

TITLE 14

ELECTION CODE



LAW AND ORDER CODE

OF

THE FALLON PAIUTE

SHOSHONE TRIBE

ADOPTED 2/27/02-RESOLUTION 02-F-048
AMENDED 3/26/02 – RESOLUTION 02-F-071
AMENDED 5/29/02 – RESOLUTION 02-F-107
AMENDED 1/14/04 – RESOLUTION 04-F-015

OFFICIAL LIST OF ELIGIBLE VOTERS

The Secretary is responsible for keeping an accurate and current official list of eligible voters. This list shall contain all eligible voters who will be eighteen (18) years of age or older on or before the Election Day, shall be posted by the TEC forty-five (45) days prior to an election. A second and final list, which shall be considered the Official List of Eligible Voters, shall be posted ten (10) days prior to an election.

The list

*Challenge to list?
 - pose for a challenge*

CHAPTER 14-100 NOMINATIONS FOR BUSINESS COUNCIL

14-100-010 ELIGIBILITY FOR NOMINATION OR APPOINTMENT

In accordance with the Constitution and Bylaws of the Fallon Paiute Shoshone Tribe, any member of the Fallon Paiute Shoshone Tribe seeking to serve on the Business Council must:

1. Be able to meet the following qualifications:
 - a) Be an enrolled member of the Paiute Shoshone Tribe of the Fallon Reservation and Colony; and
 - b) Be at least twenty-one(21) years of age; and
 - c) Have a high school diploma or equivalent; and
 - d) Live on the Fallon Paiute Shoshone Reservation and Colony or within seventy-five (75) miles of the boundaries thereof; and
 - e) Never been convicted of any felony or gross misdemeanor in any Indian, State, or Federal Court; and
 - f) Whether elected or appointed to the Business Council, a person may not serve thereon simultaneously with his or her husband, wife, brother, sister, father, mother, son or daughter; and
 - g) Has not been removed or recalled from the Business Council during the seven (7) year period preceding his or her filing of the Application of Intent to run for the Business Council or appointment to the Business Council, as the case may be. The foregoing shall apply to any person removed or recalled from the Business Council as of August 2001 or later for cause; and
 - h) A losing candidate for the Business Council may not be appointed to fill a Business Council vacancy which arose during the term of the position for which the losing candidate ran.
2. Provide ~~that~~ ^{her} his name to the Tribal Election Committee at least thirty (30) days prior to the election date.

*What about Elders over 55?
 Persons who are 18 or GED that have obtained a college degree or technical certification?*

for a year preceding date of election

-how pardoned?

-this means I can be appointed to a vacated term if one of the Council seats not open during the prior election

14-100-020

APPLICATION OF INTENT

Persons wishing to run for office shall complete and submit to the TEC thirty (30) days prior to the election date their completed Application of Intent Form and supporting documentation **by 12:00 noon**. Failure to comply will result in a disqualification for candidacy in the election.

14-100-030

REQUIRED DOCUMENTS FROM CANDIDATES

A person seeking to become a candidate in the election shall submit the following documentation to the TEC thirty (30) days prior to the election. The burden is upon the prospective candidate to prove the eligibility requirements to be a candidate have been met.

- a) A completed Application of Intent Form
- b) Enrollment Certification: A letter from the enrollment office stating membership and enrollment number or a copy of a current Tribal membership card, showing the enrollment number. Current shall mean a tribal enrollment card issued by the Enrollment clerk within the five (5) years immediately preceding its submission and which has not been revoked.
- c) Proof of Residency: All statements intended to prove residency shall be notarized or sworn to. In the event that there is a dispute over the residency of a candidate, the TEC may require additional proof of residency. The TEC shall inform the Business Council prior to the day that the ballot is finalized of all disputes over residency. Information which may tend to prove the residence requirement has been met includes, but is not limited to:
 1. Living in a MHOA/Rental home of the Fallon Paiute Shoshone Housing Authority: A letter/Statement from the Executive Director or his designate stating how long the candidate has continuously resided there.
 2. Living in a home not owned by the candidate. An affidavit from the candidate stating the length of time which he has continuously lived at that residence on the Fallon Reservation and Colony or within 75 miles of the boundaries thereof AND an affidavit from the homeowner which shows upon personal knowledge the length of time the candidate has lived in the home.
 3. Living in a home owned by the candidate. An affidavit from the candidate stating the length of time he has lived at that residence on the Fallon Reservation and Colony or within 75 miles of the boundaries thereof AND the length of time he has owned the home AND a copy of at least two (2) utility bills, which show the candidate's name, address, the date the bill was issued. *(for at least a year preceding the election)*
- d) A completed Background Authorization Form. Failure to authorize the Fallon Paiute Shoshone Tribe to conduct a criminal history investigation and to deposit simultaneously therewith the TEC a sum specified by the TEC as a

