

Intro Slide 1: THE SECRETARIAL ELECTION PROCESS

Slide 2: Oklahoma Indian Welfare Secretarial Election Summary - The Oklahoma Indian Welfare Secretarial Election, established by the Oklahoma Indian Welfare Act (OIWA) of 1936, is a specific process for federally recognized Indian Tribes and Nations in Oklahoma to organize and adopt governing documents. The key difference between this process and the one under the Indian Reorganization Act (IRA) is the order of approval

NOTES: A Secretarial Election is not a Tribal election, but a Federally supervised vote conducted by the U.S. Department of the Interior - through the Bureau of Indian Affairs (the “BIA”). Eligible Tribal citizens vote, and the results are certified by the Secretary, giving the action legal effect under Federal law.

Slide 3: Purpose of the Election - The election allows Indian Tribes and Nations to establish or amend their governing documents, which are crucial for exercising their sovereign powers.

Currently, the Pawnee Nation **must** seek approval from the BIA to conduct an election to change its Constitution.

NOTES: Secretarial Elections are held for the purpose of allowing Tribes to reorganize under a Federal statute, specifically, here the Oklahoma Indian Welfare Act (the “OIWA”). This election allows Tribes to amend, ratify, or revoke their Constitutions, Bylaws, or Tribal Charters.

Slide 4: Secretarial Approval - Before an election, the Secretary of the Interior reviews and approves a proposed Constitution or Amendment to ensure it is consistent with applicable law. This is different from the IRA, which only requires a Secretarial election

NOTES: Under the OIWA, the Secretary of the Interior must review and approve a proposed Constitution or Amendment before it is submitted to Tribal citizens for a ratification vote.

Slide 5: Procedure for Conducting an Election - Typically, a Secretarial Election Board, authorized by the Bureau of Indian Affairs (BIA), conducts the election, following established BIA procedures.

The Pawnee Nation, however, has its own rules and procedures for conducting a Secretarial Election.

Recent rule changes require voting by mail unless the Tribe's governing document specifies polling places.

NOTES: Pawnee Nation citizens who are 18 years of age or older on the date of the election and who are on the official tribal citizenship/membership roll are eligible to vote in the Secretarial Election.

Under updated Federal Regulations in 25 CFR Part 81, Secretarial Elections are now conducted entirely by mail-out ballot. Physical polling places are only established if a Tribe's specific amendment or adoption Articles expressly require in-person voting.

Slide 6: Requesting an Election - A federally recognized Tribe or its citizens/members can request the Bureau of Indian Affairs (BIA) to hold a Secretarial election

The Tribe submits a request to the Bureau of Indian Affairs (BIA) for a Secretarial election to vote on specific Constitutional amendments. This request must include all necessary tribal documentation

NOTES: The Department of the Interior reviews and provides feedback on whether any provision is, or may be, contrary to applicable law. In OIWA elections, the Secretary or his/her authorized representative approves the document, and then Tribal voters ratify.

Slide 7: BIA Review (Up to Day 30) - The BIA reviews the proposed amendment to ensure it is not contrary to any federal law. Unlike the initial OIWA Constitution adoption, the Secretary's role is not to approve the content but to authorize the election itself

NOTES: Notification is provided to the Tribe of the feedback and the changes that may be needed. The Tribe updates the proposed ballot language based on the feedback - if necessary - and resubmits the proposed language to the BIA. This process continues until the Authorizing Official (Regional Director) can approve as "not contrary to applicable law."

If the Tribe does not make the required changes, the Authorizing Official will not approve the Secretarial Election results ratifying provisions that are contrary to applicable law.

Slide 8: Call and Authorize Election - The Authorizing Official directs the Local Bureau Official to call and conduct the election. Pursuant to the Pawnee Nation Election Act, the election must be conducted within sixty (60) business days.

NOTES: Once the Pawnee Nation received the December 3, 2025, letter from the Regional Director authorizing the election, the official clock started. All ballots are due back to the Nation no later than March 7, 2026.

