

QUILEUTE ELECTION ORDINANCE

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PART I: GENERAL PROVISIONS

SECTION 1: AUTHORITY

This Election Ordinance is authorized by the Constitution and By-Laws of the Quileute Tribe of the Quileute Reservation, Article IV Section 2, which states: *“All elections shall be by secret ballot and shall be held in accordance with the rules and regulations prescribed by the Tribal Council or by an election board appointed by the Tribal Council,”* and by Article VI, Section 1(i), which vests constitutional authority in the Tribal Council to promulgate and enforce ordinances governing the conduct of members of the Quileute Tribe.

SECTION 2: POLICY

The Tribal Council declares that it is the public policy of the Tribe that the Tribal Council shall have exclusive authority to prescribe election rules and regulations under this provision. All election rules and regulations must be approved by the Tribal Council by Resolution before becoming effective.

SECTION 3: PURPOSE

The purpose of this Ordinance is to establish a procedure for Tribal elections which shall ensure fair and consistent rules for conducting Tribal elections in conformance with the Constitution and By-Laws of the Quileute Tribe, to prescribe rules and regulations governing the conduct of Tribal elections, and to establish standards of conduct for those elected to serve the Quileute people as an elected official.

SECTION 4: CONFLICTS WITH CONSTITUTION

Any portion of this Ordinance that conflicts with the Tribal Constitution and By-Laws shall be preempted by the Tribal Constitution and By-Laws.

SECTION 5: TYPES OF ELECTIONS COVERED

This Ordinance covers the following types of Tribal elections:

1. Regular election of Tribal Council members;
2. Recall;
3. Other Tribal elections (such as elections to amend the Constitution and By-Laws, committee elections, and elections to approve actions of the Tribal Council as required by the Constitution and By-Laws); and
4. General Council Referendum elections.

Unless otherwise specified, the provisions of this Ordinance apply to all such elections.

SECTION 6: DEFINITION OF TERMS

1. Tribe – means the Quileute Indian Tribe.
2. Tribal Council – means the duly elected and installed members of the Quileute Tribal Council.
3. General Council – means all enrolled members of the Quileute Tribe who are age eighteen (18) or older, and who are eligible to vote in any election held at a General Council meeting, as set forth elsewhere in this Ordinance and subject to other requirements as laid out in the Constitution. The General Council is authorized under the Quileute By-Laws, Article VI, to hold an annual General Council meeting at which Tribal Council elections take place, and Special General Council meetings that may either be called by the Tribal Chairperson or upon written petition of one-third of the legal voters of the Tribe.
4. Election Board – means the Election Board appointed by the Tribal Council to conduct Tribal elections pursuant to Article IV, Section 2 of the Constitution.
5. Code of Ethics – means a Tribal Ordinance adopted by the Tribal Council setting standards of conduct and a set of ethical standards for Tribal Council members, other elected and appointed officials, employees, and representatives of the Tribe.
6. Constitution – means the Constitution and By-Laws of the Quileute Indian Tribe.

7. Constitutional Amendment Election – means an election called by the Tribal Council to consider amendments to the Constitution.
8. Council Election – means the Tribal Council election held at the annual General Council meeting to fill vacancies or expiring terms on the Tribal Council.
9. Recall Election – means a special election called by the Tribal Council, upon a petition signed by at least one-third (1/3) of the eligible voters of the Tribe, to recall the Tribal Council member or members named in the petition, pursuant to Article V, Section 3 of the Constitution.
10. Referendum Election – means an election called upon a petition signed by at least one-third (1/3) of the eligible voters of the Tribe, to vote on any enacted or proposed ordinance or resolution of the Tribal Council, pursuant to Article IX of the Constitution.
11. Vacancy – means a Tribal Council or committee position that no longer has a seated member due to removal, recall, death, resignation from office, permanent departure from Clallam County, or other reason.
12. Quileute Tribal Member – means an enrolled member of the Quileute Tribe, as reflected in the official roll of the Tribe. It shall be the responsibility of the Quileute Enrollment Department to maintain an accurate roll of Quileute Tribal members and to provide to the Election Board, within fourteen calendar days after the Election Board’s request, a list of Quileute Tribal members for each specific election who will be of voting age as of the scheduled date of the election.
13. Primary, Permanent or Legal Residence – means the place or residence where a Quileute Tribal member usually lives or intends to make the member’s home. When in dispute, a Tribal member’s permanent residence may be determined by reference to federal common law principles of “domicile,” which involve a multi-factor analysis of objective facts reflecting the Tribal member’s intention to maintain a permanent residence, including, without limitation, place of employment, location of personal residence(s), location of family, where vehicles are registered, and other factors.
14. Immediate Family Member – parent, sibling, child by blood, adoption or marriage, spouse, grandparent, or grandchild.
15. Student – means any person who is currently enrolled in a college, university or trade school and currently attending classes outside of Clallam County, *provided*, that meeting the definition of Student for purposes of this Ordinance requires proof of full-time enrollment (at least 12 credits per quarter or semester) during the entire year preceding the election in a university, college or trade school. Participation in on-line courses or correspondence courses does not qualify.

16. Spoiled Ballot – means a ballot that has been destroyed or damaged so as to make it unusable in an election, or where a ballot has been marked improperly or by mistake or the member changes the member’s mind and wishes to mark their ballot differently, and requests a new ballot.
17. Rejected Ballot – means a ballot that is reviewed by the Election Board because the ballot is alleged by an Election Board member or Tribal member to be deficient in some respect, including but not limited to being filled out incorrectly, and that the Election Board decides not to count as part of the Tribal election being conducted. A ballot that contains fewer total votes than the number of positions up for Tribal Council election shall not be rejected on that basis. A ballot that contains more votes than the number of positions up for Tribal Council election shall be rejected. To the extent a ballot contains both valid and invalid votes, the Election Board shall count the valid votes and reject the invalid votes.
18. Defective Ballot – means a ballot that is misprinted or is otherwise deficient as prepared by the Election Board. In the event an allegation is made by any Board member or Tribal member that the ballots for any Tribal election are defective as printed, and the Election Board decides the ballot is defective as a matter of Tribal law, the Board shall immediately prepare new corrected ballots and distribute them to eligible Tribal members.
19. Post – means to affix and prominently display for at least three continuous days (or such further time as this Ordinance may require or contemplate) a written notice so that it is easily viewable by the public in three or more public locations on the Quileute Reservation which must include, without limitation, the Tribal government office, the Lonesome Creek Store, and the La Push Post Office. A requirement to post a notice does not preclude using additional forms of communicating the contents of the notice, such as distributing it via mail or email, publishing it in the Tribe’s newsletter or another newspaper, or displaying it on the Tribe’s website or elsewhere on the internet, as the Election Board deems appropriate for communicating the notice to Tribal members.

