

ELECTION

ELECTION ORDINANCE

Contents

Section 1: General Provisions

- 1.1 Purpose and Authority
- 1.2 Election Board
- 1.3 Qualification of Voters
 - A. Who May Vote
 - B. No Registration
 - C. Voters List
- 1.4 Conduct of the Election
 - A. Ballots
 - B. Voting Procedure
 - C. Returns
- 1.5 Absentee Voting
 - A. Required
 - B. Applications
 - C. Ballots
 - D. Voting Procedure
 - E. Returns
 - F. Rejected Ballots
- 1.6 Election Challenges and Recounts
- 1.7 Appeals

Section 2: Tribal Council

- 2.1 Time of Election
- 2.2 Candidates
 - A. Qualifications
 - B. Filing
 - C. Review by Election Board
- 2.3 Certification of Election Results
- 2.4 Oath of Office
- 2.5 Tribal Council Members as Employees

Section 3: Initiative and Referendum

- 3.1 Types of Action
 - A. Initiative
 - B. Referendum by Voters
 - C. Referendum by Tribal Council
- 3.2 Required Signatures
- 3.3 Petition Requirements
 - A. Sponsor
 - B. Purpose and Measure
 - C. Signatures
 - D. Verification
 - E. Forms
- 3.4 Procedure Before Circulation of Petition (Optional)
- 3.5 Circulation of Petition
- 3.6 Filing of Petition
- 3.8 Presentation of Measure to Tribal Council
- 3.9 Date of General Council Election
- 3.10 Adoption of Measure
- 3.11 Effective Date of Measure

Section 4: Recall

- 4.1 Recall
- 4.2 Required Signatures
- 4.3 Petition Requirements
 - A. Sponsor
 - B. Purpose and Measure
 - C. Signatures
 - D. Verification
 - E. Forms
- 4.4 Procedure Before Circulation of Petition (Optional)
- 4.5 Circulation of Petition
- 4.6 Filing of Petition
- 4.7 Certification of Petition
- 4.8 Presentation of Measure to Tribal Council
- 4.9 Date of General Council Election
- 4.10 Votes Required to Recall
- 4.11 Effective Date of Recall

Section 5: Expulsion

- 5.1 Expulsion
- 5.2 Notice
- 5.3 Opportunity to be Heard
- 5.4 Decision and Effective Date
- 5.5 Right to Appeal
- 5.6 Tribal Court Review
- 5.7 Tribal Council Reconsideration

SECTION 1: General Provisions

1.1 Purpose and Authority.

The purpose of this ordinance is to provide for elections as required by Art. VI, Sec. 4 of the Siletz Constitution, passed June 2, 1979, approved by the Secretary of the Interior, June 13, 1979 (hereinafter referred to as Siletz Constitution).

1.2 Election Board.

All elections shall be administered by the Election Board. The Election Board shall be appointed by resolution of the Tribal Council and shall consist of three members. Election Board members shall each serve for one year from the date of appointment, and may be removed only for cause. No person shall be appointed who is currently holding elective office, who has an immediate family member (as defined in the tribal management manual) who holds tribal office, or who plans to be a candidate in any election during their term of service. Election Board members shall serve without pay, but shall be reimbursed for any expenses incurred in connection with their official duties. Upon accepting the appointment, each member shall sign an oath which shall become part of the election records stating that he or she will serve according to the best of his or her ability and shall make every effort to prevent fraud or abuse of the election process. If a member of the immediate family of an Election Board member files as a candidate, that Board member shall be disqualified from serving and a substitute appointed in his or her place. In the event of a vacancy on the Election Board, the Tribal Council shall appoint a qualified replacement for the remainder of the term of service. The Election Board shall perform all duties set forth by this ordinance. Failure to perform such duties or any other misconduct shall be grounds for immediate dismissal by the Tribal Council.

1.3 Qualification of Voters.

A. Who May Vote. Any duly enrolled member of Confederated Tribes of Siletz Indians of Oregon who is or will be 18 years of age or older on the date of any scheduled election shall have the right to vote in the election. "Duly enrolled member" shall mean that the person's name appears on the official tribal roll or whose membership application has received final approval of the Tribal Council.

