



# QUILEUTE TRIBAL COUNCIL

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## ELECTION ORDINANCE

### **PART I: GENERAL PROVISIONS**

#### **SECTION 1: AUTHORITY**

This Election Ordinance is authorized by the Constitution and By-Laws of the Quileute Tribe of the Quileute Reservation, Article IV Section 2, which states: *“All elections shall be by secret ballot and shall be held in accordance with the rules and regulations prescribed by the Tribal Council or by an election board appointed by the Tribal Council,”* and by Article VI, Section 1(i), which vests constitutional authority in the Tribal Council to promulgate and enforce ordinances governing the conduct of members of the Quileute Tribe.

#### **SECTION 2: POLICY**

The Tribal Council declares that it is the public policy of the Tribe that the Tribal Council shall have exclusive authority to prescribe election rules and regulations under this provision. All election rules and regulations must be approved by the Tribal Council by Resolution before becoming effective.

#### **SECTION 3: PURPOSE**

The purpose of this Ordinance is to establish a procedure for tribal elections which shall ensure fair and consistent rules for conducting tribal elections in conformance with the Constitution and By-Laws of the Quileute Tribe, to prescribe rules and regulations governing the conduct of tribal elections, and to establish standards of conduct for those elected to serve the Quileute people as an elected official.

#### **SECTION 4: CONFLICT WITH CONSTITUTION**

Any portion of this Ordinance that is in conflict with the Tribal Constitution and By-Laws shall be preempted by the Tribal Constitution and By-Laws.

#### **SECTION 5: TYPES OF ELECTIONS COVERED**

1. Regular election of Tribal Council members;
2. Recall;
3. Other tribal elections (such as elections to amend the Constitution and By-Laws, committee elections, and elections to approve actions of the Tribal Council as required by the Constitution and By-Laws); and
4. General Council Referendum elections.

#### SECTION 6: DEFINITION OF TERMS

1. Tribe – means the Quileute Indian Tribe.
2. Tribal Council – means the duly elected and installed members of the Quileute Tribal Council.
3. General Council – means the adult tribal members of the Quileute Tribe, *provided*, that any tribal member over the age of eighteen (18) may attend a General Council meeting of the Tribe. Only tribal members who are age twenty-one (21) or older may vote in any election held at a General Council meeting, as set forth elsewhere in this Ordinance and subject to other requirements as laid out in the Constitution. The General Council is authorized under the Quileute By-Laws, Article VI, to hold an annual General Council meeting at which Tribal Council elections take place, and Special General Council meetings that may either be called by the Tribal Chairperson or upon written petition of one-third of the legal voters of the Tribe.
4. Election Board – means the Election Board appointed by the Tribal Council to conduct tribal elections pursuant to Article IV, Section 2 of the Constitution.
5. Code of Ethics – means a Tribal Ordinance adopted by the Tribal Council setting standards of conduct and a set of ethical standards for Tribal Council members, employees, and representatives of the Tribe.
6. Constitution – means the Constitution and By-Laws of the Quileute Indian Tribe.
7. Council Election – means the Tribal Council election held at the annual General Council meeting to fill vacancies or expiring terms on the Tribal Council.
8. Recall Election – means a special election called by the Tribal Council, upon a petition signed by at least one-third (1/3) of the eligible voters of the Tribe, to recall the Tribal Council member or members named in the petition, pursuant to Article V, Section 3 of the Constitution.
9. Referendum Election – means an election called upon a petition signed by at least one-third (1/3) of the eligible voters of the Tribe, to vote on any enacted or proposed ordinance or resolution of the Tribal Council, pursuant to Article IX of the Constitution.

10. Vacancy – means a Tribal Council position that no longer has a seated Tribal Council member due to removal pursuant to Article V, Section 2 of the Constitution, due to recall pursuant to Article V, Section 3 of the Constitution, or where a Tribal Council member dies, resigns from office, or permanently leaves the Quileute Reservation or Clallam County. Vacancies in a Tribal Council position shall be filled by Tribal Council appointment as provided in Article V, Section 1 of the Constitution.
11. Quileute Tribal Member – means an enrolled member of the Quileute Tribe, as reflected in the official roll of the Tribe. It shall be the responsibility of the Quileute Enrollment Department to maintain an accurate roll of Quileute tribal members and to provide to the Election Board, one week before the scheduled day of any tribal election, a voters list of eligible Quileute tribal voters for each specific election who will be twenty-one (21) years of age or older as of the date of the election.
12. Primary, Permanent or Legal Residence – means the place or residence where a Quileute tribal member usually lives or intends to make his or her home. When in dispute, a tribal member’s permanent residence may be determined by reference to federal common law principles of “domicile,” which involve a multi-factor analysis of objective facts reflecting the tribal member’s intention to maintain a permanent residence, including, without limitation, place of employment, location of personal residence(s), location of family, where vehicles are registered, and other factors.
13. Immediate Family Member – parent, sibling, child by blood, adoption or marriage, spouse, grandparent, or grandchild.
14. Student – means any person who is currently enrolled in a college, university or trade school and currently attending classes outside of Clallam County, *provided*, that meeting the definition of Student for purposes of this Ordinance requires proof of full-time enrollment (at least 12 credits per quarter or semester) during the entire year preceding the election in a university, college or trade school. Participation in on-line courses or correspondence courses does not qualify.
15. Spoiled Ballot – means a ballot that has been destroyed or damaged so as to make it unusable in an election, or where a ballot has been marked improperly or by mistake or the member changes his or her mind and wishes to mark their ballot differently, and requests a new ballot.
16. Rejected Ballot – means a ballot that is reviewed by the Election Board because the ballot is alleged by an Election Board member or tribal member to be deficient in some respect, including but not limited to being filled out incorrectly, and that the Election Board decides not to count as part of the Tribal election being conducted. A ballot that contains less total votes than the number of positions up for Tribal Council election shall not be rejected on that basis. A ballot that contains more votes than the number of positions up

