

## ARTICLE I - INTRODUCTION

### Section 1.01 Election Ordinance

**The Tribal Council shall have the power to adopt an election ordinance covering all necessary procedures for both general and special elections.** (Const Art VIII Sec 17)

### Section 1.02 Introduction to the Election Ordinance

- A. The Table of Contents gives an opportunity of the provisions of the Election Ordinance.
- B. The applicable provisions of the Constitution of the Round Valley Indian Tribes (hereinafter referred to as “Constitution or Const”) appear in the ordinance in **bold** print. Constitutional provisions cannot be modified, except by amendment to the Constitution.
- C. The Election Ordinance appears in regular print and can be modified by action of the Tribal Council by Resolution.

### Section 1.03 Round Valley Tribal Council Findings

- A. The Tribe will benefit from the adoption of an amended Election Ordinance to ensure fair and proper elections;
- B. The Election Ordinance provides standard guidance for conducting Tribal Elections;
- C. The Election Ordinance is necessary to provide basic rules to govern election procedures to ensure that all Tribal Elections are conducted in an expedient, proper and just manner;
- D. The Tribal Judicial Committee and Tribal Council have developed the Election Ordinance to provide rules to govern Tribal Elections; and
- E. The Election Ordinance establishes a set of rules for the benefit of the Tribe and its members.

## ARTICLE II – DEFINITIONS

### Section 2.01 Basic Skills Assessment

A test administered to prospective candidates to gauge their basic skills covering: reading comprehension, critical thinking, math reasoning, language, computer and government.

### Section 2.02 Candidate

A Candidate is an Eligible Candidate that has met the requirements in Article VI of this Ordinance.

DEFINITIONS (continued)

Section 2.03 Consent for the Release of Information: Background Check

Part of the Nomination verification process; a document giving consent for the Election Board to conduct a background check on potential candidates for criminal record, residency, educational, tribal standing, et. al.

Section 2.04 Election Board Clerk #1 (Const Art VIII Sec 10)

**The Election Board shall select a clerk #1 who shall check the names of the voters as they arrive on Election Day on an official roster.**

Section 2.05 Election Board Clerk #2 (Const Art VIII Sec 10)

**The Election Board shall select a clerk #2 who shall keep a sign-in sheet and who shall distribute ballots to the eligible voters.**

Section 2.06 Election Board Inspector (Const Art VIII Sec 10)

**The Election Board shall select one of its members to serve as the Inspector who shall oversee the election.**

Section 2.07 Election Board Judge (Const Art VIII Sec 10)

**The Election Board shall select one of its members to serve as Judge who shall cross-check names of the voters and who shall keep a separate roster.**

Section 2.08 Electioneering

Any communication intended to or attempting to persuade Registered Voters to vote for or against a candidate or issue; i.e., posters, buttons, pins, shirts, etc.

Section 2.09 Eligible Candidate

Any member of the Tribe who meets the Qualifications for Office, as stated in Article VI Section 6.01 of this Ordinance.

Section 2.10 Executive Secretary

The Administrative Executive Secretary.

Section 2.11 Final Voters Results

The Voters Result including the count of eligible absentee ballots.

Section 2.12 General Elections

**General elections to vote for upcoming vacancies on the Tribal Council shall be held on the first Tuesday of November in even numbered years.** (Const Art VIII Sec 1)

Section 2.13 Good Cause

Includes, but is not limited to: (a) violation of the Constitution or of a Tribal Ordinance; (b) convicted of a criminal or civil offense, such as; assault and battery, theft, fraud, forgery, extortion, disorderly conduct, malicious mischief, public nuisance, contributing to the

delinquency of a minor, bribery, possession of an illegal controlled substance, drunkenness, illegal gambling,

DEFINITIONS (continued)

homicide, false claims, or unlawfully carrying a concealed weapon; and (c) Solicitation or acceptance, either directly or indirectly, of any gift, favor, loan, or anything of monetary value from anyone who has an interest that may be substantially affected by the performance or nonperformance of the Election Board and Tribal Official election duties.

Section 2.14 Immediate Family

Those people living in the same household, and parents (biological, step, foster, adopted, and traditional), children, and siblings.

Section 2.15 Incumbent

A candidate for a Tribal Council position who is currently holding a Tribal Council position.

Section 2.16 In Good Standing

Without unresolved, outstanding debts and/or egregious offenses with all RVIT programs, boards, committees, tribal court, or other tribal entities. [Note - Unresolved: debts whose balance can accrue interest. Egregious (Rules of Governance, Article IV, Section D): shocking, appalling, horrendous, atrocious, abominable, abhorrent, outrageous, etc.]

Section 2.17 Mutilated Ballot

An official ballot that has been damaged beyond use.

Section 2.18 Official Ballot

Ballots prepared by the Election Board for a General or Special Election. See Official Ballot Form E-1 and Absentee Ballot Form F-1 contained in the Appendix I of the Ordinance.

Section 2.19 Official Nomination Form

Form B-1, provided by the Tribal Council Secretary, in collaboration with the Election Board, to any person who wishes to become a candidate for the Tribal Council.