projected cost of such criminal history investigation, will result in immediate disqualification of candidate. If the sum deposited exceeds the actual cost of the history investigation, the excess will be returned to the candidate. Any individual who has been convicted for a gross misdemeanor or felony may not serve as a member of the Business Council.

*junction
initial
form
from
non-convicted?*

- c) Proof the prospective candidate has successfully graduated from a high school and/or equivalent program i.e. high school diploma or GED.
- f) Any other information, documents and/or records, which provide credible basis upon which to determine whether the residency requirement has been satisfied.
- g) Failure to submit a complete application of intent with full documentation will result in an incomplete application with a recommendation from the TEC to the Fallon Business Council for denial.

A) archiving of these documents or length retained or file?
BACKGROUND CHECKS:

14-100-040

All background checks must be paid in full by the prospective candidate to the TEC thirty (30) days prior to the date of the election.

background check

*signed
check/and check provided*

*what is
background check
for election?*

14-100-050

POSTING OF NOTICE

Nominations to be a candidate for election to the Business Council shall be open sixty (60) days prior to the date of the election and shall close thirty (30) days prior to the date of the election. The TEC shall post notice of the opening of nominations, which shall include the specific dates on which nominations will open and close. This notice shall be posted on at least four prominent places on the Reservation and Colony at least ten (10) days before nominations open.

CHAPTER 14-110 CAMPAIGN PRACTICES

14-110-010

GENERAL PROVISIONS

a) Candidates who want their candidate's Statement to the Public disseminated by publication in a newspaper of the Fallon Tribe must submit their statements to the Secretary of the Business Council on the day nominations close. *who pays this?*

*to
shall be placed
within 75 feet of the
Tribal facility
(except for definition)*

b) Any campaign poster, signs, or other promotional material on behalf of a candidate, which is placed on or within seventy-five (75) feet of the Tribal facility, shall be removed immediately by the tribal police upon notification from the TEC.

c) Procedures After An Election:

1. Within one (1) month after the election, candidates ^{MUST} shall remove campaign posters, signs, and all other promotional material from public view, except on private property. Candidates shall be responsible for making sure that their campaign material is removed, whether or not they put it up themselves.

CHAPTER 14-120 PREPARATIONS FOR ELECTIONS

14-120-010 FINALIZING THE BALLOT

Within two (2) days after nominations close, the Business Council shall hold a special meeting to finalize the ballot. Candidates wishing to withdraw from the election and have their names removed from the ballot may do so at any time prior to the election by submitting a written notice of withdrawal to the TEC, provided, however, the candidate's name will not be removed from the ballot once the Business Council has approved the Ballot. Votes cast in the name of the withdrawing candidate will be disregarded. The balance of the ballot, however, will be counted unless otherwise determined to be REJECTED.

14-120-020 BALLOT FORM

Upon finalizing the ballot, the Business Council shall determine the ballot form, organization, wording of its contents, and the order in which the candidate's names will appear on the ballot. The candidate's name shall appear on the ballot precisely as the name is shown on the signature line of the Application of Intent form.

The phrase "none of the above" shall also appear on the ballot if determined applicable by the Business Council.

14-120-030 PREPARATION OF BALLOTS

The Secretary shall direct activities for the preparation and printing of the ballot no later than two (2) days following the Business Council meeting when the ballot is finalized.

Handwritten notes:
Final process
of NCTR
SOLUS

Handwritten notes:
some printing
directing

CHAPTER 14-130 ABSENTEE BALLOTS

14-130-010 ABSENTEE BALLOT POST OFFICE BOX

Provisions for absentee voting are required by the Tribal Constitution for all elections. The TEC Chairperson shall designate a post office box rented by the TEC or a box belonging to Ink Impressions as the place where absentee ballots shall be returned. Absentee ballots submitted by mail must be received at the designated post office box no later than 2:00 pm on the day of the election or personally delivered to the polling place by 6:00 pm.

Handwritten note: This assumes that it will be delivered by courier during the election held in absentia.

