

Standard Operating Procedure for Caucus & Convention Activities of the Tennessee Native American Convention

***To democratically elect representatives
from the Native American community
to represent Native American interests
in and to the State of Tennessee***

Table of Contents

Introduction & Basic Information	4
General Purpose	4
Basic Process	4
Geographic Divisions (Metro and Grand Division Caucus Areas).....	5
Voter Eligibility	6
Communication & Public Notices	6
Role of TNNAC Board and Caucus Staff.....	7
Caucus Level	7
Candidates as Caucus Staff	7
Caucus Area Meet & Greets.....	7
TNNAC Board	7
Replacing Caucus Staff	7
TNNAC Election Procedures.....	9
Schedule for Application Period & Elections	9
Candidate Application Period	9
Caucus Elections	9
Convention.....	9
Timeline.....	9
Preparation for the Election - Candidates.....	9
Candidate Eligibility	9
Indian Preference	11
Validation & Disqualification	11
Preparation for the Election - Referenda.....	11
How to Submit Referenda.....	11
Preparing for the Election - Caucus Staff	12
Meeting/Election Place Guidelines.....	12
Early Duties of the Caucus Staff	12
Week of the Election.....	14
Day of the Election:.....	14
Convening & Carrying Out the Caucus Election	15
Election Night Job Descriptions & Definition of Terms	15
Election Task Time Table	15
Caucus Election Task Explanations	16
Post Election Duties - Caucus Staff.....	23
Objections, Complaints, Challenges	24
Complaint that Voters are Turned Away/Prohibited from Voting	24
Challenges to Candidate Eligibility	24
Challenges to Candidate Eligibility for Indian Preference	25
Challenges or Objections to Caucus Staff	25
Challenges or Objections to Voting Procedure	25
Post-Election Complaints.....	25
Preparing for the Convention	26
Caucus Staff & Delegates	26
Host Caucus Area Staff	26
Convention Protocol.....	26
Convention Job Descriptions & Definition of Terms.....	27
Convention Task Time Table	27
Convention Task Explanations.....	28

Table of Appendices

Appendix 1 - Supporting Statutes and Opinions.....	33
From: Acts 2003, ch. 344, § 4 - TCA 4.34 Part 1 - TCIA.....	33
From: Acts 1994, ch. 606, § 1. - TCA 15.2.106 - Annual NAI Day	34
Attorney General’s Opinion 04-138 Legal Relationship Between TCIA and TNNAC and ACTIA.....	34
Appendix 2 - TNNAC Standing Rules & Bylaws.....	36
TNNAC Standing Rules	36
TNNAC Bylaws.....	41
Appendix 3 - TNNAC and Other Sample Forms	45

Introduction & Basic Information

The purpose of this document is to provide caucus and convention election staff with a guideline for the standard operating procedures to be used during the biennial caucus and convention election periods. The procedures contained in this document are based on the standing rules and bylaws developed by the board of the Tennessee Native American Convention (TNNAC) since its inception in 2000.

The “introduction” section outlines the general purpose of TNNAC and the basic process it uses. Specific procedures and guidelines start with *TNNAC Election Procedures* on Page 9. The appendices include excerpts of any statutes or relevant Attorney General’s opinions, copies of TNNAC’s bylaws and standing rules, voided sample copies of any forms used during the process, and any other appropriate reference documents.

It should be noted that the *TNNAC Standard Operating Procedure for Caucus & Convention Activities* is a “living” document and is subject to constant review and possible revision. TNNAC keeps the most current version on its website at www.tnnac.org. Caucus staff and potential candidates are encouraged to check the version number of this document against the most current.

General Purpose

TNNAC is charged with the responsibility of planning and managing the nomination and election processes that populate the Tennessee Commission on Indian Affairs (TCIA), and with submitting any nominations to the TCIA to the State. This responsibility is placed upon TNNAC by TCA 4.34.101-109 (*Appendix 1 - Supporting Statutes and Opinions* beginning Page 33).

In addition to its charged responsibility, TNNAC has accepted five other duties at the request of the People following referendum votes (*Appendix 1 - Supporting Statutes and Opinions* beginning Page 33):

1. Election of caucus representatives to the Advisory Council on Tennessee Indian Affairs (ACTIA)
2. Election of TNNAC board members from each caucus area
3. Nominations to other state boards and commissions
4. Election of TNNAC delegates to convention
5. Votes on referendum issues as needed.

Basic Process

The process used by TNNAC is *participatory democracy* and ensures that elections are open to and *inclusive* of all interested parties, that all candidates meet minimum legal requirements for eligibility, that all caucus areas have the opportunity for equal *representation* in the process, and that a system of *checks and balances* exists.

The caucus and convention elections occur every two years on odd years. Commissioners and ACTIA representatives serve four-year terms. TNNAC board members, caucus staff and delegates serve two-year terms. Elections for Metro and grand division four-year term positions alternate to ensure consistent work flow on relevant projects is maintained.

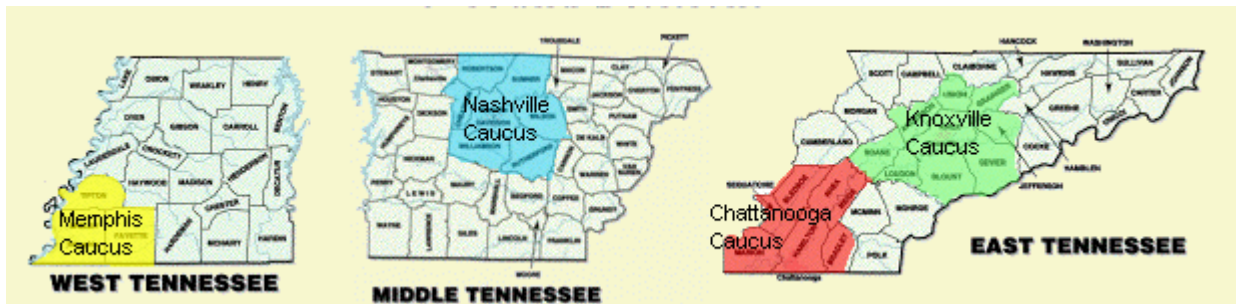
Caucus elections allow for *individual participation* and *local initial choice*. Voters at the caucus elections decide on endorsement or rejection of any local commission candidates, candidates for other boards and commissions, and state-wide referendums that will move forward to the convention’s election. Commission candidates must receive a majority (51%) of the vote in at least one relevant caucus area to move forward to the convention ballot. Referendums must be endorsed by four (4) or more caucuses in order to move forward to the convention ballot. A candidate to another board or commission must be endorsed by at least four (4) caucus areas to be placed on the convention ballot for ratification of the convention.

Caucus area voters also select caucus area representatives on ACTIA (once every four years) and on the board of TNNAC (each election), as well as local delegates that will represent the caucus at the subsequent convention (each election).

Caucus area elections do not determine an order of preference. Candidates endorsed by a caucus area are moved forward to the ballot of the convention, and are listed in reverse alphabetical order to ensure impartiality. A candidate must be endorsed in at least one caucus area to make the convention ballot. The caucus endorsing the candidate does not have to be the caucus in which the candidate resides.

Convention elections determine both final nomination and rank of nominees. Because each commissioner serves all Native American Indians in the state and not just those in their respective caucus areas, the convention provides a *check and balance* to the caucus elections and ensures the choice of the larger state-wide community. Delegates from across the state vote on each candidate on the ballot. The outcome determines which candidates selected at the caucus elections are submitted to the State, and the order of preference in which they're submitted.

Geographic Divisions (Metro and Grand Division Caucus Areas)



The state is divided geographically into seven (7) county-based divisions (*Appendix 2 - TNNAC Standing Rules & Bylaws* beginning on Page 36).

- Four (4) metro caucus areas - Metro caucus areas consist of the county in which the metropolitan area is located and any contiguous (touching) counties. The metro caucus areas are:
 - **Memphis** - Counties (3): Shelby, Tipton, Fayette
 - **Nashville** - Counties (7): Davidson, Robertson, Sumner, Wilson, Rutherford, Williamson, Cheatham
 - **Chattanooga** - Counties (7): Hamilton, Marion, Sequatchie, Bledsoe, Rhea, Meigs, Bradley
 - **Knoxville** - Counties (9): Knox, Anderson, Union, Grainger, Jefferson, Sevier, Blount, Loudon, Roane
- Three (3) grand divisions - The grand division caucus areas include any metros located within their boundaries, and are:
 - **West** - Counties (18): Lake, Obion, Weakly, Henry, Dyer, Gibson, Carroll, Benton, Lauderdale, Haywood, Crockett, Madison, Henderson, Decatur, Hardeman, Chester, McNairy, Hardin plus Memphis Metro
 - **Middle** - Counties (33): Stewart, Montgomery, Houston, Humphreys, Dickson, Perry, Hickman, Lewis, Maury, Wayne, Lawrence, Giles, Macon, Clay, Pickett, Trousdale, Smith, Jackson, Overton, Fentress, DeKalb, Putnam, White, Cannon, Warren, Van Buren, Marshall, Bedford, Coffee, Grundy, Lincoln, Moore, Franklin plus Nashville Metro

- **East** - Counties (18): Scott, Campbell, Claiborne, Hancock, Hawkins, Sullivan, Johnson, Morgan, Hamblen, Greene, Washington, Unicoi, Carter, Cumberland, Cocke, McMinn, Monroe, Polk plus Chattanooga Metro and Knoxville Metro

Voter Eligibility

By state statute (*Appendix 1 - Supporting Statutes and Opinions* beginning Page 33), voting is open to all members of the public who are legal residents of Tennessee and 18 year of age or older on or before the date of the caucus election. TNNAC does not discriminate based on race, ethnic background or gender. Non-residents may observe but cannot vote.

Voters do not have to be registered to vote in the State of Tennessee, but must be able to provide identification, proof of age and proof of residency. A voter registration card can be substituted for other ID. School, military and tribal IDs are not acceptable substitutions.

Voters can only vote at an election site in the caucus area in which they legally reside.

Proxy voting (voting on behalf of someone else) is not allowed. At the time this version was published, absentee voting is not allowed except in cases where a resident of a caucus area is serving as emergency caucus staff in another caucus area.

Native American Indians living in Tennessee are especially encouraged to participate and vote in TNNAC elections.

Communication & Public Notices

TNNAC employs as many different methods of communication as possible to inform the public of its activities and decisions. It is the duty of the staff of each caucus area to contact local organizations.

Participation - Being present at relevant meetings and activities is the most effective means of receiving and sharing communications. Those meetings and activities include caucus area meet & greets, TNNAC board meetings, commission meetings, the caucus area elections and the convention.

The TNNAC process is governed by statute and by TNNAC standing rules and bylaws. The majority of decisions made relevant to that process are made at TNNAC board meetings. It is critical that TNNAC board members/caucus staff attend as many TNNAC board meetings as possible in order to accurately convey and explain those decisions to other members of their caucus areas. TNNAC board meetings are also public.

Caucus area residents are encouraged to attend caucus meet & greets, or to invite caucus staff to meetings of Indian-related organizations to explain the process and answer member questions.

Internet - TNNAC maintains a website at www.tnnac.org where members of the general public may go to find copies of TNNAC board meeting minutes, the most current versions of TNNAC standing rules, bylaws, and application forms, and copies of public notices. Public notices are posted on all known Tennessee Indian Community-related discussion lists, distributed to all known Tennessee-based Native America Indian organizations, and distributed by e-mail to those members of the Tennessee Indian community for which TNNAC has a valid e-mail address.

Media - Although public notices are also distributed to newspapers, television and radio stations throughout Tennessee, there are no guarantees they will be published by those entities. It is recommended TNNAC board members/caucus staff work to develop positive cooperative relationships with area media.

E-Mail & Hardcopy - E-mail and/or printed copies of all public notices are sent to:

- All Native American Indian-related organizations within the State who have made request
- All individuals who have previously requested in writing printed notices of TNNAC communications
- Human resource and diversity departments of the 20 largest businesses/corporations in the state

Role of TNNAC Board and Caucus Staff

The board of TNNAC is made up of the elected or appointed officers of each caucus area. TNNAC's mission is *"To democratically elect representatives from the Native American community to represent Native American interests in and to the State of Tennessee."*

Ideally, candidates for caucus staff are able to remain impartial despite personal opinions or choices of candidates, willing to commit to the duties of the position, and have a sincere interest in the process and in increasing candidate and voter participation in the process.