Section 2.20 Official Recall Petition Form

Form H-1, issued by the Election Board to the tribal member who initiates a recall. The list of allegations for recall shall be included at the top of each page.

Section 2.21 Rejected Ballot

An Official Ballot whereby the voter's choice cannot be determined.

Section 2.22 Residency

The period of time that somebody lives in a place.

Section 2.23 Round Valley Area

The area within the boundaries of the original Round Valley Reservation and the area within the 95428 or 95429 zip codes.

DEFINITIONS (continued)

Section 2.24 Special Elections

Special Elections refers to all elections other than General Elections; including but not limited to initiative and referendum elections, run-off elections to resolve tie votes, vacancy elections to fill a vacancies and recall elections of a tribal council member.

Section 2.25 Spoiled Ballot

An official Ballot whereby the voter irrevocably damaged it beyond usage.

Section 2.26 Sufficient Experience

Possessing adequate knowledge and/or practical wisdom relevant to the duties of the Tribal Council.

Section 2.27 Tribal Member

An enrolled, member of the Round Valley Indian Tribes.

Section 2.28 Voter

2.28.1 Eligible Voter

**Voting Age. All tribal members who are age eighteen (18) or older on the date of any tribal election shall be entitled to vote in the election.** (Const Art VIII Sec 6).

2.28.2 Registered Voter

An enrolled, tribal member who is eighteen (18) years old or older on the date of the tribal election, who has registered to vote with the Election Board, and whose name is on the Roster of Registered Voters.

2.28.3 Qualified Voter

A person who is: 1) a member of the Round Valley Indian Tribes, 2) eighteen (18)) years old, and 3) listed on the Roster of Registered Voters.

2.28.4 For signing Nomination and Recall Petition forms:

The tribal member must already be eighteen (18) years old at the time of signing the forms and is a Registered Voter.

*End of Definitions*

## **Article III - ELECTIONS**

### Section 3.01 Elections

There shall be two (2) types of Tribal elections: General Elections and Special Elections.

### Section 3.02 General Election

**General elections to vote for upcoming vacancies on the Tribal Council shall be held on the first Tuesday of November in even numbered years.** (Const Art VIII Sec 1)

### Section 3.03 Special Elections

- A. **Special elections shall be held when called for by the Tribal Council, by this Constitution, or by the voters as provided in this Constitution or appropriate ordinances. In all special elections, adequate notice shall be given to the voters.** (Const Art VIII Sec 2)
- B. Special Elections may include:
  - 1. **Run-off Election:** to resolve tie votes (Const Art VIII Sec 13)
  - 2. **Vacancy Election:** to fill a vacancy on the Tribal Council (Const Art VIII Sec 16)
  - 3. **Recall: of a Tribal Council Member and subsequent Election if recalled** (Const Art IV Sec 11)
  - 4. **Recall: Initiative by Petition** (Const Art IX Sec 1)
  - 5. **Recall: Referendum by Petition** (Const Art IX Sec 2)

## **Article IV - ELECTION BOARD**

### Section 4.01 Tribal Council Appoints the Election Board

- A. **The Tribal Council shall appoint an Election Board consisting of at least four (4) tribal members to conduct all elections including all special elections.** (Const Art VIII Sec 3)
- B. **Election Board members shall serve for two (2) year terms.** (Const Art VIII Sec 3)
- C. **The Council may remove an Election Board member for good cause as defined by ordinance.** (Const Art VIII Sec 3)

D. Terms are expired on April 30<sup>th</sup>.

1. The Tribal Council shall appoint four (4) persons, in good standing, to the Election Board. The requirement of sufficient experience to be seated on the Election Board shall be demonstrated in the submitted Letter of Intent. The Tribal Council shall base its decision on the experience of the prospective candidate(s) relevant to the duties of the Election Board.
  2. All Election Board members serve terms of two (2) years or until their successors have been appointed by the Tribal Council. By majority vote of the Tribal Council, any member of the Election Board may be removed for Good Cause so long as the Election Board member in question is informed of the grounds for removal and given an opportunity to respond to the charges.
  3. The first appointment of the Election Board shall appoint members for staggered terms with two (2) members serving for one (1) year and two (2) members serving for two (2) years. Each Election Board member shall be documented on the Election Board Member Roster Form L-2 with their position(s) on the Election Board and the year their term began and when it will end. The Election Board members and their terms shall be documented on Election Board Member Roster Form L-2.
  4. The Secretary of the Tribal Council shall serve as liaison to the Election Board for purposes of facilitating the electoral process. (*Rules of Governance, Article II, Section 1D*)
    - a. The Tribal Council Secretary shall report all results of elections and findings of the Election Board to the Tribal Council for confirmation, sanction or appropriate action.
    - b. The Tribal Council Secretary shall not have a vote on the Election Board, nor shall they be compensated.
    - c. In the event the Secretary is a candidate, Council will appoint a non-candidate replacement from the Tribal Council.
    - d. The Tribal Secretary shall take forward the Certified Elections Results Form G-1 to the Tribal Council for confirmation, and will send the form to the Bureau of Indian Affairs.
- E. All appointed Election Board members are required to under-go Board training covering the Election Ordinance within the first month of their term. Tribal community members may attend this training, and upon completion, will receive a certificate. From the pool of trained members, the Tribal Council may choose replacement Board members, as needed.