14-130-020 MAILING OF ABSENTEE BALLOTS

In order to insure greater voter participation in Tribal elections, the TEC shall send by U.S. mail an absentee ballot to each eligible voter, at their address on file with the enrollment office, whether or not he or she requests an absentee ballot. The Constitution does not require a person to request a absentee ballot only to notify the TEC that he or she wishes to vote absentee. The TEC shall mail the absentee ballots no later than the first Friday in September of the election year. In the case of an election involving a petition the TEC shall mail absentee ballots within thirty (30) days of the acceptance of the petition by the Tribal Council.

Handwritten notes:
This assumes that
suggesting 5:45 for differences
weekends, etc

14-130-030 REPLACEMENT ABSENTEE BALLOT

A voter may obtain a replacement absentee ballot from the TEC if his or her absentee ballot is destroyed, spoiled, lost or not received by the voter. The TEC

Handwritten notes:
On Tribal Polling site
2008 up to 2010

Handwritten notes:
for
date
original
replace them
absentee ballot
signature

shall not issue a replacement absentee ballot if a absentee ballot has already been received from the person requesting the replacement ballot unless the previous ballot is proved fraudulent.

14-130-040 **DISTRIBUTION OF ABSENTEE BALLOTS**

No absentee ballot shall be mailed, by the TEC later than ten (10) days before an election, but may be obtained in person at the TEC offices up to and including the day of the election.

14-130-050 **MARKING OF ABSENTEE BALLOTS**

Whether delivered personally or by mail, each absentee ballot shall have the following:

- a) An Instruction Sheet
- b) An Election Ballot
- c) A brown envelope to seal the completed ballot
- d) A white envelope to place the brown envelope inside for mailing back to the TEC. NOTE: The back of the white envelope must contain a notice to vote absentee with a check box for the constitutional reason for the notice, and a signature line for the eligible voter. The front of the white envelope must contain a space in the upper left hand corner for the eligible voter to print his or her correct name, address, and ballot number. The post office box address for the TEC shall be printed in the middle of the front of the white envelope.
- e) When voting by absentee ballot, the voter shall mark the ballot and place it in the brown envelope and seal it. The voter shall then place the brown envelope inside the white envelope and seal it. The voter must sign the notice that he is voting absentee on the back of the white envelope with the constitutional reason for the notice checked. The eligible voter must print his or her correct name and address in the space provided in the upper left hand corner of the front of the white envelope.
- f) If mailed, place correct postage on the envelope and mail it. If hand delivered, absentee ballots must be given to a member of the TEC who shall then notify the Tribal Law Enforcement and place the ballot in the ballot box.

14-130-060 **RECEIPT OF ABSENTEE BALLOTS**

- a) To be counted, absentee ballots must reach the TEC no later than the close of the polls on Election Day. The responsibility for getting absentee ballots to the TEC is solely that of the voter.
- b) Each day absentee ballots are received by personal delivery, a receipt for the absentee ballot and delivery of it to the Tribal Police Department shall be recorded on form TEC Form-07 which shall be signed by the TEC Chairperson or designee, a law enforcement representative, and the Secretary or designee. All absentee ballots received shall be placed in the locked ballot box.
- c) Each day after the ballots are mailed out up to and including election day at 2:00 p.m. the election ballots in the designated post office box shall be picked

Should include notice to vote absentee in the back of the envelope.

up by the TEC Chairman or designee in the presence of the Tribal Law Enforcement representative, and the Secretary or her designee and transported to tribal office and recorded on TEC Form-07 and placed in the locked ballot

box
Ballots arriving after 2 pm on Election Day shall...

14-130-070

MULTIPLE BALLOTS

If the TEC determines that a voter to whom a replacement absentee ballot has been issued and has voted more than once, the TEC shall count the ballot with the latest post mark only if the signature can be verified. If there are two or more absentee ballots with the same post mark date for one voter, only one absentee ballot shall be counted if the signatures are identical or the correct signature can be verified. If a voter votes at the polls on election day and an absentee ballot is matched to his or her signature after the polls close, then his or her absentee ballot shall not be counted. and votes previously recorded subtracted from candidate totals.

CHAPTER 14-140 ELECTIONS

14-140-010

NOTICE OF POLLING PLACE AND TIME

The TEC shall post a notice in at least four prominent places on the Reservation and Colony stating the location of the polling place, the date of the election, and the time the polls will open and close on Election Day. This information shall be posted at least five (5) days before the election and shall remain posted until the polls close on Election Day.

