

**JAMESTOWN S'KLALLAM TRIBE
TRIBAL CODE
TITLE 5 – ELECTION CODE**

(Additional Election Information Under Title 18 – Tribal Council)

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Chapter 5.01 Purpose and Authority

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Section 5.01.01 Mission Statement/Purpose

The Election Board's mission statement is to encourage integrity and transparency in all Tribal elections. The Election Board will insure that every Tribal citizen has an opportunity to cast a vote for an eligible candidate, as set out in the Tribe's Constitution.

Section 5.01.02 Authority

The authority granted to the Election Board by the Tribal Council ("Council") is set out in Article V of the Tribe's Constitution.

Section 5.01.03 Integrity

The Election Board members shall, acting in good faith, conduct themselves in an open, professional, lawful, and non-partisan manner, operating in the best interests of the Election Code.

Section 5.01.04 Severability

If any portion of this Title is found, by a court of competent jurisdiction, to conflict with the Tribe's Constitution or applicable provisions of federal law, that portion will be deemed null and void. The remaining provisions of the Title will remain in full force and effect.

Chapter 5.02 Definitions

Sections:

Section 5.02.01 Definitions

Section 5.02.01 Definitions

The following definitions apply throughout this Title, unless otherwise specified, or the context clearly indicates otherwise:

- A. Certified Candidate: A Tribal Citizen who has successfully completed the required candidacy forms, passed the background check, and has been notified of their approved status from the Election Board.

- B. Potential Candidate: A Tribal Citizen who meets the following qualifications which are required to run for a position on the Tribal Council:
 - 1. Is an enrolled Tribal Citizen of the Jamestown S’Klallam Tribe; and
 - 2. Is at least eighteen (18) years of age on the day of the election for the position for which they are running

- C. Constitutional Petition: To propose an amendment to the Constitution.

- D. Codification: A code is a collection of laws arranged in an orderly way; the action or process of arranging laws or rules according to a system or plan.

- E. Cohabitants: People who reside in and share a home together.

- F. Controlling Date: The date on the form that identifies the start of an election process.

- G. Day: A calendar day.

- H. Eligible Voter: A Tribal Citizen who is a registered voter through one of the two processes, i.e., through a Voter Registration form (prior to 2014), or a Signature Verification Form.

- I. First Degree Relative: A spouse, sibling, child, or parent.

- J. Initiative: A Petition from Tribal Citizens that proposes a change to the Tribal Code, as provided for in Article V, Section 6 of the Tribal Constitution.

- K. Invalid Ballot: A ballot may be rendered invalid due to any of the following reasons: 1) The voter was not a registered voter; 2) The voter’s affidavit was not signed; 3) The voter’s ballot was not turned in prior to the submission deadline; 4) The voter affidavit was not signed by the voter, or 5) The ballot has been destroyed.

- L. Lead Petitioner: A Tribal Citizen, who is registered to vote, who initiates a Petition.

- M. No-Vote: When a voter did not cast a vote for any candidate for a given Tribal Council position, it becomes a no-vote.

- N. Official Election Materials: The materials for a specific Tribal Council position or a constitutional amendment, which includes: 1) instructions, 2) ballot envelope, 3) voter affidavit, 4) ballot, and 5) a return, self-addressed stamped envelope (SASE).
- O. Over-Vote: When a voter has cast more than one vote for the same Tribal Council position and the Election Board is unable to determine the intent of the voter, it becomes an over-vote.
- P. Petition: A formal written request for a change in Tribal policy which is made by one or more Tribal Citizens pursuant to the provisions of Article V, Section 5 of the Tribal Constitution and this Title. The Petition must contain specific, identified information relevant to the request which is potentially presented to the voting constituency of the Tribe.
- Q. Recall: A proposal to remove a Tribal Council member, as set out in Article V, Section 8 of the Tribal Constitution.
- R. Recount: A system whereby the Election Board counts the votes a second time. A recount is automatically initiated by the Election Board when there is less than a three percent (3%) difference in the votes between the candidates for a given Tribal Council position. A candidate may make a request to the Election Board for a recount of votes. Such a request must be made within three (3) calendar days after the Election Board has posted the results of an election.
- S. Referendum: A Referendum is a vote taken by the Tribal Citizens, who are eligible to vote, to decide an important policy issue directly, as opposed to having the issue decided by the Tribal Council. A Referendum is initiated by the Tribal Council pursuant to the provisions of Article V, Section 7 of the Tribal Constitution.
- T. Replacement Ballot: A second ballot provided to the same voter.
- U. Signature Verification Form (SVF): The SVF replaces the previously used registration form. It must be completed accurately in order to qualify the Tribal Citizen to vote.
- V. Spoiled Ballot: This is a ballot that is incomplete, has been destroyed, or is not reasonably legible or when the ballot otherwise needs to be replaced.
- W. Stacked Method of Counting: Each Election Board member counts and obtains a total vote count and keeps this information concealed from the other Election Board members, until each Election Board member has finished counting. All Election Board members must have the same vote outcome (count). If the count is off, all Election Board members must count again. Ballots are separated for each individual race, e.g.: Candidates A & B are running for Tribal Chair: one stack contains all ballots voting for Candidate A. The other stack is for Candidate B. A third stack is possible for incomplete ballots and over/under votes.
- X. Under-Vote: When no vote was cast for either candidate. Sometimes this is called a no-vote.
- Y. Watcher: A Tribal Citizen designated to observe the election process. The watcher does not participate in the process – it is an observant role only.