Section 4.02 Duties and Responsibilities of the Election Board

A. Duties: The Election Board shall follow the Checklist of Duties on Form A-1 contained in the Appendix to this Ordinance. The duties of the Election Board shall also be to:

1. Conduct all elections in a fair and impartial manner;
2. Select a polling place that is safe and accessible to the voters and to notify the voters of the polling place before the election;
3. Ensure that all candidates meet the qualifications for office;
4. Ensure that each voter is permitted to mark his or her ballot in privacy, except absentee ballots;
5. Ensure that no electioneering is maintained on the Administration property; i.e., Senior Center, Head Start, Career Building, Administrative Building and parking areas;
6. Ensure that the election runs smoothly and that order is maintained at the polling place and at all other Election Board activities; and
7. Ensure safekeeping of the ballots including all absentee ballots.

B. Responsibilities:

1. No member of the Election Board may be a candidate for Tribal Council.
2. No member of the Election Board may actively campaign for the tribal nomination, election, or recall of any elected official.
3. An Election Board member whose immediate family is running as a candidate must have their position replaced.
4. The Election Board shall seek to maintain a neutral and impartial position on all election activities in order to ensure a fair and proper election.
5. The Election Board shall uphold and adhere to the terms of this Election Ordinance to the best of their abilities.

Section 4.03 Election Board Duties on Election Day (Const Art VIII Sec 10)

A. Voting procedures of the Election Board:

1. Job descriptions

- (a) **The Election Board shall select one (1) of its members to serve as the Inspector who shall oversee the election** and other duties as found on the Checklist of Duties Form A-1.
  - (b) **The Election Board shall select a Clerk #1 who shall check the names of the voters as they arrive on Election Day on the Official Voter Roster** and other duties as found on the Checklist of Duties Form A-1.
  - (c) **The Election Board shall select a Clerk #2 who shall keep a sign-in sheet and who shall distribute ballots to eligible voters** and other duties as found on the Checklist of Duties Form A-1.
  - (d) **The Election Board shall select one of its members to serve as Judge who to avoid double-voting shall cross-check names of Registered Voters Form F-4 and keep a separate roster, Roster of Absentee Ballots Form F-5,** and other duties as found on the Checklist of Duties Form A-1.
  - (e) **The Election Board may appoint other persons to assist with the election process but they shall not be members of the Board (Const. Art. VIII, Sec. 10),** and they shall not have a vote on Board matters, nor will their services be compensated.
  - (f) Tribal police shall be available during elections for security monitoring (*see MOU*).
  - (g) The Enrollment Clerk, or the Clerk's Designee, shall be available from 8:00AM to 8:00PM on Election Day for verification of signatures. (*see Resolution*)
  - (h) All Election Board members shall wear official badges reflecting their positions, found in the Election Board cabinet.
2. The Election Board shall maintain a list of all Registered Voters.
  3. When a voter arrives to the polling place on Election Day, Clerk #1 shall check off the voter's name on the Roster of Registered Voters.
  4. Clerk #2 shall ensure that each voter shall place his or her signature next to his or her name on the Roster of Registered Voters. Clerk #2 shall use an official stamp on the outside of each ballot before giving the ballot to a Registered Voter. Clerk #2 shall record the ballot number next to the signature of the Registered Voter.
  5. The Election Board may assist a voter by any reasonable means necessary, if the voter request such assistance. Under no circumstance should any Election Board member attempt to persuade or influence the voter's choice. No ballots shall leave the polling place.



6. The Election Board shall maintain order at all times at the polling place, and the Election Board shall enforce this Election Ordinance from the time the polling place is open until the election results are certified.

#### Section 4.04 Compensation of the Election Board

- A. **Election Board members shall receive reasonable compensation for their services.** (Const Art VIII Sec 3)
- B. The Election Board Compensation shall be \$50 per month plus \$200 per Election Day.
- C. Time Sheet Form L-1 is needed for each meeting of the Election Board to verify the participation of each Election Board member. Election Board members shall attend all meetings called by the Chair of the Election Board, and must stay from the beginning of the meeting to the end.
- D. The yearly Budget line for the Election Board is intended for member compensation and supplies needed to carry out assigned duties within the calendar year. The Election Board shall create and maintain a budget for the committee.

### Article V - NOMINATIONS

#### Section 5.01 Nominations

- A. **Any qualified tribal member may nominate himself or herself as a candidate for Tribal Council by submitting his or her name along with ten (10) signatures from tribal members to the Election Board.** (Const Art VIII Sec 4)
- B. The Tribal Council Secretary, in collaboration with the Election Board, shall provide an Official Nomination Form to any person who wishes to become a candidate for the Tribal Council. Nomination Form B-1 is contained in the Appendix I of this Ordinance.
- C. Nomination Requests shall be logged on the Nomination Request Form C-2.
- D. A non-refundable, filing fee of \$100.00 will be paid through the Fiscal Department with a copy of the receipt to go to the Election Board. The fee can be paid when a Nomination Packet is logged-out to the candidate but *must* be paid in full before the Nomination Packet is returned for filing with the Election Board.