Caucus Level

Caucus area staff consists of a chair, vice-chair, and two alternates, and serves both the local caucus area and the state-wide community. At the local level, the caucus staff:

1. Plans, sets up and leads the local caucus in accordance with TNNAC policies and procedures
2. Serves as the staff at caucus elections
3. Hosts and attends regular local "meet & greets"
4. Attends local commission meetings
5. Attends other meetings throughout the caucus area and state as able
6. May elect to raise funds toward travel expenses of caucus staff to TNNAC board meetings and/or caucus delegation to the convention.

Candidates as Caucus Staff

When a caucus staff member becomes a candidate for a seat in the upcoming election, that officer can continue to serve as an officer of the caucus through the election and up to appointment. The officer cannot, however, count ballots or serve as a monitor during the caucus election or convention.

Caucus Area Meet & Greets

Meet & greets allow the members of the community within the caucus area opportunities to recommend and/or discuss proposed referendums, proposed changes to TNNAC bylaws, standing rules, policies and procedures, learn more about the TNNAC process, meet with seated commissioners, and meet candidates.

Ideally, meet & greets should be held at least quarterly. It is recommended each caucus hold a meet & greet prior to the opening date of the candidate application period to serve as a question and answer session for potential candidates.

TNNAC Board

At the state level, the caucus staff:

1. Serves on the board of TNNAC
2. Attends TNNAC board meetings held not less than quarterly
3. Through service on the TNNAC board, establishes the rules and policies of the TNNAC caucus, convention, and nomination process
4. Abides and upholds TNNAC bylaws and standing rules (*Appendix 2 - TNNAC Standing Rules & Bylaws* beginning on Page 36)

Replacing Caucus Staff

As part of its duties, the board of TNNAC will check to ensure each caucus area has a staff in place. In the event the elected staff of a caucus area have resigned or do not exist, the board of TNNAC will appoint staff using the following procedure:

- I. TNNAC will use the list of delegates from the previous election as a starting point.
- II. If all delegates from the previous election decline appointment as caucus staff/TNNAC board members, TNNAC will contact individuals from the caucus area who have served on TNNAC in the past, or who have voted at the previous election but did not serve as delegates and/or individuals, or who are known to reside in the caucus area who have shown an interest in the TNNAC process through participation.
- III. If no individuals agree to an appointment to the caucus staff/TNNAC board, TNNAC reserves the right to solicit volunteers from other caucus areas who have had experience serving as caucus staff to act as temporary staff.

TNNAC Election Procedures

Schedule for Application Period & Elections

Candidate Application Period

The candidate application period opens approximately four (4) months prior to the caucus election. Candidate applications are accepted for the first sixty (60) days of the nomination period. The remainder of the period is used by TNNAC to verify the eligibility of the applicants, the petition signatures obtained by the applicants, and any applicant requests for Indian preference.

Caucus Elections

Caucus elections are held on a Saturday not less than three (3) months prior to the date of the convention. Caucus elections are held simultaneously down to the starting hour across the state to allow voters to participate in any one but only one caucus election. The three month period between the caucus and convention elections is provided to give both candidates time to campaign and delegates time to prepare before the convention.

Convention

The nomination period and caucus election date are based on the date of the biennial convention. Although the standing rule that charges TNNAC calls for the convention to be held biennially on the Saturday immediately preceding American Indian Day (*Appendix 1 - Supporting Statutes and Opinions* beginning Page 33), the People have twice petitioned TNNAC to change the date due to conflicts with other longer-standing American Indian activities held that same weekend. As of this version, the elections are held on the third (3rd) Saturday in September (*Appendix 2 - TNNAC Standing Rules & Bylaws* beginning on Page 36).

Timeline

- 7 months prior to convention - Candidate application period begins
- 5 months prior to convention - Candidate application period ends, deadline for declaration of caucus election site
- 3 months prior to convention - Caucus elections take place

Preparation for the Election – Candidates

Individuals elected/nominated through the TNNAC process represent the Indian community and, in the case of TCIA and other boards and commissions, the State of Tennessee, and must prove they are eligible to seek election/nomination based on the statute, rules or bylaws governing the position they seek. To ensure a candidate's eligibility, TNNAC uses an application process. Nominations from the floor and write-ins are not accepted. Only nominations from TNNAC are allowed or accepted by the State.

Candidate Eligibility

To be eligible, a candidate for the TCIA, ACTIA, TNNAC, or other boards and commissions must:

1. Be a legal resident of Tennessee and the US
2. Be at least 18 years of age on or before the date of the caucus election
3. Must reside within the caucus area/grand division for which he/she is seeking election

4. Must have completed and submitted an application form including any required supporting documents and appropriate supporting signatures (*Appendix 3 - TNNAC and Other Sample Forms* beginning on Page 45).

As of this version of the *TNNAC Standard Operating Procedure for Caucus & Convention Activities*, all candidate applications must be delivered to the Secretary of TNNAC by regular mail (postmarked no later than the last day of the application period) or in person by the last TNNAC board meeting held prior to the last day of the application period. Late applications are automatically disqualified.

Required Information - The application must include date of birth, proof of US and/or tribal citizenship, tribal affiliation, proof of residential (physical) address, educational background, work experience/history, a statement of the candidate's suitability for the office, and a digital or hardcopy recent photograph (5x7 or smaller). Required information is publicly accessible. Incomplete applications are subject to disqualification.

Optional Information - Each candidate may elect voluntarily to provide all or some optional information for the public's knowledge. That information includes family, military experience, criminal history, and Indian community involvement. Candidates should be aware that any information provided in the optional section *will* be made publicly accessible.

Residency - A candidate must have been a resident of the caucus area for which he/she is seeking election for at least 90 days prior to the opening date of the application period. Proof of residential address must be submitted with the application. Other residency requirements are:

- TCIA and ACTIA grand division candidates may reside within the grand division including any metro caucus area located in the grand division.
- TCIA and ACTIA metro caucus area candidates must reside within the boundaries of the metro caucus area.
- TNNAC grand division candidates must reside in a non-metro area of the grand division and may *not* reside within a metro caucus area.
- Candidates for other boards and commissions voted on by the caucus areas may reside in another caucus area, based on the requirements for the board/commission seat they're seeking

Proof of residential address may be provided through a copy of a current voter registration card, driver's license showing current address (black out license number) or a utility bill showing current address (black out any account status information).

A post office box is not proof of residential address. All candidates must provide a physical address for their place of residence. For safety and privacy reasons, candidates may request that a post office box number be substituted on any published documents.

Supporting Signatures - Candidates must obtain signatures of registered voters who are also residents of Tennessee as follows:

- Candidates for TCIA and ACTIA must obtain at least eleven (11) supporting signatures of registered voters from the caucus area in which they reside, and at least ten (10) from a related caucus area (example: East residents would need 11 from East and 10 from Knoxville or Chattanooga).
- TNNAC candidates must obtain at least twenty-one (21) supporting signatures from the caucus area in which they reside.
- Candidates for other boards and commissions must obtain supporting signatures, but may obtain signatures from any caucus area.

Indian Preference

To ensure the TCIA is representative of and serves the interests of the Indian community, five of the seven seats on TCIA shall be given Indian preference. To receive Indian preference, a candidate must:

- Provide proof of enrollment in a federal or state-recognized American Indian Nation, or
- Provide proof of individual federal or state recognition, or
- Come before the board of TNNAC with proof of descendency

Unenrolled individuals coming before the board of TNNAC will meet with the genealogical committee in a closed executive session to ensure their privacy and present their proof. Candidates seeking Indian preference in this manner have until the close of the convention to present their proof. Decisions of TNNAC are final unless subsequent proof is provided prior to the close of the convention. Proof presented must include a genealogical chart certified by a professional accredited genealogist.

Validation & Disqualification

Following close of the application period, the board of TNNAC will verify, validate or disqualify, and report (publish) all applications. To ensure a candidate's application is not disqualified for being incomplete, it is recommended the candidate submit their application as early in the application period as possible so TNNAC can make the candidate aware of any missing information.

It is further recommended that all candidates obtain at least ten (10) more signatures than the required minimum to ensure their application is not disqualified for lack of verified supporting signatures.

Preparation for the Election - Referenda

A referendum is a vote on an issue that affects the entire state-wide Indian community. For instance, you would sponsor and submit a referendum if you wanted to create a new advisory panel for the TCIA. The referenda procedure was implemented in the 2005 elections when some community members petitioned changes regarding caucus area separation and eligibility to serve on TCIA, ACTIA and/or TNNAC simultaneously.

Referenda are voted on at both the caucus and convention levels. Because referenda affect the state-wide community, they require a show of support from the state-wide community. To qualify, a referendum must have support from all three grand divisions. To pass, a referendum must be approved by four of seven caucus areas at the caucus election level, and must pass by a majority of caucus areas present at the convention.

How to Submit Referenda

Referenda must:

- Be written in final language and submitted to the Secretary of TNNAC following the same calendar as the candidate application period
- Include at least forty-eight (48) supporting signatures, with not less than sixteen (16) signatures from each of the three grand divisions.

It is recommended that all referenda sponsors obtain at least five (5) more signatures in each grand division than the required minimum to ensure their referendum is not disqualified for lack of verified supporting signatures.

There is no specific form for submitting referenda. Referenda sponsors should use copies of the supporting signatures pages from a candidate application form to record supporting signatures.

As of this version of the *TNNAC Standard Operating Procedure for Caucus & Convention Activities*, all referenda must be delivered to the Secretary of TNNAC by regular mail (postmarked no later than the last day of the candidate application period) or in person by the last TNNAC board meeting held prior to the last day of the candidate application period. Late submissions are automatically disqualified.

Preparing for the Election – Caucus Staff

Meeting/Election Place Guidelines

Caucus meetings and election sites are determined by the staff of each caucus area, and must be approved by the board of TNNAC. While non-sectarian sites (city, county or state office buildings, public libraries, public parks, etc.) are recommended, it is not a requirement and may not be an option in smaller communities. Caucus meeting sites must be at least 60 miles away from any other caucus area's meeting site. This restriction and simultaneous election start times ensure that voters cannot vote in more than one caucus area.

Caucus staff should work to make sure the site for any meeting or election place can accommodate 70 or more people with reasonable accommodations for the handicapped, and that the location will be available for at least five (5) hours (1 hour before and up to 4 hours during the meeting/election) within the pre-established time period for the event. Caucus elections must start at a specific time established by the board of TNNAC. As of this version election locations must be open by 6 p.m. Eastern/5 p.m. Central and should be available until 10 p.m. Eastern/9 p.m. Central the day of the election.

Caucus election sites must be submitted to the Secretary of TNNAC at least two months prior to the date of the caucus election.

Meet & Greet timing is at the discretion of the relevant caucus area.

By this time, TNNAC has finalized the operating procedures for the caucus and convention elections, determined the election calendar dates based on the known date of the convention, and posted public notices to that effect.

Caucus staff is encouraged to be active in recruiting candidates and promoting voter participation and awareness on a continuing basis.

Early Duties of the Caucus Staff

1. **Publicity & Promotion** - Caucus staff will work with the Secretary of TNNAC to obtain and distribute press releases and other election notices including handouts and flyers
 - a. To caucus area media such as newspapers, television stations and radio stations
 - b. To major businesses and corporations through their human resource and/or diversity relations departments
 - c. To local Internet sites that host community calendars, local web-based mailing lists, etc.
 - d. To Native American Indian-related community organizations in the caucus area
 - e. At local events, especially Native American Indian-related events, and public bulletin boards
 - f. To other entities as identified by caucus staff.

To ensure better acceptance and coverage by media, call ahead to check deadlines and determine what delivery method is needed. Newspapers usually want a press release no more than a week before the edition in which you want it to appear. Television stations

rarely want it more than a day or two in advance of the date you want it announced. Again, call ahead and get specific information. Radio stations may be willing to run it as a PSA for a longer period of time. Major corporations and businesses may elect to post it on employee bulletin boards or distribute it with paychecks. Internet sites may need time for webmasters/moderators to approve a post. Organizations may request someone from the caucus staff come to a meeting to tell about the election process and answer questions.

2. **List of “In Absentee” Delegate Candidates** - Caucus staff should work together to identify, contact, and obtain agreement from any community members who, should they not be able to attend the election, would be willing to commit to serving as a delegate to the convention if appointed “in absentee” and there are insufficient delegate candidates present at the caucus election to fill all open and alternate seats.
3. **Election/Meeting Site** - Caucus staff will work together to identify and secure an election meeting site according to the guidelines described in *Meeting/Election Place Guidelines* on Page 12, and to submit the address of the site to the Secretary of TNNAC not less than 2 months before the election.

