



5318 CHIEF BROWN LANE  
DARRINGTON, WA 98241  
(360) 436-0131  
FAX (360) 436-1511

**ORDINANCE OF THE GOVERNING BODY  
OF THE SAUK-SUIATTLE INDIAN TRIBE**

**Ordinance No. 09/11b/10: Election Ordinance**

**THEREFORE BE IT ENACTED BY THE TRIBAL COUNCIL OF THE SAUK-SUIATTLE  
INDIAN TRIBE, AS FOLLOWS:**

**WHEREAS**, the Sauk-Suiattle Tribal Council is the duly constituted governing body of the Sauk-Suiattle Indian Tribe, by authority of the Constitution and Bylaws, approved by the Secretary of the Interior on September 17, 1975 and in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat.984); and

**WHEREAS**, Article VII, Section 1(P) of the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe delegates to the Tribal Council the authority and obligation to promulgate and enforce ordinances governing the conduct of all persons within the Sauk-Suiattle Indian Tribe; and

**WHEREAS**, specifically, Article IV, Section 3 of the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe expressly delegates to the Tribal Council the authority and obligation to promulgate an ordinance to provide for the conduct of elections; and

**WHEREAS**, amendments are necessary to better allow the Election Board to more timely certify an election;

**NOW THEREFORE BE IT ENACTED THAT**, this Ordinance sets forward the laws governing the General Elections for the Sauk-Suiattle Indian Tribe; and

**BE IT FURTHER ENACTED THAT**, that except as expressly provided in this Ordinance the Sauk-Suiattle Tribal Council does not waive, alter, or otherwise diminish its sovereign immunity, whether express or implied, by virtue of the enactment of this resolution or any administrative or legal action which may arise directly or indirectly from the same, nor does the Tribal Council waive, alter, or otherwise diminish any rights, privileges, remedies, or services guaranteed by the Point Elliot Treaty; and

**BE IT FINALLY ENACTED THAT**, the General Elections of the Sauk-Suiattle Indian Tribe shall conform to the following:

## LEGISLATIVE HISTORY

Resolution 10/14b/02 Approving 2002 Election Ordinance (October 14, 2002)  
Resolution 10/01/04 Approving Updated 2004 Election Ordinance (October 8, 2004)  
Resolution 10/20b/05 Amending Election Ordinance (October 12, 2005)  
Ordinance 9/27b/06 Enacting Updated Election Ordinance (September 9, 2006)  
Ordinance 10/15/08 Enacting Updated Election Ordinance (October 3, 2008)  
Ordinance 10/16b/08 Enacting Updated Election Ordinance (October 16, 2008)  
Ordinance 09/26a/09 Enacting Updated Election Ordinance (September 25, 2009)  
Ordinance 10/01/09 Enacting Updated Election Ordinance (October 9, 2009)  
Ordinance 09/11b/10 Enacting Updated Election Ordinance (September 8, 2010)

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## **Article 1. GENERAL PROVISIONS**

**Section 1.01** The following ordinance shall be known as the Election Ordinance of the Sauk-Suiattle Indian Tribe and shall take effect on September 8, 2010. The purpose of this Ordinance is to regulate the conduct of the General Elections for the near expired and vacant Tribal Council positions as required by Article IV of the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe. This Ordinance supersedes and revokes any prior Election Ordinance and regulations.

**Section 1.02** The standards and procedures for the General Elections may be further defined through regulations prepared and recommended by the Election Board and adopted by Tribal Council resolution. Any such regulations shall comply with this Election Ordinance and the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe.

**Section 1.03** Nothing in this Ordinance or any adopted regulations is intended to supersede the prevailing authorities of the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe. The provisions contained in this Ordinance should be interpreted, to the extent possible, in a manner so as not to be in conflict with the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe.

**Section 1.04** If any provision or part of any provision of this Election Ordinance, for any reason be held invalid, unenforceable or contrary to any applicable law, it shall be severed and the remainder of this Ordinance shall not be affected thereby and shall remain valid and fully enforceable.

**Section 1.05** By enacting this Ordinance, the Sauk-Suiattle Tribal Council makes a limited waiver of sovereign immunity to enable the Tribal Court to review certain Protest Filings as described in Article 10. This Ordinance does not, and shall not be construed to, waive in any other manner the sovereign immunity of the Sauk-Suiattle Indian Tribe or its officers or employees to suit in any action arising out of their performance under this Ordinance, except for the limited circumstances described in Article 10; nor does this limited waiver permit in any manner whatsoever the payment of monetary damages or attorneys fees relating to claims arising from election matters.

