

TITLE 29
LUMMI NATION CODE OF LAWS
ELECTIONS CODE

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**TITLE 29
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**Chapter 29.01 Election and Certifying
Committees**

29.01.010 Election Committee

(a) There is hereby established a Tribal Elections Committee for all Lummi Indian Business Council elections. The committee shall consist of the entire membership of the Tribal Enrollment Committee.

(b) The Tribal Elections Committee shall be responsible for the conduct of the primary, general, and special elections. It shall have the power to enforce rules and regulations adopted by the Lummi Indian Business Council which govern the conduct of those elections.

**29.01.020 Election Committee
Alternates and Conflicts of Interest**

(a) The Lummi Indian Business Council shall appoint no fewer than three and no more than seven eligible voters to serve as alternate Tribal Election Committee members in the event that any member of the Enrollment Committee is unable or unwilling to serve as a member of the Tribal Elections Committee.

(1) Members appointed under this section shall serve as alternate members of the Election Committee until they resign, or are replaced by the Lummi Indian Business Council no later than October 1 of each year.

(b) No person shall serve on the Tribal Elections Committee who is a candidate or who is directly related to any candidate for office.

(1) For the purposes of this subsection, "directly related" shall mean that the committee member is the son, daughter, husband, wife, mother, father, sister, or brother, aunt, uncle, niece, nephew, grandmother, grandfather, grandson, granddaughter, or a step- or in-law of any of the above relations. These relations include those related by adoption.

29.01.030 Certifying Committee

The Certifying Committee shall be appointed by the General Council according to Article III – General Council, Section 3(d) of the Lummi Constitution to certify all elections to the Business Council.

Chapter 29.02 Voter Registration

**29.02.010 Only Registered Voters May
Vote**

(a) To be eligible to vote in a tribal primary, general, or special election a person shall be registered to vote in accordance with these regulations.

(b) Any member of the Lummi Tribe, qualified under the Lummi Constitution, who is registered to vote, may exercise the right to vote on all matters before the Lummi General Council, including primary, general, and special elections of the Lummi Indian Business Council.

29.02.020 Voter Qualifications

Only persons meeting the following qualifications shall be eligible to vote:

(a) The person must be eighteen (18) years of age as of the date of registration.

(b) The person must be an enrolled member of the Lummi Indian Tribe as of the date of registration.

(c) The person must have maintained legal residence on the Reservation or within Whatcom County for the six (6) months immediately preceding the date of registration.

(1) As used in this regulation, "legal residence" shall mean actual physical presence and maintenance of a home within Whatcom County. Any person challenged on their "residency" shall be required to provide documented proof of residence. For the purposes of these regulations, a student, a person serving in the Armed Forces, or a person in a rest home shall be

considered to have a legal residence within Whatcom County during the time he is a student, or in the Armed Forces, or in a rest home elsewhere, provided that he maintained a legal residence within the County immediately prior to departing to attend school, or serve in the Armed Forces, or enter the rest home.

29.02.030 Preparation of Voters List

(a) The Tribal Elections Committee shall prepare an initial list of registered voters no later than November 30th of each year, which shall consist of all persons who have registered since preparation of the last initial list or who have voted in at least one of three immediately preceding primary or general elections of the Lummi Indian Business Council.

(1) This list of registered voters shall be updated for every election.

(b) The initial list shall be posted in not less than four (4) public places within the exterior boundaries of the Reservation and published in the tribal newspaper, or other tribal publication, at least thirty (30) days prior to the primary election each year.

29.02.040 Registration Process

(a) Persons may have their names added to the list by registering at the enrollment/election office at the Tribal Office, on forms provided for that purpose, and by presenting satisfactory proof that the qualifications for registration have been met according to 29.02.020.

(1) It is the direct responsibility of the voter to maintain an updated mailing address with the enrollment/elections office.

(b) Voter Registration Forms shall be accepted during regular working hours:

(1) Up to (and including) fifteen (15) calendar days prior to a primary election or special election in order to be eligible to vote in that primary or special election; or

(2) Up to (and including) ten (10) calendar days prior to a general election in order to be eligible to vote in that general election.