Unless it is or has become inappropriate, start with the site used for the previous election. Voters from previous years are more likely to participate if they don't have to find a new location each election.

4. **Election/Meeting Supplies** - Caucus staff should gather or confirm meeting site access to the following supplies to be used during the election:
 - Kitchen timer
 - Blank white paper to be cut into quarters for run-off voting ballots and for use by caucus secretary (can be recycled as long as one side is blank)
 - Pencils for voters to use
 - Scissors or paper cutter
 - Stapler and extra staples
 - Chalkboard, dry erase board, or easel with large paper pad, and appropriate writing utensils (called “the board”)
 - Large manila envelope for sending ballots and tally sheets to TNNAC Secretary
 - 10-12 Small manila envelopes for ballots collected after each round of voting.
 - Strapping/packing or duct tape for sealing ballot envelope following the election
 - At least one (1) permanent marker for signing across strapping tape on ballot envelope
 - This document or a copy of this document in the event any questions come up during the election
 - Copies of candidate bios from applications, referenda, etc.
 - Extra copies of voter sign-in sheets provided by TNNAC in the caucus supply envelope
 - Name tags for any caucus staff and volunteers

Caucus staff may also elect to make signs for leading the way into the election site, hanging displays for each candidate or referendum for voter review prior to the actual

voting, etc. Providing or arranging for snacks and drinks is also optional and recommended.

Week of the Election

1. Re-confirm election site.
2. Monitor and follow-up with any media deadlines for last minute reminder announcements about the election.
3. Confirm attendance of other caucus staff and any additional volunteers that will be assisting. You will need:
 - a. Caucus chair (presides over election)
 - b. Caucus vice-chair (assists chair)
 - c. Caucus secretary (keeps record of all votes, any events such as discrepancies, complaints, etc.)
 - d. 1 or more volunteers to count ballots
 - e. 1 or more volunteers to serve as election monitors
 - f. 1 or more volunteers to monitor voter sign-in
4. Inspect election packet materials.
 - a. Contact Secretary of TNNAC immediately if anything is missing.
 - b. Make photocopies of any documents if needed. It's better to have too many ballots than not enough.
 - c. Cut apart copies of 4-per-page ballots and 2-per-page ballots (delegate) if not already separated.

Day of the Election:

1. Caucus staff should arrive at election site early to confirm building/room is accessible (available & unlocked), and set up with adequate seating for voters, tables for sign-in and ballot counters, etc.
2. Adjust room as needed. Voters should have enough space between them to ensure privacy while marking ballots.
3. Set up sign-in table at door with attendance/voter registration sign-in sheets and delegate information forms.
4. Set up any displays of candidate information, etc.
5. Set up ballot counters' table.

Convening & Carrying Out the Caucus Election

The time table of election tasks for convening (calling to order) and carrying out the caucus election is below, followed by detailed explanations of the tasks. The *Objections, Complaints and Challenges* section begins on Page 24.

Caucus staff should become familiar with the definitions and explanations prior to the election, and should both have this document on hand at and be prepared to refer to this document during the election if any abnormalities occur.

Election Night Job Descriptions & Definition of Terms

Caucus chair - presides over election/meeting; may count ballots or monitor if not a candidate

Caucus vice-chair - assists chair; may serve as ballot counter or monitor if not a candidate

Caucus alternates - may serve as ballot counters or monitors if not candidates

Volunteers - not part of caucus staff; may serve as ballot counters or monitors if not candidates

Acclamation - vote of approval or rejection taken by show of hands or voice (aye/nay) vote

Secret ballot - paper ballot marked by voter and turned in to ballot counters

Run-off vote - a vote taken to determine a majority winner; run-off votes are usually done by secret ballot

Objection - opposition to the question before the caucus; see *Objections, Complaints and Challenges* on Page 24 for specific examples; objections should be heard and resolved at the time they occur.

Complaint - objection or opposition to the methods used; see *Objections, Complaints and Challenges* on Page 24 for specific examples; complaints should be heard and resolved at the time they occur.

Election Task Time Table

Please note: Except for times listed for voter sign-in and convening the actual caucus election, all times listed are “estimated.”

EDT	CDT	Election Task
6:00 p	5:00 p	Voter sign-in begins. Everyone - staff, candidates, voters, non-resident observers, and children - must be signed in! Use separate sheet for non-residents, non-voters & children if needed. Check ID!
to	to	Remind voters that those wishing to be considered for a delegate seat at the convention need to fill out a delegate information sheet and turn it in to the caucus chair. Explain delegate info sheet as needed.
7:30 p	6:30 p	After close of sign-in period, any late-arriving voters must be approved by a majority of the voters present before they can participate in the remainder of the election.
7:00 p	6:00 p	<p>Caucus convenes.</p> <p>After the caucus convenes, all times listed are approximate <u>except</u> close of sign-in period.</p> <ol style="list-style-type: none"> 1. Call to order 2. Introduction of caucus staff 3. Call for approval of caucus staff by acclamation 4. Explanation of election purpose and process 5. Introduction of commission candidates present 6. Commission candidate statements or Q&As (limited to 3 minutes each) 7. Reading of bios on commission candidates not present

7:30 p	6:30 p	8. Reminder: Voting sign-in period ends. 9. Voting begins for commission candidates
7:45 p	6:45 p	10. Repeat steps 5-7 for candidates for other boards and commissions. Voting begins for candidates for other boards and commissions
7:55 p	6:55 p	11. Caucus chair reads first referendum. Voting begins for first referendum. Repeat step as needed until all referenda have been decided
8:05 p	7:05 p	12. Repeat steps 5-7 for ACTIA candidates. Voting begins for ACTIA candidates
8:15 p	7:15 p	13. Repeat steps 5-7 for TNNAC Leadership candidates. Voting begins for TNNAC Leadership candidates
8:25 p	7:25 p	14. Introduction of candidates for delegate seats. Caucus chair may open floor for voters to ask questions of delegate candidates. Voting on delegates begins
8:35 p	7:35 p	15. Caucus chair repeats the final outcomes of each vote 16. Caucus chair calls for objection/approval of the election and final outcomes by acclamation 17. Caucus chair calls for any other business of the caucus 18. Caucus staff assembles and seals ballot envelope 19. Voters present sign across tape to ensure envelope cannot be tampered with once sealed 20. Caucus election is adjourned

Caucus Election Task Explanations

1. **Call to Order** - Caucus chair welcomes and thanks voters for their participation, and officially calls the caucus election to order.
2. **Introduction of Caucus Staff** - Caucus chair introduces his/her staff to the voters.
3. **Call for Approval of Caucus Staff by Acclamation** - Once staff is introduced, caucus chair asks voters present to approve caucus staff as a group by show of hands or voice vote. Normally, caucus staff is accepted. If there are any objections, they should be dealt with immediately (see *Objections, Complaints and Challenges* on Page 24).
4. **Explanation of Purpose and Election Process** - Caucus chair briefly explains why the elections are held and how the election will proceed. Caucus chairs can read the following out loud or explain in their own words. It is advisable to stop after each section to answer any questions specific to that section.
 - a. **Purpose** - to endorse or reject area-relevant candidates for TCIA, other boards and commissions, and referenda for inclusion on the convention ballot, elect caucus area ACTIA representative, elect caucus staff for next two-year term, and elects 15 delegates and 5 alternates to represent the caucus at the upcoming convention.
 - b. **Process** - One or more votes will be taken for each “office” and each referendum. The votes will be by secret ballot and, in some instances, acclamation. When all votes are completed, the caucus will hear the caucus secretary’s report (secretary will read the final outcomes from the tally sheet) and vote by acclamation to accept the tally and proceedings as correct, done in accordance with the rules, and free from objection of those present.
 - c. **Voting Procedures** - Voters will mark their ballots, fold and hand to a ballot counter. Ballot counter will count the ballots and report counts to the caucus secretary. The caucus secretary will keep a running report and tally sheet of the proceedings. A candidate for TCIA or other boards and commissions, and a referendum must receive 51% of the votes to be endorsed by the caucus for inclusion on the convention ballot. ACTIA and caucus staff candidates must receive the majority of the vote to be elected.

- i. **Read or paraphrase the following statement regarding voting for candidates to the TCIA and to other boards and commissions:** “The votes you make will not set an order of preference for one candidate over another. The votes simply decide if the majority of our caucus approves or rejects whether each candidate be included on the convention ballot.

Your vote should be based on personal knowledge, choice and feelings. If you do not feel a specific candidate is qualified, capable or worthy to serve as a commissioner and represent the interests of the larger community, vote NO for that candidate. If you feel the candidate *is* qualified, capable or worthy to serve as a commissioner and represent the interests of the larger community and regardless of whether the candidate is your first choice, vote *yes* for that candidate.”

5. **Introduction of Commission Candidates** - Caucus chair should introduce those candidates who reside in the caucus area and are present for the election first.
6. **Candidate Statements** - Each candidate should be given 3 minutes to make a statement about why they're suitable for the office and/or answer questions from the voters.
7. **Absent Candidates** - After the candidates who are present have been introduced, the caucus chair should announce the names and read aloud the biographies of any candidates not present.
8. **End of Voter Sign-In Period** - (6:30 Central/7:30 Eastern) Caucus chair reminds voters present that any voters arriving after this point will need to be approved by the voters already present in order to participate. Late voters can be approved or rejected by acclamation (show of hands is recommended).
9. **Voting Begins** - Then normal order for voting is commission candidates, “other boards and commissions” candidates, referenda, ACTIA candidates, TNNAC/Caucus Staff candidates, and delegates. With that in mind, the following procedure can be followed for all “seats” being voted on.
 - a. **Read Aloud** - “The caucus staff will be handing out the ballots for this vote in a moment. Please mark YES for each candidate you DO support to be included on the convention ballot, and mark NO for each candidate you do NOT support to be included on the convention ballot. If you are unsure and leave a candidate (or ballot) unmarked, your vote will be counted as a “no” vote. Remember - mark YES or NO for each candidate on the ballot. When you're done, fold your ballot in half and hold it up so staff will see and can collect it.”
 - b. **Have ballot counters and/or monitors hand out the first ballot and collect as voters complete them** - (staff should also be completing their own ballots at the same time) staff should keep track of the number of voters present and count the ballots both out to the voters and then back in to ensure a valid election.
 - c. **Tally the ballots** - staff should recount the ballots a second time to ensure that all ballots were collected and the number of ballots matches the number of voters present. Staff will then count the votes and announce the results, seal the ballots for that round in a small manila envelope and label the outside according to the voting round (example: Commission candidates - vote #1).

Note: The tally procedure for securing the ballots for each round in a small manila envelope needs to be followed for each vote where paper ballots are used throughout the remainder of these instructions!

- i. If all candidates on the ballot received 51% or more YES votes based on the number of voters present, the voting for that item is completed and you can move on to the next item.
 - ii. If no candidates on the ballot received 51% or more YES votes based on the number of voters present, you must start “Run-off” votes (see below).
 - iii. If only one candidate on the ballot receives 51% or more YES votes based on the number of voters present, a “run-off” vote should be used to try to gain approval of at least one more candidate by the caucus (see below).
- d. **Run-off Voting** - Used only if first ballot voting does not produce clear results or if you are attempting to obtain approval of a second candidate.
- i. **Start with the top two vote-getters from the previous round of voting.**
 - ii. **Hand out 1 blank (unprinted) ballot to each voter.** Count in and out as you would a regular pre-printed ballot.
 - iii. **Read out loud:** “This vote is between _____ and _____ (top vote getters) and no other candidates. From these two candidates, write down only the name of the candidate that you *would* support, fold and hold up for the staff to collect.”
 - iv. **Tally the ballots and announce the count to the caucus.** You should have a clear winner at this point. Seal ballots for that round in a small manila envelope and label the outside according to the voting round (example: Commission candidates - vote #1).
 - v. **Ask the caucus to approve or reject by acclamation (show of hands recommended) the candidate that lost the round.** If the candidate is approved, write them down on the “board/tablet.” If they’re rejected a second time, then move on to Step 6.
 - vi. **Repeat this series of steps for any remaining candidates no more than two at a time until you have approved or eliminated the rest.**

10. **Other Boards and Commissions Voting** - follow the procedures in 9.a-c. There is no run-off voting. Otherwise, the procedure is the same except:

- a. **Introduction of Other Boards and Commission Candidates** - follow steps 5, 6 and 7 above.
- b. **Read aloud** - “We are going to vote to determine whether our caucus supports the nomination of (name candidates) to (name relevant boards and commissions). In order to be placed on the convention ballot for endorsement by the convention, these candidates must obtain the endorsement of at least four (4) caucus areas. These candidates may not be from our caucus area.