PART II: ELECTION BOARD

SECTION 7: APPOINTMENT

1. There shall be established an Election Board consisting of five members plus two Alternates of the Quileute Tribe appointed by the Tribal Council each of whom shall serve three years and until a successor is appointed and installed. Initially, the Tribal Council will appoint all five Board members at one time, with one Board member having an initial term of one (1) year, two Board members having a term of two (2) years, and two Board members having a term of three (3) years. Thereafter, beginning in the year subsequent to initial appointment of a Board, in order to stagger the terms of Board members, the Tribal Council shall, by June 1 of the calendar year, appoint two (2) members to the Board, except for the third year thereafter when one (1) shall be selected. Alternates will be

selected by the Tribal Council such that their terms are also staggered and both Alternates are not serving the same term.

2. The Tribal Council shall solicit the interest of Tribal members in serving on the Election Board during the month of May. Any Tribal member who wishes to announce their candidacy for a position on the Election Board shall submit a letter of interest to the Tribal Council no later than the date determined and announced by Tribal Council or its designee. Tribal Council shall appoint Board members from the interested candidates. In the unlikely event that there are not sufficient Tribal members willing to serve on the Election Board, the Tribal Council may temporarily appoint Tribal member employees to fill an Election Board position until the next regular round of appointments, with the advice and consent of the General Manager.

SECTION 8: CONFLICT OF INTEREST; IMPARTIALITY

1. No person serving or nominated to serve on the Election Board may be currently serving on the Tribal Council or other Tribal committee for which the Election Board administers elections.
2. No Election Board member or Alternate may serve on the Election Board for any Tribal election in which the Election Board Member or Alternate is nominated or is running for office as a candidate. In this event, the Election Board member or Alternate will recuse himself or herself for the duration of the election in question.
3. An Election Board member or Alternate may serve on the Election Board regardless of whether an immediate family member currently serves on the Tribal Council or other Tribal committee, provided that the member or Alternate discloses such relationship to the full Election Board in writing and maintains impartiality when conducting any election that directly involves the immediate family member.
4. An Election Board member or Alternate may serve during an election in which an immediate family member is a candidate only if:
 - a. The member or Alternate discloses the relationship in writing to the full Election Board and Tribal Council;
 - b. The remaining Election Board members unanimously determine that the member or Alternate can impartially and effectively fulfill applicable Election Board duties;
 - c. Under no circumstances may such a member or Alternate serve as the Ballot Box Supervisor, or otherwise have access to ballots or the ballot box without the presence of at least two other members of the Election Board at all times;
 - d. In the event of any subsequent developments reasonably calling into question the Election Board member's or Alternate's impartiality, the member or Alternate must recuse himself or herself from all further involvement in that election; if the

member or Alternate refuses to do so, the remaining Election Board members may vote to require the recusal; and

- e. All decisions regarding potential conflicts and recusals must be documented in the official Election Board meeting minutes.
5. While acting within the scope of their official Election Board capacity, Election Board members and Alternates must demonstrate impartiality and must not give any indication of favoring any candidate or outcome, including but not limited to during work hours and in communications that may be reasonably attributed to the Election Board or the Election Board member or Alternate in their official capacity. Election Board members and Alternates must not, in any Tribal election for which they will serve as an Election Board Member or Alternate: nominate any candidate for election; campaign or seek funding for any candidate or campaign; promote, oppose, or otherwise recommend any candidate or position; distribute any campaign literature; circulate an initiative, referendum, or recall petition; serve on a campaign committee or otherwise take an active role in the management of a political campaign; make or cause to be made a financial contribution, in-kind contribution, or contribution of personal services to a candidate or campaign; or publicly support or oppose a candidate for public office or a measure to be voted on at an election. The Tribal Council finds that these temporary restrictions on the political activities of Election Board Members and Alternates are necessary in order to avoid conflicts of interest, ensure the integrity of Tribal elections, and avoid disruption to the work of the Election Board. An Election Board Member or Alternate who wishes to engage in these political activities may recuse himself or herself for the duration of the election in question.
 6. Any allegation that an Election Board member or Alternate has violated this Section must be submitted in writing to the Election Board, using the prescribed form. Resolution of the allegation may, in appropriate circumstances, include removal from the Election Board pursuant to Section 14.

SECTION 9: QUORUM; MAJORITY VOTE; DUTIES

A quorum of at least four Election Board members is required to conduct Election Board business, except when this Ordinance requires more. The Election Board will make all decisions by majority vote with a quorum present. The Election Board shall meet and annually (or more frequently, if necessary) select from their membership a Chairperson, Vice-Chairperson, Secretary, Sergeant at Arms, Ballot Box Supervisor, and a Member. The duties of the Election Board shall be:

1. Supervise the annual General Council Elections and other Tribal elections for which they were appointed pursuant to the Election Ordinance;
2. Ensure that all elections are conducted fairly;
3. Maintain strict confidentiality of all candidate and voter personal information.
4. Determine the eligibility of candidates pursuant to the Election Ordinance;
5. Resolve any question about the eligibility of voters or candidates to be placed on ballots;

6. Establish a polling place and sufficient ballots, containing the names of all properly nominated candidates so that each eligible voter may be issued an official ballot;
7. Tabulate ballots on Tribal Council election night and advise the designated standing Tribal Council members of the election results;
8. Tabulate ballots on committee election days and advise the Tribal Council, the designated standing members of the committee, and the relevant program Director or Superintendent of the election results;
9. Tabulate ballots for other Tribal elections and advise Tribal Council of the election results.
10. Become familiar with the Quileute Constitution and By-Laws and this Election Ordinance; and
11. Resolve any election disputes, *provided* that the Election Board shall decide any such dispute as expeditiously as possible.

SECTION 10: VACANCIES

If any member of the Election Board is unwilling or unable to perform the duties of the office, or if a vacancy otherwise arises, including but not limited to removal of a Board member as described in Section 14, then the Tribal Council shall appoint a new member to serve out the remainder of that member's term. If no Tribal member is willing to serve on the Election Board, the Tribal Council may temporarily appoint a Tribal member employee to that position, until the next regular round of appointments, with the advice and consent of the General Manager.

If a Board Member is recused in a given election, an Alternate will serve as an active member in the recused member's place for the remainder of the election in question. If there are insufficient Election Board members and Alternates to comprise a full, five-member active Board, the Tribal Council will appoint a temporary replacement for that election.

SECTION 11: INTERNAL PROCEDURES

The Election Board may adopt internal procedures to govern its activities under this Ordinance, but any such procedures shall be subject to review and approval by the Tribal Council.

