



# Walker River Paiute Tribe

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## WALKER RIVER PAIUTE TRIBE ELECTION ORDINANCE

Ordinance No. WR-04-2001

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BE IN EACTED BY THE TRIBAL COUNCIL OF THE WALKER RIVER PAIUTE TRIBE, that the Walker River Paiute Election Ordinance is hereby established by virtue of the inherent authority as a sovereign of the Walker River Paiute Tribe, pursuant to the powers of the Tribal Council found in Article IV, Section 5 and Article VI, Section 1(q) of the Tribal Constitution and Bylaws. This ordinance supersedes any ordinance or regulations previously adopted by the tribe.

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## **Chapter 00-10**

### **Authorities, Purpose, Applicability and Confidentiality Procedure**

#### **00-10-010 Authorities**

This Ordinance is authorized by Article IV, Section 5 of the Tribal Constitution and Bylaws which provides that all elections shall be held in accordance with rules and regulations laid down by the Tribal Council, or by a Tribal Election Board appointed by the Tribal Council; and Article VI, Section 1(q). All other authorities providing for Regular and Special Elections are governed by Articles II, IV, V, VI and VII of the Tribal Constitution.

#### **00-10-020 Purpose**

The purpose of the Ordinance is to set forth the rules and procedures for the fair and impartial conduct of tribal elections, including but not limited to pre-election and post-election activities.

#### **00-10-030 Applicability**

All provisions of this Ordinance shall apply to Regular and Special elections.

#### **00-10-040 Confidentiality Procedure**

All provisions of this Ordinance shall apply to the Confidentiality Policy and Procedures of the Walker River Paiute Tribe.

#### **00-10-050 Deadlines**

If any deadline stated in this Ordinance falls on a weekend or holiday, then the deadline shall automatically move to the next Tribal business day.

## **Chapter 00-20**

### **Definitions**

#### **00-20-010 Absentee Ballot**

A Ballot submitted in advance of an election by a voter who is unable to be present at the specified voting place.

#### **00-20-020 Absentee Voter**

Any eligible voter who submits a valid absentee ballot request in accordance with this Ordinance.

#### **00-20-040 Affidavit**

A statement made in writing, under oath, and signed before a Notary Public.

#### **00-20-050 Bona Fide Resident**

The term Bona Fide Resident used in this Ordinance shall mean actual physical presence on the Walker River Reservation on a regular and consistent basis for a period of at least one year prior to the date of the Election. Bona Fide Residency shall be established by documented proof which includes, but not limited to:

1. Proof that the person seeking eligibility actually uses a house, whether rented or owned, as the individual's home, residence, and place of domicile for the requisite one-year period.
2. Showing of utility bills, rent or house payment receipts, driver's license, or a notarized affidavit.

**00-20-060      Candidate**

A member of the Walker River Paiute Tribe, not less than twenty-five (25) years of age, and a bona fide resident of the territory of the Tribe for at least one (1) year prior to the election. Candidate cannot be a felon.

**00-20-070      Contest/Contestee**

The subject of dispute, contention, or litigation involving the violation of the election procedures as established by this Ordinance governing Tribal Elections. The contestee is the person submitting such contest.

**00-20-080      Calendar Day**

The days as specified in this Ordinance includes all calendar days of the month and does not exclude weekends, Holidays or any Holiday recognized by the Walker River Paiute Tribe.

**00-20-090      Electioneering**

Electioneering means to work for or advertise for a Candidate.

**00-20-100      Eligible Voter**

Any member of the Walker River Paiute Tribe who is eighteen (18) years of age or older on the day of the Election. (Voter must have registered by date set by Election Board)

**00-20-110      Finalizing the Ballot**

When the Walker River Paiute Tribal Council approves the list of Candidates for an upcoming Election, or approves the ballot for recall from office, tax assessment, referendum and adoption.

**00-20-120      Lame Duck Officials**

Any member of the Walker River Paiute Tribal Council that loses a re-election or chooses not to run for re-election. Sitting council members of the Walker River Paiute Tribe shall continue to serve in their official capacity until properly relieved.