#### Section 5.02 Nomination Packet

The following items shall be in each Nomination Packet.

- A. Instruction for Nomination Packet Form B-4 that will convey what is required of each prospective candidate. The instructions should address:

1. Letter of Intent,
  2. Resume that demonstrates they have sufficient competency for a position on the Tribal Council,
  3. Official Nominations Form B-1 to be returned with required signatures,
  4. Background Check Release Form B-2 – to be used for a criminal and residency background check that demonstrates they have not been convicted of a felony within the last eight (8) years, and that they have lived on the Reservation/Round Valley Area for the last twelve (12) months, and
  5. Debts and Offenses Form B-9 – candidate will obtain required signatures from tribal entities to show they have no unresolved debts and/or egregious offenses.
- B. Official Nominations Form B-1;
- C. Background Check Release Form B-2;
- D. Debts and Offenses Form B-9;
- E. A copy of the Qualifications for Office requirements; and
- F. The deadline date and time for the return of a complete Nomination Packet.

Section 5.03 Signatures for Nomination Form B-1

- A. **...along with then (10) signatures from tribal members to the Election Board** (Const Art VIII Sec 4);
- B. Any Round Valley Tribal member, age eighteen (18) or older, who is registered to vote may sign an Official Nomination Form B-1; and
- C. Registered, tribal member may sign more than one petition in support of candidate(s).

Section 5.04 Deadline for the return of the completed Nomination Packet

The Election Board shall set a deadline date for the return of the completed Nomination Packet.

Section 5.05 Verification of Nomination Packet

- A. When a Nomination Packet is returned, the Election Board shall time/stamp it and verify the returned of all required forms.

- B. The day after the deadline for the return of Nomination Packets, the Election Board in collaboration with the Enrollment Department shall meet to verify the packets. (*see resolution*)
- C. Late or incomplete Nomination Packets shall be rejected with no additional time past the agreed upon deadline date and time.
- D. After the verification of Nomination Packets process, Clerk #1 shall post letters to the eligible, Form B-7, and ineligible, Form B-8, candidates.

#### Section 5.06 Incumbent

An incumbent shall be treated as a new candidate.

#### Section 5.07 Candidate Endorsement

Current Tribal Council members shall not endorse any candidate in any way.

#### Section 5.08 Final List of Candidates

The Tribal Council Secretary in cooperation with the Election Board shall post the final List of Candidates at least seven (7) days before the election in at least four (4) public places using the Posting Form D-4. The Tribal Council Secretary (or designated individual) shall use the Final List of Candidates Form C-1 contained in the Appendix I of this Ordinance.

### **Article VI - ELIGIBLE CANDIDATES**

#### Section 6.01 Qualifications for Office

All Candidates for Tribal Council positions shall meet the Qualifications for Office as listed in Article VIII Section 5 of the Constitution, which states:

- A. **Any member of the Tribe shall be eligible as a candidate for tribal office if he or she:** (Const Art VIII Sec 5a)
  - 1. **Is at least twenty-one (21) years of age; and** (Const Art VIII Sec 5a)
  - 2. **Is a resident of the reservation for at least one (1) year or has resided in the Round Valley Area for at least one (1) year; and,** (Const Art VIII Sec 5a) consecutively prior to the date of the election.
    - (a) It shall be the responsibility of the tribal members who have just recently moved back to and currently reside in the Round Valley Reservation/Round Valley Area as a permanent resident to file a Reinstatement of Residency Form B-3 with the Receptionist. This form will be used for reference in upcoming elections by the Election Board.

- (b) Tribal members who have recently moved back to and currently reside in the Round Valley Area, but have not made any attempt to reinstate themselves and cannot show written documentation as to when they moved back and started their residence on or near the reservation, will not be considered eligible even though they may have been present on or near the reservation for the required one-year period.
- (c) Exempt are tribal members who have been in school or the military.
- 3. **Has had no felony convictions within the last eight (8) years; and** (Const Art VIII Sec 5a)
- 4. **Has a high school degree or its equivalent, or has sufficient experience for a position on the Tribal Council.** (Const Art VIII Sec 5a)
- 5. Is in good standing with tribal programs, boards, committees, tribal court and other tribal entities.
- 6. Is listed on the Roster of Registered Voters Form F-5 (*beginning January 2017*)
- B. **The requirement of sufficient experience shall be demonstrated to the Election Board. The Election Board shall base its decision on the experience of the prospective candidate relevant to the duties of the Tribal Council.** (Const Art VIII Sec 5b)
- C. Because resumes and background checks can fail to demonstrate a prospective candidate's sufficient experience relevant to the duties of the Tribal Council, the Election Board will administer a Basic Skills Assessment to all prospective candidates upon the return of their Nomination Packet. (*beginning January 2017*)
- D. **If the Election Board decides that a prospective candidate does not have sufficient experience it shall do so in writing giving specific reasons for its decision. An adverse decision by the Election Board may be appealed to the Tribal Council.** (Const Art VIII Sec 5c)

## **Article VII - ELIGIBLE and REGISTERED VOTERS**

### Section 7.01 Eligible Voters

- A. The voting age in all elections shall be set in accordance with the Constitution, which states:
  - 1. **Voting Age. All tribal members who are age eighteen (18) or older on the date of any tribal election shall be entitled to vote in the election.** (Const Art VIII Sec 6)

2. To vote in both General and Special Elections, the Eligible voter must register to vote with the Election Board using Voter Registration Form E-2. (*beginning 2017*)
3. Voter Registration Forms E-2 may be available for download on the tribal website, <http://www.rvit.org>. Voter Registration Forms shall also be sent USPS, or, by email, if requested.
4. The names of the Eligible Voters who registered to vote with the Election Committee in 2006 will also automatically become Registered Voters, and will receive a notice from the Election Board that their name has been added to the Roster of Registered Voters.