for Tribal Council election shall be rejected. To the extent a ballot contains both valid and invalid votes, the Election Board shall count the valid votes and reject the invalid votes.

17. Defective Ballot – means a ballot that is misprinted or is otherwise deficient as prepared by the Election Board. In the event an allegation is made by any Board member or tribal member that the ballots for any tribal election are defective as printed, and the Election Board decides the ballot is defective as a matter of tribal law, the Board shall immediately prepare new corrected ballots and distribute them to eligible tribal members.
18. Post means to affix and prominently display for at least three continuous days (or such further time as this Ordinance may require or contemplate) a written notice so that it is easily viewable by the public in three or more public locations on the Quileute Reservation which must include, without limitation, the tribal government office, the Lonesome Creek Store, and the La Push Post Office. A requirement to post a notice does not preclude using additional forms of communicating the contents of the notice, such as distributing it via mail or email, publishing it in the Tribe’s newsletter or another newspaper, or displaying it on the Tribe’s website or elsewhere on the internet, as the Election Board deems appropriate for communicating the notice to tribal members.

## **PART II: ELECTION BOARD**

### **SECTION 7: APPOINTMENT**

1. There shall be established an Election Board consisting of five members plus two alternates of the Quileute Tribe appointed by the Tribal Council each of whom shall serve three years and until his or her successor is appointed and installed. Initially, the Tribal Council will appoint all five Board members at one time, with two Board members having an initial term of one (1) year, two Board members having a term of two (2) years, and the fifth Board member having a term of three (3) years. Thereafter, beginning in the year subsequent to initial appointment of a Board, in order to stagger the terms of Board members, the Tribal Council shall, by June 1 of the calendar year, appoint two (2) members to the Board, except for the third year thereafter when one (1) shall be selected. Alternates will be selected by the Tribal Council such that their terms are also staggered and both Alternates are not serving the same term.
2. The Tribal Council shall solicit the interest of tribal members in serving on the Election Board. Any person who wishes to announce their candidacy for a position on the Election Board shall submit a letter of interest to the Tribal Council no later than May 15th. Tribal Council shall appoint Board members from the interested candidates. In the unlikely event that there are not sufficient tribal members willing to serve on the Election Board, the Tribal Council may temporarily appoint tribal member employees to fill an Election Board position, with the advice and consent of the General Manager.

### **SECTION 8: CONFLICT OF INTEREST; IMPARTIALITY**

1. No person serving or nominated to serve on the Election Board may be currently serving, or have an immediate family member currently serving, on the Tribal Council or other tribal board or committee for which the Election Board administers elections.
2. No Election Board member or Alternate may serve on the Election Board for any tribal election in which the Election Board Member or Alternate is nominated or is running for office as a candidate, or has an immediate family member as a candidate. In this event, the Election Board member or Alternate will recuse himself or herself for the duration of the election in question, and an Alternate will serve as an active Election Board member for that election. If there are insufficient Election Board members and Alternates remaining in a conflict situation to comprise a full five-member active Election Board, the Tribal Council will appoint a temporary replacement Election Board member for that election.
3. While acting within the scope of their official Election Board capacity, Election Board members and Alternates must demonstrate impartiality and must not give any indication of favoring any candidate or outcome, including but not limited to during work hours and in communications that may be reasonably attributed to the Election Board or the Election Board member or Alternate in his or her official capacity. Election Board members and Alternates must not, in any tribal election for which they will serve as an Election Board Member or Alternate: nominate any candidate for election; campaign or seek funding for any candidate or campaign; promote, oppose, or otherwise recommend any candidate or position; distribute any campaign literature; circulate an initiative, referendum, or recall petition; serve on a campaign committee or otherwise take an active role in the management of a political campaign; make or cause to be made a financial contribution, in-kind contribution, or contribution of personal services to a candidate or campaign; or publicly support or oppose a candidate for public office or a measure to be voted on at an election. The Tribal Council finds that these temporary restrictions on the political activities of Election Board Members and Alternates are necessary in order to avoid conflicts of interest, ensure the integrity of tribal elections, and avoid disruption to the work of the Election Board. An Election Board Member or Alternate who wishes to engage in these political activities may recuse himself or herself for the duration of the election in question and be temporarily replaced as set forth in subsection (2), above.
4. Any allegation that an Election Board member or Alternate has violated this Section must be submitted in writing to the Chairperson of the Election Board, who will preside over the resolution of the allegation. If an allegation directly involves the Chairperson, the allegation must be submitted in writing to the Vice-Chairperson of the Election Board, who will preside over the resolution of the allegation. Resolution of the allegation may, in appropriate circumstances, include removal from the Election Board pursuant to SECTION 14:

## SECTION 9: QUORUM; DUTIES

A quorum of at least four Election Board members is required to conduct Election Board business, except when this Ordinance requires more. The Election Board shall meet and select from their membership a Chairperson, Vice-Chairperson, Secretary, Sergeant at Arms, Ballot Box Supervisor, and a Member. The duties of the Election Board shall be:

1. Supervise the annual General Council Elections and other tribal elections for which they were appointed pursuant to the Election Ordinance;
2. Ensure that all elections are conducted fairly;
3. Determine the eligibility of candidates pursuant to the Election Ordinance;
4. Resolve any question about the eligibility of voters or candidates to be placed on ballots;
5. Establish a polling place and sufficient ballots, containing the names of all properly nominated candidates so that each eligible voter may be issued an official ballot;
6. Tabulate ballots on election night and advise the designated standing Tribal Council members of the Election Results;
7. Become familiar with the Quileute Constitution and By-Laws and this Election Ordinance; and
8. Resolve any election disputes, *provided* that the Election Board shall decide any such dispute as expeditiously as possible.

## SECTION 10: VACANCIES

If any member of the Election Board is unwilling or unable to perform the duties of the office or if a vacancy otherwise arises, including but not limited to removal of a Board member as described in Section 14, then the Tribal Council shall appoint a new member to serve out the remainder of that member's term. If no tribal member is willing to serve on the Election Board, the Tribal Council may temporarily appoint a tribal member employee to that position, with the advice and consent of the General Manager.

## SECTION 11: INTERNAL PROCEDURES

The Election Board may adopt internal procedures to govern its activities under this Ordinance, but any such procedures shall be subject to review and approval by the Tribal Council.

## SECTION 12: ELECTION BOARD OFFICERS AND DUTIES

1. Chairperson. The Chairperson of the Election Board shall preside over meetings of the Election Board, shall resolve any disputes as to interpretation of this Ordinance and any rules and regulations approved by the Tribal Council, shall call for nominations, close nominations, open the polling place and close the polling place at the appropriate times and shall report the results of the election to the Tribal Council. The Chairperson shall also preside over any election disputes, conflict disputes, or impartiality disputes that may be filed.

2. Vice-Chairperson. The Vice-Chairperson of the Election Board shall assist the Chairperson of the Election Board in the Chairperson's duties and shall preside over Election Board meetings and duties in the absence of the Chairperson. The Vice-Chairperson shall assume the duties of the Chairperson in the event of the resignation, removal, or inability of the Chairperson to perform the Chairperson's duties, until such time as a replacement is selected by the Election Board. The Vice-Chairperson shall preside over any election dispute or allegation of a violation of this Election Ordinance directly implicating or pertaining to the Chairperson. When presiding over meetings or duties of the Election Board under this subsection, the Vice-Chairperson shall have all the rights, privileges, duties, and responsibilities of the Chairperson.
3. Secretary. The Secretary of the Election Board shall keep the list of eligible voters and ensure that each eligible voter only receives one ballot by striking the voters name from the list after their ballot has been issued. The Secretary shall create the ballot once nominations are closed; *provided*, that each Election Board member shall review the final ballot draft and shall sign it and certify that it is correct as to form and spelling. The Secretary shall also be responsible for issuing a new ballot when an eligible tribal member voter informs the Secretary that his or her ballot is defective or has been spoiled, and after the Election Board makes a determination that issuance of a new ballot is warranted.
4. Sergeant at Arms. The Sergeant at Arms shall be charged with ensuring an organized, peaceful and orderly election process. S/he may, in his or her sole discretion, seek the assistance of a member of the La Push Police Department to assist in maintaining the peace and keeping the election process orderly.
5. Ballot Box Supervisor. The Ballot Box Supervisor shall monitor the ballot box and ensure that each voter puts only one ballot into the box. The Supervisor will collect the ballot box at the conclusion of the voting period and present the box to the full Election Board for counting of ballots.

#### SECTION 13: ALTERNATES; ATTENDANCE AT BOARD MEETINGS

Alternates shall be able to function as active members of the Election Board as the need arises during conflict of interest situations or other absences. Alternates shall have no power, authority or vote unless they are sitting as an alternate in the place of an appointed member. Election Board members and Alternates shall attend any and all Election Board meetings as may be regularly scheduled, required or called by the Chair, except in the event of illness, disability or other incapacity. If any Election Board member or Alternate fails to comply with this section, the Election Board may take appropriate measures, including but not limited to, removal from the Election Board pursuant to Section 14, below.

#### SECTION 14: REMOVAL OF ELECTION BOARD MEMBERS AND ALTERNATES

1. Reasons for Removal. An Election Board member or Alternate may be subject to removal from the Election Board for one or more of the following reasons:
  - a. Inefficiency, negligence, or carelessness in the performance of duty;
  - b. Being convicted within the last seven years of any felony (other than a conviction for asserting tribal treaty rights) or of a misdemeanor involving controlled substances or dishonesty in any tribal, state, or federal court;
  - c. Soliciting or accepting bribes or quid pro quos;
  - d. Missing three or more consecutive regular meetings without good cause (in the determination of the other Election Board members);
  - e. Breach of any requirement or provision of this Election Ordinance;
  - f. Violation of the Quileute Tribal Alcohol and Drug Abuse Policy;
  - g. Violation of the Quileute Tribal Code of Ethics; and
  - h. Violation of other applicable laws, regulations, or policies.
  