## **Article 2. GENERAL ELECTION**

### **Section 2.01 General Information**

- (1) Elections for the near expired terms and vacant positions of the Tribal Council shall be held in December. Election Day will be specified in the Notice of Election sent to all eligible voters. Other matters to be decided by the tribal membership may be added to the ballot.
- (2) All voting shall be done in accordance with the procedures described in Article 8 of this Ordinance.
- (3) The Election Board mailing address, where all election material is to be sent is:

Sauk-Suiattle Indian Tribe ATTN: ELECTIONS  
5318 Chief Brown Lane Darrington, WA 98241

- (4) Ballots may also be voted by hand-delivering them into a ballot box in the Tribal Administration Office.

### **Section 2.02 Council Positions on Ballot**

Every year, elections shall be held for the following Tribal Council positions:

- (1) Those regular year terms which are about to expire; and
- (2) Any position that was declared vacant, whether filled by appointment or not, during the previous year. Such position will be filled for the remainder of the unexpired term, as required under Article V. Vacancies and Removal, of the Constitution and By-Laws of the Sauk-Suiattle Indian Tribe.

## **Article 3. ELECTION BOARD**

### **Section 3.01 Appointment and Purpose**

The Tribal Council Chairman shall appoint, with the confirmation of the Tribal Council, an Election Board consisting of five members. At least one member shall also be a current member of the Enrollment Committee. The Election Board ("the Board") shall supervise and administer all elections in conformity with tribal ordinances and the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe.

### **Section 3.02 Qualifications for Membership**

- (1) To be appointed to the Election Board, the appointee must meet the following requirements:
  - (i) Must be 18 years of age at the time of appointment;
  - (ii) Must agree that upon taking the oath of office, he or she is not eligible to become a candidate in the current election, even if he or she resigns prior to Election Day; and
  - (iii) Must agree in writing to serve on the Election Board.

### **Section 3.03 Term**

An Election Board member's term of office is one year, starting from the date of the Oath of Office, and concluding upon the appointment of a new Election Board.

### **Section 3.04 Board Confirmation**

- (1) The Tribal Council shall confirm all Election Board appointments by Tribal Council resolution.
- (2) Election Board appointees shall be sworn into office by the Tribal Council Chairman no later than the first Tribal Council meeting in August, unless otherwise designated by the Tribal Council.

- (3) Before taking office, appointees shall swear or affirm to the oath contained in Section 3.05.
- (4) Any Board Member who resigns or is removed will be replaced by an alternate member appointed by the Tribal Council Chairman, and confirmed by Tribal Council resolution.

**Section 3.05 Oath of Office**

After confirmation by Tribal Council, each appointee to the Election Board shall give the following oath before the Tribal Council Chairman:

I, solemnly swear that I have read the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe and the Election Ordinance of the Sauk-Suiattle Indian Tribe and promise to uphold them. I promise to maintain confidentiality in carrying out all of my duties under the Election Ordinance. I understand and agree that I am not eligible to become a candidate in the current election, even if I resign from the Election Board.

The newly appointed Board Member and the Tribal Council Chairman shall sign and date document.

**Section 3.06 Board Conduct**

- (1) No Board Member shall engage in, sanction, or permit to go unchallenged conduct which could prevent a fair election, such as participation in a Board decision that involves an immediate family member.
- (2) A Board Member may be removed at any time for good cause by resolution of the Tribal Council. At the time of removal, the Chairman will appoint a replacement, with the confirmation of the Tribal Council as described in Section 3.04.

**Section 3.07 General Rules of Procedure**

- (1) The Board shall consist of five (5) members. Three (3) members of the Board shall comprise a quorum to conduct official business.
- (2) The Board shall elect from among their membership a Chairperson, Vice-Chairperson and a Secretary.
- (3) The Board shall act by majority vote, subject to Section 10.02. The Chairman shall vote only in the event of a tie or in the event described in Section 10.02.
- (4) No Board Member shall participate in any decision that involves an immediate family member, and the remaining Board Members shall make such decision outside the presence of the individual(s) with the conflict of interest.

**Section 3.08 Duties of Officers**

- (1) The Board Chairperson shall perform the following duties:
  - (i) Act as the official spokesperson for the Election Board, representing the decisions of the Board in all cases, including but not limited to, protests,

recounts, election results, court hearings, and any other conflicts or issues arising from the election;

- (ii) When representing the Board have in his or her possession the official minutes and motions passed and signed by the Board Chairperson and Secretary; and
  - (iii) Transfer the representation of the Election Board to the Vice-Chairperson in the event that the Chairperson is unable to act as spokesperson in representing the Election Board, such as when there is a conflict of interest.
- (2) The Vice-Chairperson shall fill the duties of the Chairperson in his or her absence, or as delegated.
  - (3) The Secretary shall perform the following duties:
    - (i) Be responsible for all Board correspondence;
    - (ii) Keep accurate records and minutes of all matters transacted or decided by the Election Board; and
    - (iii) Submit to the Tribal Council all approved minutes and resolutions.
  - (4) No other Board Member shall serve as a spokesman for the Board unless so delegated by Election Board resolution.
  - (5) The Board Member who is also a member of the Enrollment Committee, is charged with the responsibility of preparing the Eligible Voter List in consultation with the Enrollment Officer.
  - (6) All Board Members shall maintain the confidentiality of all enrollment or other personal information obtained in the course of their duties, other than as authorized to be disclosed as described in this Ordinance.

