

Jennifer Wounded Knee
Representing Herself Pro Se
A Registered Member of the Crow Creek Sioux Tribe
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**IN THE TRIBAL COURT
OF THE CROW CREEK SIOUX TRIBE
CIVIL DIVISION**

Jennifer Wounded Knee
A Registered Member of the
Crow Creek Sioux Tribe
And Candidate for Tribal Council
In the 3-29-2012 Primary Election
Plaintiff

CASE NO. 12-04-961

**Request for Injunction and Temporary
Restraining Order Affidavit**

vs

Crow Creek Sioux Tribe
The 2012 Crow Creek Tribal Election
Board and the Crow Creek Sioux
Tribal Council

Defendant.

AFFIDAVIT

Crow Creek Sioux Tribal Reservation 2012)
Crow Creek Sioux Tribal Court 2012) **SS:**

Your affiant, Jennifer Wounded Knee, being first duly sworn on oath, deposes, states, and alleges on her own free will and knowledge the following information regarding the activities that took place during the Crow Creek Sioux Tribal Primary Election held in the Fort Thompson District on March 29, 2012.

Your affiant was a candidate for the Crow Creek Sioux Tribal Council in the March 29, 2012 Primary Election held on the Crow Creek Sioux Reservation. Your affiant was also an eligible voter in the 2012 Primary Election and voted in said Election.

Your affiant further has personal knowledge and credible witnesses that will testify that the following items or irregularities took place during the 2012 Crow Creek Sioux Tribal Primary Election:

- A. The Primary election, according to the Crow Creek Sioux Tribe (hereinafter CCST) Election Ordinance and the CCST Constitution and By-Laws, was scheduled to start at 9:00 a.m. and to close or stop at 7:00 p.m. on election-day. In fact the election was never started until 9:30 a.m. on election-day and continued to run until after 7:30 p.m. on the Primary Election day. This failure to open the election polls on time resulted in Voters being turned away. Many did not return to vote after the polls were opened at 9:30 a.m. There was no notice given to voters that the Polls would remain open until 7:30 p.m. so many were not given the right to vote. This single action resulted in decreasing the number of votes for candidates impeding the chances of a win in election races where the candidate lost by a very small margin of 1 or more votes.
- B. The Eligible Voters List was not provided eight (8) days in advance before the scheduled Primary Election date as required in the CCST Election Ordinance. The Eligible Voters List was provided on March 22, 2012 or seven (7) days before the Primary Election. The Eligible Voters List was then changed and altered continuously until the day of the Primary Election. An official Eligible Voters List and Member's Relinquishment Lists are tools used to determine the eligibility of voters. They must be created and provided in a timely manner. The discrepancy of these tools imposes a great deal of difficulty for candidates attempting to verify who has and who does not have the right to participate in the election process.
- C. The Eligible Voters Lists were updated onsite and during the election process. Anyone whose name was added to the Eligible Voters Lists after the eight days prior to the election and who then voted at the election should have had their votes placed in envelopes, sealed, and inscribed on the envelop as a "challenged ballot/voter".
- D. These envelopes should have then been either approved or disapproved through sufficient verification. This process was not adhered to thus violating Plaintiff's constitutional right as an enrolled member of the CCST to a legal and impartial election.

- E. During the Primary Election process on March 29, 2012, the Election Committee allowed several disruptive activities to take place that destroyed the order as well as the procedures necessary to conduct the election in a legal and impartial manner. For example, the Election Committee allowed the presence of a BIA law enforcement officer to question and intimidate the poll watchers and voters during the election process. One poll watcher was instructed to leave the voting area as the law enforcement officer told the poll watcher that there was an arrest warrant issue for her arrest.
- F. During the election on March 29, 2012, decisions were discussed and made regarding the election process by the Election Committee members in private thereby violating the rights of Poll Watchers to observe and hear what is going on during the voting process which is contrary to the official duties and purposes of the Poll Watchers positions as representatives of their candidates.
- G. There was not an "Official Count" made by the Election Committee of the votes made during the Primary Election. According to the Election Ordinance, the number of ballots must reflect the number of eligible voters on the Eligible Voters List and the Challenged Voters (added voters) List. The number of voters and the number of ballots plus the number of spoiled ballots and the number of challenged ballots must be the same and accounted for. This was not done by the Election Committee during the 2012 Primary Election.
- H. The Election Committee failed to provide a sufficient number of ballots for voters to vote upon during the 2012 Primary Election. This resulted in voting delays and lead to numerous voters simply not waiting for the ballots to vote so they left the voting area.
- I. According to Section 12 paragraph G. of the 2012 Election Ordinance the Election Board shall use two (2) different stamps for "marking the ballot" on Election Day. "The ballot shall be stamped before issuance to the qualified voter and the ballot will be stamped after the voter has completed voting." During 2012 Primary Election, there was not an official updated seal stamp used either before voting took place or after the voter had completed the voting process.
- J. Candidates fees were paid by all candidates (\$300.00 for Council Chairman Candidates and \$200.00 for Council Candidates) to compensate Election Board Members to insure that the election process was conducted in a professional, fair and just manner. The

2012 Election process was anything but fair and just as outlined above.

Further, your affiant sayeth not this 10th day of April, 2012.

Jennifer Wounded Knee.
Jennifer Wounded Knee.

Crow Creek Sioux Tribal Reservation 2012)
) SS:
Crow Creek Sioux Tribal Court 2012)

Subscribed and Sworn to me this 10th day of April, 2012 by Jennifer Wounded Knee to be facts and information known to her regarding the 2012 Crow Creek Sioux Tribe Primary election held on March 29, 2012.

Dana Matcalz
Notary Public
My authority expires on 3-1-2017