**00-20-130      Legal Registered Voter**

A member of the Walker River Paiute Tribe who is at least eighteen (18) years of age on election day and completes the necessary registration forms as required by the Tribe.

**00-20-140      Nominations**

When prospective Candidates submits the required documents to be a Candidate for an upcoming Election.

**00-20-150      Petition**

A form signed by members of the Walker River Paiute Tribe to initiate a process for recall, referendum, and nomination for candidates.

**00-20-160      Recall**

A method of removal through a petition of an official in which power of removal is granted to or reserved by the people.

**00-20-170      Referendum**

An exercise of any enumerated powers lodged in the Tribal Council shall be subject to a vote by the people.

**00-20-180      Regular Election**

A Tribal Election that is held on the Third Tuesday of November and in accordance with this Ordinance and the Constitution and Bylaws of the Walker River Paiute Tribe.

**00-20-190      Special Elections**

A Special Election that is scheduled by the Walker River Paiute Tribal Council that is not set on the day of a regular election.

**00-20-210      Spoiled Ballots**

A spoiled ballot means an official ballot that has been cast and marked in such a way that it is not possible to determine the intent of the voter, such as a ballot that is unreadable, the voter's choice of candidates cannot be determined, and/or a ballot that has marked too many candidates. A spoiled ballot will be rejected and not counted.

**Chapter 00-30**  
**Tribal Election Board**

**00-30-010      Establishment and Duties of Tribal Election Board**

1.      The Tribal Election Board is hereby established for the purpose of carrying out provisions of this ordinance and shall be called the Tribal Election Board.
2.      The duties of the Tribal Election Board shall be as follows:
  - a.      Shall be responsible for proper administration of Regular/Special Elections and Procedures.
  - b.      Make recommendations to the Tribal Council for action items regarding the Election process or Amendments to this Ordinance.
  - c.      Adopt rules concerning the time and place of its meetings.

- d. Conduct business only if a quorum of three members is present.

**00-30-020 Composition and Selection of Tribal Election Board**

1. The Walker River Paiute Tribal Council shall be the authority to approve all Tribal Election Board appointments for Regular and Special Elections.
2. The Tribal Election Board shall consist of five (5) members who shall be members of the Tribe.
3. Neither Tribal Council members nor Candidates for the Walker River Paiute Tribal Council shall be permitted to serve on the Tribal Election Board.
4. Attendance shall be required at all scheduled meetings. Unexcused absences by a member of the Tribal Election Board from three consecutive meetings shall be cause for removal.
5. The Tribal Election Board Chairman shall not vote on any motion unless there is a tie vote, and the Chairman shall vote only to break a tie.
6. The Tribal Election Board Chairman is appointed by the Tribal Council.

**Chapter 00-40**  
**Regular Elections**

**00-40-010 Preparation for Elections**

In preparation for the Elections the Tribal Council and Tribal Election Board shall follow the procedures as outlined:

1. The Walker River Paiute Tribal Council calls for Election and shall set the date, time and place of the election in accordance with Articles IV, Section 3 of the Tribal Constitution.
2. At least seventy-five (75) days before the Election, a Tribal Election board shall be appointed by the Tribal Council to serve for the designated Election and until the following year's Tribal Election Board is appointed, and shall be compensated at a rate prescribed by the Tribal Council.
3. The Tribal Election Board shall conduct all meetings in preparation for the upcoming election in accordance with provisions of this Ordinance and the Tribal Constitution.
4. The Tribal Election Board shall submit to the Tribal Council a timetable of the scheduled dates for the election, which shall be referred to as the Election Calendar, and which shall include:
  - a. Date for posting of notices of Election.
  - b. Setting the date for registration to vote.
  - c. Setting the deadline for candidates' petitions.
  - d. Posting of Candidates.
  - e. Setting the date for posting the legal registered voters list.
  - f. Date for submitting absentee ballot requests and deadline for receipt of absentee ballots.
  - g. Date for submitting Pre-Election Contests and date for Tribal Council to hold hearing on Pre-Election Contests.
  - h. Date for filing Post-Election Contests