SECTION 12: ELECTION BOARD OFFICERS AND DUTIES

1. Chairperson. The Chairperson of the Election Board shall preside over meetings of the Election Board, shall resolve any disputes as to interpretation of this Ordinance and any rules and regulations approved by the Tribal Council, shall call for nominations, close nominations, open the polling place and close the polling place at the appropriate times and shall report the results of the election to the Tribal Council. The Chairperson shall also preside over any election disputes, conflict disputes, or impartiality disputes that may be filed.
2. Vice-Chairperson. The Vice-Chairperson of the Election Board shall assist the Chairperson of the Election Board in the Chairperson's duties and shall preside over Election Board

meetings and duties in the absence of the Chairperson. The Vice-Chairperson shall assume the duties of the Chairperson in the event of the resignation, removal, or inability of the Chairperson to perform the Chairperson's duties, until such time as a replacement is selected by the Election Board. The Vice-Chairperson shall preside over any election dispute or allegation of a violation of this Election Ordinance directly implicating or pertaining to the Chairperson. When presiding over meetings or duties of the Election Board under this subsection, the Vice-Chairperson shall have all the rights, privileges, duties, and responsibilities of the Chairperson.

3. Secretary. The Secretary of the Election Board shall keep the list of eligible voters and ensure that each eligible voter only receives one ballot by striking the voter's name from the list after the voter's ballot has been issued. The Secretary shall create the ballot once nominations are closed; *provided*, that each Election Board member shall review the final ballot draft and shall sign it and certify that it is correct as to form and spelling. The Secretary shall also be responsible for issuing a new ballot when an eligible Tribal member voter informs the Secretary that the voter's ballot is defective or has been spoiled, and after the Election Board makes a determination that issuance of a new ballot is warranted.
4. Sergeant at Arms. The Sergeant at Arms shall be charged with ensuring an organized, peaceful and orderly election process. The Sergeant at Arms may, in their sole discretion, seek the assistance of a member of the La Push Police Department to assist in maintaining the peace and keeping the election process orderly.
5. Ballot Box Supervisor. The Ballot Box Supervisor shall monitor the ballot box and ensure that each voter puts only one ballot into the box. The Supervisor will collect the ballot box at the conclusion of the voting period and present the box to the full Election Board for counting of ballots.

SECTION 13: ALTERNATES; ATTENDANCE AT BOARD MEETINGS

Election Board members and Alternates shall attend any and all Election Board meetings and elections as may be regularly scheduled, required, or called by the Chair, except in the event of illness, disability or other incapacity. If any Election Board member or Alternate fails to comply with this section, the Election Board may take appropriate measures, including but not limited to, removal from the Election Board pursuant to Section 14, below.

Alternates do not have voting rights unless seated in place of an Election Board member, as follows: in the event of a lack of quorum, one or more Alternate(s) may be seated in place of one or more Election Board member(s), as necessary to reach quorum for a given meeting or election. Once seated in place of an Election Board member, an Alternate will continue to serve in place of the member for the remainder of the meeting in question, even if the appointed member later arrives (in which case, the appointed member will not have voting rights for the remainder of the meeting in question).

SECTION 14: QUALIFICATIONS AND REMOVAL OF ELECTION BOARD MEMBERS AND ALTERNATES

1. Qualifications. In order to serve on the Election Board, Election Board members and Alternates must:
 - a. Be enrolled Quileute Tribal members and have had their primary residence in Clallam County for at least one year preceding their appointment;
 - b. Be at least 21 years of age as of the date of appointment to the Election Board;
 - c. Not have been convicted of (or entered a plea guilty or nolo contendere to) a crime of dishonesty (*e.g.*, fraud, embezzlement, money laundering, perjury, etc.) or, within the last seven years: of any felony (other than a conviction for asserting Quileute Tribal treaty rights in accordance with all applicable Quileute Tribal laws, regulations, and policies), or of a misdemeanor involving violence, sexual misconduct, intoxication, or controlled substances, in any tribal, state, or federal court;
 - d. Pass a drug test and criminal background check;
 - e. Not have been terminated from employment with the Quileute Tribe for violations which the Tribal Council determines to violate the Code of Ethics of the Quileute Tribe; and
 - f. Not have been determined within the last seven years to have violated this Election Ordinance or the Quileute Drug- and Alcohol-Free Workplace Policy.

In the event that an Election Board member or Alternate becomes ineligible to serve on the Election Board during their term for one of the foregoing reasons (or is arrested for or charged with a crime that would render the Election Board member or Alternate ineligible if convicted), the Election Board member or Alternate must inform the Election Board of such occurrence within three business days.

2. Reasons for Removal. An Election Board member or Alternate may be subject to removal from the Election Board for one or more of the following reasons:
 - a. Inefficiency, negligence, or carelessness in the performance of duty;
 - b. Any criminal conviction or plea of guilty or nolo contendere described in subsection 1(c), above;
 - c. Soliciting or accepting bribes or quid pro quos;
 - d. Missing three or more consecutive regular meetings without good cause (in the determination of the other Election Board members);
 - e. Breach of any requirement or provision of this Election Ordinance;
 - f. Violation of the Quileute Tribal Alcohol and Drug Abuse Policy;
 - g. Violation of the Quileute Tribal Code of Ethics; and
 - h. Violation of other applicable laws, regulations, or policies.
3. Removal. An Election Board member or Alternate may be removed via the process set forth in the Quileute Tribe Manual of Operations.

PART III: CONDUCT OF TRIBAL ELECTIONS

SECTION 15: VOTER QUALIFICATIONS

1. Pursuant to Article IV, Section 1 of the Constitution, voting is limited to members of the Quileute Tribe eighteen (18) years of age or over who have maintained their legal residence within the Quileute Reservation or within the territory of Clallam County for one year immediately preceding any Tribal election except elections for the amendment of the Constitution and Bylaws. Pursuant to Article VII, Section 1 of the Constitution, members of the Quileute Tribe over the age of eighteen may vote in elections for the amendment of the Constitution and Bylaws regardless of the location of their residence.
2. For a person to reside within Clallam County that person must have had their primary or permanent residence within Clallam County, *provided*, that the following permanent residents of Clallam County who are temporarily away from Clallam County shall be considered permanent residents of Clallam County unless and until they have established a new permanent residence outside Clallam County: persons and spouses of persons on active duty in the armed services of the United States and stationed outside of Clallam County; students currently enrolled in a college, university, or trade school and currently attending classes outside of Clallam County; and patients in in-patient treatment outside of Clallam County for a medical condition, including a substance use disorder. Additionally, a Tribal member who is released before a Tribal election from incarceration outside of Clallam County may meet the one-year residence requirement if the Tribal member had established a permanent residence within Clallam County at least one year before the election, maintained that permanent residence until the incarceration, and resumed that permanent residence immediately upon release from incarceration.
3. Any member of the Election Board may, at their sole discretion, question the qualifications of any prospective voter. The Board will proceed to immediately determine the eligibility of the questioned voter to participate in the Tribal election.
4. Any prospective voter whose eligibility is questioned must provide proof of age, membership, and residency satisfactory to the Election Board.
 - a. A valid Tribal ID card showing membership in the Quileute Tribe shall be sufficient proof of Tribal membership.
 - b. A valid Tribal ID, valid Driver's License, or other valid government ID card showing the person to be 18 years of age or older shall be sufficient proof that the person meets the age requirement to vote in Tribal elections.
 - c. A member whose residency is questioned shall be considered a resident of Clallam County by showing three of the following:

- i. Washington State Driver's License or ID card issued at least one year prior to the election with an address in Clallam County, *provided*, that if the member's Driver's license is less than one year old, but shows a Clallam County or Reservation residence, the license shall be considered proof of primary residence in conjunction with two other categories of documentation as set out in this subsection.
- ii. Washington State Voter Registration Card showing that the member is eligible to vote in Clallam County elections.
- iii. One year of phone or utility bills in the name of the member for a residence in Clallam County.
- iv. A title or lease/rental/mortgage agreement showing the member owns or rents a residence in Clallam and has so owned or rented for at least one year prior to the election.
- v. Proof that the member has children attending school in Clallam County.
- vi. One year of cable or satellite television bills in the name of the member and for service to a location in Clallam County.
- vii. Proof of full-time enrollment (at least 12 credits per quarter or semester) during the entire year preceding the election in a university, college or trade school. Participation in on-line courses or correspondence courses does not qualify.
- viii. Proof of the member's and/or member's spouse's active duty in a branch of the armed services of the United States of America.

5. A voter who is determined by vote of the Election Board, in its discretion, to be intoxicated or under the influence of alcohol or a controlled substance (including cannabis) except in accordance with a valid prescription in the voter's name is not eligible to vote in that election. Such determination shall be made by a majority vote of the Election Board.

SECTION 16: MANNER OF VOTING; NO ABSENTEE VOTING

Voting shall be by secret ballot. Voters must be physically present at the polling place selected by the Election Board to vote in a Tribal election, except as provided in Section 31(3) (Infirm or Disabled Voters) or Part X (Constitutional Amendment Elections), below. With the sole exception of Constitutional Amendment Elections, there is no provision in place at this time for absentee voting.

SECTION 17: POLLING PLACE

The physical location of the polling place will be in La Push, WA, at a location determined by the Election Board and announced and posted prior to the date of the election. The Election Board may make arrangements with the La Push Police Department to assist as appropriate in the conduct of the election.

SECTION 18: TRAINING OF ELECTION OFFICIALS

After their appointment, members of the Election Board will meet with the designee of Tribal Council for onboarding and training. The Election Board must reconvene at least one month prior to any Tribal election date to review the Election Ordinance and prepare for the election, and must continue meeting until the election as necessary to prepare for the election.

SECTION 19: CAMPAIGNING

1. Employees. Campaigning is restricted to personal time for employees of any Quileute Tribal organization. Employees of the Quileute Tribe are restricted from active campaigning while on the time clock, for any candidate.
2. Candidates. No candidate for office may offer any enticement or favor or make any threat against any eligible voter in an effort to gain that voter's support for office.

SECTION 20: VOTERS LIST

The Enrollment Office shall prepare an official list of Tribal members who will be of voting age as of a scheduled election day and deliver it to the Election Board within fourteen calendar days after the Election Board's request. The Election Board shall conduct its own review of that list to determine the eligibility to vote of the members listed as set out in Section 15 and will prepare an initial list of eligible voters for the upcoming election and post the initial list to make it as widely available to the membership before the election as possible, so that Tribal members not included on that initial list can clarify their voting status with the Board. Such posting shall only be a list of Tribal member names and shall not include enrollment numbers, addresses, or other contact information. The Election Board shall resolve any voter eligibility issues and post a final eligible Tribal member voter list by the day of the election for use by the Board in the election process.

PART IV: NOMINATION OF CANDIDATES

SECTION 21: NOMINATION PERIOD

At least 12 business days before a scheduled Tribal election day, the Election Board will post notice that nominations of candidates will be accepted at a location designated on the notice on the third business day thereafter, from 10:00 a.m. until 6:00 p.m., at which time the Election Board Chairperson will declare the nominations officially closed. Promptly following the close of nominations (or sooner), the Election Board will contact nominees to inform them that they have been nominated and that if they wish to accept the nomination, they must do so by the close of business (4:00 p.m.) on the next business day after the close of nominations. The Election Board must make at least three attempts to contact each nominee, at least one of which must be by phone (with a message left if possible) and at least one of which must be in writing, unless earlier attempts are successful.

SECTION 22: CANDIDATE QUALIFICATIONS AND NOMINATION PROCEDURE

1. Candidate Qualifications for Tribal Council Elections. To be nominated as a candidate for office in the Quileute Tribal Council election, such person must be an enrolled Quileute Tribal member, at least 21 years of age, and have had their primary residence in Clallam County for one year preceding the election; and
2. Candidate Qualifications for Committee Elections. To be nominated as a candidate for office in a committee election, such person must be at least 21 years of age and must meet any additional qualifications set form in Part IX, below.
3. Additional Requirements and Nomination Procedures. The following additional requirements and nomination procedures apply for all Tribal elections:
 - a. A candidate must be nominated by an eligible voter, other than themselves, during the period for making and accepting nominations.
 - b. An eligible voter wishing to nominate a candidate must contact the prospective nominee first, to confirm the prospective nominee's interest in being nominated.
 - c. The nomination must be reduced to writing on a form developed by the Election Board and approved by the Tribal Council, and signed by the nominating voter, with such written nomination being submitted to the Election Board. The nominee shall acknowledge and accept the nomination in writing on the nomination form. The Election Board shall then acknowledge the nomination by signing the nomination form at the bottom. The nominee shall print the nominee's legal first and last names (as they appear on the nominee's valid Tribal or State ID) as they should appear on the ballot. A suffix (*e.g.*, Sr., Jr., III, IV) that is not part of a nominee's legal name may be added following the legal name only if it is accurate and necessary for voters to distinguish the nominee from a parent or forebearer with the same name. A nickname (including initials) may also be added in parentheses following the legal name (and any suffix) only if: (i) the nominee is commonly known to voters by the nickname; (ii) the nickname is not obscene or offensive; and (iii) the nickname could not be viewed as a form of campaigning. The Election Board may, in its sole discretion, reject a suffix or nickname that it does not view as meeting these requirements. If confirmed to be eligible, the nominee's legal first and last names (and any approved suffix and/or nickname) will be printed on the ballot as it appears on the nomination form.
 - d. No person may be nominated who has been convicted in any tribal, state, or federal court of (or entered a plea of guilty or nolo contendere to) a crime of dishonesty (*e.g.*, fraud, embezzlement, money laundering, perjury, etc.); or, within the past seven years, a felony (other than a conviction for asserting

Quileute Tribal treaty rights in compliance with all applicable Quileute Tribal laws, regulations, and policies); or who has been terminated from employment with the Quileute Tribe for violations which the Election Board determines to violate the Code of Ethics of the Quileute Tribe; *provided*, that any Tribal Council nominee who has been deemed ineligible to be included on the official ballot may be voted on as a write-in candidate in the election.