#### Section 7.02 Roster of Eligible Voters

- A. The Enrollment Department shall prepare and maintain a current Roster of Eligible Voters; this list shall be updated every month (*see Resolution*).
- B. The Enrollment Department shall add the names of persons who have reached or will reach eighteen (18) years of age by Election Day (*see Resolution*).
- C. Ninety (90) days before Election Day, the Enrollment Department shall give the current list of Eligible Voters to the Election Board. The Election Board shall check this list for accuracy, and the Election Board and the Enrollment Department shall work cooperatively to update the list as necessary. (*see Resolution*)

#### Section 7.03 Roster of Registered Voters - Official Voter Roster

- A. The Election Board shall prepare and maintain a Roster of Registered Voters Form F-5; updating shall be on-going.
- B. The Election Board shall cross-check with the Roster of Eligible Voters before approving the submitted Voter Registration Form, and adding the name to the Roster of Registered Voters – Official Voter Roster Form F-5.
- C. If the tribal member is found ineligible to register to vote, Clerk #1 will send a Not Eligible Voter Form E-3 to that tribal member as soon as possible and will include the reason(s) why that member is not eligible.
- D. The Election Board shall post the Roster of Registered Voters Form F-5 at the polling place at least five (5) days before the election.
- E. Tribal members whose names are removed from the Roster of Eligible Voters or Roster of Registered Voters have the right to file a complaint with the Election Board. The Complaint Form E-4 is available at the Administrative Building.

- F. Only members who are Registered Voters may vote in Special Elections. [Note: may not be needed; see 7.01A(2)]

## **Article VIII - NOTICE OF ELECTION**

### Section 8.01 Notice of Election

- A. **All election notices shall be posted at least thirty (30) days before the election, except in the case of tie votes, in at least four (4) public locations.** (Const Art VIII Sec 11)  
Using the Posting Form D-4, the Election Board shall post a Notice of Election in at least four (4) public places as follows:
  - 1. At least sixty (60) calendar days before a General Election; and
  - 2. At least sixty (60) calendar days before a Special Election.
- B. The Election Board shall use a Notice of General Election Form D-1 or Notice of Special Election Form D-2 contained in the Appendix to this Ordinance which shall contain the following information:
  - 1. The issue to be decided in the election;
  - 2. The date of the election;
  - 3. The candidate-filing deadline date, if any;
  - 4. The location of the polling place;
  - 5. The absentee voting procedures and deadlines; and,
  - 6. Other important information as determined by the Election Board.
- C. The Election Board shall use Posting Form D-4 to document where and when the Notice(s) was posted and by whom.

## **Article IX - BALLOTS**

### Section 9.01 Ballots

- A. **All voting at regular and special elections shall be done by secret written ballot.**  
(Const Art VIII Sec 7)
- B. The Election Board shall prepare official ballots, including Absentee Ballots. The Election Board shall use Official Ballot Form E-1 and Absentee Ballot Form F-1 contained in Appendix I of this Ordinance.
- C. All Official and Absentee Ballots shall list the names of the candidates for Tribal Council alphabetically by last name, or shall describe the issues to be decided in the election.
- D. Voters shall not be permitted to write-in candidates on any Official Ballot or Absentee Ballot.

### **Article X - ABSENTEE VOTING**

#### Section 10.01 Absentee Voting

- A. **Absentee voting may be permitted for all eligible voters through an ordinance enacted by the Tribal Council.** (Const Art VIII Sec 8)
- B. Any Registered Voter shall be entitled to vote by absentee ballot by submitting a Request for Absentee Ballot Form F-2 to the Election Board, Tribal Council Secretary, or Administrative Receptionist, at any time up to ten (10) working days before the Election.
- C. Each Registered Voter shall request his or her own absentee ballot.
- D. The Election Board shall use diligent efforts to mail out Absentee Ballots in a timely manner to each Registered Voter who has requested an Absentee Ballot. Since the Election Board cannot control the timing of a request for or receipt of Absentee Ballots, the Election Board shall not be held responsible for Absentee Ballots which are received beyond the deadline set for the receipt of Absentee Ballots.
- E. The Roster of Absentee Voters Form F-6 shall be used to document the request(s) for Absentee voting.
- F. All Absentee Ballots must be received by the Election Board postmarked with the date of Election Day or earlier.