**Section 3.09 Authority of Board**

In addition to the authorities necessary to perform the specific mandatory duties delegated to the Board throughout this Ordinance, the Board is delegated the following authorities to be used as necessary and at its discretion:

- (1) Request the Tribal Council Chairman schedule any necessary special Tribal Council meetings for hearings including:

- (i) To notify the Secretary of the Tribal Council to schedule a special Tribal Council hearing in the event an individual appeals his or her exclusion from the Eligible Voter List; and
  - (ii) To notify the Secretary of the Tribal Council to schedule a special council hearing in the event a hearing is needed on a candidacy denial appeal.
  - (iii) Submit a request to the Sauk-Suiattle Police Department for a Sergeant-at-Arms to be present during the counting of the ballots on Election Day;
  - (iv) Contact the Chief Judge to request a court date be scheduled in case a hearing is needed;
  - (v) Recommend to the Tribal Council any supplemental rules or changes in this Ordinance which the Board believes are necessary to achieve an efficient, effective and fair election;
- (5) Develop regulations, if necessary, consistent with Sauk-Suiattle Election Ordinance and Sauk-Suiattle Indian Tribe Constitution and By-Laws subject to approval of the Tribal Council; and
- (6) All other duties, subject to all tribal ordinances and the Sauk-Suiattle Constitution and Bylaws, necessary for efficient and proper administration of Tribal Council elections.

#### **Article 4. NOTICE OF THE GENERAL ELECTIONS**

**Section 4.01** The Election Board shall prepare and send an Election Notice Packet to each eligible voter, at least sixty (60) days prior to Election Day, which shall include the following documentation and information:

- (1) A checklist of items contained in the Packet;
- (2) A statement about the positions to be filled, including the names of the current Council Members whose terms are expiring, and the number of vacant or unexpired terms that shall be filled by the election;
- (3) A Current Eligible Voter List;
- (4) Notification of Election Day, which shall be the deadline for postmarking or submitting ballots to the Election Board;
- (5) A calendar of events setting forth the election deadlines and important dates;
- (6) A Voter Registration Form with return envelope addressed to the Election Board;
- (7) A statement about the method and deadline for declaring candidacy and a Candidate Application Form with return envelope addressed to the Election Board;
- (8) A sample ballot;

- (9) Any other information or notices consistent with this Ordinance necessary to facilitate a fair and efficient election process.

**Section 4.02** Election Notice Packets shall be posted, at least sixty (60) days prior to Election Day, at the following locations:

Web Page: [www.sauk-suiattle.com](http://www.sauk-suiattle.com)

Sauk-Suiattle Social Service Building Location Address:

5318 Chief Brown Lane  
Darrington, WA 98241-9420

Sauk-Suiattle Tribal Administration Offices Location Address:

5318 Chief Brown Lane  
Darrington, WA 98241-9420

Sauk-Suiattle Longhouse

Location Address:

5306 Chief Brown Lane Darrington, WA 98241

Bureau of Indian Affairs Location Address:

Puget Sound Agency 3006 Colby Avenue  
Everett, WA 98201

Sauk-Suiattle Natural Resources Building "Big Shop"

Location Address: Mile Post 47.1 SR Hwy. 530 43724 SR 530  
Arlington, WA 98223

Education

Location Address:

5318 Chief Brown Lane  
Darrington, WA 98241-9420

Police Department

Location Address:

5318 Chief Brown Lane  
Darrington, WA 98241-9420

**Section 4.03** The Election Board shall place in the U.S. mail the Election Notice Packets addressed to the most recent address of record for each individual listed on the Eligible Voter List at least sixty (60) days prior to Election Day. It is the responsibility of the voter to advise the Election Board of his or her current address.

**Section 4.04** Election Notice Packets shall be available at least sixty (60) days prior to Election Day at the Sauk-Suiattle Administrative Offices during regular business hours.

## **Article 5. ELIGIBILITY TO VOTE AND REGISTRATION**

### **Section 5.01 Eligible Voter List**

- (1) Any Sauk-Suiattle tribal member who is at least eighteen years of age on Election Day is eligible to vote.
- (2) The Election Board shall prepare and update as necessary a list of all eligible voters, the Eligible Voter List in coordination with the Enrollment Officer, who shall provide verification of membership for each person on the Eligible Voter List; and
- (3) The Election Board shall distribute the Eligible Voter List in the Election Notice Packet.
- (4) The Election Board shall update the Eligible Voter List upon receipt of new information regarding eligibility. In the event an individual is removed from or added to the Eligible Voter List that was sent in the Election Notice Packet, that individual will be so notified by certified mail. An individual that is removed from the list may appeal such decision as described in Section 5.02.