**00-40-20 Registration**

1. All eligible voters are required to register before they can vote in Tribal Elections. Eligible voters can register at any time. Only members registered and listed on the Tribe's voters list on the last working day of October will be allowed to vote in the November election. An eligible member may request a voter registration form. The form must be fully completed and returned to the Tribal Election Board for approval.
2. The Tribal Election Board shall be responsible for sending out registration forms. Registration forms are also available on the Tribe's website at wrpt.org and can be sent electronically.
  - a. A request for registration shall be made in writing and either hand delivered to the Tribal Election Board at the Tribal Office or sent by U.S. mail to: Walker River Paiute Tribe, Tribal Election Board, P.O. Box 152, Schurz, NV 89427. Such request shall include: Voter's name, Address, Date of Birth, Father's Name, Mother's Name, Proper Signature and Membership information.
  - b. The Tribal Election Board shall send out a registration form upon receipt of a request from an eligible Tribal member. Each registration form shall be assigned a number verifying the authenticity of the form. The registration form must provide proper instructions for its completion.
  - c. The Tribal Election Board shall maintain a log of all request for registration forms and the assigned numbers of all forms sent out.
  - d. The Tribal Election Board shall as necessary, and at least quarterly, meet to review voter registration forms received and to approve any necessary updates to the eligible voters list. If there are any questions, concerns, or errors regarding any registration forms or other matters, the member affected shall be notified of the situation for any necessary corrective action.
  - e. After the call for Election, the Tribal Election Board shall review and correct the legal registered voters list from the previous election at their first meeting. The review is necessary to make necessary corrections of members who have recently registered, are deceased, relinquished their Tribal membership, changed their name, and/or any other necessary changes. The corrected list shall be posted.
  - f. The Tribal Election Board Secretary shall post the final legal registered voters list on November 1.
  - g. Each Voter is individually responsible to ensure his/her name is on the Voters List and/or to ensure his/her name is correctly spelled and current on the Voters List.
  - h. If a voter's name has changed from the name on the Voter List, the voter will be allowed to vote if the voter can prove he/she is the person on the Voters List.

#### **00-40-030 Notice of Polling Place and Times**

The Tribal Election board shall post a notice in at least three prominent places on the Walker River Reservation stating the location of the polling places and the time the polls will be open and close. This information shall be posted at least ten (10) days before the election and shall remain posted until the polls close on the day of the election.

#### **00-40-40 Ballot Box**

All marked ballots shall be placed into a receptacle clearly marked "Ballot Box".

**00-40-60 Absentee Ballots**

1. All requests for Absentee Ballots must be signed by the voter making the request and must include the voters address where the absentee ballot is to be mailed. Absentee Ballots shall be mailed to all persons requesting an Absentee Ballot by the date and time specified by the Tribal Election Board. Absentee Ballot requests may be submitted to the Tribal Election Board by mail, or in person at the Tribal Office. Absentee Ballot Request Forms are also available on the Tribe's website at wrpt.org, and can be sent electronically. An eligible voter that has requested an absentee ballot and sent an absentee ballot can also vote at the polls. The voter must bring the ballot that was mailed to them to the polls. They can submit such ballot into the ballot box or voting machine.
2. The Absentee Ballot shall be sent to the absentee voter's address along with the following:
  - a. A plain white envelope marked "ABSENTEE BALLOT".
  - b. Directions on how to properly complete the Ballot, and how to properly mail the Ballot back in the envelopes provided. The Ballot should be mailed to the Walker River Paiute Tribal Election Board, P.O. Box 152, Schurz, NV 89427, and must be received by the Tribal Election Board by 6:00 P.M. on election day. The voter is solely responsible for getting the Ballot to the Tribal Election Board. Only one ballot will be accepted in the envelope provided. Ballots not mailed back in the envelope provided will NOT be accepted or counted.