29.02.050 Registration Appeal and Voter's List Challenge

(a) Any person whose application is rejected by the enrollment/elections staff shall have the right to an appeal to the Tribal Elections Committee. .

(b) Any member of the tribe who is registered to vote may challenge the inclusion of any person on the registered voters list.

29.02.060 Registration Appeal and Voter's List Challenge Process

(a) All appeals and challenges must be made in writing and submitted to the enrollment/election office within ten (10) calendar days prior to the primary, general or special election.

(b) Any response to a challenge must be filed by the challenged voter within five (5) calendar days of the challenge.

(c) A hearing shall be held by the Tribal Elections Committee within five (5) calendar days from the receipt of an appeal and between the 6th and 8th day from the receipt of a challenge.

(d) The decision of the Tribal Elections Committee concerning the appeal or challenge shall be final.

Chapter 29.03 Lummi Indian Business Council Positions

29.03.010 Positions Designated

(a) There shall be eleven seats on the Lummi Indian Business Council. These seats shall be designated by the letters A through K.

(b) Unless changed by the Lummi Indian Business Council, the following positions are open to persons living off the Reservation.

- Position A (held by Henry Hillaire on January 11, 1979)

- Position G (held by John Finkbonner on January 11, 1979)

- Position H (held by James McKay on January 11, 1979)

- Position I (held by Forrest Kinley on January 11, 1979)

The remaining positions are open only to

persons living on the Reservation and are designated as follows:

- Position B (held by William Jones on January 11, 1979)
- Position C (held by George Adams on January 11, 1979)
- Position D (held by James Wilson on January 11, 1979)
- Position E (held by Larry Kinley on January 11, 1979)
- Position F (held by Vernon Lane on January 11, 1979)
- Position J (held by James Adams on January 11, 1979)
- Position K (held by Sam Cagey on January 11, 1979)

29.03.020 Filing Petitions for LIBC Positions

(a) The Tribal Election Committee, through the enrollment/election staff, shall accept filing by potential candidates for specific positions.

(b) Each potential candidate shall be nominated by a petition signed by not less than 20 registered voters of the Lummi Indian Tribe.

(c) At the time a potential candidate obtains a petition from the enrollment/election staff, the potential candidate shall declare which position he seeks. The enrollment/election staff shall insert the position letter on the petition and record the potential candidate's name under that position in the records of the Election Committee.

(d) Once a potential candidate has obtained a petition for a specific position, he shall not be allowed to change to a different position.

(e) Forms for the petitions can be obtained from the enrollment/election staff beginning on the second Monday in December. Signed petitions shall be accepted during regular working hours until 4:30 p.m. on the fourth Friday in December.

(i) Should any date in this section fall on a Tribal holiday, the date shall be automatically extended to the next business day.

29.03.030 Filing Fees

Each potential candidate must pay a \$25.00 filing fee upon submitting a signed petition to the enrollment/elections staff. The filing fee will be refunded only if the Election Committee does not approve the potential candidate's petition because it does not meet the requirements of this chapter. Filing fees shall be restricted to help pay for the expenses of the election.

29.03.040 Campaign Conduct

Each candidate shall sign and submit with the petition and filing fee the candidate's agreement to abide by the following campaign rules:

(a) Candidates and their supporters have not gathered signatures on the candidate's petition in LIBC administrative, business, education, health, or enterprise offices or working spaces.

(b) Candidates and their supporters shall not campaign within 100 feet of LIBC administrative, business, education, health, or enterprise offices or working spaces, or election polling stations. "Campaign," for purposes of this sub-section, means the use of words or actions intended to persuade a potential voter to vote for or against a particular candidate or ballot measure. This sub-section shall not apply to a tribally sponsored or approved candidates' forum or public meeting or assembly.

(c) Candidates and their supporters shall not post campaign signs within 100 feet of LIBC administrative, business, education, health, or enterprise offices or working spaces, or election polling stations.

(d) Candidates and their supporters shall not use the Lummi Nation logo, or the logo of any LIBC entity, on any campaign materials.