2. Removal by Election Board. The Election Board, by majority vote with a quorum present, may remove an Election Board member or Alternate for one or more of the reasons set forth in this Section. Before voting to remove an Election Board member or Alternate, the Election Board will give the member or Alternate reasonable notice of the reason for the proposed removal and an opportunity to respond to such notice at a meeting of the Election Board. The Election Board's decision to remove an Election Board member or Alternate is final and not subject to appeal.

### **PART III: CONDUCT OF TRIBAL ELECTIONS**

#### **SECTION 15: VOTER QUALIFICATIONS**

1. Pursuant to Article IV, Section 1 of the Constitution, voting is limited to members of the Quileute Tribe twenty-one (21) years of age or over who have maintained their legal residence within the Quileute Reservation or within the territory of Clallam County for one year immediately preceding any tribal election except elections for the amendment of the Constitution and Bylaws. Pursuant to Article VII, Section 1 of the Constitution, members of the Quileute Tribe over the age of twenty-one may vote in elections for the amendment of the Constitution and Bylaws regardless of the location of their residence.
  
2. For a person to reside within Clallam County that person must have had their primary or permanent residence within Clallam County, *provided*, that persons on active duty in the armed services of the United States and stationed outside of Clallam County or students currently enrolled in a college, university or trade school and currently attending classes outside of Clallam County shall be considered permanent residents of Clallam County.
  
3. Any member of the Election Board may, at their sole discretion, question the qualifications of any prospective voter. The Board will proceed to immediately determine the eligibility of the questioned voter to participate in the tribal election.



4. Any voter whose eligibility is questioned must provide proof of age, membership and residency.
  - a. A Tribal ID card showing membership in the Quileute Tribe shall be sufficient proof of tribal membership.
  - b. A Tribal ID, Driver's License or other government ID card showing the person to be 21 years of age or older shall be sufficient proof that the person meets the age requirement to vote in tribal elections.
  - c. A member whose residency is questioned shall be considered a resident of Clallam County by showing three of the following:
    - i. Washington State Driver's License or ID card issued at least one year prior to the election with an address in Clallam County, *provided*, that if the member's Driver's license is less than one year old, but shows a Clallam County or Reservation residence, the license shall be considered proof of primary residence in conjunction with two other categories of documentation as set out in this subsection.
    - ii. Washington State Voter Registration Card showing that he/she is eligible to vote in Clallam County elections.
    - iii. One year of phone or utility bills for a residence in Clallam County
    - iv. A title or lease/rental/or mortgage agreement showing he/she owns or rents a residence in Clallam and has so owned or rented for at least one year prior to the election.
    - v. Proof that he/she has children attending school in Clallam County.
    - vi. One year of cable or satellite television bills in the name of the voter and for service to a location in Clallam County.
    - vii. Proof of full-time enrollment (at least 12 credits per quarter or semester) during the entire year preceding the election in a university, college or trade school. Participation in on-line courses or correspondence courses does not qualify.
    - viii. Proof of active duty in a branch of the armed services of the United States of America.
5. A voter who is determined by vote of the Election Board, in its discretion, to be intoxicated is not eligible to vote in that election. Such determination shall be made by a majority vote of the Election Board.

#### SECTION 16: MANNER OF VOTING

Voting shall be by secret ballot. Voters must be physically present at the polling place selected by the Election Board to vote in a Tribal Council election, except as provided below.

## SECTION 17: POLLING PLACE

The physical location of the polling place will be determined by the Election Board and announced and posted prior to the date of the election. The Election Board may make arrangements with the La Push Police Department to assist as appropriate in the conduct of the election.

## SECTION 18: TRAINING OF ELECTION OFFICIALS

After their appointment, members of the Election Board will meet with the designee of Tribal Council for onboarding and training. The Election Board must reconvene at least one month prior to any General Council Election date to review the Election Ordinance and prepare for the election, and must continue meeting until the election as necessary to prepare for the election.

## SECTION 19: CAMPAIGNING

1. Employees. Campaigning is restricted to personal time for employees of any Quileute Tribal organization. Employees of the Quileute Tribe are restricted from active campaigning while on the time clock, for any candidate.
2. Candidates. No candidate for office may offer any enticement or favor or make any threat against any eligible voter in an effort to gain that voter's support for office.
3. Voters List. The Enrollment Office shall prepare an official eligible tribal member voters list and deliver it to the Election Board at least two weeks before the scheduled election. The Election Board shall post the list to make it as widely available to the membership before the election as possible, so that tribal members not included on that initial list can clarify their voting status with the Board. Such posting shall only be a list of tribal member enrollment numbers and shall not include addresses or other contact information. The Election Board shall conduct its own review of this list as set out in Section 15 to determine the eligibility to vote of members listed and shall publish a final eligible tribal member voter list by the day of the election for use by the Board in the election process.