B. No Registration. No registration to vote shall be required.

C. Voters List. The Tribal enrollment staff shall provide an updated list of qualified voters to the Election Board no later than 5 p.m. on the last working day prior to any scheduled election. The Election Board shall keep an up-to-date poll book, with the voters listed in alphabetical order, or as nearly so as possible.

1.4 Conduct of the Election.

A. Ballots. The Election Board shall prepare all ballots. Ballot measures shall appear as required by Section 3 of this ordinance. The names of the certified candidates shall be in alphabetical order. The ballot shall contain the following instructions:

"YOU MAY VOTE FOR _____ CANDIDATES FOR TRIBAL COUNCIL. PLACE AN "X" BY THE NAME OF EACH PERSON YOU WISH TO VOTE FOR. YOU MAY NOT GIVE ANY CANDIDATE MORE THAN ONE VOTE. ANY BALLOT WITH MORE THAN _____ TOTAL VOTES WILL BE THROWN OUT AND NOT COUNTED! IF YOU NEED ASSISTANCE, THE ELECTION BOARD MEMBERS WILL HELP YOU."

The official ballots shall be printed on white paper with black ink. Sample ballots may be printed on colored paper, and shall be clearly labeled "sample ballot" and shall not be counted if placed in the ballot box.

B. Voting Procedure. The voting shall take place at the Siletz Tribal Office, in Siletz, Oregon, from 9 a.m. to 4 p.m. on the election date. No less than two Election Board members shall be present at all times. No other persons shall remain or loiter in the voting area.

One Election Board member shall control the poll book; another Election Board member shall hand out the ballots and supervise the ballot box.

The voter shall first sign his or her name in the poll book. If the voter is unable to do so, the Election Board member shall write "unable to sign" by that name. The voter will then be issued a ballot. The voter shall then mark the ballot in a private area to be designated by the Election Board. The voter may receive assistance from an Election Board member in voting if requested. The voter shall fold the ballot when completed and deposit it in the locked ballot box.

If a voter accidentally makes a mistake on or destroys his or her ballot, a new ballot may be issued to that voter, with the correction noted in the poll book. The spoiled ballot shall be destroyed immediately by an Election Board member.

C. Returns. Immediately after the polls are closed the Election Board shall clear the office of all persons other than themselves and shall count the votes cast. The Election Board shall then certify the results of the election and deliver the results to the Chairman of the Tribal Council. Winning candidates shall take office in accordance with Section 2.4 of this ordinance. Ballot measure shall take effect in accordance with Section 3.11 of this ordinance.

1.5 Absentee Voting.

A. Required. Provision for absentee balloting is required for all elections. No ballots received after the close of the voting shall be counted. **Absentee ballots** must be mailed or hand delivered to the Election Board at the Siletz Tribal Office, P.O. Box 549, Siletz, Oregon 97380, and received no later than 4 p.m. on the election date.

B. Applications. Each person applying for an absentee ballot must fill out and sign an application. Applications shall be available at the Siletz, Salem, and Springfield tribal offices or by mail from the Election Board during regular working hours until 5:00 p.m. on the last working day prior to the election.

C. Ballots. The absentee ballot shall consist of a paper ballot which meets the requirements of Section 1.4.A of this ordinance, an instruction sheet, an inner envelope, an outer envelope, and a return envelope.

D. Voting Procedure. When voting, the voter shall mark his ballot and place it in the inner envelope and seal it. The inner envelope shall then be placed inside the outer envelope and sealed. The outer envelope shall be signed by the voter. It shall then be returned to the Election Board in the return envelope.

E. Returns. The Election Board shall compare the signature on the outer envelope with the signature on the application. If the signatures match, the outer envelope shall be opened and the inner envelope shall be deposited in the locked ballot box.

In the event that a ballot is rejected because of an improper signature, the outer envelope shall not be opened. The entire rejected ballot shall be deposited in a separate, secure box.