14-140-020

POLLING PLACE

The TEC shall select one convenient polling place on the Reservation. The polling place shall be open continuously from 8:00 a.m. to 6:00 p.m., the day of the election.

14-140-030

IDENTIFICATION OF VOTERS

In order to cast a ballot, each eligible voter wishing to vote must be able upon request of a TEC member to produce a photo identification.

14-140-040

SIGNATURE REQUIRED

Before each person is handed a ballot, he shall be required to sign his name as it is listed on the Official List of Eligible Voters

14-140-050

CHALLENGE IDENTIFICATION

Any eligible voter or TEC member may challenge the identity of any person appearing to vote. The TEC shall resolve all disputes concerning the voter identification immediately by a majority vote.

14-140-060

BALLOT BOX

All ballots being cast shall be placed in a receptacle clearly marked "Ballot Box" or in accordance with the directions/manuals for the automated voting system in use.

State what rules it is the TEC's responsibility to enforce on the day of the election

CHAPTER 14-150 COUNTING OF BALLOTS - HAND COUNT

14-150-010

APPLICABILITY

Hand count procedures enumerated herein shall be utilized in all elections of the Tribe unless provisions have been made for an automated ballot count. ~~In the event automated ballot count.~~ In the event automated counting system is used, the provisions of Section 14-150 shall not apply to the counting process. The procedures set forth in Section 14-160 shall be followed.

14-150-020

PUBLIC COUNT

All ballots shall be counted in plain sight of the public. No ballots shall be counted until the TEC convenes a meeting for the public count.

14-150-030

RECESS BEFORE PUBLIC COUNTING

There shall be a one (1) hour recess period after the time polls close. After the recess, the TEC meeting for a public count shall begin. During the one (1) hour recess period, the ballot box shall be in a public view and guarded by a police officer of the Fallon Tribal Police Department.

14-150-040

TALLYING THE BALLOTS

Once the meeting for the public count is convened, the Police Chief shall unlock the ballot box and open it. The TEC Chairman shall remove the absentee ballots from the ballot box. The TEC Chairman shall remove each absentee ballot from the envelope containing the absentee ballot and if necessary cut off the ballot number. These absentee ballots are placed back into the ballot box with the rest of the ballots. After this is completed the TEC Chairman shall remove the ballots one by one. As each ballot is removed from the box, the TEC Chairman shall read the choices marked on the ballot and shall show the ballot to each TEC member to insure the tally is correct. A member of the TEC, appointed by the majority of the TEC, designated as the "Clerk of the Count", shall record each vote as announced by the Chairperson. Each member of the TEC shall monitor the tally as recorded by the Clerk of the Count, to insure the choices set forth on each ballot are recorded correctly. When the results of each ballot have finally been announced by the TEC, the Clerk of the Count shall total the votes for each candidate and all other matters being voted upon, and summarize the results in a report for the Business Council submitted through the Secretary. The final results occur upon certification of the results by the Business Council.

Handwritten notes:
Absentee ballots should be placed back in the ballot box by a TEC member.
SIGNED BY TEC
by
Secretary - supports TEC
type name? sitting on hour? by Business Council at business the next day?

CHAPTER 14-160 COUNTING OF BALLOTS - AUTOMATION

14-160-010

APPLICABILITY

The provisions of the Section 14-160 shall be utilized only when the Business Council and/or the TEC have specified an automatic method of counting the ballots. If the Fallon Business Council or TEC does not specify automatic counting ballots, these provisions shall not be applicable and the provisions of Section 14-150 shall be applied.

14-160-020

COUNTING THE BALLOTS

Procedures for counting of ballots shall be handled according to the automated system employed for the election. *Hand counted ballot totals shall be added to that of the automated system*

14-160-030

ABSENTEE BALLOTS COUNTING

At the close of the polls, absentee ballots shall be removed from their sealed envelopes and shall be counted in accordance with 14-150-040. *Counted by TEC*

14-160-040

RECESS

After the polls are closed, there shall be a thirty (30) minute recess before the public count of the vote. *Public count by TEC*

CHAPTER 14-170 COUNTING OF BALLOTS - GENERAL PROVISIONS

14-170-010

DISPOSITION OF REJECTED BALLOTS

A majority vote of the TEC shall be required to reject a ballot. If any portion of a ballot is determined to be defective, the entire ballot shall be marked **REJECTED** and shall not be counted in the regular election count. Once rejected, the ballot shall be refolded and marked "REJECTED" in ink. Each member of the TEC shall sign his name below this marking and the **REJECTED BALLOT** shall be placed in an envelope marked "REJECTED BALLOTS". The envelope containing all **REJECTED BALLOTS** shall be placed in a box designed for receipt of rejected ballots and returned to the Business Council after the tallying is complete. The **REJECTED BALLOTS** shall be preserved in the same manner as all the other election records.