## SECTION 20: ABSENTEE VOTING

There is no provision in place at this time for absentee voting.

## **PART IV: NOMINATION OF CANDIDATES FOR TRIBAL COUNCIL**

### SECTION 21: NOMINATION PERIOD

At least 15 calendar days before election day, Tribal Council will post notice that nominations of candidates for Tribal Council will be accepted on the third business day thereafter, from 8:00 a.m. until 4:00 p.m., at which time the Election Board Chairperson will declare the nominations

officially closed. Promptly following the close of nominations (or sooner), the Election Board will contact nominees to inform them that they have been nominated and that if they wish to accept the nomination, they must do so by the close of business (4:00 p.m.) on the next business day after the close of nominations.

#### SECTION 22: NOMINATION PROCEDURE

To be nominated as a candidate for office in the Quileute Tribal Council election, such person must be at least 21 years of age and have had their primary residence in Clallam County for one year preceding the election; and

1. Be nominated by an eligible voter, other than themselves, during the period for making and accepting nominations; and
2. Have the nomination reduced to writing on a form developed by the Election Board and approved by the Tribal Council, and signed by the nominating voter, with such written nomination being submitted to the Election Board. The nominated candidate shall acknowledge and accept the nomination in writing on the nomination form. The Election Board shall then acknowledge the nomination by signing the nomination form at the bottom. The nominated candidate shall print his or her name as it should appear on the ballot.
3. No person may nominate any person who has been convicted of a felony (other than a conviction for asserting tribal treaty rights) or crime of dishonesty, or who has been terminated from employment with the Quileute Tribe for violations which the Election Board determines violates the Code of Ethics of the Quileute Tribe, *provided*, that any prospective nominee who has been deemed ineligible to be included on the official ballot for violations of the Quileute Ethics Code may be voted on as a write-in candidate in the Tribal Council election.

#### SECTION 23: VERIFICATION OF ELIGIBILITY; ANNOUNCEMENT OF NOMINEES; NOMINATION CHALLENGES

1. The Election Board will promptly verify the eligibility of all nominees who were timely nominated and who timely accepted their nominations.
2. No later than 4 calendar days before election day, the Election Board will post a list of the nominees it has determined to be eligible. The list will include contact information for the filing of any challenges.
3. No later than 24 hours after the posting of the list of nominees, any eligible voter may file a written challenge with the Election Board (as specified on the list of nominees) challenging the eligibility of a prospective nominee. Any Election Board member may, either after having received the written challenge, or on their own motion, bring a challenge to the Election Board of any prospective nominee. The Election Board shall immediately determine the eligibility of any Tribal Council nominee upon receiving a

written challenge, *provided*, that if the challenge is made by a member of the Election Board, that member shall not participate in the determination of such challenge.

4. A nominee whose eligibility has been challenged based on residency shall be considered a resident of Clallam County for purposes of being an eligible candidate by showing three of the following:
  - a. Washington State Driver's License or ID card issued at least one year prior to the election with an address in Clallam County, *provided*, that if the member's Driver's license is less than one year old, but shows a Clallam County or Reservation residence, the license shall be considered proof of primary residence in conjunction with two other categories of documentation as set out in this subsection.
  - b. Washington State Voter Registration Card showing that he/she *is* eligible to vote in Clallam County elections.
  - c. One year of phone or utility bills for a residence in Clallam County.
  - d. A title or lease/rental/or mortgage agreement showing he/she owns or rents a residence in Clallam and has so owned or rented for at least one year prior to the election.
  - e. Proof that he/she has children attending school in Clallam County.
  - f. One year of cable or satellite television bills in the name of the voter and for service to a location in Clallam County.
  - g. Proof of full-time enrollment (at least 12 hours per quarter or semester) during the entire year preceding the election in a university, college or trade school. Participation in on-line courses or correspondence courses does not qualify.
  - h. Proof of active duty in a branch of the armed services of the United States of America.
5. If the Election Board determines a prospective nominee is not eligible to be included on the ballot, then the Chairperson of the Election Board shall notify the prospective nominee prior to commencement of voting that the prospective Tribal Council nominee has been determined to not be eligible to be included on the ballot.
6. A prospective nominee who meets the age and residency requirements of the Constitution but has been deemed ineligible to be included on the official ballot for violations of the Quileute Ethics Code, may be elected to office as a write-in candidate.
7. Promptly following the resolution of any nomination challenges, the Election Board will prepare the ballots for the election.
8. Nominees must be present at the General Council Meeting and acknowledge their nomination in writing as set forth in this Ordinance to be included on the ballot unless the Election Board determines that a medical emergency has prevented the nominee from

attending the meeting, in which event the Election Board, at its sole discretion, may permit a telephonic acceptance.

## **PART V: VOTING**

### **SECTION 24: BALLOTS**

Ballots shall include the following elements:

1. List names by order of nomination;
2. Names shall be listed by legal first and last name with option of initials and suffixes, and of nicknames to the right in parentheses, *provided*, that the Election Board shall prohibit offensive or derogatory nicknames from appearing on the ballot;
3. A box for check mark will be provided to the left of each candidate's name;
4. Each ballot will have two lines for write in at the bottom of the ballot with the check box to the left of blank space; and
5. The number of candidates to be voted for, in the form of "Vote for no more than \_\_\_\_ candidates." No candidate may be voted for more than once on the same ballot.