#### Section 10.02 Procedures for Voting by Absentee Ballot

- A. The Election Board shall provide an Absentee Ballot Packet to each Registered Voter who has properly requested an Absentee Ballot. The Absentee Ballot Packet shall contain the following items:
  - 1. An official Absentee Ballot, Form F-1;
  - 2. An inner envelope marked “ABSENTEE BALLOT;”

3. An outer envelope shall be printed with two spaces for the printed and signed signature of the absentee voter;
  4. The outer envelope will be addressed to the Election Board; and
  5. An Instruction Sheet, Form F-3, for completing the Absentee Ballot.
- B. The Instruction Sheet will explain to the Registered Voter that they shall mark his or her Absentee Ballot. The Registered Voter shall then seal the Absentee Ballot in the envelope marked “Absentee Ballot”. The inner envelope then must be sealed inside the outer envelope. The Registered Voter shall print and sign his or her name where indicated on the outer envelope.
- C. The Registered Voter must return his or her completed Absentee Ballot to the Round Valley Indian Tribes postmarked with the date of Election Day or earlier.
- D. When the Election Board receives a completed Absentee Ballot the Judge shall record the name on the Roster of Absentee Voters, Form F-6;
1. The Election Board shall, in collaboration with the Enrollment Clerk, verify the signatures on the outer envelope (*see Resolution*);
  2. Once verified, the Election Board shall remove inner envelope marked “ABSENTEE BALLOT” from the outer envelope and place the inner envelope into a locked ballot box; and
  3. Keep the signed outer envelope with the record of the election.
- E. The Election Board shall keep a list of Registered Voters who have voted by Absentee Ballot, Form F-6 ROSTER OF ABSENTEE VOTERS, at the polling place on Election Day to enable the Judge to cross-check utilizing this Roster.
- F. If a Registered Voter loses his or her Absentee Ballot, or fails to properly return an Absentee Ballot, he or she may still vote on Election Day.
- G. The Election Board may issue another Absentee Ballot to a Registered Voter who has lost, spoiled or mutilated his or her Absentee Ballot.

## **Article XI - ELECTION PROCEDURES**

### Section 11.01 Hours of Voting

- A. **The polling place shall be open from 8:00 A.M. to 8:00 P.M.** (Const Art VIII Sec 9)



- B. Any voter in line at the polling place but unable to cast his or her ballot before 8:00 P.M. shall be allowed to finish voting.

#### Section 11.02 No Electioneering at the Polling Place

- A. Electioneering is prohibited within the boundaries of the Administrative Property; i.e., Administrative Building, Senior Center, Head Start, Career Building and parking areas.
- B. Tribal Police shall check for and remove any election material through-out the voting hours within the boundaries of the Administrative Property. (*see resolution*)

#### Section 11.03 Method of Voting

- A. Each prospective voter, upon being identified as Registered Voter, shall sign his or her name to the Roster of Registered Voters and shall be handed an Official Ballot.
- B. Each voter shall vote in privacy by placing a mark in ink opposite the name of the candidates for whom he or she is voting. The voter shall deposit his or her Official Ballot into the ballot box.
- C. A voter may cast votes up to the number allowed. For example, if three (3) positions are available on the Tribal Council, the voter may vote for up to three candidates.
- D. A voter may not cast more than one vote for a single candidate.

#### Section 11.04 Spoiled Ballots

If a voter spoils his or her Official Ballot, the Election Board may issue another Official Ballot to the voter. The Election Board shall secure all spoiled Ballots that are returned.

#### Section 11.05 Counting the Ballots (Const. Art. VIII, Sec. 10)

- A. Immediately after the close of the polling place, the Election Board shall count the Official Ballots and Absentee Ballots.
- B. The Election Board Inspector shall unlock the Ballot Box, remove the Official Ballots one at a time and read off the names of the candidates who received the votes.
- C. The Election Board Judge shall cross-check names with the Roster of Absentee Voters Form F-6.
- D. The Election Board shall count the votes as marked on the Official Ballots. The Election Board shall also count the votes marked on the Absentee Ballots. All votes shall be counted as long as the Election Board can determine the choices the voter has made.

- E. The tallying of the votes shall be open to observation by Tribal members, but they must remain quiet and in no way interfere with the orderly tallying of the ballots. If order cannot be kept, the Inspector shall halt the tallying until such time as order has been restored. Clerk #1 and Clerk #2 will tally the votes on separate Election Tally Sheet Form J-1.
- F. **The candidates receiving the highest number of votes for the available positions shall be declared the winners for those positions. The Election Board shall certify all election results within three (3) days of the date of the election. The Tribal Council shall confirm the election results within three (3) days after the Election Board certifies the election results.** (Const Art VIII Sec 12)
- G. At the end of the tally, the Election Board shall determine the total votes cast for each candidate. The Preliminary Tally Results shall be written down on the Certified Election Results Form G-1, contained in Appendix I of this Ordinance. Each member of the Election Board shall sign the Certificate of Election Results. The Election Board shall post the Preliminary Tally Results at the polling place.
- H. The Final Vote Results will occur one (1) week after Election Day to include those eligible Absentee Ballots arriving after Election Day. The tallying of the votes shall be open to observation by Tribal members, but they must remain quiet and in no way interfere with the orderly tallying of the ballots. The Election Board will post a Notice to the community to invite them to the Final Vote Results. The Final Vote Results shall be posted at the polling place.
- I. After the Election Board has certified the election results, the Election Board shall keep the election records, including the counted ballots, and the unused, spoiled or rejected ballots, if any. The Election Board shall keep the election records for at least one year but not more than three (3) years.