**00-40-70 Polling Place**

The polling place shall officially open at 7:00am and close at 7:00pm. All Tribal Election Board members are required to report for duty no later than 6:15am.

**00-40-80 Electioneering**

No electioneering shall be permitted within two hundred (200) feet of the voting place during the hours in which the polls are open.

**00-40-90 Ballots**

1. All ballots, for Regular and Special Elections shall be by the secret ballot method on ballot forms established by the Tribal Election Board with the approval of the Tribal Council.
2. After the close of Notice of Candidacy, the Tribal Election Board shall hold a special meeting to finalize the ballot. Candidates wishing to withdraw their names from the ballot shall be permitted to do so, but their names shall not be removed from the ballot once the ballot is approved by the Tribal Council. The Tribal Election Board shall prepare the ballot, after the approval of the Tribal Council. The Tribal Election Board shall prepare enough ballots for the election.

**00-40-100 Calling of Regular Election**

The Walker River Paiute Tribal Council shall call the Election in accordance with the authorities as specified in the Tribal Constitution and Bylaws.

**00-40-110 Eligibility of Voters and Posting**



1. An eligible voter is a member of the Walker River Paiute Tribe who will be at least eighteen (18) Years of age on election day and who is duly registered.
2. The Tribal Election Board is responsible for keeping an accurate legal registered voters list and for Regular Elections shall post the Voters List as stated in Section 00-40-020.

#### **00-40-120 Nominations/Petitions and Qualifications of Candidates for Tribal Council**

1. All candidates must complete the candidate petition form, complete all necessary requirements and submit the form to the Tribal election Board prior to the set deadline for candidates to submit their petitions to be a candidate. The candidate must state on the form the seat the candidate is running for. A candidate may only run for one office during any election.
2. Each candidate petition form must be signed by not less than ten (10) legal voters. A voter may sign only one petition for each office. Petitions must be filed with the Secretary of the Tribal Council by the deadline stated in the Election Calendar (see Section 00-40-010.4), which must be at least thirty (30) days prior to the election for which the candidate makes such petition. Each candidate shall be responsible for ensuring the voters' names on the candidate petition are listed in a manner that allows the Election Board to verify that each signor is a valid voter.
3. All candidates must have a background check completed specifically for the election process to prove the candidate is not a felon. Candidates must submit with their candidate petition form a consent for the Tribe to conduct a background check on the candidate and \$50 to help pay for the background check. The background check must be completed by an outside firm contracted with the Tribe – no exceptions. If the outside firm obtains information that a candidate has committed a felony, the firm shall contact the candidate to give the candidate the chance to refute the information. After completing the background search process, the firm shall inform the Election Committee Chairman if each candidate has or has not been convicted of a felony.
4. The list of qualified candidates shall be posted by the Secretary of the Tribal Council at the Western Nevada Agency and in not less than two conspicuous places on the Walker River Reservation two weeks prior to the election.
5. Eligible candidates running for the Tribal Council shall not be less than twenty-five (25) years of age, a member of the Walker River Paiute Tribe, a Bona Fide resident of the territory of the Tribe for at least one (1) year prior to election, and cannot be a convicted felon.
6. No currently seated Tribal Council Member who has not completed their full term shall run for an office (Chairman, Vice-Chairman, Treasurer, Secretary or Council member) without first resigning from their currently held Tribal Council seat. The written resignation letter must be submitted to the Tribal Election Board and accepted by the Tribal Council prior to the Tribal Council approving the ballot. The resignation shall be effective upon Tribal Council declaring the election valid as stated in Section 00-40-150.2.e. (Declaration of Election)

If the Tribal council member who resigns to run for another office is not successful in winning the other office, the Tribal Council member cannot be appointed to a vacant seat on the Tribal Council until after the next regular election, at which time the former Tribal Council member can run for any available Tribal Council seat.