### **Section 5.02 Appeal of Exclusion or Removal from the Eligible Voter List**

- (1) An individual who is excluded (or removed) from the Eligible Voter List may appeal to the Tribal Council. An appeal must be in writing, state the basis on which the individual should be included on the list, and be received (either by mail or hand delivery) by the Tribal Council Chairman (or other Council officer in the event the Chairman is a candidate in the current election) no later than noon on the Wednesday before the first Friday in November.
- (2) The Tribal Council shall hold a hearing on any properly submitted appeal on the first Friday in November. At the hearing, the Election Board Chairman will present the reason for omission from the list. The individual appealing will be given the opportunity to speak on his or her own behalf and present any relevant documentation.
- (3) At the conclusion of the hearing, the Tribal Council shall, by resolution, either affirm the decision of the Election Board or order that the individual be added to the Eligible Voter List. In either case, the Tribal Council shall immediately give written notice of its decision (in the form of the resolution) to the Election Board and the individual.

### **Section 5.03 Voter Registration Form**

The Voter Registration Form provides the Election Board with an eligible voter's current address, date of birth, and signature. All tribal members must have a Voter Registration Form on file with the Election Board in order to be sent a ballot. Voter Registration Forms do not need to be submitted every year and will remain on file with the Election Board for succeeding years' elections. However, in the event a voter moves, an updated Voter Registration Form must be submitted to ensure the voter receives his or her ballot by mail at the correct address.

Voter Registration Forms shall be included in the Election Notice Packet. In order for the voter to receive a ballot by mail, any new or revised registration form must be received by the Election

Board no later than the Mail Ballot Registration Deadline, which shall be two working days after the first Friday in November. A voter may also register at the the Tribal Administration Office on the date of the General Membership meeting or on Election Day. If a ballot is prepared at the time of the Voter's registration, the Voter shall receive a Ballot.

In order to request a blank Voter Registration Form, a voter should contact the Election Board at (360) 436-0131 and one will be mailed or faxed. Voter Registration Form's may be downloaded from the Tribe's website at [www.sauk-suiattle.com](http://www.sauk-suiattle.com).

## **Article 6. CANDIDACY**

### **Section 6.01 Eligibility**

- (1) In order to be a candidate in the election, an individual must be at the time of filing Candidacy Application Form:
  - (i) An enrolled member of the Sauk-Suiattle Indian Tribe; and
  - (ii) At least 21 years of age.
  
- (2) Disqualifying criteria for candidacy:
  - (i) No member of the Election Board shall be eligible to be a candidate in the current election, even if that individual shall resign from the Election Board prior to Election Day.
  - (ii) No member of the Sauk-Suiattle Trust Corporation shall be eligible to be a candidate in the current election (see SSIT Trust Corporate Charter).

### **Section 6.02 Application**

- (1) In order to declare intent to be a candidate, an individual must submit (via mail or hand delivery) a signed, notarized, Candidacy Application Form (available at the Tribal Administration Office) to the Election Board at the following address:

Sauk-Suiattle Indian Tribe  
ATTN: Election Board  
5318 Chief Brown Lane  
Darrington, WA 98241
  
- (2) The Candidacy Application Form will contain a statement that the candidate declares, by signing the Form, that he or she does not hold membership in another tribe. The Candidacy Application Form will also contain a statement that the candidate authorizes, by signing the Application Form, the Enrollment Clerk to disclose all relevant information relating to verification of enrollment and date of birth.
  
- (3) Candidacy Application Forms must be received, regardless of post-mark date, by the Election Board no later than 4:30 p.m. on the date of the Candidacy Application Deadline,

which shall be established by the Election Board on the election calendar, and which shall be no earlier than fourteen calendar days after the mailing and posting of the Election Notice Packet and no later than eighteen calendar days before the first Friday in November.

### **Section 6.03 Certification**

- (1) The Election Board shall prepare a Candidate Certification Record for each individual who submits a Candidacy Application Form. The Candidate Certification Record shall contain the following information:
  - (i) Signed Candidacy Application Form;
  - (ii) Verification of Enrollment and date of birth signed by the Enrollment Officer or Council Chairman; and
  - (iii) A duly approved resolution of the Election Board that finds the individual either eligible or not eligible to be a candidate for office. If determined to be not eligible, a copy of the denial letter sent to candidate that details the reason(s) for denial and how to appeal.
- (2) Election Board determinations of eligibility shall be by resolution.
- (3) No less than seven calendar days and no more than ten calendar days after the Candidacy Application Deadline, the Election Board shall post the Certified Candidates List in the locations identified in Section 4.02.
- (4) The Election Board will send a copy of the Certified Candidates List via overnight mail to each individual that submitted an application.
- (5) If the Election Board has determined that an individual is not eligible, the individual shall also receive a statement explaining the basis for denial and explaining the procedure for appeal as described in Section 6.05.

