

SKOKOMISH TRIBAL ELECTION ORDINANCE

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TABLE OF CONTENTS

GENERAL PROVISIONS

1.02.001	Title
1.02.002	Purpose
1.02.003	Scope

ELECTIONS

1.02.010	Voters
1.02.011	Notice of Elections
1.02.012	Polling Places and Times
1.02.013	Election Committee
1.02.014	Election Committee Authority and Responsibility
1.02.015	Election Committee Oath
1.02.016	Nomination Procedures
1.02.017	Recall Petitions and Elections
1.02.018	Initiatives
1.02.019	Ballots
1.02.020	Quorum
1.02.021	Election to Office
1.02.022	Polling Regulations

SPECIAL PROVISIONS

1.02.030	Rescheduled Elections
1.02.031	Challenges
1.02.032	Certification of Elections and Inauguration
1.02.033	Election of Tribal Council Officers
1.02.034	General Council President Compensation
1.02.035	Severability

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General Provisions

1.02.01 Title

The following ordinance shall be known as the Skokomish Tribal Election Ordinance.

1.02.02 Purpose

The purpose of this ordinance is to ensure that procedures used in the Skokomish Tribal Elections are legal, consistent, fair and efficient.

1.02.03 Scope

This ordinance shall govern all election procedures including election for Tribal Council members, General Council President, initiatives, recall petitions, and any other ballot issues, for the Skokomish Tribe.

Elections

1.02.010 Voters

All persons 18 years or older who are enrolled members of the Skokomish Tribe shall be eligible to vote in elections governed by this ordinance.

1.02.011 Notice of Elections

Notice of all elections and recall votes shall be published at least five (5) days before voting day in a notice or newsletter, which shall be sent to all eligible voters. The same notice shall be posted at the tribal center and at other public places on the Skokomish Reservation. The notice shall specify the offices to be filled and/or the issues to be decided in the election, the date, hour, and place of the election.

1.02.012 Polling Places and Times

(a)

Elections of Tribal Council members and of the General Council President shall be held on the first week following the June General Council meeting.

(b) Polls shall be open from 12:00 noon until 8:00 p.m.

(c) Balloting in all elections shall take place at the tribal center on the Skokomish Indian Reservation, or otherwise specified in the notice.

1.02.013 Elections Committee

(a)

The Tribal Council shall appoint an Election Committee of three (3) members and first and second alternate Election Committee members shall be appointed annually in January and shall serve for one year or until replaced by the Tribal Council; except that following the adoption of this ordinance, a committee shall be appointed to serve the remainder of the year until January. Committee members may be appointed for successive terms. Any Committee member who resigns, is removed or is unable to serve will be replaced by an alternate.

(b)

Election Committee members shall be persons who are eligible to vote in tribal elections. Any committee member who becomes a candidate for tribal office shall be automatically removed from the elections committee.

(c) Members of the Election Committee who carry out their duties on the day of the election shall be compensated at the rate of \$25.00 for that day and shall receive a stipend to cover the expense of two meals. The funds shall come from Tribal Administration.

1.02.014 Election Committee Authority and Responsibility

(a) To verify the names of persons signing recall or initiative petitions to determine that each signature is that of an eligible voter who signs only once his or her own name;

(b) To submit the original copy of a verified recall or initiative petition to the Tribal Council or its delegate for storage as a public record of the Skokomish Tribe;

(c) To publish and post notice of all elections;

(d) To prepare ballots;

(e) To compile a list of eligible voters before the polls open;

- (f) To supervise activity at the polls;
- (g) To verify the eligibility of every person who wishes to vote and to distribute one ballot to each eligible voter at the polls;
- (h) To keep a record of persons who vote and of the number of ballots distributed and cast at an election;
- (i) To resolve any disputes which may arise at the polls regarding a person's eligibility to vote or ball procedure;
- (j) To count and validate ballots and record the number of votes cast for each candidate or for each option on the ballot;
- (k) To certify the results of the election in writing to the tribal council within five (5) days after the election;
- (l) To recommend to the Tribal Council any supplemental rules or changes in this ordinance which the committee believes are necessary to achieve the purpose of this ordinance.

1.02.015 Election Committee Oath

Before taking office, election committee members shall swear or affirm that they will carry out their duties faithfully; that they will not let their preferences in an election influence their actions as committee members; and that they will not engage in, sanction, or permit to go unchallenged conduct which could prevent a fair election.

1.02.016 Nomination Procedures

- (a) Candidates for General Council President and Tribal Council shall be nominated from the floor at the General Council Meeting. Nominations for General Council President shall be held first, then nominations Tribal Council positions shall be opened.
- (b) Any enrolled tribal member who is at least 18 years old and physically resides in Mason County Washington shall be eligible for nomination to tribal office.
- (c) No person may be nominated unless that person is present at the meeting to accept nomination or submit letter of acceptance to the President of the General Council or the Chairman of the Tribal Council, who shall present the letter at the meeting. All nominations must be supported by a second person.

1.02.017 Recall Petitions and Elections

- (a) A petition requesting a vote to recall an elected official shall be signed by at least one-third (1/3) of a eligible voters and shall include the voter's name and address and date of signature.
- (b) A recall petition shall have a clearly designated beginning date, before which no signatures shall be valid and return date when the petition shall be submitted to the Tribal Council Chairperson or the General Council President. The return date shall be no longer than 90 days after the beginning date and at least fifteen (15) days before the next General Council meeting. No names shall be added or removed after the return date.
- (c) Upon receipt of a recall petition or before its return date, the General Council President or Tribal Chairperson shall forward the petition to the Election Committee.
- (d) If the Election Committee determines that the petition meets the requirements of this section, it shall schedule the requested recall vote for the first regular General Council meeting following submission of petition.