#### **00-40-130 Counting of Ballots**

1. Tally sheets prepared by the Tribal Election Board shall list the candidate's names in alphabetical order. The ballot box shall be opened, and all ballots counted in the presence of all Tribal Election

Board members and the monitoring official(s). The Tribal Election Board Chairman shall remove each ballot and read the choices marked on the ballot, show the ballot to the Tribal Election Board members to ensure that the votes are read and credited to the correct candidate. Each Tribal Election Board member shall verbally acknowledge crediting each vote to the correct candidate. The counted votes for each candidate shall be marked in groups of five (5) and acknowledged when each candidate reaches the group total.

2. The Tribal Election Board shall not count any ballot that the Tribal Election Board determines is a “spoiled ballot” and at least two Election Board members shall sign the spoiled ballot.
3. If a voter incorrectly marks his/her ballot and requests a “replacement ballot” then the Tribal Election Board shall provide the voter with a replacement ballot, shall mark the voter’s original ballot as “VOID,” shall not count the original ballot, and at least two Election Board members shall sign the original ballot.
4. When all ballots have been tallied, the Tribal Election Board shall figure the total number of votes cast for each candidate. Each Tribal Election Board member shall certify his/her tally sheet. The Tribal Election Board shall certify the election results with candidates’ names in alphabetical order, stating the total number of votes for each. Each Tribal Election Board member shall certify by signing the certification.
5. Tribe has the option to hire and work with a company/firm to have all ballots counted electronically. A process may/will be set up to have absentee ballots included into the count/tally.

#### **00-40-140 Certification of Election Results**

The Tribal Election Board shall type a Certificate of the unofficial election results with names of the candidates and number of votes received. The certification shall be signed by the Tribal Election Board members and the Tribal Chairman, or his/her absence, the Vice-Chairman, Secretary or a designee. A posting of the Election results shall be in two prominent places on the reservation as soon as the election results are determined. The election will be certified as “official” only after all post-election contests are heard (if any). This will be done at the regular December Tribal Council meeting.

#### **00-40-150 Election Contests**

1. Contest of Pre-Election Activities
  - a. Any eligible voter may Contest the pre-election procedures for misconduct on part of the Tribal Election Board, Legal Registered Voters List, and the Candidates List. The burden of proof shall be on the contester. The contest shall be in writing submitted to the Secretary of the Tribal Council by the deadline stated in the Election Calendar (see Section 00-40-010.4), setting forth the name and address of the contester and particular grounds of the contest.
  - b. The matter shall be brought before the Tribal Election Board and the Tribal Council at a Special Council meeting on the date stated in the Election Calendar. The Tribal Council members not running for office in the election shall decide each contest and their decision shall be final.
2. Contest of Post-Election Results
  - a. Only legal registered voters of the Walker River Paiute Reservation may contest the election of any person declared elected to the Tribal Council upon any of the following grounds:

1. For misconduct on the part of the Tribal Election Board or any member thereof, or on the part of any official making or participating in a canvass of returns for a tribal election.
  2. That the person whose right to the office in contest was not, at the time of the election, eligible to the office.
  3. That the person whose right is contested, or any person acting for him, has given to an Election Board member, a bribe or reward for the purpose of procuring his election, or has committed any other offense against the people's right to vote.
  4. That the election was not by secret ballot.
  5. That Notices of Election, candidates, voting list, certifications were not posted as required by this ordinance.
  6. Evidence that ballots were illegally cast.
  7. That by reason of erroneous count of voters or erroneous rejection of votes, the person declared elected did not in fact receive the highest number of votes for the seat.
  8. That proper procedure was not followed in accordance with this Ordinance and the Tribal Constitution and Bylaws.
- b. Contents of Contest Statement. The voter contesting a Tribal Election shall, within five (5) days after completion of the canvass of the election and certification of the results, file a statement in writing with the Secretary or the Chairperson of the Tribal Council setting forth:
1. The name and address of the party contesting the Election and that he/she is a legal registered voter of the Walker River Paiute Tribe.
  2. The name of the person or persons whose right to the seat is contested as it appeared upon the official ballot.
  3. The particular grounds of the contest.
- c. Tribal Council and Tribal Election Board to Hear Contest. The Contest shall be brought before a special meeting of the Tribal Election Board and the present Tribal Council. If it appears that there is a valid cause shown for the contest the Tribal Council shall declare the election void and call for a new election under the same procedures as set forth in this ordinance.
- d. Contest Procedures
1. The statement shall be verified by an Affidavit from the Contestee, and that he/she believes the matters and information contained therein are true.
  2. If the election is being contested as a result of tabulation of ballots, the contester may request that all ballots be inspected in the presence of the Tribal Election Board and his/herself. This procedure may only be used by the contester after he/she has filed a statement with the Tribal Secretary or Chairperson of the present Tribal Council, stating that he/she cannot properly prepare a hearing without such inspection.
  3. Thereafter, the Tribal Council and Tribal Election Board shall set a time for the hearing of the contest, no later than twenty (20) days after the date on which the statement of