### **Section 6.04 Notice to Voters of Certified Candidates**

The Election Board shall mail the Certified Candidates List to all persons on the Eligible Voter List on the same day the candidates are certified. The Certified Candidates List shall also be posted that same day at the locations identified in Section 4.02.

### **Section 6.05 Appeal of Certification Denial**

- (1) Any individual that submitted a Candidate Application Form who is not included on the Certified Candidates List may appeal the Election Board's decision to the Tribal Council.
- (2) An appeal must be in writing, state the basis on which the individual believes he or she should have been certified, and be received (either by mail or hand delivery) by the Tribal Council Chairman (or other Council officer in the event the Chairman is a candidate in the current election) no later than the noon on the Wednesday before the first Friday in

November.

- (3) The Tribal Council shall hold a hearing on any properly submitted appeal on the first Friday in November. At the hearing the Election Board Chairman will present the reason for denial of candidacy. The applicant appellant will be given the opportunity to speak on his or her own behalf, and submit any relevant documentation.
- (4) At the conclusion of the hearing, the Tribal Council shall, by resolution, either affirm the decision of the Election Board or order that the applicant appellant be added to the Certified Candidate List. In either case, the Tribal Council shall immediately give written notice of its decision (in the form of the resolution) to the Election Board and the appellant.

#### **Section 6.06    Withdrawal from Candidacy**

- (1) A candidate may withdraw his or her candidacy by submitting a signed and notarized statement requesting removal from the Certified Candidates List and the ballot. A request to be removed will be final and non-reversible.
- (2) If a candidate withdraws after certification of candidacy, notice of withdrawal shall be mailed to all eligible voters within two working days of receipt by the Election Board of such statement.
- (3) Failure of any voter to receive actual notice of a candidate's withdrawal shall not be grounds for an election protest provided the Election Board complied with the notice required of this section.
- (4) If the notice of withdrawal is received after ballots have been sent to voters, the withdrawn candidate's name will still be on the ballot. In that event, any vote cast for the candidate shall not be counted but such vote shall not invalidate the entire ballot.

### **Article 7.            BALLOT PREPARATION**

#### **Section 7.01    Ballot Contents and Format**

- (1) The ballots shall clearly identify all those on the Certified Candidates List.
- (2) Candidates shall be listed on the ballot alphabetically by last name.
- (3) Instruction shall be printed on each ballot stating the number of candidates that each voter may vote for and how to vote.
- (4) A box shall appear next to the name of each candidate to be filled in by voter to indicate a vote for that candidate.
- (5) The ballot shall contain a statement that write-in votes are not valid, will not be counted, and will result in invalidation of the entire ballot.
- (6) Other measures to be voted on in the election shall be clearly identified.

**Section 7.02 Type and Amount**

Regular Ballots: The same number of regular ballots shall be prepared as the number of eligible voters.

Replacement Ballots: A reasonable surplus of ballots shall be prepared for use as replacements, which shall be identified as "Replacement #" on the numbered corner that is clipped.

Sample Ballots: The Election Board shall prepare sample ballots in the same form as regular ballots but without the names of the candidates or other ballot measure. Sample ballots shall be clearly marked "sample" and shall be mailed with the Election Notice.

**Article 8. VOTING**

**Section 8.01 Generally**

All voting shall be done by mail or hand delivery of the mail-in ballot.

Each eligible voter who has registered by the Mail Ballot Registration Deadline, which shall be two working days after the first Friday in November, will be sent, by mail, a ballot packet which shall include instructions for voting. Eligible voters who have not registered by the Mail Ballot Registration Deadline may register in person at the Tribal Administration Office on Election Day and receive a ballot at that time, which may be voted and hand delivery.

Each voter shall vote only once using only one ballot, unless properly replaced.

Only official ballots properly marked shall be counted.

**Section 8.02 Voting**

- (1) All eligible voters must vote in accordance with the following procedures:
  - (i) The Election Board will mail out ballots to all eligible voters who have registered by the Mail Ballot Registration Deadline at least twenty-one (21) calendar days before the Election Day.
  - (ii) The voter will receive a ballot form from which the identification number has been cut off.
  - (iv) The voter shall vote for no more than the number of positions to be filled which shall be specified in the instructions.
  - (v) Write in candidates are not allowed and will invalidate the ballot. The Election Board shall only count valid votes for eligible candidates printed on the ballot.