Candidates for other boards and commissions are not required to go through the TNNAC election process to be nominated. The candidates on this ballot are going through our election process voluntarily to show support of the TN American Indian community in an effort to ensure American Indian representation on these other boards and commissions.

If you believe a candidate is qualified, worthy and capable of serving on the board or commission for which they’re seeking endorsement, vote *yes*. If you do not believe a candidate is qualified, worthy and capable, vote *no*.

There will only be one vote on this item. A candidate must receive 51% of the votes present for the caucus to endorse the candidate. We can endorse more than one candidate for a board or commission.”

c. **If there are no candidates for other boards or commissions, skip this step.**

11. **Referenda Voting** - follow the procedures in 9.a-c. Each referendum should be a separate vote. There is no run-off voting. Otherwise, the procedure is the same except:

a. **Introduction of referenda** - If a referendum’s sponsors are present at the caucus allow the sponsor to read the referendum and answer any questions from the voters. Otherwise, the caucus chair should read the relevant referendum at the beginning of each referendum vote and try to answer any questions to the best of their ability.

b. **Follow voting procedures 9.a-c.**

c. **Repeat as needed.**

d. **If there are no referenda, skip this step.**

12. **ACTIA Voting** - Only those candidates running to represent the caucus area are voted on by the caucus, and are approved or rejected by the caucus. The vote of the caucus is final.

Each caucus area is allowed three representatives on ACTIA. If a caucus area has and approves more than one candidate for ACTIA, the caucus voters will need to determine the order of preference for the candidates. If a caucus area has only one candidate, the vote is a simple yes-no vote.

a. **Introduction of ACTIA Candidates** - follow steps 5, 6 and 7 above.

b. **Voting Procedure** - for multiple candidates, follow steps 9.a-d above. For a single candidate, follow steps 9.a-c except:

i. **Exception:** In the event a caucus does not approve its only candidate, the caucus chair should remind the voters that ACTIA makes recommendations to TCIA and that, while TCIA is not bound to the recommendations of ACTIA, it has in the past put great consideration on ACTIA recommendations. If the caucus does not have a representative on ACTIA, the caucus will have no voice in those recommendations, and then initiate a second vote to attempt to either gain approval or confirm rejection.

c. **If there are no candidates for ACTIA, skip this step. ACTIA will seek individuals in the community who have shown an interest in the process and make appointments following the upcoming convention.**

13. **Caucus Staff/TNNAC Board Member Voting** - The voting process for the TNNAC/Caucus Staff candidates is the same as ACTIA candidates. The caucus chair should remind the voters the term of the elected caucus staff will begin during the first meeting of the board of TNNAC following the upcoming election.

a. **Introduction of Caucus Staff Candidates** - follow steps 5, 6 and 7 above.

b. **Voting Procedure** - follow steps 9.a-d above except:

i. **Order of preference determines office held** - The vice-chair from the current term rolls forward to the Caucus chair. The caucus elects a new vice-chair and two alternates. The chair and vice-chair attend TNNAC board meetings, alternates attend in their absence if notified in advance. Alternates can input at TNNAC board meetings but cannot vote unless officers are absent.

ii. **Voters' responsibility** - voters should vote based on their knowledge of the individuals with consideration to qualifications, abilities and commitment to the mission of TNNAC.

c. **If there are no candidates for Caucus Staff, skip this step. TNNAC will seek individuals in the community who have shown an interest in the process and make appointments following the upcoming convention.**

14. **Caucus Delegation Voting** - This step is dependent on several factors including any seated commissioners residing in the caucus area, any candidates for offices residing in the caucus area, caucus staff, caucus members assisting with elections in other caucus areas, and the number of delegate information sheets turned in by voters who are not candidates.

Hopefully, the caucus staff will have worked ahead of election night to develop a list of "potential delegate candidates" who cannot be present at the election, but who would be willing to commit to serving as a delegate and be appointed "in absentee" should the caucus fall short of delegate candidates the night of the election. This will help ensure the caucus can turn in a full slate of delegates and alternates to the convention.

Follow each item in this step carefully.

a. **Setting up "the board"** - The caucus secretary should number the board vertically 1, 2, 3 through 15, then Alt 1, Alt 2 through Alt 5.

b. **Read aloud (Caucus chair)** - "Delegates will represent our caucus area at the convention on (state date of upcoming convention) at (state location). As delegates, they will vote to approve or reject and set the order of preference for those TCIA candidates who make the ballot, ratify or reject referenda, and ratify or reject candidates for other boards and commissions. Each caucus area is allowed only fifteen (15) delegate seats - only fifteen (15) votes out of 105 total votes.

Those delegates we appoint tonight must be willing to make a sincere and full commitment to attend the convention whether they are a delegate or an alternate. They must be willing to travel to the convention. They must be willing to personally cover any associated expenses for which the caucus has not been able to raise the funds.

Those delegates we appoint tonight must also be willing to increase their personal knowledge of both local candidates and candidates in other areas of the state.

We are about to set our slate of delegates. Certain seats on the delegation are irrevocable and cannot be changed by our vote. For those seats that are not irrevocable, consider both the burden you place upon the candidates and the responsibility the delegates will have to you, the voters."

c. **Final Call for Delegate Candidates** - The caucus chair should read through the delegate information sheets already turned in and ask:

i. "Do I have everyone's delegate information sheet?" If no, ask the person to complete a new sheet and collect it. If yes, move to 14.c.ii.

ii. "Is there anyone else who would like to submit a delegate information sheet?" If yes, ask the person(s) to complete a new sheet and collect it. If no, move on to 14.d.

d. **Irrevocable delegates** - Irrevocable seats are given automatically and cannot be changed by vote of the caucus. The caucus chair will call out the names of the irrevocable delegates to the caucus secretary who will write the names on the "board." The irrevocable delegates will be listed in the following order:

- i. **Seated commissioners residing in the caucus area** (the commissioners do not have to be present; absent commissioners are assumed to accept a delegate seat; those present should be asked if they wish to accept a delegate seat; if the seat is declined do not list the person's name on the board)
 - ii. **Caucus staff presiding over current election who reside in the caucus area** (each staff member should be asked if they wish to accept a delegate seat; if the seat is declined do not list the person's name on the board)
 - iii. **Commission candidates residing in the caucus area** (each candidate present should be asked if they wish to accept a delegate seat; candidates who are absent are assumed to accept a delegate seat; if the seat is declined do not list the person's name on the board)
 - iv. **Candidates for ACTIA and Other Boards and Commissions who reside in the caucus area** (each candidate present should be asked if they wish to accept a delegate seat; candidates who are absent are assumed to accept a delegate seat; if the seat is declined do not list the person's name on the board)
- e. **Alternate delegates by individual preference** - Alternates will be used to fill vacant seats of delegates who, for whatever reason, are unable to keep their commitment. Alternates should be willing to keep the date of the convention clear and free from other obligations, and travel to the convention in the off-chance a delegate does not arrive and leaves a seat vacant at the last minute. However, there are those individuals who are willing to serve in an emergency capacity but for whatever reason may not want to be considered full delegates unless the need arises.

The caucus chair should now ask if any of the remaining delegate candidates would prefer to be alternates rather than full delegates. The delegate information sheets for those individuals who prefer to be alternates should be set aside.

- f. **Remaining delegate candidates** - The caucus staff should now be left with the delegate information sheets of only those individuals who are not eligible for an irrevocable seat but wish to be a full delegate.
- i. **Number of open seats** - determine from "the board" the number of open seats available and announce to the caucus.
 - ii. **Number of candidates for open seats** - count the number of remaining delegate candidate information sheets and announce to the caucus.
 - iii. **Voting procedure** - Determine which voting procedure based on number of candidates compared to number of open seats.
 - 1. **More open seats than delegate candidates** - Call out the name of each delegate candidate. The caucus secretary should write the name next to an open number in the 1-15 series. Ask those who indicated they preferred to be alternates if any of them would consider moving to a full delegate. Move information sheets for those willing back into the current stack and add their name to the 1-15 series. Continue this process until all open slots are filled or you run out of alternates. If there are still open seats to fill, refer to the list of "in absentee" delegate candidates obtained by the caucus staff. When that list is exhausted, the caucus chair should ask the voters if there are any others (family members, members of the community they know are interested in the election outcome but were unable to attend the election, etc.) who might be willing to serve if appointed "in absentee."

2. **More delegate candidates than open seats** - The caucus will need to vote to determine which of the candidates will fill the open seats as full delegates.
 - a. **List the delegate candidates** - As the caucus chair calls out the names of the delegate candidates, the caucus secretary should list the names in a separate (third) column on “the board”.
 - b. **Hand out blank paper ballots.**
 - c. **Have voters write the names of irrevocable delegates on the ballot in the set forth in Step 14.d.i-iv.**
 - d. **Remind voters of the number of open seats available** - When the list is completed, the caucus chair should again announce the number of open seats to be filled and ask the voters to number their sheets accordingly.
 - e. **Call for the vote** - the caucus chair will ask the voters to write the name of a delegate candidate listed in the third column on the board in each slot on their paper, fold their ballots and hold up for staff to collect.
 - f. **Tally the ballots and announce results to the caucus.**
 - i. **Delegate candidates receiving no votes** - move the information sheets to the “alternate” pool and remove their name from the list of delegate candidates in the third column on the board.
 - ii. **Remaining delegate candidates** - You should have at least enough candidates to fill the open seats. Use the number of votes each delegate candidate received to eliminate any overage (most votes gets first open slot, etc., until open seats are full, any remaining candidates who got votes should fill the Alternate slots in the same manner).
 - g. **Any remaining open seats for delegates or alternates** - repeat items 2.a-e as needed until all seats are filled, substituting names from the “alternate pool” in the list in the third column on the board.
3. **Final confirmation of delegation** - once the list of delegates and alternates has been decided, the caucus chair will call for approval of the list by acclamation (show of hands is recommended). The chair should also remind the voters that the convention is public and anyone who is not a delegate is welcome to and should attend and observe the convention proceedings.
15. **Restate Election Outcomes** - Using the caucus secretary’s Record/Tally Sheet, the caucus chair will restate the outcomes of each item/office to the caucus.
16. **Call for Confirmation of Record & Proceedings** - Once the outcomes have been restated, the caucus chair will call for a confirmation of the secretary’s record and proceedings by acclamation (show of hands is recommended). **NOTE:** If anyone complains or objects, even if the majority approve, immediately address the complaint while you have witnesses present. This will reduce the chance that a complaint is filed post-election (see *Objections, Complaints and Challenges* on Page 24).

17. **Call for Other Business of the Caucus** - The caucus chair will ask if there is any other business of the caucus to be addressed. Business of the caucus could be setting the date for the next meet & greet, forming a committee to plan fundraisers for delegation expenses, caucus staff expenses, etc., or simple announcements of upcoming events in that area.
18. **Assemble and Seal Election Envelope** - (this can be started while the caucus chair is calling for other business of the caucus) The caucus secretary will:
 - a. **Make a copy of the record/tally sheet and all delegate/alternate information to keep in caucus records.**
 - b. **Collect all blank pre-printed ballots and place in a small manila envelope labeled “unused ballots.”**
 - c. **Collect all delegate information sheets.** Attach the info sheets for those delegates and alternates approved by the caucus to a blank piece of paper that is labeled “approved delegates.” Attach any info sheets for individuals who were not approved to a second blank piece of paper labeled “not approved - for records only.”
 - d. **Collect all voter sign in sheets and staple together** (separate “voters” from non-resident observers and children).
 - e. **Place ballot envelopes (small) and record/tally sheet into large manila envelope and seal with strapping tape.**
19. **Call all voters forward to sign across the strapping tape to create “the seal.”** Use the permanent marker. Voters should sign so that their name appears partially on the tape and partially on the paper envelope. This ensures the envelope is tamper proof and reassures the voters of the same.
20. **Adjourn the caucus.** Caucus chair should thank the voters and staff for their presence and assistance.