contest was filed, which may be continued but not to exceed five (5) days for good cause shown.

4. The Tribal Council and Tribal Election Board shall continue in session to hear and determine all issues arising in the contest of the election results. After hearing the contest of the parties, a judgement shall be announced by the Tribal Council either confirming or annulling and setting aside the election results which are being contested.
5. If in an election contest, it appears that there is valid cause shown for the contest, the Tribal Council shall declare the election void and call for a new election, under the same procedures as set forth in this Ordinance.

e. Declaration of Election.

When the contest period has expired without a contest being filed, or when all contests have been resolved, the Tribal Council shall declare the election valid and send a formal notice to the Bureau of Indian Affairs on the election results and recognition of the elected members and officers of the Tribal Council. This declaration will be done at the first regular Tribal Council meeting in December.

### **00-40-160      Lam Duck Officials**

Notwithstanding that a Council member loses an election or chooses not to run for another term, the council member shall continue to serve in his/her capacity, enjoying the powers and privileges thereof, until the newly elected member is sworn into and formally takes office.

## **Chapter 00-50** **Special Elections**

### **00-50-10      Types of Special Elections**

1. Recall from office. Article V, Section 3 of the Tribal Constitution is governing authority for recall elections of tribal council members. The right or procedure by which a tribal council member may be removed from office before the end of his/her term of office by a vote of the eligible voters of the tribe.
2. Tax Assessment. Article IV, Section 1 (h) of the Tribal Constitution is the authority governing special elections on Tax Assessments to members. The right or procedure by which the eligible voters can vote on any levy assessments or license fees being proposed by the Tribal Council to be imposed on them.
3. Referendum. Article VII of the Tribal Constitution is the authority governing special elections for Referendums. The right or procedure by which the eligible voters can vote on any enumerated powers lodged in the Tribal Council.
4. Adoption. Article II, Section I © and (d) of the Tribal Constitution are the authorities governing special elections for Adoptions into the tribe. The right for procedure by which the eligible voters can vote persons into membership by Adoption.

### **00-50-20      Initiation of Special Elections**

1. Recall from Office. Upon receipt of a petition signed by one-third (1/3) of eligible legal voters, using the number who voted in the last and most recent election, calling for the recall of any member of

the Tribal Council, it shall be the duty of the Tribal Council to certify the petition and to call a special election for that purpose. No member may be recalled in any such election unless at least thirty percent (30%) of the eligible legal voters of the tribe vote at such election.