Chapter 29.04 Elections

29.04.010 Primary Elections

(a) A primary election shall be held on the first Saturday following the opening of the annual General Council meeting, at the Lummi Tribal headquarters (Old Naval Facility).

(b) Polls shall be open from 8:00 a.m. to 8:00 p.m. on that date. At least one member of the Tribal Elections Committee and at least one member of the Certifying Committee shall be present during the time the polls are open.

(c) All voting at the general and primary elections shall be done by secret ballot.

(d) The two candidates who receive the highest number of votes for each position shall be certified to the general election. In the event only one or two candidate(s) file for a given position, there shall be no primary election for that position and those candidates shall be certified to the general election.

(e) No write-in ballots shall be cast or counted in any primary election or any other election under this Chapter.

29.04.020 General Elections

(a) The general election shall be held on the third Saturday following the opening of the annual general council meeting at the Lummi Tribal headquarters (Old Naval Facility).

(b) The polls shall be open from 8:00 a.m. to 8:00 p.m. on that date. At least one member of the Election Committee and at least one member of the Certifying Committee shall be present during the time the polls are open.

(c) All voting at the general and primary elections shall be done by secret ballot.

(d) The candidate receiving the highest number of votes for each position shall be elected.

(e) The Certification Committee of the General Council shall certify the results of the election immediately following the counting of the votes and deliver the certification to the Lummi Indian Business Council at its first regular February meeting.

(1) As used in this Chapter, the word "certify" shall mean to report to the L.I.B.C. the vote totals for each position together with a listing of all defects or irregularities noted by the Certifying Committee.

(f) No write in ballots shall be cast or counted in any general election or any other election under this Chapter.

Chapter 29.05 Absentee Procedures

29.05.010 Absentee Ballots Authorized

In both the primary and general elections, absentee balloting shall be allowed. Absentee ballots must be filed with the election committee prior to the close of voting on the day of election. No ballots received after the close of voting shall be counted, even though they were mailed prior to the end of voting. Absentee ballots must be mailed or hand-delivered to the elections committee.

29.05.020 Absentee Ballot Regulations

(a) Each person applying for an absentee ballot must fill out and sign an application. No absentee ballots will be issued unless the application is completed. Applications shall be available during regular working hours until 5:00 P.M. on the Friday before the election. The voter's signature on the application shall be the equivalent of signing the voting list at the time of voting. If an application is requested by mail, the election committee shall enter the voter's name on the voters' list as though the voter had signed the list. The voter shall be deemed to have voted at the time the absentee ballot is picked up by him or mailed or otherwise delivered to him.

(b) The signature on the absentee application shall be compared with the individual's signature on the registration list.

(c) When a proper application is received by the election/enrollment staff, a ballot shall be issued in the name of the applicant. A list of persons who have received a ballot shall be kept.

(d) The absentee ballot shall consist of a paper ballot listing the names of the candidates by position, an instruction sheet, an inner envelope and an outer envelope.

(e) When voting, the voter shall mark his ballot and place it in the inner envelope and seal it. The inner envelope is then placed inside the outer envelope and sealed. The

outer envelope is then signed and delivered to the election/enrollment staff and/or committee.

(f) The election committee shall compare the signature on the outer envelope with the signature on the application and the signature on the registration list. If the signatures match, the outer envelope shall be opened and the inner envelope shall be deposited in the absentee ballot box.

(g) 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. At the closing of the polls, the election/enrollment committee shall open the rejection box and allow any interested voter to challenge the rejection of any ballot. 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.

(h) The absentee ballot box shall not be opened until the close of voting on the day of the election and until the challenges are resolved. When the ballot box is opened, the inner envelopes shall be opened and the ballots counted. In the event that a voter has voted for more than one candidate for any given position, the vote for that position shall be invalidated but the remainder of the ballot shall be counted.

(i) If an eligible voter is sick or shut-in and unable to get to the polls on election day, one member of the election/enrollment committee and one member of the General Council certifying committee shall go to his residence at his request during the week preceding the election. They shall take an absentee application and ballot with them to the voter.

Chapter 29.07 Recall

[Repealed Resolution 93-43, March 23, 1993][Note: See Resolution 97-147 and 97-151 for Recall procedures].