14-170-020

REJECTED BALLOTS IN A TIE ELECTION

Rejected ballots ~~may be called upon and~~ counted only in the event after a recount that a tie exists. *The legible marks only* for the section of a tie will be counted. Items that are marked more than once or items, which are not conclusive, will not be counted. If rejected ballots are called upon and included with the official ballots, *They* shall be preserved in the same manner as all the other election records.

14-170-030

SPOILED BALLOTS

Spoiled ballots are ballots that were incorrectly marked by an eligible voter and in exchange, the eligible voter is provided a new ballot to be cast in the election. Spoiled ballots shall not be counted toward the regular outcome of the election or used as a means to break a tie that exists after the count or recount. *Spoil ballots* will be kept in a separate envelope marked **SPOILED BALLOTS**. Spoiled ballots will be preserved as a part of the election records according to the provisions for storing and preserving election records.

14-170-040

UNUSED BALLOTS

After the close of the polls, the TEC will collect all unused ballots and mark them with a distinctive mark that these are unused ballots. The unused ballots shall be retained in the same manner as all other election records.

Anything delineating # of ballots to be printed?

14-170-050

CONCLUSION OF TALLYING

Once all ballots have been tallied, the TEC Chairman shall place all counted ballots, unused ballots, spoiled, rejected ballots and Eligible Voters Signature List in the Ballot box and the ballot box/sealed. If the Tribe used an automated counting system the directions accompanying the system for preserving the ballots and results shall be followed. These records shall then immediately be delivered by the Clerk of the Count to the Secretary.

shall be

what happens to the box?

14-170-060

ELECTION RESULTS

After the tally is completed, the TEC shall determine from the record maintained by the "Clerk of the Count", the total votes cast for each candidate and each issue. The Clerk of the Count shall record the tally of the votes counted, together with the number of REJECTED and SPOILED ballots. The total for each shall be certified by each member of the TEC, by signing his name thereto. The Clerk of the Count shall deliver the total and tally sheet to the Secretary of the Business Council. The Secretary shall then present the election records and results to the Business Council.

14-170-070

ANNOUNCEMENT OF ELECTION OUTCOME

- a) Reading tally results. The Chairperson of the Business Council shall read aloud all totals to the Business Council and public in an open meeting on the night of election.
- b) Recounts. An automatic recount shall be conducted if:
 - 1) There is a tie between two or more candidates; or
 - 2) The number of votes separating two or more candidates is less than 1% of the total number of eligible voters who actually cast ballots in the election as determined from the Official Eligible Voters Signature List.
- c) Recount in a Hand Count Election: The Secretary shall unseal the ballot box of UNREJECTED BALLOTS and the Business Council shall then recount the Unrejected Ballots cast and the absentee ballots for the candidates involved.
- d) Automation. The Secretary shall unseal the Automated Tally of Unrejected Ballots and the Business Council shall recount the votes, on all UNREJECTED BALLOTS cast and the ballots of the candidates involved in accordance with the directions/manuals for the Automated Voting System.
- e) Results of Recount: A vote tally after recount shall then be prepared by the Business Council and read aloud to the public by the Chairperson. The recounted ballot box or automated ballot box and eligible Voter's Signature List envelope shall then immediately be resealed, and the record preserved by signature of the Secretary covering the tape sealing the records, unless a candidate challenges the results.
- f) Notification to BIA Western Nevada Agency - The Secretary of the Business Council shall provide copies of the election results along with the approving resolutions within ten (10) days after the certification and finalization of the election.

to the
list

CHAPTER 14-180 "LAME DUCK" OFFICIALS

14-180-010 "LAME DUCK" OFFICIAL

Notwithstanding that a Business Council member loses an election or chooses not to run for reelection, the member shall continue to serve in his official capacity, enjoying the powers and privileges thereof, until the newly elected Council is sworn in and formally takes office, provided that all Business Council members not reelected to the Council shall automatically lose all signatory authority on behalf of the Tribe immediately upon finalization of the election results.