2. Tax assessment. If levy assessments or license fees are imposed on tribal members, the Tribal Council shall call a Special Election and authorize the Tribal Election Board to schedule and process a special election as required. Such assessment or license fees upon members of the tribe shall have the approval of the eligible voters of the tribe at a special election at which thirty percent (30%) of the eligible voters shall vote at such election.
3. Referendum. Upon receipt of a petition signed by not less than twenty-five percent (25%) of the members using the number who voted in the last and most recent election. The Tribal Council shall call a special election and authorize the Tribal Election Board to schedule and process the election as required. Not less than thirty percent (30%) of the eligible voting population shall vote in any such referendum.
4. Adoption for Membership.
  - a. Any person of one-half (1/2) or more Indian blood, married to a member of the Walker River Paiute Tribe, may be adopted as a member of the Walker River Paiute Tribe upon approval of his/her membership application by a majority vote in a Walker River tribal election in which at least thirty percent (30%) of those eligible to vote at such election. The Tribal Council shall call a special election and authorized the Tribal Election Board to schedule and process the election as required. Such adoption can be added to a regular election ballot.
  - b. Any person of one-half (1/2) or more Indian blood legally adopted by a member of the Walker River Paiute Tribe, may be adopted as a member of the Walker River Paiute Tribe upon approval of his/her membership application by a majority vote in a Walker River tribal election in which at least thirty percent (30%) of those eligible to vote at such election. The Tribal Council shall call a special election and authorized the Tribal Election Board to schedule and process the elections as required. Such adoption can be added to a regular election ballot.

#### **00-50-30 Time of Special Elections**

Within twenty (20) days of the filing of a Petition for a Special Election, the Tribal Council shall determine whether the threshold requirements for initiating a Special Election have been met. If the requirements are met, a Certification shall be completed by the Tribal Council. The Tribal Council shall then establish a date for the Special Election unless the next Regular Election is within the next one hundred and twenty (120) days.

#### **00-50-40 Cost of Special Elections**

The Walker River Paiute Tribe shall pay all costs for conducting Special Election in accordance with this Ordinance and the Tribal Constitution.

#### **00-50-50 Petitions and Certification**

1. Petitions for Recall and Referendum elections shall be filed by the filing agent with the Secretary of the Tribal Council in the exact language and format that will be submitted to the legal registered voters. Each name on a petition shall be verified as to enrollment with the Tribal Enrollment

Program. The signatures shall be verified by Tribal Election Board from the Voter Registration form and returned to the Tribal Secretary. If the Tribal Election Board believes a discrepancy exists as to any signature, it shall take all reasonable actions to contact the member in question to verify the signature.

2. Once the verification process is completed, the Secretary of the Tribal Council shall prepare a report on the petition and verification process and present it to the Tribal Council with recommendations. If the Tribal Council determines that the petition contains a proper number of valid signatures as required by the Tribal Constitution, it shall approve certification of the petition and call a date for the election. If the Tribal Council determines that the petition does not meet these requirements, it shall declare the petition invalid. The decision of the Tribal Council shall be final.
3. A person whose name/signature appears on a petition may request their name be removed from the petition at any time prior to the close of business day the Tribal Council is to hear the report on the petition. The Tribal Council shall make the decision on whether to remove the name from the petition.
4. Each petition received by the Secretary of the Tribal Council shall be date stamped, and a filing fee of \$250.00 must be paid by the Filing Agent at the time of the filing. The petition shall include: Description of Petition, Circulation Dates, Names and Signatures. No petition shall be circulated for more than three months. Any petition in circulation over this time period shall be declared void by the Tribal Council.

#### **00-50-60      Calling of Special Election**

The Walker River Paiute Tribal Council shall call all Special Elections in accordance with the authorities as specified in the Tribal Constitution and Bylaws.

Notice shall be prepared and posted on the reservation at least thirty-five (35) days in advance of all Special Elections giving the following information:

- a. Purpose and requirements of the Special Election.
- b. Date, time and place of the Special Election.
- c. Method of casting ballots.
- d. Where to obtain Absentee Ballots.
- e. Date by which an Absentee Ballot must be received in order to be counted.
- f. Legal Registered Voters List verification and dates of posting.
- g. Dates for pre-election contests, post-election contests and any hearing to be held.

#### **00-50-070      Eligibility of Voters and Posting**

1. An eligible voter is a member of the Walker River Paiute Tribe who will be at least eighteen (18) years of age on election day and who is duly registered.
2. The Tribal Election Board is responsible for keeping an accurate and current official list of eligible voters. The first posting of the voters list shall be at least thirty-five (35) days in advance of a Special Election and the final posting shall be at least fifteen (15) days in advance of the election.

