

Title 5 - Elections

Chapter 1. Election Procedures

Sec. 111. Delivery of ballots; tabulating the votes.

(a) Ballots to be delivered to central tabulation area after polls close. After the polls close and after the absentee ballots are deposited in the ballot box as prescribed in Section 104(h) of this Chapter, the judges shall take the ballot box, and without unlocking or opening the ballot box, shall deliver forthwith the ballot box to the central tabulation area, along with the poll books, check lists, detached stubs from voted ballots and the unused ballots. At the time the polls close, the Election Supervisor shall be present at the central tabulation area and shall cause a written record to be made of the districts and polling places that have delivered ballot boxes to the central tabulation area, and the time that each ballot box was delivered.

b) Tabulation of ballots. When all ballot boxes have been delivered to the central tabulation area, the ballots shall be tabulated. The tabulation process shall be open and in the presence of the public and shall be continued without adjournment until completed and the result thereof publicly declared.

(c) Opening of ballot boxes; determining the number of ballots. The judges shall unlock and open the ballot box of each district or polling place and remove the ballots unopened. If two or more ballots are found so folded together so as to present the appearance of a single ballot, they shall be laid aside until the number of ballots is determined. A judge shall count the number of ballots in the ballot box of each district and compare the number of ballots to the number of names on the poll list for that district. If, on comparison and further considering the appearance of ballots which are laid aside as noted above, a majority of the judges are of the opinion that ballots thus folded together were voted by one single elector, such ballots must be rejected; otherwise they must be added to the other ballots for tabulation. The ballots for each district shall be kept together and apart from the ballots for each other district.

(d) Where ballots are in excess of the names on the poll lists. If the number of ballots cast in the

ballot box for any district are found to exceed the number of names on the poll list, this fact shall be noted in writing by the clerk. No ballots shall be destroyed.

(e) Ascertaining the number of votes cast for each candidate, office or issue. The number of votes cast for each candidate, office or issue shall be determined by automatic scanning of the ballots. The scanning process shall be conducted by the Secretary at the central tabulation area under the supervision of the Election Supervisor. After the ballots from each district have been scanned, they should be removed from the automatic scanner and held by the Supervisor.

(f) Ballots rejected by automatic scanner. The automatic scanner shall be set to sort out any blank ballots, over voted ballots or otherwise damaged or defective ballots. Any such ballots sorted out by the scanner shall be presented to the judges who shall view such ballots. Any ballot sorted by the scanner as damaged or defective such that it cannot be automatically scanned shall be manually tabulated as determined by a majority of the judges and added to the automatic tabulation. Any ballots sorted by the scanner as blank shall be presented to the judges and examined by them to verify whether the ballot is truly blank or was marked with a non-detectable marking devise. If it is determined that the ballot was marked with a non-detectable marking devise, it shall be manually tabulated as determined by a majority of the judges and added to the automatic tabulation. Any ballot that is over marked or otherwise rejected by a majority of the judges as illegal shall be initialed on the back by judges voting for rejection before it is strung as provided in subsection (h) hereof.

(g) Reporting of result of tabulation. After all ballots have been scanned, the Election Supervisor shall cause a report of the results of the balloting to be generated. This report shall be provided to the Supervisor who shall announce the results to the judges and the public.

(h) Ballots to be strung and enclosed in sealed envelopes; Election materials to be enclosed in separate sealed envelopes. The ballots, as soon as automatically scanned or rejected for illegality, must be strung upon a string by one of the judges, and must not thereafter be examined by any person, but must, as soon as all legal ballots are scanned, be carefully sealed in a strong envelope,

each of the judges writing his or her name across the seal. The check lists, poll books, detached stubs from voted ballots and unused blank ballots should be separately sealed in a strong envelope.

(i) Watchers. Each candidate shall be entitled to one watcher who shall not be compensated by the Board. The watcher may watch the tallying and scanning of the votes and may challenge any ballot rejected by the automatic scanner. The judges shall immediately rule on the challenge of the ballot. The judges shall write the word "CHALLENGED", their decision on the challenge and their initials on the back of any challenged ballot before it is strung as provided in Section 111(h).

(j) Securing the ballots. Upon completion of the scanning and tabulation of the ballots, the sealed envelope containing the strung ballots, and the sealed envelopes containing the check lists, poll books, detached stubs from the voted ballots and the unused blank ballots shall be placed by the judges in a strong outer envelope which shall be addressed to the Supervisor and security sealed. Each judge shall sign his or her name on the outside of the envelope. The outer envelope and its contents and the key to the ballot box lock shall be placed in the ballot box. The ballot box shall then be locked and delivered to the Supervisor.

(k) Board of canvassers. The Commission shall constitute the board of canvassers who shall meet the day following the election and canvass the results of the election in public. Upon completion of the canvass the Commission shall certify the results of the election to the Executive Board and the Supervisor of the Fort Peck Indian Agency.

(l) Tie votes. In the event of a tie vote for an office, if the tied candidates agree, the election shall be decided by the toss of a coin or by drawing lots under the supervision of the Supervisor. If there is no agreement, a run-off election between or among the candidates tied for office shall be held thirty (30) days after the completion of the canvass.

(m) Election Supervisor responsible for security of ballots. The Election Supervisor shall be responsible for the security of the ballots and election material after delivery to him/her. Except when the results of the election are being canvassed under subsection (I), or are being recounted under Section 113, the ballots and

election materials shall be placed in security in the safe or other appropriate place of safekeeping, in the Fort Peck Indian Agency.

(AMENDED AS PER RESOLUTION NO. 2405-91-7, DATED 07/22/91.)