14-180-020 LOSING CANDIDATES

No losing candidate for a position on the Business Council may be appointed to fill any vacancy on the Business Council, which arises during the term of the position for which the losing candidate ran.

allowed to fill if another elects authority

CHAPTER 14-190 CHALLENGES OF ELECTION OUTCOME

14-190-010 WHO MAY CHALLENGE

Any eligible voter who cast a ballot in the election may challenge the final results of an election.

14-190-020 PROCEDURES FOR CHALLENGE TO THE FINAL RESULTS OF AN ELECTION

Challenges shall be handled as follows:

- a) Filing of Challenges: Challenges shall be submitted on the election challenge outcome form and filed with the Clerk of the Fallon Tribal Court. Challenges must be submitted no later than 12:00 noon on Monday following the election. There shall be one challenge per form. The filing fee for filing each challenge is \$50.00 per challenge payable upon filing to the Tribal Court Clerk.
- b) All election challenges will be heard on the Friday following the Election and a verbal decision given with a written decision to follow in five (5) days.
- c) The decision of the Tribal Court shall be final and is non-appealable.

by?

working calendar

14-190-030 SELECTION OF TRIBAL JUDGE TO HEAR CHALLENGE TO ELECTION RESULTS

A tribal judge from any Nevada Tribe, other than the Fallon Tribal Chief Judge and Associate Judge, may be chosen to preside over the election challenge hearing. The Tribal Court Clerk shall contact Tribal Judges and develop a list of interested Tribal Judges willing to be selected as the Election Judge. The Fallon Business Council shall select a Tribal Judge from the list provided by the Tribal Court to preside over the hearing no later than forty-five (45) days prior to the date of the Election. Compensation to the judge shall not exceed \$400.00, plus costs such as travel and election hearing administrative costs.

14-190-040

DECLARATION OF ELECTION

- a) When the time for challenges has passed and no election challenges have been filed in court, or when all challenges have been resolved through the Tribal Court, the Business Council shall declare those persons finally determined to have received the highest number of votes to be elected, and the votes in any special elections to be final. The results of the election shall be declared certified and finalized. The elected candidates will be sworn into office at the next regular Business Council meeting. A resolution will be presented to the BIA Superintendent of the Western Nevada Agency, citing the results of the elections and the swearing in of the elected officials.
- b) If there are no challenges to an election or challenges have been decided by Tribal Court, the Business Council shall accept the results of the election and conduct the swearing in of the new members at the next regular meeting. Failure by the Business Council to accept the court decision or election results when no challenge has been brought shall not effect the swearing in of the newly elected members. In such situations, any Tribal Elder shall conduct the swearing in of the newly elected members who shall take office at such point.

14-190-050

a) oath of office?
POST CHALLENGE ACTIVITIES

If a challenge is sustained by the Tribal Court or the election or portions thereof declared void, and another election is ordered by the Court or required by the effect of the Court's decision, the election shall be scheduled within sixty (60) days from the final decision of the court. The procedures for another election shall be held in accordance with this Title 14.

CHAPTER 14-200 IMMEDIATE FAMILY MEMBER DISQUALIFICATION PROCEDURES:

Article IV, Section 5 (as amended by Amendment 23), of the Constitution and Bylaws of the Fallon Paiute Shoshone Tribe prohibits a person from serving on the Business Council simultaneously with an immediate family member (a husband, wife, brother, sister, father, mother son or daughter). This situation may arise where immediate family members are elected to hold office on the Business Council in the same election or where an immediate family member already sits as a member of the Business Council and another immediate family member is then elected to hold office as a member of the Business Council. This prohibition shall be enforced as provided in section 14-200-010.

14-200-010

ENFORCEMENT OF PROHIBITION AGAINST IMMEDIATE FAMILY MEMBERS ON THE COUNCIL.

- a) No person may run for or be appointed to the Business Council if he or she will serve on the Business Council simultaneously with an immediate family member whose term of office is not about to expire. Upon determination by the Business Council that a person has apparently been elected or appointed to the Business Council in violation of this requirement, the Business Council shall immediately initiate procedures to remove such person from the Business Council and, upon such removal, appoint a qualified person to the vacant Business Council seat.

Shouldn't this be determined during the election period for at least those who are elected to those whose terms will not expire?