Post Election Duties – Caucus Staff

1. **Place the sealed election envelope, the delegate information sheets, and the voter sign-in sheets** in a second, larger envelope (priority mail or other 2nd-Day air service recommended), seal second envelope, and address to:

**TNNAC c/o Vicky Garland
55 CC Road
Lawrenceburg TN 38464**
2. **Mail the package** - Assign a staff member (usually a caucus officer) to send the package no later than the Monday immediately following the election. The package must be sent in a manner that allows it to be tracked for pickup and delivery. Priority and 2nd-day Air services include tracking ability. If you send it by regular mail, however, you must send it registered, return receipt requested.
3. **Notify Secretary of TNNAC of election results** - Assign a staff member to e-mail the Secretary of TNNAC with the results of the caucus election as soon as possible after the election (same night; usually a caucus officer); the person assigned to this task will need to copy the record/tally sheet.
4. **Clean up election site, pat yourselves on the back, and go home!** Don't forget to take down any signage you might have put up leading the way to the election site.

Objections, Complaints and Challenges

Objections, complaints and challenges may come at various points throughout the process beginning with the application period and through the days following the caucus elections. **All objections, complaints and challenges should be addressed immediately and according to any rules or procedures relevant to the nature of the complaint.**

Note: Challenges, complaints about the elections can only be made by individuals who were present at and participated as a voter in the relevant election. Any objections, challenges or complaints voiced during election proceedings must be recorded by the caucus secretary into the record/tally sheet, including the method of resolution.

The following is a list of possible complaints and resolutions:

Complaint that Voters are Turned Away/Prohibited from Voting

Individuals who arrive at the election without appropriate identification and proof of residency in the relevant caucus area will not be allowed to vote. The rules for voter eligibility are included in every public announcement of the election.

If the complaint occurs at the election site:

1. The caucus staff member monitoring voter sign-in should call the caucus chair to the table.
2. The caucus chair should review Voter Eligibility on Page 6 of this document with the person(s) lodging the complaint.
3. The caucus chair should ask if the person(s) can go get appropriate identification and return before the voting starts.
4. If the person says yes, the person should leave immediately to retrieve the ID and return. If the person is late returning, they should be allowed to participate without a vote of the caucus because they did attempt to arrive on time.
5. If the person says no, the caucus chair should apologize to the person for the inconvenience and explain again that the rules were included in the public announcements, that the person is welcome to stay and observe the proceedings, but that they will not be allowed to vote.
6. Regardless of the resolution of the complaint, the caucus secretary should note the incident(s) on the record/tally sheet.

If the complaint occurs post-election, the person(s) complaining should be referred to www.tnnac.org where they can obtain the procedures and forms for filing an official complaint directly with TNNAC (see *Post-Election Complaints* on Page 25).

Challenges to Candidate Eligibility

Candidate eligibility is determined by TNNAC after review of each candidate's application. The requirements for eligibility are spelled out clearly in this document and supported by statute, rules and/or bylaws.

In the same manner that a candidate must provide proof of eligibility, anyone wishing to challenge a candidate's eligibility must provide to TNNAC in writing the grounds for the challenge and proof of the candidate's ineligibility based on those grounds.

Candidate eligibility cannot be challenged at a caucus election.

Challenges to Candidate Eligibility for Indian Preference

Candidate eligibility for Indian preference is granted by TNNAC and/or its genealogical committee, and is based on meeting certain requirements (see

Indian Preference on Page 11). Certain proof of eligibility is incontrovertible (membership in a recognized nation or tribe, proof of state or federal recognition as an individual).

In the same manner that a candidate must provide proof of eligibility, anyone wishing to challenge a candidate's eligibility must provide to TNNAC in writing the grounds for the challenge and proof of the candidate's ineligibility based on those grounds. There can only be grounds for a challenge of Indian preference *if* the candidate is seeking Indian preference. Candidates have the option to not request Indian preference. TNNAC will not give Indian preference to those candidates who do not request it, unless they submit incontrovertible proof of their eligibility as part of their application package.

Candidate eligibility for Indian preference cannot be challenged at a caucus election.

Challenges or Objections to Caucus Staff

Caucus staff ideally passes two levels of scrutiny - election and re-affirmation at the subsequent election (*Caucus Election Task Explanations*, Step 3, Page 16). In some instances, however, situations may arise that cause an objection to the staff. The most common reason for challenging or objecting to Caucus staff is when a member of the caucus staff is also a candidate. The following is a list of steps to follow to address this objection.

1. Review the duties of the caucus staff located in

Role of TNNAC Board and Caucus Staff, Caucus Level on Page 7 and *Candidates as Caucus Staff* on Page 7.

2. Ensure that no candidate is handling/counting ballots or monitoring the election. Adjust staff assignments if necessary.
3. Ask if there are any further objections. If none, call again for affirmation of the staff. If there are further objections, address them following the same protocol.
4. Last resort: If you are unable to resolve the objection after 2 or more attempts and to ensure as little delay in the proceedings as possible, ask the candidate/caucus staff member to step down and replace them with a volunteer from the voters present.

Challenges or Objections to Voting Procedure

Members of the caucus present during an election may question, challenge or object to the voting procedures used during the election. This document, the *Standard Operating Procedure for Caucus & Convention Activities of the Tennessee Native American Convention* and its appendices serve as the resolution to any such challenges or objections. If the caucus staff is following the procedures outlined in this document, there should be no challenges, objections or complaints.

Voting procedures are explained and/or detailed as follows:

1. *Preparing for the Election - Caucus Staff* on Page 12
- 2.

Post-Election Complaints

Each caucus was asked after all other voting has taken place to confirm by acclamation that there were no objections or complaints regarding the record of the election or the proceedings. Challenges, objections and complaints should have been dealt with as they arose or at the time of the confirmation vote, regardless of whether the majority of the caucus voted to confirm.

Since an election can only be challenged by a voting member of the caucus or delegation who was present and participating in the relevant election, there are few instances where a complaint can be filed. However, TNNAC does provide a complaint process as follows:

1. Complaints may only be filed by voting members of the caucus/convention who were present during the relevant election or by individuals who claim they were turned away or otherwise prohibited from voting.
2. A complaint form is available at www.tnnac.org and must be completed and mailed to the Secretary of TNNAC within 14 days of the election.
3. Following receipt of any complaints, the officers of TNNAC will perform an initial investigation of the complaint.
4. If the initial investigation reveals no validity to the complaint, the Chair of TNNAC will respond to the person(s) filing the complaint accordingly.
5. If the initial investigation reveals the complaint may be valid, TNNAC will assign a committee to conduct a more thorough investigation and report back to the full board of TNNAC, which will determine an appropriate resolution based on the committee's findings.

Preparing for the Convention

Caucus Staff & Delegates

In the three months between the caucus elections and the convention, the caucus officers should work to maintain a dialogue with the delegates and alternates with a goal of ensuring the caucus is fully represented at the convention. Dependent on meal arrangements made by the convention's host caucus area, it may be necessary to notify and coordinate contributions to the public snack or beverage table, etc. Likewise, the caucus officers should make sure all delegates and alternates are aware of the time, date, best travel route, options for overnight accommodations, etc. Some members of the delegation may need or want to travel together.

Items the caucus delegation may want to take to the convention include 1 or more canopies to shelter the delegation and any caucus area observers during the convention, coolers with drinks and snacks for the delegation, and toys or other items to entertain any children that may be traveling with the delegation.

Note: If the caucus will be responsible for hosting the next convention, the caucus staff should also work with the caucus area to determine possible locations, visit sites, and select that proposed location to be presented at the convention.

Host Caucus Area Staff

While other caucus area staffs are busy making sure they will have a full delegation present at the election, the caucus area staff hosting the convention is responsible for making all arrangements relevant to the site of the convention. Arrangements include reserving the site, assessing what is available at the site and what needs to be gathered, negotiating camping and hotel rates, meal planning including obtaining donations from area grocery stores, caterers, etc., and contacting any spiritual leaders, elders, and other entertainment that will be on hand.

Convention Protocol

The purpose of the convention is to provide a check and balance to the caucus elections. Delegates to the convention will vote on final endorsement of candidates to Other Boards and Commissions, any referenda on the ballot, formally approve the location of the next convention, and both approve and rank the candidates for nomination to the Tennessee Commission on Indian Affairs.

The time table of election tasks for convening (calling to order) and carrying out the caucus election is below, followed by detailed explanations of the tasks. The *Objections, Complaints and Challenges* section begins on Page 24.

Caucus staff should become familiar with the definitions and explanations prior to the election, and should both have this document on hand at and be prepared to refer to this document during the election if any abnormalities occur.

Convention Job Descriptions & Definition of Terms

Convention chair - presides over convention/election; may count ballots or monitor if not a candidate; TNNAC Chair is normally the convention chair

Convention vice-chair - assists chair; may serve as ballot counter or monitor if not a candidate; TNNAC First Vice-chair is normally the convention vice-chair

Convention secretary - may serve as ballot counters or monitors if not a candidate; TNNAC Secretary is normally the convention secretary

Delegation - up to 15 individuals elected by a caucus area to represent the caucus area at the convention; alternates are considered delegates *only* if they are substituting for an actual voting delegate that could not be present, at which point their title changes to Delegate

Delegation ballot counter - elected as a delegate; may not be a candidate, non-voting alternate, or non-voting observer; normally defers to a caucus officer

Other volunteers - assist convention staff by handing out ballots, keeping time during forum, etc. Do not have to be delegates; may be assigned to teenage observers.

Acclamation - vote of approval or rejection taken by show of hands or voice (aye/nay) vote

Secret ballot - paper ballot marked by voter and turned in to ballot counters

Run-off vote - a vote taken to determine a majority winner; run-off votes are usually done by secret ballot

Objection - opposition to the question before the caucus; see *Objections, Complaints and Challenges* on Page 24 for specific examples; objections should be heard and resolved at the time they occur.

Complaint - objection or opposition to the methods used; see *Objections, Complaints and Challenges* on Page 24 for specific examples; complaints should be heard and resolved at the time they occur.

Convention Task Time Table

Please note: Except for times listed for voter sign-in and convening the actual caucus election, all times listed are “estimated.”

Host Caucus Time Zone	Convention Task
8:00 a	Convention site opens
9:00 a To	Voter sign-in begins. Delegates, non-resident observers, and children - must be signed in! Delegates must sign into the registration book. Non-voting observers and children must use separate sign-in sheet. Delegate IDs will be checked!

10:00 a	After close of sign-in period, any late-arriving voters must be approved by a majority of the voters present before they can participate in the remainder of the election. Exception: Delegates who call before close of registration with valid reasons for being late will be registered and admitted after 10 am deadline without a required vote of the convention.
9:30 a	Convene the election 1. Call to order (greeting & welcome) 2. Introduction of convention staff 3. Affirmation of convention staff 4. Review of purpose, agenda/schedule, announcements 5. Questions for convention staff 6. Introduction of candidates
10:00 a	7. Reminder: Voting sign-in period ends. 8. Candidate Forum (debate - mandatory beginning 2009)
12:00 p	9. Lunch break (length may vary; convention should reconvene at scheduled time)
2:00 p	10. Election reconvenes 11. Review voting procedures After the caucus convenes, all times listed are approximate <u>except</u> close of sign-in period.
2:10 p	12. Voting begins for endorsement of candidates to Other Boards and Commissions. Repeat step as needed until all endorsements have been decided.
2:20 p	13. Voting begins for any referenda. Repeat step as needed until all referenda have been decided.
2:30 p	14. Voting begins for approval of next convention site.
2:35 p	15. Voting begins for nominees to the TCIA. Repeat step as needed until all seats have been decided.
4:00 p	16. Convention chair restates election outcomes 17. Convention chair calls for objection/approval of the election and final outcomes by acclamation 18. Convention chair calls for any other business of the caucus 19. Convention chair introduces nominees to the TCIA and endorsed nominees to Other Boards and Commissions 20. Convention election is adjourned

Convention Task Explanations

While the election tasks carried out at the convention are similar to the same tasks carried out at caucus elections, they are not identical. In those instances where they are the same, the explanation listed below will refer to the identical caucus election task already detailed on pages 15-24 of this document.

1. **Call to Order** - see *Caucus Election Task Explanations 1* on Page 16
 - a. Greet and welcome voters and observers
2. **Introduction of Convention Staff** - see *Convention Job Descriptions & Definition of Terms* beginning on Page 27
3. **Affirmation of Convention Staff** - Requires 51% approval of the convention. See *Caucus Election Task Explanations 3* on Page 16 for instructions and *Challenges or Objections to Caucus Staff* on Page 25 for resolving any potential objections.
4. **Review of purpose, agenda/schedule and other announcements** - Convention chair will briefly explain purpose and process of the convention, go over the schedule for the day, and make any other announcements relevant to the convention. Actual voting procedure will be reviewed following lunch and before the first vote.