- (2) After the voter votes for the appropriate number of candidates, he or she shall:
  - (i) Place the ballot in the envelope marked "BALLOT ENVELOPE DO NOT MARK."
  - (ii) Place the ballot envelope in the envelope marked "AFFIDAVIT OF VOTER" and sign and date the envelope and legibly print their name. Both the voter's signature and legibly printed name must be on the envelope in order for the ballot to be valid.
  - (iii) Place the affidavit envelope in the large self addressed and stamped return envelope marked "ELECTIONS" above the return address.
  - (iv) Ballots must be received, regardless of post-mark date, by the Election Board no later than 4:30 p.m. Election Day. Any ballot received after 4:30 p.m. on Election Day, regardless of post-mark date, will be invalid. The ballot will be counted "invalid" as part of the reconciliation process.
- (3) The Election Board will check the signature against the signature on the "Voter Registration Form."
- (4) If an eligible voter does not receive or misplaces his or her ballot, he or she may obtain a replacement ballot from the Election Board.

**Section 8.03 Assistance to Disabled Voters**

- (1) The Election Board may, at its discretion, provide reasonable assistance to a voter who is disabled and requires help in completing the Voter Registration Form or the ballot.
- (2) Disabled voters are encouraged to contact the Election Board to request assistance. A request for assistance must be in writing, or if verbal, it must be communicated to at least two Election Board members. If the request was verbal, the two board members shall sign a statement reporting the request. The request should be detailed and explain what specific assistance is needed.
- (3) The Election Board shall consider the request and take reasonable measures to assist, or arrange for assistance. A grant of a request for assistance is subject to the discretion of the Election Board and that decision is final.
- (4) In the event the Election Board authorizes such assistance, the Election Board Members must take every precaution to insure that the disabled person is voting according to his or her own free will and that the secrecy of the ballot is maintained to the greatest degree possible.

**Section 8.04 Election Board Procedure for Receipt and Processing of Ballots**

The Election Board will adhere to the following procedures:

- (1) The Board shall prepare a Ballot Record Form, which shall serve as the recording log for

processing of ballots. Entries are made by a member of the Election Board only when at least two members are present. This Form is a list of eligible voters on Election Day.

- (2) Upon receiving a completed, dated, and signed Voter Registration Form, the Election Board will:
  - (i) Record the received date;
  - (ii) Enter the full legal name of the voter;
  - (iii) Enter the selected source for signature verification; and
  - (iv) The processors will initial and date the Ballot Record Form.
  
- (3) Upon receiving the ballot the Election Board members will:
  - (i) Check the outer envelope for time of receipt and record entry on Ballot Record Form.
  - (ii) Check the 2<sup>nd</sup> inner envelope "AFFIDAVIT OF ABSENTEE VOTER" signature against the Voter Registration Form.
    - a. Enter the full legal name of the voter on the Ballot Record Form.
    - b. Initial and date the Ballot Record Form.
  - (iii) Place the sealed "BALLOT ENVELOPE DO NOT MARK" containing the ballot into the ballot box so long as it meets the above requirements.
  - (iv) Place the sealed envelopes in a secure receptacle to be dealt with by the Election Board during the reconciliation and audit process pursuant to Section 9.05, herein, "RECONCILIATION & AUDIT REPORT OF THE ELECTION BOARD" if it does not meet the above requirements.

## **Article 9. RESULTS OF ELECTION**

### **Section 9.01 General Process for Counting of Ballots**

On the day that the Election Board certifies the election results, the Election Board shall count all ballot in the presence of a Sauk-Suiattle Law Enforcement Officer.

The Election Board shall remove all envelopes marked "BALLOT ENVELOPE DO NOT MARK" from the ballot box.

The Election Board shall carefully remove each ballot from the envelope marked "BALLOT ENVELOPE DO NOT MARK."

- (1) The Election Board shall check ballot for any irregularities. An irregularity occurs when the

Election Board evaluates the ballot and determines that the intent of the voter cannot be determined or there is substantial evidence that the ballot has been tampered with. Examples of irregularities include, but are not limited to: a ballot that has more candidates selected than vacancies to be filled, a ballot containing a "write in candidate," a ballot that is unreadable due to mutilation or other cause, and a ballot that has been marked in a location that cannot be associated with only one candidate, a ballot that has been opened after mailing by any person other than the members of the Election Board. If three Election Board members agree that the ballot contains any irregularity, the Election Board shall invalidate the ballot and the vote(s) shall not be counted in the tally.

- (2) The Election Board shall place all ballots with irregularities in a large envelope. The Election Board will process these ballots in accordance with the Reconciliation and Audit procedures.
- (3) The Election Board shall count all the ballots at least three times and create a list of number of votes received by each candidate.
- (4) After the Election Board tallies the number of votes cast for each candidate, it shall list the candidates in order from highest number of votes received, to lowest. Starting with the candidate with the most votes and proceeding down the list in order, it shall certify as winners the number of persons needed to fill the positions. For example, if three positions are to be filled the three candidates with the highest numbers of votes shall win the election. In the event that unexpired terms are being filled, see Section 9.02.