### **SECTION 25: BALLOT BOX**

1. A designated ballot box shall be approved by the Election Board. The box must have two locks to secure ballots. One key shall be kept by the Election Board Chair, except as set forth below. The other key shall be kept by the Election Board Secretary. Two locks are provided so that any one person does not have direct access to the ballot box alone.
2. The key holders shall provide a receipt acknowledging their possession of ballot lock keys. Any key transfers must be documented by receipt upon transfer.
3. After the conclusion of voting, counting of ballots, and certification of the election by the Election Board, the Ballot Box Supervisor shall deliver the Ballot Box to the La Push Police Department. The Election Board Chair and Election Board Secretary will deliver their keys to the Police Chief or designee at the same time.

### **SECTION 26: PREPARATION OF BALLOTS**

1. At the time of acceptance of nomination, each candidate will verify with the Election Board Secretary how their name will appear on the ballot, by printing how they want their name spelled on the acceptance form.

2. Once all nominations have been made and accepted, the period for nominations has been called closed by the Chairperson of the Election Board, and the Board has certified the names of the eligible nominees, ballots will be created by the Election Board Secretary listing each ballot-eligible candidate, as described above, by the Election Board. Each active member of the Election Board will sign a draft ballot prepared by the Election Board Secretary prior to printing of the official ballots.
3. The quantity of ballots will be equal to the number of names on the official list of eligible voters. In addition, 20 extra ballots will be provided to allow for voters who may spoil their ballot and require issuance of a replacement.

#### SECTION 27: BALLOT BOX SUPERVISOR

The Ballot Box Supervisor shall monitor the ballot box and ensure that each voter puts only one ballot into the box. Voters must be allowed to independently deposit their ballots into the ballot box unless they are physically unable to do so, in which case the Ballot Box Supervisor may deposit the ballot for them. The Ballot Box Supervisor will transfer control of the Ballot Box to the Election Board for counting at the conclusion of the voting period.

#### SECTION 28: DISTRIBUTION OF BALLOTS

Each eligible voter will receive one ballot and may only vote on the ballot issued to them. Any ballot filled out by a person other than the person to whom it was issued will not be counted, *provided*, that two Election Board members shall assist any eligible tribal voter to fill out their ballot upon request of the voter.

#### SECTION 29: VOTING HOURS

1. The polls will generally open at 4:00 pm and close at 8:00 pm on the day of the annual General Council meeting. The Election Board may adjust polling hours on that date as necessary to react to emergencies and as necessary to provide a fair and complete voting process; provided, however, that the polling period shall be no greater and no less than 4 hours and shall not extend beyond midnight, provided that eligible voters who are in line at the time the polls close must be allowed to vote.
2. If a weather or other emergency makes voting or attendance by the general membership impossible on the scheduled date of the Tribal Council election, the Tribal Council shall immediately by Resolution schedule another election date as soon as possible consistent with affording candidates and tribal voters the opportunity to participate at such election.
3. Those standing in line to vote at closing time for voting will be permitted to cast ballots. However, persons who arrive after that time will not be permitted to cast a ballot.

### SECTION 30: ELECTIONEERING AND LOITERING

1. Electioneering, campaigning, and loitering is prohibited in the polling place and within 100 feet of the polling place entrance.
2. The Sergeant at Arms shall be charged with ensuring an organized, peaceful and orderly election process. S/he may, in their sole discretion, seek the assistance of a member of the La Push Police Department to assist in maintaining the peace and keeping the election process orderly.
3. Violations of electioneering, campaigning and loitering shall be reported to the Election Board in writing. The Election Board may take any appropriate action necessary to ensure a fair and free tribal election, consistent with the Quileute Constitution and this Ordinance.

### SECTION 31: HANDLING OF SPECIAL CIRCUMSTANCES

1. Spoiled Ballots. A voter shall be responsible for notifying the Election Board of a spoiled ballot. The Board will determine whether the ballot in question meets the definition of spoiled under this Ordinance. If the Board determines that the ballot is spoiled, a Board member shall mark the ballot in large black letters as spoiled and shall deposit the ballot in an envelope labeled "Spoiled Ballot." The spoiled ballot will be kept until the conclusion of the election process, in case of any challenges, at which time the spoiled ballot will be destroyed by the Election Board. The spoiled ballot will be noted on the eligible voters list next to that voter's name. An Election Board member shall then furnish the voter with a new ballot to cast in the election.
2. Rejected/Defective Ballots. If an invalid/unidentifiable/ineligible ballot (one discovered at the time the votes are counted which does not comply with the requirements for voting or is not an official ballot) is found in the ballot box, it is not to be counted either in the tabulation of results or in the determination of the sufficiency of the percentage of ballots cast, *provided*, that as set forth in the definition of defective ballots above, valid votes included on a ballot with invalid votes shall be counted. A ballot will only be deemed ineligible upon majority vote of the Election Board. If a ballot is completely rejected, the rejected or defective ballot will be placed in an envelope labeled "Defective Ballots." The Election Board Secretary shall note, on the back side of the ballot, the reason the ballot was deemed defective. The defective ballot will be kept until the conclusion of the election process, in case of any challenges, at which time the defective ballot will be destroyed by the Election Board. If a ballot is partially valid and partially defective, a Board member will mark the defective part of the ballot in large letters, and the Board will count only the valid votes included on such ballot.
3. Infirm or Disabled Voters. Infirm or disabled voters may request necessary accommodations from an Election Board member in order to exercise their right to vote.