#### Section 11.06 Rejected Ballots

- A. If during the tallying of the votes, the Election Board is unable to determine the choices of the voter, that ballot shall be rejected.
- B. If the Election Board can determine one or more of the choices of the voter, but cannot determine all of the choices of the voter, the Election Board shall count the choices which can be determined.
- C. The Election Board shall keep all Rejected Ballots in a separate location during the counting of the ballots.

#### Section 11.07 Recounts

The Election Board may, in its discretion, call for a recount of the ballots.

## Article XII - TIE VOTES

### Section 12.01 Tie Votes

- A. An Eligible Candidate who has tied with another Eligible Candidate or candidates may decline the position, in which case the remaining candidate(s) shall be declared the winner.
- B. **In case of a tie between one or more candidates, a run-off election shall be held within thirty (30) days until the tie is broken.** (Const Art VIII Sec 13) Registered Voters shall be permitted to vote in a run-off election.

## Article XIII - DISPUTES

### Section 13.01 Challenges to the Election

- A. **Any member of the Tribe may challenge the election results by filing a suit in Tribal Court within ten (10) days after the Election Board certifies the election results.** (Const Art VIII Sec 15)
  - 1. Any Registered Voter that voted in that election may file specific challenges in writing alleging election irregularities.
  - 2. Prior to the challenge being filed in Tribal Court, Conflict Resolution Services shall be offered.
  - 3. Challenges must be filed in writing with the Tribal Court, or if there is no Tribal Court, then the Election Board.
  - 4. The Tribal Court will notify the Election Board of filed challenges, as well as results of that challenge.
- B. **The Tribal Court shall hear and decide election cases within thirty (30) days after the Election Board certifies the election results, except where the party challenging the results requests additional time which may be granted at the discretion of the Tribal Court, provided, that only one thirty-day extension of time may be granted.** (Const Art VIII Sec 15)
- C. In deciding any dispute, the Tribal Court (or the Election Board) shall gather such facts as are available and necessary for a fair resolution of the problem and shall provide each party to the dispute an opportunity to present their case.
- D. The decision of the Tribal Court (or Election Board) may be appealed by filing in Appellate Court.

**E. If the Tribal Court invalidates the election results, the Court shall order that a new election be held as soon as possible.** (Const Art VIII Sec 15)

1. If the election results are invalidated by the Tribal Court (or the Election Board), a new election shall be held within thirty (30) days of the final decision.
2. If the election procedures are challenged and invalidated by the Tribal Court (or the Election Board), a new election shall be held within thirty (30) days of the final decision.
3. If a candidate’s eligibility is challenged and invalidated, their name shall be dropped from the List of Eligible Candidates and the next highest scoring candidate will replace them.

**Article XIV - OATH OF OFFICE**

Section 14.01 Oath of Office

- A. **The oath of office for newly elected tribal council members shall be administered not less than sixty (60) days but no more than ninety (90) days after the Election Board certifies the general election results.** (Const Art VIII Sec 14)
- B. The Election Board Judge shall administer the Oath of Office.
- C. All newly elected Council Member shall use Form I-1, Tribal Election Affidavit when being sworn into office before being seated to serve the people.

Section 14.02 Oath

**I (Full Legal Name) \_\_\_\_\_, do solemnly swear (or affirm) that I will faithfully support and defend the Constitution of the Round Valley Indian Tribes and the Constitution of the United States, and in all measures that come before me to represent the Tribes in a manner consistent with and in furtherance of their common welfare and best interests. I will conduct myself so as to advance the interest and prosperity of the Round Valley Indian Tribes.**

**Article XV - RECALL ELECTIONS**

Section 15.01 Recall Elections

*Recall Petitions:*

- A. **Any adult member may initiate recall proceedings against any Tribal Council member by filing with the Election Board a written statement giving specific reasons why the Council member should be recalled.** (Const Art IV Sec 11a) The Election Board must maintain a ledger with a record of those individuals who request recall petitions; Log of Verified Procedures for Request for Recall Petitions Form H-3.

- B. Election Board shall validate acceptable allegations for removal as found in the Constitution Article IV Section 10 and in the Election Ordinance Article IV Section 1C and Section E1-7.
- C. If the Election Board cannot validate the allegations, the request shall be returned to the tribal member.
- D. **After receipt of the written statement, the Election Board shall issue official petition forms to the tribal member who initiated the recall. The Official Petition Form H-1 shall include at the top of each page the list of allegations for recall. The tribal member shall have thirty (30) days to collect signatures from thirty-three (33%) of the eligible voters of the Tribe. The Election Board shall inform the tribal member of the number of signatures required for a valid recall petition.** (Const Art IV Sec 11b)
- E. **Once a tribal member has signed an official petition form his or her name shall not be removed from the form.** (Const Art IV Sec 11c)
- F. **Individual petition forms shall be circulated for each Tribal Council member subject to recall. A maximum of three (3) Tribal Council members may be recalled at a time.** (Const Art IV Sec 11d)

*Upon Receipt of Recall Petition:*

- G. Upon receipt of a signed recall petition, the Election Board must date-stamp the returned petition. **The Election Board shall verify the signatures on a recall petition in a timely manner** (Const Art IV Sec 11e), in collaboration with the Enrollment Department (*by Resolution*).
- H. The Election Board must (1) ensure that each individual who signed the petition is a Registered Voter; and (2) ensure that the petition has the requisite number of signatures, with no duplicate signatures. The Election Board must maintain a written record or log of verification steps and procedures taken by the Election Board; Form H-3 Log of Verified Procedures for Request of Recall Petitions.