Slide 9: Key Election Requirements - Voting is conducted primarily by mail, though polling places can be used if the Tribe's governing document requires it.

A minimum percentage of eligible voters must cast a ballot, and the specific requirement can be defined by federal statute or tribal documents.

The BIA must adhere to statutory timeframes for calling and holding the election.

NOTES: Federal voting qualifications also continue to apply because a Secretarial Election is a Federal election in which Federal voting standards apply

Slide 10: Election Results - The BIA issues a Certificate of Results of Election. If the document is approved or ratified by the Tribal citizens, the results are certified as a final agency action

NOTES: In plain language, a Final Agency Action means the Federal government has finished its role, and the decision is final and binding.

Slide 11: Establish Election Board: Local Bureau Official appoints a BIA employee as the chair and notifies the Tribe to appoint at least two Tribal citizens/members to the Secretarial Election Board - After authorization.

Board sets election date: The Election Board holds its first meeting to set the election date and other key deadlines - Within 5 days of the Board's appointment.

Mail election notice packets: Election notice packets are sent to all eligible voters, including voter registration forms and instructions - At least 30 days, but no more than 60 days, before the election date.

Voter challenges: Tribal citizens/members can challenge the voter list. The Board resolves all challenges.

Mail out ballots: For the Pawnee Nation, requests for absentee ballots are not needed. All enrolled citizens eighteen (18) years and older are eligible to vote.

Ballot due date: Ballots are due to the Secretarial Election Board by this deadline - Election day (set by the Board).

Certify election results: The Election Board counts the ballots and completes the Certificate of Results of Election - No later than the day after the election.

Review and final action: The BIA Authorizing Official reviews the results, decides on any challenges, and issues the final approval or disapproval of the governing document or amendment - Within 45 days after the election.

NOTES: In a Secretarial Election, there is Federal oversight and Federal certification.

In a Tribal Election, the Tribe controls the rules, and the Tribe certifies the results

Slide 12: In 2015, the BIA updated its regulations for Secretarial elections to clarify the process and make it easier for Tribes to remove the requirement for future Secretarial approval of their governing documents

NOTES: Tribes with Secretarial Election requirements are encouraged to remove them from their governing documents in furtherance of their Tribal sovereignty, self-determination, and self-governance.

This means that the Tribe transitions away from OIWA Federal oversight for future Constitutional matters and operates those matters under its own inherent authority. Past OIWA actions remain valid as there is no retroactive invalidation.

Slide 13: Tribes that originally organized under the OIWA may amend their governing documents to remove the requirement for Secretarial approval of future amendments. This change requires approval through a Secretarial election

NOTES: Once the requirement for Secretarial approval is removed through a Secretarial Election, there will be no future Secretarial Elections conducted for the Tribe. This means that the Secretary no longer calls elections, no longer certifies results, and no longer approves Amendments.

Slide 14: Once the requirement for Secretarial approval is removed, all subsequent Tribal elections to amend the governing document are considered Tribal elections. Consequently, the Tribe becomes responsible for the costs associated with these elections, and federal funding is no longer provided for this purpose.

This process allows OIWA tribes to move towards a more self-determined form of governance, aligning with broader policies that favor tribal sovereignty

NOTES: Removing the Secretary from the Amendments section does not diminish Federal benefits, services, status, or the government-to-government relationship or Federal trust responsibilities owed to the Nation. Federal recognition does not depend on retaining the Secretary in the Constitution.

Slide 15: 25 CFR Part 81

§ 81.47 How is the OIWA Secretarial election conducted?

After the Chair of the Election Board receives the authorization of the Election, the Chair of the Secretarial Election Board will conduct the election following the procedures set out in §§ 81.19 through § 81.45 of subpart D, or as provided by the Tribes governing documents.

NOTES: Although the Pawnee Nation has its own Election Code, it must not conflict with the Code of Federal Regulations (CFRs) as this is a Federal election.

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