ORDINANCE

F. Rejected Ballots. At the closing of the polls, the Election Board shall open the rejection box and allow any interested tribal voter to challenge the rejection of any ballot. The decision of the Election Board shall be final. If a challenge is granted, the outer envelope shall be opened and the inner envelope deposited in the absentee ballot box in the same manner as other absentee ballots. Unchallenged, rejected ballots shall be destroyed unopened after the election has been certified.

1.6 Election Challenges and Recounts.

Any candidate may by written request to the Election Board obtain a recount when in the opinion of the Election Board a vote is so close as to justify a recount or there is some evidence of irregularity sufficient to justify a recount. Any request for a recount shall be made within 24 hours after close of the polls. The decision of the Election Board as to whether to make a recount shall be final. In the event of extreme irregularity, the Election Board may order a new election. The new election shall be conducted generally in accordance with the provisions of this ordinance except that no new candidates may file and sufficient time shall be granted for notice of the new election to be given to tribal members and for absentee voting. The decision of the Election Board on whether to hold a new election shall be final.

1.7 Appeals.

Appeal of any final decision of the Election Board may be made to the Tribal Council by candidates for office or sponsors of petitions. The appeal shall state the decision appealed from and the reasons the appellant believes it is wrong. The appeal shall be delivered by mail or in person to all Tribal Council members who shall consider it at the next regular or special Tribal Council meeting. The appellant shall be given the opportunity to speak in support of the appeal and the Election Board in defense of its decision. The Tribal Council may direct the Election Board to take appropriate action if it determines that the appeal is valid.

SECTION 2: Tribal Council Time of Election.

Elections for Tribal Council shall be held annually on the first Saturday of February, except that there shall be no such election in February, 1980, in accordance with the provisions of Article VI, Section 5 of the Tribal Constitution and the First Election Ordinance.

2.2 Candidates.

A. Qualifications. Any duly enrolled member (as defined above) who will be 18 years of age or older on the date of the election, and who has never been expelled in accordance with Article VII, Section 4 of the Tribal Constitution is qualified to be a candidate.

B. Filing. Candidates must file statements of their candidacy with the Election Board not less than forty-five days before the annual election, on a form to be provided by the Election Board. The form must be filled out in full, and signed, and received by the Election Board (Siletz Tribal Office, P.O. Box 549, Siletz, Oregon 97380, no later than 5:00 p.m. on the day that it is due. Forms may be obtained by writing to the Election Board at the above address.

C. Review by Election Board. The Election Board shall review the application and notify the applicant of any disqualifications no later than 35 days before the election date, in order to give the candidate opportunity to respond (in writing) to the reason for the disqualification. The Election Board shall then review all applications and responses and determine which candidates meet the qualifications. The decision of the Election Board shall be final. The Election Board shall post a list of certified candidates in the

Siletz, Salem, and Springfield tribal offices no later than 20 days prior to the election date.

D. Write-In Candidates Prohibited. No write-in candidates shall be allowed.

RESOLUTION NO. 82-122

2.5 Tribal Council Members as Employees. No tribal member shall serve simultaneously as a member of the Tribal Council and as a tribal employee. A tribal employee who is elected to the Tribal Council will cease working for tribal government automatically upon taking office. A Tribal Council member who accepts employment with tribal government will resign his or her office before commencing employment. As used in this section, the term "tribal employee" means a person who is employed by tribal government under the authority of the general manager or the tribal chairman on a full-time or part-time basis. Nothing in this section will be construed to prohibit an otherwise qualified tribal employee from seeking election to the Tribal Council or to prohibit a member of the Tribal Council from applying for tribal employment.

2.3 Certification of Election.

The Election Board shall certify the results of the election as provided in Section 1, above. When the period for challenges has lapsed and any challenges have been resolved by the Election Board, the Election Board shall deliver its certification of the election to the Tribal Chairman.

2.4 Oath of Office.

Immediately upon such delivery or as soon thereafter as possible, the Election Board chairman or his or her designate shall administer the oath of office to each new Tribal Council member, who shall then begin his or her term of office. No Tribal Council member shall assume office until he or she has taken the oath of office in accordance with this section.

2.5 Tribal Council Members as Employees.

See new paragraph adopted by Resolution 82-122.

