe, hereby certify that this Ordinance was enacted by a vote of: 19 For; 0 Against; 0 Abstain; 1 Not Voting; during a SPECIAL SESSION held on the 29TH day of JANUARY, 2021.

  
STACY L. TWO LANCE  
Secretary  
Oglala Sioux Tribe

A-T-T-E-S-T:

  
\_\_\_\_\_  
KEVIN KILLER  
President  
Oglala Sioux Tribe