- a. **Purpose** - to endorse candidates for Other Boards and Commissions, endorse any referenda, approve the location of the next convention, and approve and rank nominees to the TCIA
 - b. **Process** - One or more votes will be taken for each “office” and each referendum. The votes will be by secret ballot and, in some instances, acclamation. When all votes are completed, the convention will hear the convention secretary’s report (secretary will read the final outcomes from the tally sheet) and vote by acclamation to accept the tally and proceedings as correct, done in accordance with the rules, and free from objection of those present.
 - c. **Agenda/Schedule** - review *Convention Task Time Table* on Page 27.
 - d. **Announcements** - could include any delegates who have called in to say they’re going to be late, candidates who have dropped out, candidates who have been disqualified since the caucus election, etc.
5. **Questions for Convention Staff** - this is a question and answer period during which the delegates and/or candidates can ask questions.
- a. **Voting Procedure Questions** - questions about voting procedures should be acknowledged by explaining voting procedures will be covered in detail when the convention reconvenes after lunch and before voting begins.
6. **Introduction of TCIA Candidates** - Convention chair should call forward and introduce those TCIA candidates present for the convention first, asking them to take a seat for the forum (debate), and then announce the names of any candidates not present including a brief explanation of their absence. Candidates are not and should not be given time to make platform statements at this time.
7. **End of Voter Sign-In Period** - (10:00 a.m. Host Caucus Time Zone) Convention chair reminds delegates present that any delegates arriving after this point and who have not called ahead to explain tardiness will need to be approved by the voters already present in order to participate. Late voters can be approved or rejected by acclamation (show of hands is recommended).
8. **Candidate Forum (debate)** - Convention staff member(s) responsible for forum will briefly review the “rules” for the forum with the delegation and candidates. Time limits for responses to questions should be strictly kept. Suggested format (keep it light, keep it fun, to avoid conflict!):
- a. Moderator asks caucus chairs to come forward and draw for “question” order (relevant to questions being asked in 8.e).
 - b. Moderator asks first question of a predetermined set of questions (5-7 total) *or* Moderator allows each candidate to (blind) draw a question that all candidates must answer.
 - c. Each candidate is given 1 minute to respond to question.
 - d. Steps 8.b-c are repeated until moderator questions are answered. Moderator should rotate starting candidate for each question so that all candidates have equal opportunity to give first and last response to questions.
 - e. Moderator opens floor to questions from the delegations.
 - f. Each candidate is given 1 minute to respond to each question.
 - g. Steps 8.e-f are repeated as needed. Moderator should ensure each delegation is allowed to ask at least one question before allowing any delegation to ask additional

- questions. Moderator should rotate starting candidate each question so that all candidates have equal opportunity to give first and last response to questions.
- h. Moderator calls for each candidate to give a 1.5 minute closing statement *or* 1.5 minute response to a final question posed by the moderator.
 - i. Moderator thanks candidates and delegates for their participation in the forum and ends the debate.
9. **Lunch break** - length of break will be determined based on actual beginning time of lunch break. Convention will reconvene at 2:00 p.m. regardless.
10. **Convention reconvenes** - (2:00 p.m. Host Caucus Time Zone) The start time is written in stone!
11. **Review voting procedure:**
- a. **Assigned Duties**
 - i. **Ballot counters** - Each delegation has one person who serves as the delegation's official ballot counter. Candidates, non-voting alternates and non-voting observers may *not* serve as the ballot counters.
 - ii. **Volunteers** - Convention volunteers distribute the ballots to the delegation ballot counters who in turn pass them out to the voting delegates. The number of blank ballots each delegation ballot counter is given is determined by the number of voting delegates registered at the convention.
 - b. **Voting order** - Votes will take place in the following order. The order was changed because delegates rarely stayed for the first 3 votes, making it difficult to complete all business of the convention in the past. This order will *not* be changed:
 - i. **Nominees to Other Boards and Commissions** - Each candidate for nomination to Other Boards and Commissions will be voted on separately by pre-printed ballot. There are no run-off or tie votes. If there are no candidates for Other Boards and Commissions, the Convention Chair will announce such and this agenda item will be skipped.
 - ii. **Referenda** - Each referendum will be voted on separately by pre-printed ballot. There are no run-off or tie votes. If there are no referenda, the Convention Chair will announce such and this agenda item will be skipped.
 - iii. **Next convention location** - The delegations will approve or reject the location of the next convention by vote of acclamation (show of hands).
 - iv. **Nominees to the TCIA** - Voting on candidates for nomination to the TCIA will take place relevant to nominees from one caucus area at a time.
 - v. **Affirmation of the convention proceedings** - Taken by vote of acclamation at the end of the election before the convention is adjourned.
 - c. **Vote types and progression** - The convention uses pre-printed paper ballots, may use blank ballots in the event of run-off votes, and uses show of hands for votes by acclamation.
 - i. **First vote** - pre-printed ballot, vote for one TCIA candidate only or, on a referendum vote, vote yes/no only. The candidate who receives 51% or more of the votes is ranked 1st. This step is then repeated as needed to rank the remaining candidates or until no candidate receives a vote of 51% or more.

In the event there is no clear winner for a seat (including 2nd-4th place nominees) following a "first vote," the convention will proceed to Step 11.c.ii.

- ii. **Run-off vote** - used only for TCIA candidates and only in the event no candidate obtains 51% of the votes present, when only one candidate receives 51% of the votes present (TNNAC is required to submit not less than two candidates for each open seat) or there is a tie between candidates.

1. **Procedure for a run-off vote:**

- a. Convention staff determines top two vote-getters from the “first vote” round.
 - b. Corrected pre-printed or blank ballots are distributed to voting delegations.
 - c. Delegates vote yes or no for top vote-getter.
 - d. Steps 11.a.ii.1.a-b are repeated for second place vote-getter.
 - e. Convention staff determines winner of run-off based on highest number of votes received. That candidate is ranked 1st.
 - f. Caucus chair calls for an affirmation of the second candidate for ranking as 2nd by vote of acclamation.
 - g. Steps 11.a.ii.1.a-f are repeated for remaining candidates from that caucus area.
- iii. **Vote of acclamation** - to ensure there is no question of the outcome of a decision by the convention, all votes of acclamation are done by show of hands.

d. **Marking and reporting ballots**

- i. Delegation ballot counters will distribute ballots.
 - ii. Delegates will mark their ballots, fold and hand back to the delegation ballot counter.
 - iii. Delegation ballot counters will count the ballots and tally results.
 - iv. The convention chair will call the delegation ballot counters forward to the staff table.
 - v. Delegation ballot counters will each turn, face the convention, report the counts to the convention, hand the ballots to the convention secretary, and return to their seats.
 - vi. The convention secretary will file the completed ballots in the appropriate envelope for each caucus area.
12. **Voting begins for nominees to Other Boards and commissions** following procedures listed in *Convention Task Explanations 11.c* on Page 30.
13. **Voting begins for referenda** following procedures listed in *Convention Task Explanations 11.c* on Page 30.
14. **Voting begins on location for next convention** following procedures listed in *Convention Task Explanations 11.c* on Page 30.
15. **Voting begins for nominees to the TCIA** following procedures listed in *Convention Task Explanations 11.c through 11.d* on Pages 30 through 31.
16. **Restate Election Outcomes** - Using the convention secretary’s Record/Tally Sheet, the convention chair will restate the outcomes of each item/office to the convention.

17. **Call for Confirmation of Record & Proceedings** - Once the outcomes have been restated, the convention chair will call for a confirmation of the secretary's record and proceedings by acclamation (show of hands). **Complaints will be handled per *Objections, Complaints and Challenges* on Page 24.**
18. **Call for Other Business of the Convention** - The convention chair will ask if there is any other business of the convention to be addressed. Any business will be addressed.
19. **Introduction of nominees to the TCIA and Other Boards and Commissions** - Convention chair will reintroduce those candidates who are the winning nominees for TCIA and Other Boards and Commissions.
20. **Adjourn the Convention.**

Appendix 1 – Supporting Statutes and Opinions

From: Acts 2003, ch. 344, § 4 - TCA 4.34 Part 1 - TCIA

4.34.104

(a) The Tennessee commission of Indian affairs shall consist of at least seven (7) members as follows:

(1) One (1) member from each of the four (4) metropolitan areas: Shelby, Davidson, Knox and Hamilton, and counties contiguous thereto;

(2) One (1) member from each of the three (3) grand divisions of the state; and

(3) One (1) member from each Native American Indian nation or tribe located within Tennessee, and recognized by the state per recognition guidelines established by the commission.

(b) (1) The Tennessee Native American convention shall submit a list of not less than two (2) names for each position on the commission to be appointed.

(2) Accompanying each nominee's name submitted shall be a resume, including the nominee's educational background, work history, heritage, description of why the nominee would be a suitable commissioner, and the democratic process and results that led to the nomination.

(3) Preference in selection of at least five (5) Indian commissioners shall be given to Native American Indians, i.e., persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

(4) Each member of the commission of Indian affairs shall be a resident of Tennessee.

(c) From the names submitted by the Tennessee Native American convention, the speaker of the senate shall appoint two (2) commissioners from two (2) areas, the speaker of the house shall appoint two (2) commissioners from two (2) areas and the governor shall appoint three (3) commissioners from three (3) areas. The governor shall appoint no more than two (2) commissioners from metropolitan areas, and each speaker shall appoint no more than one (1) member from metropolitan areas.

(d) If the speaker of the house does not make the appointments within ninety (90) calendar days, the appointments shall be made by the speaker of the senate. If the speaker of the senate does not make the appointments within ninety (90) calendar days, the appointments shall be made by the governor. If the governor does not make the appointments within ninety (90) calendar days, the appointments shall be made by the speaker of the house.

(e) Commissioners shall serve for four-year terms and shall continue in office until the expiration of their terms for which they were respectively appointed and until such time as their successors are appointed.

(f) Commissioners shall be at least eighteen (18) years of age upon their appointment and shall have been residents of Tennessee for at least one (1) year.

(g) To stagger the terms of the commission members, the speakers shall make the initial appointments from the list of nominees in the following manner:

(1) The initial terms of commissioners from the three (3) grand divisions shall end on October 30, 2003; and

(2) The initial terms of the commissioners from the four (4) metropolitan areas shall end on October 30, 2005.

(h) Any member appointed to fill a vacancy shall be appointed for the remainder of the term of the member causing the vacancy. The appointing authority of the vacancy shall rotate among the appointing authorities.

From: Acts 1994, ch. 606, § 1. - TCA 15.2.106 - Annual NAI Day

15-2-106. American Indian Day.

(a) The fourth Monday in September of each year is to be especially observed in Tennessee as "American Indian Day," and that on this day schools, clubs, and civic and religious organizations are encouraged to recognize the contributions of American Indians with suitable ceremony and fellowship designed to promote greater understanding and brotherhood between American Indians and the non-Indian people of the state of Tennessee.

(b) The governor shall, prior to the fourth Monday in September of each year, issue a proclamation inviting and urging the people of the state to observe American Indian Day with suitable ceremony and fellowship.

(c) The department of education and the commission of Indian affairs shall make, within the limits of funds available for such purpose, information available to all people of this state regarding American Indian Day and the observance thereof.

Attorney General's Opinion 04-138 Legal Relationship Between TCIA and TNNAC and ACTIA

STATE OF TENNESSEE

OFFICE OF THE

ATTORNEY GENERAL

PO BOX 20207

NASHVILLE, TENNESSEE 37202

August 24, 2004

Opinion No. 04-138

Legal Relationship Between Tennessee Commission of Indian Affairs and Tennessee Native American Convention and Advisory Council of the Tennessee Indian Affairs

QUESTION

Under Tenn. Code Ann. §§ 4-34-101 to -108 (Supp. 2003), do the statutes establish a legal relationship between the Tennessee Commission of Indian Affairs and the Advisory Council of the Tennessee Indian Affairs (ACTIA) and Tennessee Native American Convention (TNNAC) that requires reports from them at each meeting of the Commission?

OPINION

No. The statutes do not establish any legal relationship between the Tennessee Commission of Indian Affairs and ACTIA or TNNAC that requires them to present reports to the Commission. If they choose to do so, ACTIA and TNNAC may address the Commission under Tenn. Code Ann. § 4-34-105(l) which provides the public an opportunity to be heard before a Commission meeting is adjourned.