SECTION 3: Initiative and Referendum

3.1 Types of Action.

A. Initiative. Tribal voters may initiate legislation by filing an initiative petition which proposes tribal legislation with the Election Board. The petition must meet the requirements of this ordinance. Upon the receipt and certification of the petition, an election will be held on the proposed measure in accordance with the procedures set forth in this ordinance.

B. Referendum by Voters. Tribal voters may refer Tribal Council resolutions or ordinances by filing a referendum petition with the Election Board, within 30 days after the resolution or ordinance has been adopted by the Tribal Council or the adoption of this ordinance, whichever is later. The petition must meet the requirements of this ordinance. Upon the receipt and certification of the petition, an election will be held on the referred measure in accordance with the procedures set forth in this ordinance.

C. Referendum by Tribal Council. The Tribal Council may by two-thirds vote of all its members, refer a measure to the voters. The motion shall be made at the time of adoption of the measure, and the measure shall not go into effect until it is adopted through an election held in accordance with the procedures set forth in this ordinance.

3.2 Required Signatures.

Petitions must have verified signatures of at least one-third (1/3) of the eligible voters in the Tribe at the time the petition is filed with the Election Board.

3.3 Petition Requirements.

A. Sponsor. Each petition must have at least one sponsor, with whom all correspondence and communication with the Election Board shall take place. The sponsor(s) must be a tribal member eligible to vote, and his or her name must appear on each petition signature page along with mailing address and phone number.

B. Purpose and Measure. Each petition signature page must contain the statement that "THE PURPOSE OF THIS PETITION IS TO HAVE A GENERAL COUNCIL ELECTION ON THE FOLLOWING MEASURE" followed by, in the case of an initiative, a summary of the measure proposed, and in the case of a referendum, the number and date of adoption of the measure to be referred, and a summary of it. Each petition signature page must have attached to it a complete copy of the proposed measure or measure to be referred.

C. Signatures. The name of each signer must be printed and the signature must be in ink. The date of signing must be noted. Signers must be eligible to vote in tribal elections as set forth in Section 1.3 of this ordinance.

D. Verification. On the back of each signature page shall be a statement, signed by the tribal member who circulated that page, stating that he or she is a tribal member eligible to vote, that he or she circulated the signature page with a complete copy of the measure attached, and that the signatures on it are true and authentic to the best of his or her knowledge.

E. Forms. The Election Board may issue a suggested form of petition for use by tribal members, but any petition which meets the requirements of this Section shall be sufficient for filing with the Election Board.

3.4 Procedure Before Circulation of Petition (Optional).

No initiative or referendum petition will be certified by the Election Board unless it meets all the requirements of this ordinance. Therefore, although not required, sponsors may at their option submit their proposed petition to the Election Board prior to circulation so that errors as to form or legality may be identified in advance. The Election Board shall promptly assist the petitioner in correcting any errors as to form. The Election Board shall also forward a copy of the proposed or referred measure to the tribal attorney for an opinion in accordance with Section 3.6 of this ordinance. Such an opinion with supporting reasons shall be issued within three calendar days of receipt of the measure by the tribal attorney and shall be supplied to the sponsor by the Election Board.

3.5 Circulation of Petition.

Petitions may be circulated only by tribal voters who are eligible to vote in tribal elections. Persons asked to sign the petition must be given sufficient opportunity to read the summary of the measure and the attached complete copy of the measure, and must be advised that they must be an eligible tribal voter in order to sign.

3.6 Filing of Petition.

Petitions shall be filed by the sponsor with the Election Board by mail or hand delivery to the Siletz Tribal Office, P.O. Box 549, Siletz, Oregon 97380. The day the petition is actually received shall control in computing time. Initiative petitions may be filed at any time. Referendum petitions must be filed no later than 30 days after the adoption by the Tribal Council of the measure to be referred. Upon the filing of a petition, the Election Board shall forward a copy of the proposed or referred measure to the tribal attorney for review. The tribal attorney shall review the measure solely for the purpose of determining whether or not it would be valid under the tribal constitution if adopted. The tribal attorney shall issue an opinion on the constitutionality of the measure within one week of receiving it, along with supporting reasons for that opinion.

(Continued On Page 6)