- e. All nominees must submit to (and pass) a criminal background check, provide a release of information for the nominee's employment history with the Quileute Tribe and any other release of information required by this Ordinance, and undergo (and pass) a drug test. Successful write-in candidates will likewise be subject to these requirements promptly following the election (and before they are sworn in). The failure of a successful write-in candidate for a committee election to comply with these requirements, pass the criminal background check and/or drug test, and/or otherwise meet the applicable qualifications will result in disqualification of the write-in candidate and the qualifying candidate with the next-highest number of votes may be sworn into the office in question.

SECTION 23: VERIFICATION OF ELIGIBILITY; ANNOUNCEMENT OF NOMINEES; NOMINATION CHALLENGES

1. The Election Board will promptly verify the eligibility of all nominees who were timely nominated and who timely accepted their nominations, by reviewing and verifying enrollment information, age, and residency (including any relevant documentation necessary to verify); as well as any report provided by the Tribe's Human Resources Department regarding the results of the drug test, criminal background check, and employment history.
2. No later than 4 calendar days before election day, the Election Board will post a list of the nominees it has determined to be eligible. The list will include contact information for the filing of any challenges.
3. No later than 24 hours after the posting of the list of nominees, any eligible voter may file a written challenge with the Election Board (as specified on the list of nominees) challenging the eligibility of a nominee. Any Election Board member may, either after having received the written challenge, or on their own motion, bring a challenge to the Election Board of any nominee. The Election Board shall immediately determine the eligibility of any nominee upon receiving a written challenge, *provided*, that if the challenge is made by a member of the Election Board, that member shall not participate in the determination of such challenge.
4. A nominee whose eligibility has been challenged must provide proof of age, membership, and residency satisfactory to the Election Board, as set forth in Part III, Section 15(4), above. If there are different or additional qualifications for nominees to committees set

forth in Part IX, below, then those nominees must provide proof of such additional or different qualifications as set forth in Part IX.

5. If the Election Board determines a nominee is not eligible to be included on the ballot, then the Chairperson of the Election Board or designee shall notify the nominee prior to commencement of voting that the nominee has been determined to not be eligible to be included on the ballot.
6. A nominee who meets the enrollment, age, and residency requirements of the Constitution, but has been deemed ineligible to be included on the official ballot, may be elected to office as a write-in candidate.
7. Promptly following the resolution of any nomination challenges, the Election Board will prepare the ballots for the election.

PART V: VOTING

SECTION 24: BALLOTS

Ballots shall include the following elements:

1. List names by order of nomination;
2. Names shall be listed by legal first and last names (as they appear on the candidate's valid Tribal or State ID) followed by any approved suffix, and any approved nickname to the right in parentheses, as set forth in Part IV, Section 22(3)(c), above;
3. A line, box, or other clearly designated space for check mark will be provided to the left of each candidate's name;
4. Each ballot will have as many lines for write in at the bottom of the ballot as there are open positions with the check box, line, or other clearly designated space for indicating the voter's selection(s) to the left of each line; and
5. The number of candidates to be voted for, in the form of "Vote for no more than ____ candidates." No candidate may be voted for more than once on the same ballot.

SECTION 25: BALLOT BOX

1. A designated ballot box shall be approved by the Election Board. The box must have two locks to secure ballots. One key shall be kept by the Election Board Chair, except as set forth below. The other key shall be kept by the Election Board Secretary. Two locks are provided so that any one person does not have direct access to the ballot box alone.

2. The key holders shall provide a receipt acknowledging their possession of ballot lock keys. Any key transfers must be documented by receipt upon transfer.
3. After the conclusion of voting, counting of ballots, and certification of the election by the Election Board, the Ballot Box Supervisor shall contact the La Push Police Department, who will pick up and secure the ballot box. The Election Board Chair will deliver the Chair's keys to the Police Chief or designee at the same time.

SECTION 26: PREPARATION OF BALLOTS

1. Once all nominations have been made and accepted, the period for nominations has been called closed by the Chairperson of the Election Board, and the Board has certified the names of the eligible candidates, ballots will be created by the Election Board Secretary listing each ballot-eligible candidate, as described above, by the Election Board. Each active member of the Election Board will sign a draft ballot prepared by the Election Board Secretary prior to printing of the official ballots.
2. The quantity of ballots will be equal to the number of names on the official list of eligible voters. In addition, 20 extra ballots will be provided to allow for voters who may spoil their ballot and require issuance of a replacement.

SECTION 27: BALLOT BOX SUPERVISOR

The Ballot Box Supervisor shall monitor the ballot box and ensure that each voter puts only one ballot into the box. Voters must be allowed to independently deposit their ballots into the ballot box unless they are physically unable to do so, in which case the Ballot Box Supervisor may deposit the ballot for them. The Ballot Box Supervisor will transfer control of the ballot box to the Election Board for counting at the conclusion of the voting period.

SECTION 28: DISTRIBUTION OF BALLOTS

Each eligible voter will receive one ballot and may only vote on the ballot issued to them. Any ballot filled out by a person other than the person to whom it was issued will not be counted, *provided*, that two Election Board members shall assist any eligible Tribal voter to fill out their ballot upon request of the voter, in accordance with Section 31(3), below.

SECTION 29: VOTING HOURS

1. At least 12 business days before the election, the Election Board will post notice of the date of the scheduled election and the times the polls will open and close on election day. The polls must be open for at least four consecutive hours within a reasonable timeframe (*i.e.*, no extremely early or extremely late hours). The Election Board may adjust polling hours on election day as necessary to react to emergencies and as necessary to provide a

fair and complete voting process; provided, however, that the polling period shall be no less than 4 hours and shall not extend beyond midnight. Regardless of the time set for the polls to close, eligible voters who are in line at the time the polls close must be allowed to vote.

2. If a weather or other emergency makes voting or attendance by the general membership impossible or unsafe on the scheduled date of a Tribal Council election, the Tribal Council shall promptly by Resolution schedule another election date as soon as possible consistent with affording candidates and Tribal voters the opportunity to participate at such election. If the same occurs on the scheduled date of a committee election, the Election Board will work with the relevant committee to promptly reschedule another election date as soon as possible consistent with affording candidates and Tribal voters the opportunity to participate at such election.
3. Those standing in line to vote at closing time for voting will be permitted to cast ballots. However, persons who arrive after that time will not be permitted to cast a ballot.

SECTION 30: ELECTIONEERING AND LOITERING

1. Electioneering, campaigning, and loitering is prohibited in the polling place and within 100 feet of the polling place entrance.
2. The Sergeant at Arms shall be charged with ensuring an organized, peaceful and orderly election process. The Sergeant at Arms may, in their sole discretion, seek the assistance of a member of the La Push Police Department to assist in maintaining the peace and keeping the election process orderly.
3. Violations of electioneering, campaigning and loitering shall be reported to the Election Board in writing. The Election Board may take any appropriate action necessary to ensure a fair and free Tribal election, consistent with the Quileute Constitution and this Ordinance.