#### **Section 9.02 Filling Unexpired Terms**

If an unexpired term must be filled as well as the regular full terms, those candidates who received the highest number of votes will fill the available full terms, and the next highest candidate will fill the unexpired term. In the event there are more than one unexpired terms, the candidates will fill the terms in order of votes-he or she with more votes will fill the longer unexpired term.

#### **Section 9.03 Certification of Election**

- (1) Certification of the election results setting out the official count shall be made by a formal Election Board resolution.
- (2) A certifying resolution will be filed with the Secretary of the Tribal Council five working days after Election Day, consistent with Article III of the Bylaws of the Sauk-Suiattle Indian Tribe.
- (3) A copy of the certification resolution shall be posted at the locations identified in Section 4.02.
- (4) The Election Board shall send each candidate a copy of the certification via overnight mail on the date of certification.

#### **Section 9.04 Recounts**

- (1) Any candidate may submit a notarized request for a recount no later than noon on the second

working day after the certification of the election results. The Election Board may grant the request if it determines by resolution that:

- (i) A vote is so close as to justify a recount, OR
  - (ii) There is some evidence of irregularity sufficient to justify a recount.
- (2) In the event the Election Board grants the recount request, two members of the Tribal Council whose positions were not up for election shall participate with the Election Board in the actual recounting of ballots. The Election Board's decision whether to have a recount shall be final.

#### **Section 9.05 Reconciliation & Audit Report of the Election Board**

- (1) After all ballots have been counted by the Election Board including unused ballots, ballots invalidated due to irregularities as described in Section 9.01(1), "spoiled" ballots, and replacement ballots, they shall be placed in a secured envelope to prevent tampering. The certification of the general election results shall be backed by an Election Board "RECONCILIATION & AUDIT REPORT OF FINDINGS."
- (2) The Election Board shall count all ballots to compare the total number of ballots sent out against the number of ballots received.
- (3) The legitimate ballots shall be listed by the number counted and accounted for at the time of the reconciliation audit.
- (4) Outstanding ballots shall be noted and listed by the number not accounted for at the time of the reconciliation audit.
- (5) Invalidated ballots shall be noted and listed by the number of ballots invalidated at the time of the reconciliation audit.
- (6) "Spoiled ballots" shall be noted and listed by the number of ballots marked as "spoiled" from the course of the elections process at the time of the reconciliation audit. The number of "spoiled" ballots should equal the number of "replacement ballots" issued during the course of the election.
- (7) Unused ballots shall be noted and listed by the number remaining.
- (8) After accounting for the ballots as described above, the Election Board shall seal the envelope and at least three board members sign the back where the seal occurs as witnesses to each others' signatures.
- (9) Finally, the Election Board shall tape over the signatures of the board members with clear tape.

#### **Section 9.06 Retention of Ballots**

After the count has been made official and winners certified, all ballots should be placed by the Election Board in a marked, sealed envelope and placed in a locked file. After thirty (30) days all ballots shall be destroyed in the presence of the Election Board and the Tribal Chairman unless a

protest has been made contesting the election, in which case the ballots shall be kept until the hearing process concludes. The official results of the election shall be recorded and kept in Tribal Council archives.

### **Section 9.07 Run-Off Election**

- (1) In the event of a tie, unless one candidate withdraws, a run-off election will be held. Ballots will be sent out no later than two working days after the certification of the initial election results.
- (2) The election board shall mail ballots to all eligible voters.
- (3) To be valid, the returned ballot must be received, regardless of post-mark date, by the Election Board no later than 4:30 p.m. the Run-Off Election Day, which shall be established by the Election Board on the election calendar.
- (4) The results of the run-off election shall be certified on a date established by the Election Board in the election calendar.
- (5) The deadlines for requesting a recount of the run-off election results, protesting the run-off election results, and holding a hearing on any protest of the run-off election results shall be established by the Election Board in the election calendar, and shall, to the extent practicable, be set so that the newly-elected Tribal Council members can be seated at the regular Council meeting in January.
- (6) The rules governing the General Election, such as secrecy of the ballots, counting the ballots, invalidation of ballots and certification of winners, shall all apply to the run-off elections.

## **Article 10. ELECTION PROTEST**

### **Section 10.01 Filing**

- (1) Any eligible voter may file a protest with the Election Board no later than noon on a date set by the Election Board in the election calendar, which shall be no earlier than two working days after the certification of the election results. The protest must be in writing and must state:
  - (2) The name of the person protesting;
  - (3) The specific facts on which the protest is based;
  - (4) The specific section of the Election Ordinance or the Constitution and By-laws that the protest claims has been violated;
  - (5) That the protester must have first-hand knowledge of the facts complained of in the protest;
  - (6) An address and phone number where the protestor may be notified, directly or by message.