(e) If a majority of the persons casting the ballots vote to recall a Tribal Council member, the position shall be declared vacant.

1.02.018 Initiatives

(a) An initiative is a vote of the General Council on any legislation proposed by the voters or on any proposed or enacted ordinance or resolution of the Tribal Council.

(b) A petition requesting an initiative shall be signed by one-third (1/3) of all eligible voters and shall include the voter's name and address.

(c) Upon receipt of an initiative petition, the General Council President shall provide fifteen (15) days notice of the election in a manner required by Section 1.02.011 of this ordinance and he or she shall schedule the issue for a vote on a Saturday that falls no later than thirty (30) days after submission of the petition.

(d) No initiative proposal shall pass unless at least two-thirds (2/3) of all persons who cast ballots vote in favor of the proposed measures.

1.02.019 Ballots

(a) Candidates for each office shall be listed on the ballot alphabetically by their last names. A box shall appear next to the name of each candidate so a vote may be marked in the box. Write-in votes are not valid and will not be counted.

(b) When more than one council position will be filled by an election, voters shall vote for as many candidates as there are Council positions to be filled. If a person votes for more candidates than there are positions on that portion of the ballot shall be invalid.

(c) All elections shall be by secret ballot.

(d) The counting of ballots shall be open to all tribal members. Ballots shall be counted a minimum of three times. The totals must agree at least twice to be valid. Ballots shall be secured in a locked container and may be destroyed after the next regularly scheduled Tribal Council meeting.

(e) The Election Committee shall inform the Bureau of Indian Affairs in writing of the election results.

1.02.020 Quorum

(a) A regular annual election of officials shall not be valid unless at least 25 persons eligible to vote cast ballots. A regular annual election that is invalidated for lack of a quorum shall be rescheduled as provided in Section 1.02.030 of this ordinance.

(b) A recall or initiative election shall not be valid unless the number of persons casting ballots is at least sixty percent (60%) of the number of persons who cast ballots in the most recent annual tribal election.

1.02.021 Election to Office

Offices for which elections are held shall be filled in the following way: If one position is open, it shall be filled by the person who receives the highest number of votes. If two Tribal Council positions are open, they shall be filled by the two persons who received the highest and second highest number of votes. If one of the open Tribal Council positions has a longer term than the other, the person who receives the highest number of votes shall serve the longer term.

1.02.022 Polling Regulations

(a) Voting in elections governed by this ordinance shall be by secret, written ballot.

(b) No person shall campaign or otherwise attempt to influence voters or shall loiter on the tribal center grounds or at the polling place during hours when the polls are open.

(c) Voters who are unable to mark a ballot without assistance because of such special circumstances as physical disability or illiteracy may be assisted in voting by an Election Committee member or by a person of the voter's choice.

(d) Consumption of alcoholic beverages, marijuana, narcotics, or other intoxicants at the polls and on tribal grounds is prohibited. No person who is clearly intoxicated or under the influence of drugs shall be permitted to cast a ballot.

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Special Provisions

1.02.030 Rescheduled Elections

In a regular annual election, if voting results in a tie or if the Tribal Council determines that a challenge under Section 1.02.031 is valid, the Tribal Council shall schedule another vote to take place on the first Monday following the first election date. The rescheduled election shall comply with the regular election procedures except the time period for notice of the election may be reduced to three days. In the case of a tie, the runoff election shall be held only for candidates whose votes were tied.

1.02.031 Challenges

(a) Any person who has been disqualified from voting by the Election Committee may appeal the Committee's decision by filing a written protest or appearing in person at the first Tribal Council meeting after the election. The Tribal Council shall then consider evidence presented by the disqualified person and by the Election Committee and shall decide whether a person was improperly disqualified before the Council accepts the Election Committee's certification of election results.

(b) Any person who believes that an unqualified person was permitted to vote in an election may appeal the election committee's decision as provided.

(c) If the Tribal Council determines either that an ineligible person voted in an election or that a person eligible to vote was denied the right to vote in an election and further determines that such error affected or may have affected the results of the election, the Tribal Council shall schedule a second vote as provided in Section 1.02.030.

(d) If at least five eligible voters sign a petition requesting a recount of the ballots in an election and submit the petition to the Tribal Council by the first regular Tribal Council meeting after the election, the Tribal Council shall order a recount.

(e) If at least five (5) eligible voters sign and submit to the Tribal Council by the first regular Tribal Council meeting after the election, a petition describing violations of this ordinance or irregularities which could have affected the outcome of an election, the Tribal Council shall investigate the charges made in the petition. If the Tribal Council determines that a violation of this ordinance or other irregularities did affect or could have affected the results of the election the Tribal Council shall schedule a second vote of the entire slate of candidates for the particular office which has been challenged, as provided in Section 1.02.030.

1.02.032 Certification of Elections and Inauguration

Unless it receives a challenge to an election as provided in Section 1.02.031, the Tribal Council shall accept the Election Committee certification of an election and shall inaugurate newly elected officials at the beginning of the first regular Tribal Council meeting following the election. Outgoing officials shall serve until the new officials are inaugurated.

1.02.033 Election of Tribal Council Officers

After each election in which new Tribal Council members are chosen, the Tribal Council shall elect a chair, vice-chairman, and secretary of the Council at its first meeting following the election.

1.02.034 General Council President Compensation

The General Council President shall be given a stipend of \$50.00 for each General Council meeting over which he or she presides.

1.02.035 Severability

If any provision in this ordinance is determined by a court of competent jurisdiction to be invalid, such a determination shall not render invalid the remaining provisions.