SECTION 31: HANDLING OF SPECIAL CIRCUMSTANCES

1. Spoiled Ballots. A voter shall be responsible for notifying the Election Board of a spoiled ballot. The Board will determine whether the ballot in question meets the definition of spoiled under this Ordinance. If the Board determines that the ballot is spoiled, a Board member shall prominently mark the ballot as spoiled and shall deposit the ballot in an envelope labeled "Spoiled Ballots." The spoiled ballot will be noted on the eligible voters list next to that voter's name. An Election Board member shall then furnish the voter with a new ballot to cast in the election. All spoiled ballots will be kept until the conclusion of the election process (including the final resolution of any challenges), at which time the spoiled ballots will be destroyed by the Election Board.

2. Rejected/Defective Ballots. If an invalid/ineligible/illegible/or otherwise defective ballot (e.g., one that does not comply with the requirements for voting or is not an official ballot) is found in the ballot box, it is not to be counted either in the tabulation of results or in the determination of the sufficiency of the percentage of ballots cast, *provided*, that as set forth in the definition of defective ballots above, valid votes included on a ballot with invalid votes shall be counted. A ballot will only be deemed rejected or defective upon majority vote of the Election Board. If a ballot is completely rejected, the rejected or defective ballot will be placed in an envelope labeled “Defective Ballots.” The Election Board Secretary shall note, on the back side of the ballot, the reason the ballot was deemed defective. If a ballot is partially valid and partially defective, a Board member will mark the defective part of the ballot in large letters, and the Board will count only the valid votes included on such ballot. All defective ballots will be kept until the conclusion of the election process (including the final resolution of any challenges), at which time the defective ballots will be destroyed by the Election Board.
3. Infirm or Disabled Voters. Infirm or disabled voters may request necessary accommodations from an Election Board member in order to exercise their right to vote. If such accommodation is necessary, two members of the Election Board will be present during the accommodation of need. If a voter is unable to physically enter the polling place, voting will cease and two members of the Election Board will deliver the ballot to the voter within proximity of the polling place. Voting Polls will reopen upon return of the Election Board members.
4. Write-in Votes. Write-in votes will not be counted if the write-in’s name already appears on the ballot; a voter may not vote twice on the same ballot for the same candidate under any circumstances. The counting of write-in votes for candidates is dependent on the Election Board’s ability to identify the name of the write-in candidate being voted for. In the event the Election Board cannot reasonably identify the name of the person voted for as a write-in candidate, only the votes cast for pre-printed candidates and decipherable write-in candidates will be counted by the Election Board, and any undecipherable write-in vote shall be classified as a defective ballot and will be processed according to the procedures for processing of defective ballots set out in this Ordinance.

SECTION 32: CLOSING OF POLLS; COUNTING OF BALLOTS

1. At the end of the scheduled voting period, the Chairperson of the Election Board shall declare the polls closed, but any voters standing in line at that time must still be permitted to vote. Thereupon, the Ballot Box Supervisor will carry the ballot box to a predesignated room where the Election Board will count the ballots. The Chairperson of the Election Board will convene the active members of the Election Board, bar non-member access to the room (*i.e.*, remove any non-members and close the door), open the ballot box, and commence the confidential counting procedure.

2. The Election Board will take steps to ensure that no printed ballots are missing or unaccounted for before certifying the results of the election. Unused and spoiled and defective ballots should be accounted for. The unused ballots are to be preserved in the ballot box along with the polling and voting materials.
3. Votes on each ballot will be tabulated by the Election Board. Once the ballots are tallied and all the active members of the Election Board determine that a complete and accurate count of all eligible votes has occurred, and all the Election Board members concur in the vote tally, the Election Board will generate a list of all candidates receiving votes and the number of eligible votes each candidate received, and determine the unofficial election results (which the Election Board may, in its discretion, post pending final certification).

SECTION 33: CERTIFICATION AND NOTIFICATION OF ELECTION RESULTS; SWEARING IN

1. Certification. The Election Board shall certify the official vote tally by signing the official tally form, and the Election Board Chairperson shall certify the election in writing at the bottom of the vote tally form within five (5) calendar days after the election. The vote tally form will list all candidates (including legible write-in candidates) and the number of votes each candidate received, in order from highest to lowest. By signing the form, the Election Board certifies that the election results, as set forth on the form, are true, accurate, and complete. In the event of one or more successful write-in candidates (or one or more successful candidates whose eligibility has not yet been conclusively determined for some reason, such as delayed background check results), the Election Board will determine the eligibility of such candidate(s) (including conducting the criminal background check and drug test) before certifying the election. If eligibility of a Tribal Council candidate cannot be determined within five (5) calendar days after the election, then the Election Board may certify the election results, but indicate on the vote tally form that the eligibility determination for that candidate is still pending. In all cases, the Election Board must conduct its eligibility determination as promptly as reasonably possible.
2. Notifications. The Election Board Chairperson shall deliver a written copy of the certified election results to the Tribal Council (and, in the case of a committee election, to the committee and the relevant program Director of the committee for which the election was held) as soon as the election is certified. The Election Board Chairperson shall notify the Tribal Council (or the committee and the relevant program Director for the committee for which the election was held, if applicable) immediately of any subsequent eligibility determinations that were pending when the certified election results were delivered. The Tribal Council Secretary (or Secretary or designee of the committee for which the election was held, if applicable) shall notify winning candidates of their election. If the eligibility determination of any candidate remains pending at that time, the Tribal Council or committee Secretary/designee, as applicable, will also notify that candidate of that fact.

3. Swearing In. A judge of the Quileute Tribal Court shall swear the successful Tribal Council candidates into office. The Tribal Council Chairperson or designee shall swear the successful committee candidates into office. The Tribal Council shall call and hold a regular Tribal Council meeting within five (5) business days after certification of the election, at which meeting the successful candidates will be sworn in and installed as Tribal Council members and will assume office. Successful candidates for committees will be sworn in, installed as committee members, and assume office, at the next regularly scheduled meeting of the committee (or at a special meeting called for that purpose with due notice). The oath of office for all successful candidates will be as follows:

“I, [FULL NAME], do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the Quileute Tribe against all enemies; that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; and that I will cooperate, promote, and protect the best interests of my Tribe, in accordance with its Constitution and By-laws.”