ANALYSIS

The Tennessee Commission of Indian Affairs (Commission) was created by Tenn. Code Ann. §§ 4-34-101 to -108 (Supp. 2003). Under Tenn. Code Ann. § 4-34-105(m), the Commission shall establish a rules committee to develop procedural and operating rules for the Commission. The rules committee is creating standing rules for the Commission, and proposed standing rule #4 provides as follows:

4. Reports from the commissioners, committees, (ACTIA) Advisory Council of the Tennessee Indian Affairs and TNNAC (TN Native American Convention) shall be heard at each meeting.

a. commissioners are accountable to the state's constituency and should report quarterly on their activities on behalf of the Indian community

b. Commission committees are accountable to the Commission and should report quarterly on their activities on behalf of the Indian

Page 2

community

c. confirms the Commission's working relationship with ACTIA whose duties include studying and researching issues for the Commission and to advise the Commission on future issues

d. confirms the Commission's oversight relationship to all organizations involving Indian Affairs, including TNNAC as the election organization of the Indian community

The question presented is whether the Commission is legally required to provide in its procedural and operating rules that reports from ACTIA and TNNAC will be received at each Commission meeting. The enabling statutes for the Tennessee Commission of Indian Affairs do not establish any legal relationship between the Commission and ACTIA or TNNAC. Tenn. Code Ann. § 4-34-101 *et seq.* ACTIA is not mentioned in any part of the statutes. The only mention of TNNAC is in Tenn. Code Ann. § 4-34-104, which provides for the appointment of the commissioners. Tenn. Code Ann. § 4-34-104(b) requires TNNAC to submit a list of not less than two (2) names for each position on the Commission to be appointed. The Speakers of the Senate and the House and the Governor appoint the commissioners from the names that TNNAC submits. The Commission has no oversight authority over TNNAC, nor does it have any other relationship with TNNAC grounded in the statutes. Nothing in the enabling statutes requires ACTIA or TNNAC to provide reports to the Commission at each meeting.

Tenn. Code Ann. § 4-34-105(l)(1) provides that "Commission meetings shall not be adjourned until members of the public attending such meeting have had an opportunity to address the commission." For purposes of this statute, TNNAC and ACTIA may be considered "members of the public." In light of Tenn. Code Ann. § 4-34-105(l)(1), a representative of TNNAC or ACTIA may make comment during the public comment portion of Commission meetings, although, as indicated above, neither organization is legally obligated to do so.

PAUL G. SUMMERS

Attorney General

MICHAEL E. MOORE

Solicitor General

Page 3

SOHNIA W. HONG

Assistant Attorney General

Requested by:

Tennessee Commission on Indian Affairs
c/o Tennessee Dept. of Environment and Conservation
401 Church Street, 20th Floor L&C Tower
Nashville, TN 37243

Appendix 2 – TNNAC Standing Rules & Bylaws

TNNAC Standing Rules

SECTION 1 - Nominations to the State

- (a) The Tennessee Native American Convention shall prepare a list of at least two (2) nominees for each of the seven (7) positions on the Commission of Indian Affairs for submission to the State of Tennessee.
- (b) Nominees shall be selected according to representational area:
 - (I) four (4) from the metropolitan regions of Memphis, Nashville, Knoxville and Chattanooga; and
 - (II) three (3) from the “Grand Divisions” of the State- West, Middle and East.
- (c) Each list of nominees shall include biographical information on the individual nominees, including tribal affiliation, if applicable, and a statement of each nominee’s experience and involvement in Native American Affairs.
- (d) The Tennessee Native American Convention shall submit to the State’s representatives, as specified in State law, a list of Indian Affairs Commissioners nominees pursuant to prior subsections (a), (b) and (c) for each vacancy, including initial vacancies, on the commission. The State’s representatives shall appoint a member to the commission from each areas list of nominees.

SECTION 2 - Biennial Convention

- (a) The Biennial convention, organized by TNNAC, shall prioritize the persons to be presented to the State of Tennessee as nominees to the commission.
 - (I)The convention shall prioritize four (4) groups of at least two (2) nominees from each of the four (4) largest metropolitan regions of the State, i.e., Memphis, Nashville, Knoxville and Chattanooga.
 - (II)The convention shall prioritize three (3) groups of at least two (2) Nominees from each Grand Division of the State, i.e., West, Middle, and East.
- (b) The convention shall also collate and prioritize the issues, goals and objectives of greatest significance to Native Americans in Tennessee.
- (c) Members of the convention shall elect a chair, vice chair, and secretary for such convention.
- (d) The convention shall be held biennially on Saturday immediately preceding American Indian Day as set out in TCA Section 15-2-106.
- (e) Move the Convention to the 3rd Saturday in September (October 22, 2005) [Tennessee Code, Annotated, TITLE 15 HOLIDAYS/CHAPTER 2: DAYS OF SPECIAL OBSERVANCE 15-2-106. American Indian Day (a) The fourth Monday in September of each year is to be especially observed in Tennessee as “American Indian Day,”.....”]
- (f) The convention shall, whenever practicable, take place outdoors at a historical Native American site.
- (g) The convention shall rotate between the three (3) “Grand Divisions” of the State.
- (h) Members of the convention shall not receive compensation for their service on the convention.
- (i) Participation in the official business of the TNNAC convention is limited to caucus delegates and TNNAC members.

(j) Tie Breaking Formulas for convention If the number one slot is filled and if the 2nd and 3rd nominees or the 3rd and 4th nominees do not receive a clear majority of the voters present then this will be the process used.

1. 1st vote no clear majority
2. 2nd vote for each nominee separate, if still no majority then
3. 3rd vote for both the one who receives the most votes is the nominee from that area (January 13, 2007)

(k) Adoption of new permanent time line - Application period opens on the First of March; Closes the end of April; Caucuses will be held the 4th Saturday in June in election years; Convention will be held the 3rd Saturday of September in election years. (Jan. 21, 2006)

SECTION 3 - Biennial Caucuses

(a) Attendees of the seven (7) regional biennial caucuses, organized by TNNAC, shall elect at least two (2) nominees to the State Commission of Indian Affairs and fifteen (15) delegates and five (5) Alternates to represent the caucus and area Native Americans.

(b) Area caucuses shall be held in each of the four (4) largest metropolitan regions of the state, i.e., Memphis, Nashville, Knoxville and Chattanooga, and in each grand division of the State, i.e., West, Middle and East.

(b1) Sub-Caucus for Middle Tennessee - Have two (2) polling places in middle Tennessee with the Vice Chair moving into the Chair position for the caucus area. Leaving Fourteen (14) delegates to elect and five (5) Alternate Delegates so each area would elect 7 Delegates and two (2) Alternate Delegates, and the Caucus area that has the most nominees as delegates from that caucus area would get to elect the last Alternate delegate

West Middle Caucus counties: Dickson, Giles, Hickman, Houston, Humphreys, Lawrence, Lewis, Marshall, Maury, Montgomery, Perry, Stewart, and Wayne

East Middle Caucus counties: Bedford, Cannon, Clay, Coffee, DeKalb, Fentress, Franklin, Grundy, Jackson, Lincoln, Macon, Moore, Overton, Pickett, Putnam, Smith, Trousdale, Van Buren, Warren, and White (Approved Jan. 13, 2007); with middle Tennessee voters either going to Lyles or McMinnville, their choice. (Approved April 29, 2007)

(b2) Sub Caucus for East Tennessee - East Tennessee will have two (2) polling places one (1) in Kingsport and one (1) in Huntsville Tennessee, divided delegates the same as Middle; with East Tennessee voters going to either Huntsville or Kingsport. (Approved April 29, 2007)

(c) (I) The TNNAC board shall consult with local area Native American community and obtain current Native American demographic information, to determine the location of the area caucuses to serve the areas of highest Native American population density.

(II) Caucus meetings should be held at public non-sectarian locations where possible, and are subject to TNNAC board approval.

(d) Regional caucuses shall be held approximately one (1) month prior to the convention, but not less than two (2) weeks before the convention. (Amended 17 April 2004)

(e) Each regional caucus shall elect not less than fifteen (15) or more than twenty (20) delegates to the convention.

(f) Each caucus shall nominate a location for the next area caucus. Caucus meetings should be held at public non-sectarian locations where possible, and are subject to TNNAC board approval.

(g) Participation in TNNAC caucuses is open to all citizens of Tennessee over the age of sixteen (16).

- (h) Registration of all participants in an area caucus is required.
- (l) All voting participants must show proof of current Tennessee residence, *ergo*, a TN driver's license or school ID card.
- (ll) All participants will be required to register as being of Native American descent or not, tribe/nation if of descent, residence address.
- (l) All area caucuses shall be held on the same date, and at the same time, and at least sixty (60) road miles from each other, in order to assure an individual's attendance at only one caucus and to prevent registration and participation at more than one caucus.
- (j) Each individual TNNAC caucus is responsible for its own caucus expenses apart from those approved in advance by the TNNAC board. (August 28, 2005)
- (k) Each individual TNNAC caucus is responsible for submitting a clear voting tally with no electoral ties. If electoral ties are submitted to TNNAC, TNNAC will list the names in any electoral tie by surname in reverse alphabetical order (Z-A) from the list submitted. (August 28, 2005)
- (l) a. Each individual TNNAC caucus is responsible for providing TNNAC with at least two (2) nominees for the position of Commissioner of Indian Affairs in its scheduled election year.
 - b. If less than two (2) commissioner nominees are elected by the individual TNNAC caucus, the TNNAC board shall determine an alternative selection process. (August 28, 2005)

CHANGE:

If insufficient Commissioner Nominees, TNNAC can approach Advisory Council Appointees from the area caucus to ask them to be Commissioner Nominees: (March 13, 2005)

- (m) a. Each individual TNNAC caucus is responsible for providing TNNAC with at least one (1) nominee for the position of TNNAC board member each election cycle. (August 28, 2005)
 - b. If no TNNAC board nominee is elected by the individual TNNAC caucus, the TNNAC board shall defer to that caucus' list of convention delegates and, starting at the top of the delegation list and in the elected order, shall invite a delegate to serve on the TNNAC board until a willing person is found and attends a TNNAC board meeting. (August 28, 2005)
 - c. No person shall be seated on the TNNAC board who does not attend a TNNAC board meeting following his/her nomination to the board. (August 28, 2005)
- (n) A TNNAC caucus is an open, public meeting that is duly advertised, and has been authorized by the TNNAC board, and is chaired by a TNNAC board member, for the specific purpose of democratically electing one or more of the following:
 - A. nominees to the position of Commissioner of Indian Affairs;
 - B. nominees to the TNNAC board (August 28, 2005)
 - C. Time limit for public comments- 3 minutes (January 21, 2006)
- (o) You can only Vote in your own Caucus area and that when we have TNNAC staff working outside their areas that they be allowed to send in an Absentee ballots. (June 5, 2005)
- (p) Advisory Council Appointees do not have to go through the Convention process (March 13, 2005)
- (q) Minimum of 16 years of age for caucus vote counters: (Mar. 13, 2005)
- (r) Meetings will be held on rotating Saturday's and Sunday's (Oct. 22, 2005)

SECTION 4 - Commissioner Nominations

(a) All persons who wish to be considered by the area caucus and convention as a nominee to the position of Commissioner of Indian Affairs must submit a nomination form with valid personal information, including:

(III) Full name

(IV) Current address of residence and mailing address

(V) Home and business telephone numbers

(VI) Email address

(VII) Date and place of birth

(VIII) Tribal ancestry

(IX) Status with the state- and/or federally-recognized tribes

(X) Organizational memberships

(XI) Current employment

(XII) years of formal education

(XIII) description of past and current Native American involvement, including Indian Affairs Commission, Indian Affairs Advisory Council, Native American Convention

(XIV) a recent photograph (analog or digital) of the nominee

This information will be made available to the public via the TNNAC website, www.tnnac.org, and at the caucuses.

Other information may be requested, such as an essay question on the individual's perception of what s/he can offer the State's Native American community.

(b) (I) All nominations must be made and seconded by at least two (2) Tennessee residents of Native American descent, with their signatures, printed names, addresses, phone numbers, email addresses, tribal ancestry and state or federally- recognized tribal status, and any membership in a Native American organization.

(II) Nominations must also have the signature of the nominee as personal acknowledgement of his/her candidacy.