### **Section 10.02 Review by Election Board**

The Election Board shall review any protest and shall notify the Court and protester that a hearing will take place, as previously scheduled by the Board, unless the Election Board finds, by unanimous vote, that the protest fails to meet the requirements of Section 10.01.

**Section 10.03 Court Hearing**

In the event a protest hearing is needed, it shall take place on a date set by the Election Board in the election calendar, which shall be no more than fourteen working days following Election Day at 11:00 a.m. in the Sauk-Suiattle Tribal Courtroom. The Court may hear testimony from all persons with firsthand knowledge of the facts and any other evidence that it deems necessary and relevant to resolving the dispute. If the protester or representative fails to appear at the hearing the Court shall dismiss the protest without hearing.

**Section 10.04 Protest Decision**

- (1) The Court's power at a protest hearing shall be limited to the power to declare the election invalid and order a new election.
- (2) The Court shall consider all evidence presented in the written protest, evidence submitted by the Election Board, and testimony and argument presented at the hearing.
- (3) If after consideration of all the evidence the Court finds clear and convincing evidence that the a violation of Sauk-Suiattle law occurred and that violation affected the outcome of the election, the Court shall vacate the election results and order a new election to take place prior to the first Friday in January. The Court shall issue a written decision.

**Article 11. ELECTIONEERING DISRUPTION OF ELECTIONS PROHIBITED**

**Section 11.01** No person shall unduly disrupt the election process in any way. No person may harass, coerce, or intimidate an Election Board Member in any way.

**Section 11.02** Failure to comply with this Article may result in criminal charges pursuant to the Sauk-Suiattle Indian Tribe's Law and Order Code.

**Article 12. RETAINED LEGISLATIVE AUTHORITIES**

**Section 12.01** Except as explicitly delegated herein, the Tribal Council of the Sauk-Suiattle Indian Tribe shall retain all authorities pursuant to the Sauk-Suiattle Constitution and By-Laws, including but not limited to, declaring a new election schedule under the following circumstances:

- (1) The election is off schedule due to an unavoidable condition and the only corrective means available is to reorder a new Election Schedule.
- (2) The Election Board, by majority vote, determines that there are major violations, irregularities, or inconsistencies in compliance with the Election Ordinance or the

Constitution and By-Laws of the Sauk-Suiattle Indian Tribe. It is the Election Board Chairman's duty to notify the Tribal Council of the violations, irregularities or inconsistencies and to request the Tribal Council declare the need for a new election schedule. A report of the findings of the violations, irregularities, or inconsistencies shall be presented in writing to the Tribal Council.

## **Article 13. INSTALLATION OF NEW COUNCIL MEMBERS**

**Section 13.01** Installation of newly elected members of the Tribal Council shall take place at the first Regular Council meeting following the completion of the election process.

**Section 13.02** The seated Tribal Council shall be the governing body of the Tribe until authority has been passed. Exiting Tribal Council members shall hold office until their successors take the oath of office and are seated to the Sauk-Suiattle Tribal Council at the first regular meeting. The individual authority of office and installation shall commence at the time of oath of office.

**Section 13.03** The outgoing Tribal Council Members will return all Sauk-Suiattle Indian Tribal property (documents and equipment) in their possession to the Tribal Chairman upon installation of the new Tribal Council members. Failure to transfer tribal property shall result in a penalty not to exceed five hundred dollars (\$500.00).

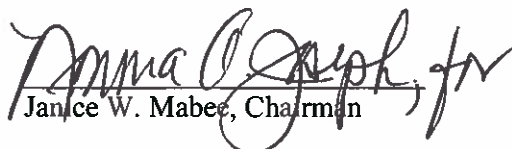
**Section 13.04** All terms of office start on the first Friday in January to maintain the consistency of the staggered terms of office, whether:

- (1) A particular elected individual is installed on that day; or
- (2) A particular appointed individual is installed later by virtue of a mid-term vacancy; or
- (3) At the result of an election dispute; or
- (4) Other contingency cited under the Constitution and By-Laws of the Sauk-Suiattle Indian Tribe.

### **CERTIFICATION**

Pursuant to the authority contained in Article IV, Section 3 of the Constitution and Bylaws of the Sauk-Suiattle Indian Tribe, the foregoing ordinance was enacted by the Sauk-Suiattle Tribal Council at a regular Council meeting held on September 8, 2010, at which a quorum was present, by a vote of: 4 For, 0 Against, 1 Abstain, and 2 Absent.

Attest:

  
Janice W. Mabe, Chairman

  
Nancy DeCoteau, Secretary