SECTION 34: SEALING THE BALLOT BOX

Once the Election Board has counted the ballots, tabulated the results, and certified the election, the Ballot Box Supervisor will place the counted ballots back in the ballot box (along with all other election materials such as blank ballots, spoiled ballots and defective ballots) and the Election Board Secretary and the Election Board Chair will relock the ballot box and will cause a member of the La Push Police Department to seal the ballot box and take possession of it. The Election Board Chairperson shall turn over the Chairperson’s key to the Police Department Officer at this time. After 30 days, if no legal proceedings regarding the election are pending in the Tribal Court, the La Push Police Department shall return the ballot box to the Election Board, along with the Chairperson’s key, and the Election Board shall open the ballot box and destroy all election materials from the election. At least two members of the Election Board must be present for the opening of the ballot box and destruction of the election materials. If a legal proceeding is pending, the ballot box and election materials shall be preserved until that proceeding (including any appeals therefrom) is complete, at which time it will be returned to the Election Board for destruction of election materials.

SECTION 35: RECOUNT

Any request for a recount of the Election Board’s tabulation and count of the ballots must be made in writing solely by candidates on the official ballot and submitted to the Election Board with a \$50 fee, within three (3) calendar days after the date of the Election or the Election Board’s certification of the Election, whichever is later. The Election Board will hold a special meeting within twenty-four (24) hours to review and decide, by consensus, whether to approve the request for a recount. The decision whether to approve a recount shall be at the complete discretion of the Election Board.

If the Election Board approves a request to conduct a recount, the Board will schedule such recount within twenty-four (24) hours after its approval. If the ballot box has been sealed and turned over to the La Push Police Department pursuant to Section 34 of this Ordinance, the Election Board will retrieve the ballot box from the Police Department to conduct the recount. The recount will be conducted by the Election Board pursuant to the same procedure set out in Section 32(3) of this Ordinance for counting ballots, and upon finishing the tabulation and reaching consensus of the vote tally, the Election Board will then follow the procedure for certification and notification of the election results set out in Section 33 of this Ordinance. No further requests for recount will be considered by the Election Board.

SECTION 36: POSTING OF ELECTION RESULTS

The Election Board shall, in addition to notifying the Tribal Council (and committee for which the election was held, if applicable), publicize the results of the election to the Tribal membership by appropriate means. The names of successful candidates will be posted; vote totals of candidates will be posted or provided. If the election has not yet been certified, the posted results will so indicate and will be labeled as unofficial results. If a Tribal Council election has been certified but the eligibility determination of any write-in candidate(s) remains pending, the posted results will so indicate.

PART VI: MISCELLANEOUS

SECTION 37: TIE VOTES

In the event of a tie vote between two or more candidates for Tribal Council, the Election Board will hold a runoff election one week after the general election. In the event of a tie vote between two or more candidates for a committee election, the Election Board will likewise hold a runoff election one week after the general election unless the elections results are not yet certified (in which case, the runoff election will be held the Friday following certification and posting of the election results) or the tie has been resolved as the result of a candidate's disqualification in the meantime (in which case, a runoff election will not be held). The winner of the runoff election will be seated and the other candidate(s) will not be seated. The Election Board will conduct the run-off election consistent with the relevant standards for elections outlined in this Election Ordinance, except that no write-in candidates will be permitted in runoff elections.

PART VII: REFERENDUM ELECTIONS

(Reserved)

PART VIII: RECALL ELECTIONS

(Reserved)

PART IX: TRIBAL COMMITTEE AND OTHER ELECTIONS

In addition to the other applicable provisions of this Ordinance, the following special provisions apply to Tribal committee and other elections.

SECTION 38: QUILEUTE NATURAL RESOURCES COMMITTEE (QNRC)

1. **QNRC Elections.** As provided in the Quileute Tribe Manual of Operations, there are five (5) members of the QNRC who serve staggered, three-year terms. There are no alternates for the QNRC. An annual election will be held second week in April to fill any vacancies on the QNRC and the positions of members whose terms are expiring. The Quileute Election Board will be responsible for administering the annual QNRC elections in accordance with this Ordinance. In the event of a vacancy on the QNRC between annual QNRC elections, the Tribal Council may appoint a member to serve the remainder of the vacated term.
2. **Qualifications.** In order to serve on the QNRC, QNRC members must be enrolled Quileute Tribal members, at least 21 years of age, and have had their primary residence in Clallam County for at least one year preceding the election. Candidates must pass a criminal background test and drug test.

In addition to the disqualifications for nominees set forth in Section 22(3)(d), above, QNRC nominees, candidates, and elected members must not:

- a. Have been convicted (or entered a plea of nolo contendere or guilty) within the last seven years of any misdemeanor involving violence, sexual misconduct, intoxication, or controlled substances, in any tribal, state, or federal court;
 - b. Have been determined within the last seven years to have violated the Quileute Drug- and Alcohol-Free Workplace Policy.
3. **Nominations.** The Quileute Election Board will coordinate a nomination period for QNRC members as set forth in Part IV, above.
 4. **Voting Procedure.** The eligible voters of the Quileute Tribe shall then vote for the candidates (equal to the number of vacant QNRC positions) of their choice, in accordance with Part V, above. The number of persons on the list equal to the number of vacant QNRC positions receiving the most votes shall be the new board members. Voting will be by secret ballot.

SECTION 39: CHALLENGES TO TRIBAL COMMITTEE AND OTHER ELECTIONS

Any challenges to voter qualifications or candidate nominations; allegations of violations of electioneering, campaigning, loitering, or other provisions of this Election Ordinance; or requests for a recount must be submitted to the Election Board in writing and will be resolved by the

Election Board in accordance with the provisions of this Election Ordinance including, as applicable and without limitation, Sections 15 (Voter Qualifications), 23 (Nomination Challenges), 30 (Electioneering and Loitering), and 35 (Recount). The Election Board's decision will be final and not subject to review. In the event of a challenge or complaint regarding an Election Board member, the implicated member(s) shall be temporarily removed from their duties while an investigation is conducted. The remaining Election Board members shall determine an appropriate resolution of the challenge or complaint (which may include, without limitation, removal of the Election Board member in accordance with this Ordinance) based on the investigation findings. The Election Board's decision is final and not subject to appeal.

PART X: CONSTITUTIONAL AMENDMENT ELECTIONS

In addition to the other applicable provisions of this Ordinance, the following special provisions apply to Constitutional Amendment Elections.

SECTION 40: CALLING OF ELECTION

As provided in Article X of the Quileute Constitution, the Tribal Council may call a Constitutional Amendment Election to consider one or more proposed amendments to the Quileute Constitution and By-Laws. The Tribal Council must also call a Constitutional Amendment Election upon receipt of a petition for one or more proposed amendments signed by at least one-third (1/3) of the eligible voters of the Tribe, without regard to residency. Any Tribal member who intends to propose an amendment is strongly encouraged to work with the Tribal Council (and, if the Tribal Council deems appropriate, with the Tribe's legal counsel) to craft an appropriately drafted and legally sound amendment designed to meet the member's intended goal.

In either case, the Tribal Council must give the Election Board at least 60 days' notice of the Constitutional Amendment Election. To avoid confusion, Constitutional Amendment Elections generally should not be scheduled for the same date as other Tribal elections. If a Constitutional Amendment Election is scheduled at the same time as another Tribal election, the Election Board must clearly inform eligible voters of the differences between the elections and must use separate ballots for each type of election.