If such accommodation is necessary, two members of the Election Board will be present during the accommodation of need. If a voter is unable to physically enter the polling place, voting will cease and two members of the Election Board will deliver the ballot to the voter within proximity of the polling place. Voting Polls will reopen upon return of the Election Board members.

4. Write-in Votes. Write-in votes will not be counted if the write-in's name already appears on the ballot; a voter may not vote twice on the same ballot for the same candidate under any circumstances. The counting of write-in votes for Council candidates is dependent on the Election Board's ability to identify the name of the write-in candidate being voted for. In the event the Election Board cannot reasonably identify the name of the person voted for as a write-in candidate, only the votes cast for pre-printed candidates or decipherable write-in candidates will be counted by the Election Board, and any undecipherable write-in vote shall be classified as a defective ballot and will be processed according to the procedures for processing of defective ballots set out in this Ordinance.

#### SECTION 32: CLOSING OF POLLS; COUNTING OF BALLOTS

1. At the end of the four-hour voting period and after any voters still standing in line have cast their ballots, the Chairperson of the Election Board shall declare the polls closed. The Ballot Box Supervisor will carry the ballot box to a private room where the Election Board will count the ballots. The Chairperson of the Election Board will convene the active members of the Election Board, open the ballot box and commence the counting procedure.
2. The Election Board will take steps to ensure that no printed ballots are missing or unaccounted for before certifying the results of the election. Unused and spoiled and defective ballots should be accounted for. The unused ballots are to be preserved along with the polling and voting materials and promptly returned to the Election Board along with the locked ballot box upon finalization of the election.
3. Votes on each ballot will be tabulated by the Election Board. Once the ballots are tallied and all the active members of the Election Board determine that a complete and accurate count of all eligible votes has occurred, and all the Election Board members concur in the vote tally, the Election Board will generate a list of all candidates receiving votes and the number of eligible votes each candidate received, and shall certify the election as set forth in Section 33. The Election Board will exhaust all efforts to reach a consensus vote tally. In the event the Election Board is unable to reach a consensus vote tally of the election results, the Election Board will forward the ballot box to the Tribal Council, which shall count the valid ballots and certify the election.

#### SECTION 33: CERTIFICATION OF ELECTION



The Election Board shall certify the official vote tally by signing the official tally form, and the Election Board Chairperson shall certify the election in writing at the bottom of the vote tally form within five (5) calendar days after the election. The Election Board Chairperson shall deliver a written copy of the certified election results to the Tribal Council as soon as the election is certified. The Tribal Council shall notify winning candidates of their election. A judge of the Quileute Tribal Court shall swear the successful candidates into office. The Tribal Council shall call and hold a regular Tribal Council meeting within five (5) business days after certification of the election, at which meeting the successful candidates will be installed as Tribal Council members and will assume office.

#### SECTION 34: SEALING THE BALLOT BOX

Once the Election Board has counted the ballots, tabulated the results, and certified the election, the Ballot Box Supervisor will place the counted ballots back in the ballot box (along with all other election materials such as blank ballots, spoiled ballots and defective ballots) and he/she and the Election Board Chair will relock the ballot box and will cause a member of the La Push Police Department to seal the ballot box and take possession of it. The Election Board Chairperson shall turn over his or her key to the Police Department Officer at this time. After 30 days, if no legal proceedings regarding the election are pending in the Tribal Court, the La Push Police Department shall return the ballot box to the Election Board, along with the second key, and the Election Board shall open the ballot box and destroy all election materials from the election. If a legal proceeding is pending, the ballot box and election materials shall be preserved until that proceeding is complete, at which time it will be returned to the Election Board for destruction of election materials.

#### SECTION 35: RECOUNT

Any request for a recount of the Election Board's tabulation and count of the ballots must be made in writing solely by candidates on the official ballot and submitted to the front desk with a \$50 fee, within three (3) days after the date of the Election or the Election Board's certification of the Election, whichever is later. The Election Board will hold a special meeting within twenty-four (24) hours to review and decide, by consensus, whether to approve the request for a recount. The decision whether to approve a recount shall be at the complete discretion of the Election Board.

If the Election Board approves a request to conduct a recount, the Board will schedule such recount within twenty-four (24) hours of the time of its approval. If the ballot box has been sealed and turned over to the La Push Police Department pursuant to Section 34 of this Ordinance, the Election Board will retrieve the ballot box from the Police Department to conduct the recount. The recount will be conducted by the Election Board pursuant to the same procedure set out in Section 32.3 of this Ordinance for counting ballots, and upon finishing the tabulation and reaching consensus of the vote tally, the Election Board will then follow the procedure for

certification of the Election and installation of Tribal Council members set out in Section 33 of this Ordinance. No further requests for recount will be considered by the Election Board.

