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# SILETZ NEWS

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Tribal Council members "dig in" at the child care center site.

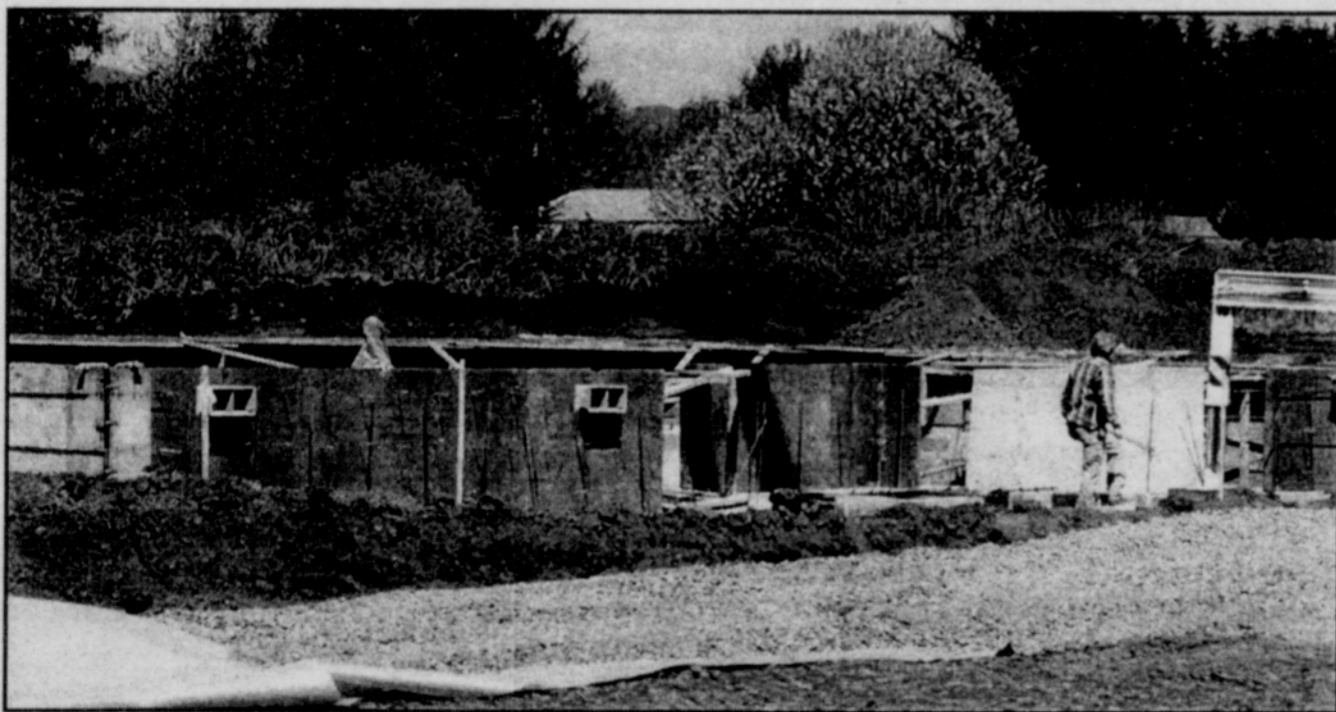
## Child Care Center Construction Starts

The Confederated Tribes of Siletz Indians of Oregon held a ground-breaking ceremony for its new child care center on April 20 and three days later, construction was under way.

The Siletz Tribal Council, including new council member David Hatch, turned over the first shovels of dirt at the site. Delores Pigsley praised the project.

"This facility is worth its weight in gold," she said, especially for smaller children and the after-school kids. "This is just the beginning of good things for our kids."

See Child Care on page 11.



Construction begins on the child care center in Siletz.

## Court Rules Tribal Election Valid

by Craig Dorsay

The cases of *Lorraine Butler v. Siletz Tribal Election Board* and *Lori Johnson v. Siletz Election Director, Siletz Tribal Court, Case Nos. TC02-02 and TC02-03*, challenged the annual Siletz Tribal Council election held on Feb. 2, 2002, and sought to overturn that election and have a brand new election called. The Siletz Tribal Court issued its decision on April 29, 2002, in these cases.

Plaintiffs in the two election cases were given the opportunity to prove all of their allegations in court at a hearing held on April 4, 2002, that lasted eight hours. Petitioners were given the opportunity to put on all the testimony and introduce all of the evidence they had. They also were given the opportunity before the hearing to examine all relevant documents and records in the case; nothing was withheld from them.

The Siletz Tribal Court, after reviewing all of the testimony and evidence, ruled that the petitioners had not proven any of their allegations, that the "2002 Tribal Council election (was conducted) in a fair, honest, and professional manner," and that "every qualified tribal member's vote was counted and there existed no evidence of fraud or illegal conduct." The court found that "the vote count was accurate and the possibility that a recount would change the vote totals is extremely remote."

I want to address a few of the specific allegations and what the Tribal Court found with regard to these allegations.

**a. The election director committed fraud by "certifying" two different ballot counts.** This allegation refers to the fact that the election director

"announced" the number of mail-in ballots that had been received before the ballot box was opened and the votes were counted, and when the official written certification of the Tribal Council election was published later, a different number of mail-in ballots was listed.

First, the evidence showed that the number of ballots in the ballot box – both mail-in and in-person ballots – exactly matched the number of ballots cast. Petitioners and their friends were given the opportunity to count the ballots as part of their lawsuit and were unable to show a different number of ballots. The Election Board also kept the ballot envelopes in which the ballots were inserted and the number of these envelopes also exactly matched the number of ballots cast.

The election director's announcement of the number of mail-in ballots he thought he had before the voting began was not a "certification" of the ballot count. The court ruled that it was only an announcement and the official certification occurred when the Election Board issued its official certification. The Election Ordinance is primarily concerned with the vote count

See Court on page 21.

### What's Inside

Letters to the Editor	2
Chairman's Report	3
Tribal Program News	5
Tribal Member News	12
Charitable Contributions	14
Notices	14
Tribal Council Timesheets	16
Siletz Clinic	18
Chinook Winds	19
Passages	21

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