SECTION 41: VOTER ELIGIBILITY AND REGISTRATION REQUIREMENT

As provided in Article VII, Section 1 of the Quileute Constitution, the residency requirements that apply to other Tribal elections do not apply to elections for the amendment of the Constitution and By-Laws. Accordingly, all eligible voters over the age of 18 may vote in Constitutional Amendment Elections, regardless of their residency.

To be fair to all Tribal members and to enable Tribal members who live outside the area to exercise their right to vote in Constitutional Amendment Elections, such Constitutional Amendment Elections will be conducted by absentee ballot. To be qualified to vote in a Constitutional Amendment Election, an eligible voter must timely complete and return a

registration form requesting an absentee ballot. Failure to do so will prevent participation in the Constitutional Amendment Election.

At least 30 days, but not more than 60 days, before a scheduled Constitutional Amendment Election, the Election Board must assemble and mail a Constitutional Amendment Election packet to all individuals on the list of eligible voters prepared under Section 20, above. The packet must include the following items:

1. A notice of the Constitutional Amendment Election;
2. A registration form with instructions for returning the completed form (by mail or in person);
3. An addressed envelope in which to return the completed registration form; and
4. The proposed amendment(s) to be considered and voted on.

The Election Board will establish (and include in the instructions in the packet) a deadline for returning the registration form. The deadline must allow sufficient time for the Election Board to receive the completed registration form, mail out the absentee ballot, and receive back the completed absentee ballot. A Tribal member may return the completed registration form either by mail or in person at the location and time(s) designated by the Election Board. In either case, all completed registration forms must be received by the established deadline.

The Election Board must retain and safeguard copies of all completed registration forms, whether received by mail or in person. The Election Board must use the completed and timely submitted registration forms to compile a Registered Voters List for the Constitutional Amendment Election. The Registered Voters List must contain numbered columns with the name and/or enrollment number of each timely registered voter and, to be filled in once known, the date the absentee ballot was mailed, and the date the absentee ballot was returned. The Registered Voters List will constitute the list of qualified voters who have timely registered and are, therefore, entitled to vote in the Constitutional Amendment Election.

At least 21 days before the Constitutional Amendment Election, the Election Board must post the Registered Voters List so that Tribal members can verify that their registration form was received and challenge any inclusion, exclusion, or omission of a name on the Registered Voters List if they wish to do so. The Election Board will establish and include in the notice of Constitutional Amendment Election a deadline and instructions for any such challenges. An individual who failed to timely submit a registration form is precluded from challenging the omission of the individual's name from the list.

SECTION 42: ABSENTEE BALLOTS

The Election Board will prepare the absentee ballots as specified for ballots in Section 26, above, except that:

1. The Election Board must prepare the absentee ballots at least 15 calendar days before the Constitutional Amendment Election;
2. The absentee ballots must be approved as to form by the Tribal Council and must provide a summary of each proposed amendment, accompanied by the exact language of each proposed amendment, followed by check boxes, lines, or other clearly designated spaces for “Yes” (to indicate approval of the approved amendment) and “No” (to indicate rejection of the proposed amendment); and
3. The number of absentee ballots prepared must be at least equal to the number of completed registration forms timely received, plus an extra 20,

The Election Board must promptly thereafter mail absentee ballots to all eligible voters who have timely registered, along with instructions for returning the absentee ballots, either by mail or in person, and addressed envelopes for returning the absent ballots by mail. Whether returned by mail or in person, all absentee ballots must be received by the time the polls close (provided that any in-person voters who are in line at the time the polls close must be permitted to cast their absentee ballots). The Election Board must record the date(s) the absentee ballots were mailed on the Registered Voters List as provided in Section 41, above.

During the time period permitted for the receipt of absentee ballots, at least two members of the Election Board together must check the mail daily for any absentee ballots received. Upon receiving an absentee ballot, they must record the date received on the Registered Voters List as provided in Section 41, above, then immediately deposit the absentee ballot in the ballot box, which must be safeguarded as usual through the final resolution of any election challenges. Voters may also return their absentee ballots in person at the polling location during polling hours, in which case they must deposit their absentee ballots in the ballot box in the same manner provided by this Ordinance for other Tribal elections, and the Election Board must record the date received on the Registered Voters List at that time.

SECTION 43: REGISTRATION/BALLOT COUNTING AND CALCULATION OF RESULTS

Upon the closing of the polls, the Election Board will proceed to count the absentee ballots received and determine the election results as provided in Section 32, above, except:

1. First, the Election Board must record the final number of registered voters on the Registered Voters List described in Section 41, above.
2. Second, the Election Board must count and record the total number of absentee ballots timely received.
3. Third, the Election Board must determine whether at least 30% of those qualified to vote in the Constitutional Amendment Election voted. To do so, the Election Board must divide the total number of absentee ballots received (including any spoiled or defective ballots) by the total number of registered voters on the Registered Voters List. The result must be 0.30 (30%) or above for the election results to be valid. If the 30% voter participation threshold was not met, the Election Board must promptly inform the Tribal Council that the election failed and seek further instruction.

4. Fourth, assuming the 30% voter participation threshold was met, the Board must tally the number of “Yes” votes and “No” votes for each proposed amendment.
5. Fifth, assuming the 30% voter participation threshold was met, the Election Board must determine and record whether each proposed amendment was approved by a majority (over 50%) of the votes cast.

SECTION 44: CERTIFICATION AND NOTIFICATION OF RESULTS

The Election Board must certify and provide notice of the election results as set forth in Sections 33 and 36, except:

1. The form certified and provided to the Tribal Council must include: (a) the total number of registration forms timely received (whether by mail or in person); (b) the total number of absentee ballots timely received (whether by mail or in person); (c) the resultant percentage of voter participation and a statement of whether it met the required voter participation threshold of 30%; and (d) the total number of “Yes” and “No” votes for each proposed amendment and a statement of whether each proposed amendment was, accordingly, approved or rejected by majority vote;
2. The Election Board must post the final Registered Voters List (including the dates absentee ballots were mailed and returned, as provided in Section 41, above) so Tribal members can verify that their absentee ballots were counted;
3. Any posted election results must indicate the “Yes” and “No” vote totals for each proposed amendment and whether it was, accordingly, approved or rejected.

SECTION 45: CHALLENGES TO CONSTITUTIONAL AMENDMENT ELECTIONS

Any challenges to Constitutional Amendment Elections must be submitted, and will be handled, as set forth in Section 39, above. Only an eligible voter who timely returned a completed registration form may challenge a Constitutional Amendment Election. The written challenge, with any substantiating evidence, must be submitted no later than 4 p.m. on the fifth business day after the posting of the official election results. A challenge received after that deadline will not be considered.