(III) Nominees shall submit the names, signatures and addresses of twenty-one (21) registered voters from their respective grand division (West, Middle, and East) who support their nomination. Ten (10) signatures shall come from the nominee's own/home caucus area, and eleven (11) signatories shall come from outside the nominee's own/home caucus area but within his/her grand division. (17 May 2003)

(c) Two nomination forms must be mailed via the US Post Office: one (1) to the TNNAC official address or the TNNAC chairperson, and one (1) to the local caucus chairperson. These mailing addresses will be available at the TNNAC web site, www.tnnac.org.

(d) The time period for nominations shall be ninety (90) days, and shall open one hundred-and-twenty days (120) prior to the date of the caucuses and in the month of May.

(e) Nominations shall close thirty (30) days prior to the date of the caucuses in order to collate and publicly disseminate the nominee's personal information. Nomination mailings must be postmarked prior to end of the last day for valid nominations. No nominations will be accepted after that date.

(f) Invalid or false information will invalidate a nomination.

(g) Photocopies of the membership cards (front and back) for members of federally and State recognized tribes shall be submitted to the TNNAC secretary. The TNNAC secretary shall verify the information with the Tribal enrollment office and report the findings to the board. (August 28, 2005)

(h) We'll use the 1990 recognition criteria for proof, For Indian Preference a person should send a copy of their cards or if no cards, proving by genealogy; they can come before the TNNAC board at a regular meeting and with their proof to be verified. Closed session with no notes taken no pens, no nothing. If using genealogy it should be certified. (June 5, 2005)

(i) Candidates approved for Indian Preference in the past shall be given Indian Preference unless evidence to the contrary is submitted. (August 28, 2005)

(j) Unenrolled Commissioner Nominees requesting Indian Preference to come before the TNNAC board at a meeting with proof for verification.

A. Personal Private Interview for unenrolled persons

B. Individuals will have 30 minutes with TNNAC board in executive session (board No notes, No minutes, No copies)

C. If genealogy is presented descendant chart must be certified by a professional/accredited genealogist.

TNNAC Genealogy Committee will review genealogy, committee appointed by Chair (August 28, 2005)

SECTION 5 - Amendments

(a) These standing rules may be amended by a simple majority of the board members present, provided a quorum exists.

SECTION 6 - Members

1. Resignations of TNNAC board members go directly to the chairman of the TNNAC Board. The Chairman will then discuss the resignation with the member prior to discussing it with others in order to assure that the reasons, timing, extent and terms of the resignation. (19 July 2003)

2. Resignations from TNNAC may be in part or whole. Resignation of an officer's position and remain on the board, but resignation from TNNAC board removes person from caucus responsibilities. (19 July 2003)

3. Board members shall be replaced after having missed four (4) meetings without just cause. A warning will be given after three (3) absences. If a board member does not attend the fourth meeting s/he will be replaced. (17 April 2004) REPLACED Board members shall be replaced after having missed three (3) Meetings without just cause. A warning will be given after two (2) absences. If a board member does not attend the third meeting, s/he will be replaced. (Approve August 28, 2005)

4. Alternates are temporary stand-ins for their caucus areas absent board members at board meetings only, and are not themselves board members. (August 28, 2005)

5. Caucus area board members need to inform their alternate in advance of their absence from TNNAC board meetings. Alternates who miss four (4) TNNAC board meetings in their caucus area board members' absence may be terminated. Board members who know they will miss a meeting need to inform the TNNAC secretary and their alternate. (August 28, 2005)

6. Each caucus area will have a Chair, Vice Chair and two (2) Alternates for each of the seven areas. (August 28, 2005)

SECTION 7- Meetings

- (1) Meetings will be held on rotating Saturday's and Sunday's Saturday January 21, 2006 at 9:30 then the next meeting will be on a Sunday (October 22, 2005)
- (2) Executive session parts of meetings will be omitted from the web page minutes (January 21, 2006)
- (3) Have a First Vice-Chair and a 2nd Vice Chair (January 21, 2006)
- (4) Amend Quorum: "Quorum shall consist of two officers, at least one of whom is the chair or a vice chair, and one Board member who is not an officer." (January 21, 2006)

SECTION 8 - Finances

- (1) Expenses must be pre-approved by the TNNAC board, or approved by the Chairman and/or Vice-Chair, which will be taken into consideration for reimbursement (with receipts) at the next TNNAC board meeting. (6 September 2003)

TNNAC Bylaws

BYLAWS OF THE TENNESSEE NATIVE AMERICAN CONVENTION (TNNAC)

Approved 23 November 2002, Lebanon TN

ARTICLE 1 - NAME

The name of this organization is the Tennessee Native American Convention, hereafter referred to as "TNNAC".

ARTICLE 2 - PURPOSES

The purposes of the Tennessee Native American Convention are to:

- (1) To create and sponsor the election process in which representatives from the Native American community are democratically elected to advocate Native American interests in and to the State of Tennessee. (6 September 2003)

[Deleted: (1) Democratically elect representatives from the Native American community to represent Native American interests in and to the State of Tennessee;]

- (2) Sponsor and cause to happen regional caucuses and a biennial convention;
- (3) Evaluate Native American population trends and demographics as needs are demonstrated;
- (4) Assist Indian and non-Indian communities in choosing democratic Native American representation;
- (5) Promote recognition of, and the right of Indians to pursue political representation considered by them to be sacred and meaningful to Native Americans; and
- (6) Communicate with Tennessee's Indian communities and solicit communications from such Indian communities on the democratic process.

ARTICLE 3 - DUTIES

It is the duty of the Tennessee Native American Convention to:

- (1) Study, consider, accumulate, compile, assemble and disseminate information on Indian demographics in the state of Tennessee;
- (2) Investigate representational needs of Indians of Tennessee and to provide technical assistance in the preparation of plans for the alleviation of such needs;

- (3) Confer with appropriate officials of local, state and federal governments and agencies of these governments, and with such legislative committees that may be concerned with the democratic process and political representation in Tennessee Indian affairs;
- (4) Encourage and implement coordination of applicable resources to meet the political representation needs of Indians in Tennessee;
- (5) Cooperate with and secure the assistance of the local, state and federal governments or any agencies thereof in formulating any such political representation programs;
- (6) Review all proposed or pending state legislation and amendments to existing state legislation affecting political representation of Indians in Tennessee;
- (7) Conduct public hearings on matters relating to political representation of Indians in Tennessee and to request any information or documents deemed necessary by the Convention;
- (8) Study the existing status of political representation of all Indian groups, tribes and communities presently existing in the state of Tennessee;
- (9) Establish appropriate procedures to provide for political representation of Indians in Tennessee to the state;
- (10) Conduct public caucuses and a convention on a biennial (every two (2) years) basis to select regional nominees for the state Commission of Indian Affairs; and
- (11) Nominate democratically-elected representatives to the state legislature's Speaker of the House and Speaker of the Senate for appointment to the state Commission of Indian Affairs.
- (12) Submit the list of commissioner nominees to the Governor and Speakers of the state House and Senate. (18 January 2003)
- (13) TNNAC must submit a list of at least two (2) names for each open position on the Commission of Indian Affairs for appointment by the State. TNNAC will, if sufficient nominees are not available from the caucus area, get other nominees names in the following manner.

TNNAC will go to the ACTIA elected members for that Caucus area in order of their election.

TNNAC will ask the elected active Chair, Vice-Chair, and 1st Alternate of the TNNAC board for that Caucus area.

TNNAC will then go to the list of Caucus delegates in order of their election from that caucus area.

(16 June 2007 Passed 3rd and final reading)

ARTICLE 4 - MEMBERSHIP

(1) The Tennessee Native American Convention shall be governed by a board of directors that shall consist of no more than seventeen (17) members as follows:

- (a) Two (2) members from each of the four (4) largest metropolitan regions in the state, i.e., Memphis, Nashville, Knoxville, and Chattanooga, selected by each region's caucus; and
- (b) Two (2) members from each of the three (3) grand divisions of the state: West, Middle and East, selected by each division's caucus.
- (c) Up to three (3) members at-large elected by the TNNAC board members.

(2)(a) Board members shall serve four-year terms. Upon expiration of a member's term, such member shall continue to serve until a successor member is elected by the caucus.

(b) The terms of at-large members shall expire on the day following the second regular (April, May, June) meeting during even years. (6 September 2003)

(3) Any vacancy in a caucus' representation will be filled by alternate persons or delegates previously elected by the caucus from which the vacancy occurs.

(4) Any person appointed to fill a vacancy shall be appointed for the remainder of the term of the former member.

(5) In order to avoid any perception of a possible conflict of interest, no Commissioner of Indian Affairs shall be a member of TNNAC nor shall s/he be a caucus officer for the duration of his/her appointed two-year term.

(6) Board members may be removed for lack of attendance or improper behavior of an election official upon approval of two-thirds (2/3) of the board's membership.

ARTICLE 5 - OFFICERS

(1) The board members of the Tennessee Native American Convention shall elect a chairperson of the board, a vice chair, and a secretary-treasurer from among its members.

(2) TNNAC officers shall serve terms of one (1) year, and may be re-elected.

(3) Officers are elected by a simple majority of the board of directors at the first board meeting after the Convention in Convention years, and at the first board meeting after 1 October in non-Convention years, or at such times as there is a vacancy.

(4) The chairperson of the board shall call and preside at all TNNAC meetings. The vice-chairperson shall call and preside at TNNAC meetings at which the chairperson is not present. The secretary-treasurer shall take and keep the minutes of all TNNAC meetings, including the Convention, and shall keep a record of and keep safe all TNNAC monies.

(5) Any TNNAC officer may be removed from his/her position as an officer by two-thirds (2/3) of the board members at a regular (not special) meeting:

(a) after discussion during which the officer will be given equal time, or at least one-half hour (30 minutes) for his/her defense, and

(b) with notice of the proposed removal given at a meeting at least one (1) month prior to the vote of removal.

(6) The TNNAC board shall nominate the presiding officer/s of the biennial Convention whose responsibilities shall be to effectively preside and assist in the Convention's election of nominees to the position of Commissioner of Indian Affairs.

ARTICLE 6 - MEETINGS

(a) The board of the Tennessee Native American Convention shall meet quarterly.

(b) Notice of all regular TNNAC meetings must be given to all members by email, telephone or U.S. Postal Service, according to their individual preference, and posted on the TNNAC web site (tnnac.org), and emailed to all interested parties, at least twenty seven (27) days in advance of the meeting and include date, time, location, and agenda. (Amended 12 July 2004)

(c) Special meetings may be called by two (2) officers or four (4) members, and may be conducted by telephone conference or email. Any business conducted by email must be sent to every board member.

(d) Notice of all special TNNAC meetings must be given to all members by email, telephone or US Postal Service, according to their individual preference, and posted on the TNNAC web site (tnnac.org), and emailed to all interested parties, at least seven (7) days in advance of the meeting, and include date, time, location, and agenda. (Amended 12 July 2004)

(e) Quorum consists of two (2) officers and one (1) other TNNAC board member.

(f) The standard order of business shall be:

1. Minutes
2. Check-in by areas
3. Committee reports
4. Old business
5. New business

(g) All TNNAC meeting minutes shall be posted and maintained for public access on the TNNAC website (tnnac.org) after prior approval by two (2) officers and within twenty-one (21) days of the meeting.

ARTICLE 7 - AMENDMENTS

(a) Proposed amendments to these by-laws must be submitted in writing and in final form to the three (3) board officers in advance of its first reading.

(b) Amendments must be proposed at least one (1) meeting and at least thirty (30) days in advance of any vote on the amendment, thereby requiring a reading of the proposed amendment at two (2) different meetings.

(c) Any changes to the original wording of an amendment shall be considered as a new proposed amendment.

(d) Amendments may be approved only at regular meetings.

(e) A quorum must be present for any vote on an amendment. Approval of an amendment to these by-laws requires a two-thirds majority (2/3) of the members present.

ARTICLE 8 - RATIFICATION

These by-laws will be adopted upon approval and signature of at least one (1) caucus officer from each of the seven (7) caucus areas in the state: West, Middle, East, Memphis, Nashville, Knoxville and Chattanooga.

Memphis: Cubert Bell Sr, Alice Henry (no contact), John Smith

West TN: Teresa Horn, Bonnie James, Sarah Cantrell

Nashville: Edna Fay, April Weller, Kristal Bramel (no contact)

Middle TN: Vicky Garland, Floyd Ayers

Chattanooga: tom kunesh, Don Hoff, Bob Newman

Knoxville: David Teat, John Hedgecoth

East TN: Man Many Trees, Kelley Henley (no contact)

Appendix 3 – TNNAC and Other Sample Forms

I need copies of all forms used by TNNAC relevant to the elections!!!!