- b) If two or more immediate family members run for the Business Council in the same election and are elected, the following provisions shall apply:
1. No later than the close of business two (2) days including weekends and holidays) following certification of the election results as to the immediate family members, they shall agree between or among themselves who will step down and who will be seated on the Business Council. If agreement is reached within this two (2) day period of time, then the person who, it is agreed, will take office, shall be sworn into office and commence service upon conclusion of the swearing-in ceremony.
 2. If agreement is not reached within the two (2) day period, then the person receiving the highest number of votes between or among the immediate family members only, shall take office and the remaining immediate family member(s) shall step down. In the event of a tie vote, and the parties are unable to agree, the tie shall be resolved by counting the legible rejected ballots as stated in section 14-170-020. If a tie still exists at this point, the winner will be decided by lot or chance.

CERTIFICATION OF ADOPTION

BE IT KNOWN That on this 27th day of February 2002, this Title 14 Election Ordinance was approved by the Fallon Business Council with the adoption of Resolution 02-F-048. Changes were made on this 26th day of March 2002, to this Title 14 Election Ordinance through Resolution 02-F-071 based on mandated changes to the Tribal Constitution and Bylaws. Changes were made on May 29, 2002, through Resolution 02-F-107. Changes were made on January 14, 2004, through Resolution 04-F-015.

Susan Willic, Secretary Fallon Business Council

BACK OF ENVELOPE
NOTICE THAT I AM VOTING ABSENTEE

DATE:

Dear Tribal Election Committee:

I, _____ hereby notify you that I am voting absentee for the upcoming Tribal Elections for the following reasons: (Please Mark Appropriate Box)

- Absent from the Reservation/Colony because of the nature of his/her vacation, business, or any other unavoidable causes; *cite ordinance*
- Unable to go to the polling place due to unavoidable causes; *cite ordinance defunct*
- Is enrolled ^{and} attending an education institution: *name institution & location*
- In any branch of the armed forces of the United States of America; *state service and duty station*

Please provide your full name, current address and phone number in the space provided in the upper left hand corner of the front of this envelope. In order for the TEC to have a means to verify the validity of any questionable notice a telephone number and/or address is required. Failure to comply may result in a denial of your request.

Signature: _____

ELECTION CHALLENGE FORM

Form for Challenging Outcome of a Tribal Election

<p>LIST THE FACTUAL and/or LEGAL BASIS FOR THE CHALLENGE (Be specific) - <i>cite citations of (Constitutional & relevant law)</i></p> <p style="text-align: center;">If additional space is needed, please use another sheet and attach</p>

Name of Challenger			
Address of Challenger			
Challenger Phone No.	Day: ()	Night: ()	
Challenger Status:	<input type="checkbox"/> Voter of the Fallon Tribe	<input type="checkbox"/> Business Council Candidate	

(NOTE: All correspondence and notices will be sent to the above listed address)

If there is evidence, exhibits, and/or supporting documentation to be included, please write on each piece and Exhibit Number, from below, and list the item in the space below:

Exhibit No.	Exhibit Description	Exhibit No.	Exhibit Description
Exhibit A		Exhibit D	
Exhibit B		Exhibit E	
Exhibit C		Exhibit F	

Signature of Challenger: _____ Date: _____

<p>REMEDY OR RELIEF WHICH IS REQUESTED</p>	<p>TRIBAL COURT USE ONLY (File Stamp)</p>
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NOTES

Challenges by 12 noon Monday for
 Certification to BIA after 10
 challenges heard following
 decisions in 5 days

Regular Election

Absentee ballots due in designated box by 2 PM,
 assembly delivered by 6 PM

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 15
- 20
- 25
- 30
- 35
- 40
- 45
- 50
- 55
- 60
- 70
- 80
- 90
- 100
- 110
- 120
- 130
- 140
- 150
- 160
- 180

posting of voting places & times

posting of final list: no absentee ballots mailed after this date

20 groups challenge

30 candidates close
 35 candidates present names to VEC; ~~cert~~ for background checks must be sent;

45 posting of prelim voting list; designation of challenge judge

55 ballot questions forms to TC
 60 nomination for candidates opens (submitting amendment, referendum) etc.

70 to post opening/closing dates for nominations
 80 posting of solicitation for constitutional questions

110 to post designation of chair of TEC (11-30-2020)

130 to post notice of solicitation for TEC (11-30-2020)

180 notification of those who will turn 18 and become eligible to vote by day of election

4th Saturday in June every two years