**SECTION 36: POSTING OF ELECTION RESULTS**

The Election Board shall, in addition to notifying the Tribal Council, publicize the results of the election to the tribal membership by appropriate means. The names of successful candidates will be posted; vote totals of candidates will be posted or provided.

**PART VI: MISCELLANEOUS**

**SECTION 37: TIE VOTES**

In the event of a tie vote, a coin toss will be held.

**PART VII: REFERENDUM ELECTIONS**

(Reserved)

**PART VIII: RECALL ELECTIONS**

(Reserved)

**PART IX: TRIBAL COMMITTEE AND OTHER ELECTIONS**

**SECTION 38: QUILEUTE TRIBAL SCHOOL BOARD**

1. School Board Elections. Members of the board of trustees of the Quileute Tribal School Board shall be elected by secret ballot at an annual election which shall be held for that purpose on the first Tuesday after the first Monday of October, every year. The electors (voters) voting at said annual elections shall consist of members of the Quileute Tribe and shall meet all qualifications as are required to be eligible to vote in the annual election of the Tribal Council members. The trustees of said board of trustees shall be, as they have in the past, divided into three (3) classes as follows: one class to consist of one (1) member; one class to consist of two (2) members; and a third class to consist of two (2) members. At the annual school board election to be held in October, the practice of having staggered members ensures that member terms will not expire at the same time. The current Quileute Tribal School Board shall set the place and hour of the annual school board election to be held in October of each year for subsequent school board elections. The Quileute Election Board will be responsible for administering the annual School Board elections.

2. **Notice of Election.** The Election Board shall post notice of the election at least fifteen days prior to any election date. The notice shall contain the purpose of the election, notice of how and when to submit a nomination, and the date, location, and time of polls.
3. **Qualifications.** Any person elected or serving as a trustee of said school board must be an enrolled member of a federally recognized Indian tribe of the age of twenty-one (21) years or over and must have been a bona-fide resident residing within the interior or exterior boundaries of the usual and accustomed areas of the Quileute Tribe for at least sixty (60) days prior to the date of the election; and any person elected or serving as a trustee shall not be an employee hired and/or salaried by and through the Quileute Tribal School.

Candidates must also meet the following criteria: (1) be a current U.S. Citizen or have a Canadian Certificate of Indian Status Card; (2) have a current state-issued Driver License; (3) hold at least a high school diploma or equivalent; (4) pass a background check; and (5) successfully complete a urine analysis.

4. **Nominations.** Any person meeting the qualifications as prescribed in Paragraph 3 of this Section may be nominated to be a candidate for the office of trustee. Any member or groups of members of the Quileute Indian Tribe, who is/are qualified voting members of the Quileute Indian Tribe, may submit nominations for the office of trustee. All nominations shall be in writing and signed by the person or persons making the nomination. Such nominations shall be submitted to the Election Board and must be received by the Election Board no later than twelve (12) calendar days before the date of the scheduled school board election.
5. **Write-In Votes.** All ballots at any annual board of trustees election shall, in addition to containing the names of nominated nominees, contain a provision thereon for the election of each trustee position by a write-in of a name or names of a person or persons for whom any elector desires to vote for trustee or trustees at said election.
6. **Majority Vote.** All trustees shall be elected by a majority of the votes cast at any annual school board election and each elector shall be entitled to cast only one (1) vote for each nominee or person for each office. If, at any election, there occurs a tie vote of two or more persons voted for the same trustee office, then and in such an event the Election Board shall select the trustees by lot from among the candidates receiving such a tie vote.

#### SECTION 39:QUILEUTE NATURAL RESOURCES COMMITTEE (QNRC)

1. **QNRC Elections.** The members of the QNRC shall be elected on a staggered basis so that no more than one-half plus one of the members are elected in any one year. QNRC members shall be elected in March. The Quileute Election Board will be responsible for administering the annual QNRC elections and will provide a list of nominees to fill vacant board positions at the elections meeting.

2. Nominations. The Quileute Election Board will coordinate a nomination period for QNRC members to take place at the Quileute Natural Resources building at least twelve (12) days before election day. The Election Board will post notice at least three days prior to the start of this nomination period, and the notice shall contain the length of time of the nomination period, the location where nominations may be submitted, and the date and time of the election.
  
3. Voting Procedure. The eligible voters of the Quileute Tribe shall then vote for the candidates (equal to the number of vacant QNRC positions) of their choice. Voting will take place from 8:00am to 4:00pm at the QNR Building at least twelve (12) days after the nomination period ends. The number of persons on the list (equal to the number of vacant QNRC positions) receiving the most votes shall be the new board members. Voting will be by secret ballot.

#### SECTION 40: CHALLENGES TO TRIBAL COMMITTEE AND OTHER ELECTIONS

Any challenges to voter qualifications or candidate nominations; allegations of violations of electioneering, campaigning, loitering, or other provisions of this Election Ordinance; or requests for a recount must be submitted to the Election Board and will be resolved by the Election Board in accordance with the provisions of this Election Ordinance including, as applicable and without limitation, Sections 15 (Voter Qualifications), 23 (Nomination Challenges), 30 (Electioneering and Loitering), and 35 (Recount). The Election Board's decision will be final and not subject to review.