#### **00-50-080      Counting of the Ballots**

The Tribal Election Board shall have tally sheets ready for the count. The ballot box shall be opened, and all ballots counted in the presence of all Tribal Election Board members and the monitoring official. The

Tribal Election Board Chairman shall remove each ballot, read the choice marked, and show the ballot to the Tribal Election Board to assure that the vote is correct. The counted votes shall be marked in groups of five (5) and acknowledged when each reaches the group total.

The Tribal Election Board shall not count any ballot that the Tribal Election Board determines is a “spoiled ballot” and at least two Election Board members shall sign the spoiled ballot.

If a voter incorrectly marks his/her ballot and requests a “replacement ballot” then the Tribal Election Board shall provide the voter with a replacement ballot, shall mark the voter’s original ballot as “VOID,” shall not count the original ballot, and at least two Election Board members shall sign the original ballot.

When all ballots have been tallied, the Tribal Election Board shall figure the total number of votes cast. Each Tribal Election Board member shall certify his/her tally sheet. The Tribal Election Board shall certify the election results.

### **00-50-90 Certification of Election Results**

The Tribal Election Board shall type a Certification of the official election results and the number of votes cast. The Certification shall be signed by the Tribal Election Board members and the Tribal Chairman, or in his/her absence, the Vice Chairman, Secretary or a designee. A posting of the election results shall be in two (2) prominent places on the Reservation as soon as the election results are determined.

### **00-50-100 Contest**

#### **1. Contest of Pre-Election Activities**

- a. Any eligible voter may contest the pre-election procedures for, misconduct on part of the Tribal Election Board and the Legal Registered Voters List. The burden of proof shall be on the contester.
- b. The contest shall be in writing submitted to the Secretary of the Tribal Council setting forth the name and address of the contester and the particular grounds of the contest. The matter shall be brought before the Tribal Election Board and the Tribal Council at a special meeting.
- c. Thereafter, a hearing of the contest shall be heard within five (5) days after the contest was filed. The declaration of the contest shall be by the Tribal Council and shall be final.

#### **2. Contest of Special Election Results**

- a. Any eligible voter of the Walker River Paiute Reservation may Contest the Election on specific grounds of:
  1. For misconduct on the part of the Tribal Election Board or a member thereof.
  2. That notices of Election, Voting List, Certifications were not posted as required by this Ordinance.
  3. Evidence that Ballots were illegally cast
- b. Tribal Council and Tribal Election Board to Hear Contest. The contest shall be brought before a special meeting of the Tribal Election Board and the Tribal Council.

- c. Contents of Contest Statement. The voter contesting a Special Election shall within five (5) days after completion of the canvass of the election and declaration of the results, file a statement in writing with the Secretary or the Chairperson of the Tribal Council setting forth:
  - 1. The name and address of the party contesting the Election and that he/she is an eligible voter of the Walker River Paiute Tribe; and
  - 2. The particular grounds of the Contest.
- d. Contest Procedures for Improper Tabulation of Ballots. If the election is being contested because of tabulation of ballots, the contestor may request that all ballots be inspected in the presence of the Tribal Election Board, Tribal Council designee and his/herself.
- e. Contest Hearing
  - 1. A Special Meeting the Tribal Council and Tribal Election Board shall be held for the sole purpose of hearing the contest, and deciding the issues raised on the contest.
  - 2. After hearing the contest, the Tribal Council shall issue a judgment within five (5) days, either confirming or annulling and setting aside the election results which are being contested.
  - 3. If in an election contest, it appears that there is good cause shown for the contest, the Tribal Council shall call for a new election under the same procedure as set forth in this Ordinance.
- f. Declaration of Election. When the contest period has expired without a contest being filed, or when all contests have been resolved, the Tribal Council shall declare the special election valid and send a formal notice to the Bureau of Indian Affairs on the election results.

## **Chapter 00-60**

### **Severability**

#### **00-60-10 Severability**

Should any sections of this Ordinance be found unconstitutional or in violation of tribal or federal law by any court of competent jurisdiction, such declaration shall not affect the remaining terms or sections of this Ordinance.