*Recall Meeting:*

- I. **If a petition contains the required number of signatures and has been properly submitted, then the Election Board shall call and hold a recall meeting within thirty (30) days of receipt of the petition before holding special recall election.** (Const Art IV Sec 11e)
  - 1. **The Election Board shall provide adequate notice of the recall meeting. The notice shall include a statement that the person(s) subject to recall shall be provided with an opportunity to respond to the charges at the meeting. The Election Board shall conduct all recall meetings in an orderly and fair manner.** (Const Art IV Sec 11f)

2. The Election Board shall post a notice of the recall meeting at least 10 days prior to the meeting in at least four (4) public places using the Posting Form D-4.

*Special Recall Election:*

- J. **The Election Board shall conduct a special recall election within thirty (30) days of the recall meeting. The ballots for the Recall Election shall include a list of the charges and the response, if any, from the person(s) subject to recall.** (Const Art IV Sec 11g)
- K. The Election Board shall post Notice of the Special Election Form D-2 at least thirty (30) days before the Special Recall Election.
- L. **A majority vote of registered voters shall determine the success or failure of the recall petition(s), provided, that at least thirty-three (33%) of the eligible voters actually vote in the special recall election.** (Const Art IV Sec 11h)
- M. **If the Special Recall Election fails, then the charges used to initiate the recall cannot be used to initiate another recall for the remainder of the Council member's term in office.** (Const Art IV Sec 11i)
- N. **If the special recall election succeeds and the person(s) is successfully recalled, then he or she shall not be eligible to run for Tribal Council office until his or her term would have ended.** (Const Art IV Sec 11j)
- O. **A special election to fill a possible vacancy created by a recall election shall be conducted at the same time as such Recall Election.** (Const Art IV Sec 11k)

Section 15.02 Additional Duties and Responsibilities

- A. The Election Board shall administer all General and Special Elections.
- B. The Election Board shall issue Official Recall Petition Form H-1 to any tribal registered voter(s) initiating the recall who shall have thirty (30) days to collect the signatures. The Election Board shall use Form H-1 contained in Appendix I of this Ordinance as the Official Recall Petition.
- C. Each Registered Voter of the Tribe shall have the right to sign a Recall Petition without constraint or coercion of any kind.
- D. Individual Official Recall Petitions shall be circulated for each Tribal Council member who is subject to recall.
- E. Completed Official Recall Petitions shall be submitted to the Election Board.
- F. The Election Board shall, in collaboration with the Enrollment Clerk, verify the signatures on an Official Recall Petition within ten (10) days of receipt of such petition.

## **Article XVI - VACANCIES**

### Section 16.01 Vacancies

- A. **The Tribal Council shall call a special election to fill a vacancy on the Tribal Council unless six (6) months or less remain in the term of office for the vacant position, in which case the Tribal Council shall appoint a person to fill the position. All persons appointed or elected to fill a vacant position shall fill out the term of the person whom he or she is replacing.** (Const Art VIII Sec 16)
- B. If the Tribal Council appoints a person to fill the vacant position, the appointee shall meet the Qualifications for Office as stated in Section 6.01 of this Ordinance.
- C. The Oath of Office shall be administered at the first regular meeting after the election or appointment, or at a special meeting called for the purpose of swearing in the new council member(s). (*Rules of Governance, Article I Section 1B*)

## **Article XVII - REMOVAL OF ELECTION BOARD MEMBER FROM OFFICE**

### Section 17.01 Good Cause for Removal

- A. **The Tribal Council may remove an Election Board member for good cause as described by ordinance.** (Const Art VIII Sec 3)
- B. Violation of this Ordinance and/or removal per good cause as defined by this Ordinance may result in disciplinary action, removal or criminal conviction of the Election Board member(s) and/or Elected Tribal Officials.
- C. The Election Board member(s) in question must be informed of the grounds for removal, and given an opportunity to respond to the charges.
- D. Certified notification will be sent to the removed Election Board member(s) by Clerk #2.

## **Article XVIII - GENERAL PROVISIONS**

### Section 18.01 Severability

If any part of this Ordinance is found invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall continue in full force and effect. The provisions of this Ordinance are severable.

### Section 18.02 Prior Inconsistent Codes and Ordinances Repealed

All Ordinances or provisions of any previously-enacted ordinances that conflict in any way with the provisions of this Ordinance are repealed.

RVIT – Election Ordinance  
Revised/Approved: August 24, 2012  
Revised/Approved: August 4, 2016

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Revised/Approved: May 20, 2015