Chapter 5.03

General

Sections:

Section 5.03.01 Title

Section 5.03.02 Elections Board

Section 5.03.01 Title

This Title shall be known and may be cited as Title 5 - Election Code of the Tribal Code of the Jamestown S'Klallam Tribe.

Section 5.03.02 Elections Board

- A. The Council shall appoint an ad hoc Elections Board (“Board”) whose three (3) members shall each serve a three (3) year term of office. The terms shall be staggered as follows: one of the two positions on the Board with terms that expire on December 31, 2015 will be filled by a member for a *one-time* one (1) year term and the second position will remain a three (3) year term. At the end of the one-time term, the member will resume serving a three (3) year term. Any vacancy on the Elections Board shall be filled by the Tribal Council at least forty-five (45) days before an election. The newly appointed Elections Board member filling such vacancy will complete the remainder of the term of office to which they were appointed;
- B. The Council shall designate one additional person to serve as an alternate to the Board. This person will attend all Board meetings and all elections as an observer. They will not have Elections Board voting privileges;
- C. The Board may adopt policies and procedures, subject of the approval of the Council, that will assist it in meeting its obligations and responsibilities under the Tribe’s Constitution and the Tribal Code;
- D. At the discretion of the CEO, other members of the Tribal staff may be assigned to provide administrative support in coordination with the Board;
- E. The Elections Board, with the support of the Tribal Council, will:
 1. Adhere to Robert’s Rules of Order as a guide for its internal deliberations;
 2. Operate independently, with administrative support;
 3. Be protected from undue influence;
 4. Be qualified to administer an election; and
 5. Be provided the administrative support to administer an election;
- F. First degree relatives, a supervisor and their employee and co-habitants shall not serve concurrently on Election Board; and
- G. If during an Election, an Elections Board member is a first degree relative, a supervisor or an employee, or co-habitant of a candidate, the Elections Board member will recuse themselves and the alternate Elections Board member will perform all necessary duties as set forth in this Title.

Chapter 5.04
Scheduling of Elections

Sections:

Section 5.04.01 Scheduling of Elections

Section 5.04.01 Scheduling of Elections

The scheduling of elections under this Title shall be as follows:

- A. Regular elections of members of the Tribal Council shall be held, as required by the Tribe's Constitution, the election date to match the date for the federal elections, which are held on the Tuesday after the first Monday of November, each year, unless no Tribal election is required; and
- B. Elections related to referendums, initiatives, petitions and other matters shall be held, as necessary, pursuant to the provisions of the Tribal Constitution (posted on the Tribe's website) and this Title.

Chapter 5.05

Voters – Eligibility and Status

Sections:

Section 5.05.01 Voter Eligibility and Status

Section 5.05.02 Registration of Voters

Section 5.05.03 Mail-in Voters

Section 5.05.01 Voter Eligibility and Status

- A. An enrolled citizen of the Tribe who is a minimum of eighteen (18) years of age as of the day an election is to be held (“Eligible Voter”), and who has registered to vote pursuant to the provisions of this Title (“Registered Voter”), shall be qualified to vote in Tribal elections, including those related to referendums, petitions and initiatives, by mail-in ballot;
- B. An Eligible Voter may opt to have their name removed from the Registered Voters list by checking the appropriate box on the Signature Verification Form; and
- C. An Eligible Voter shall be assumed to be mentally competent to cast their vote and sign the Signature Verification Form. No voting by proxy, power of attorney or guardianship will be permitted.

Section 5.05.02 Registration of Eligible Voters

- A. In order to vote in an election for officials, referendums, petitions, initiatives or other matters, an Eligible Voter must register to vote. A person may register to vote at any time, up to twenty-one (21) calendar days prior to Election Day;
- B. Registration shall be accomplished by completing the Signature Verification Form and filing it with the Elections Board. The Signature Verification Form shall contain the name, address, enrollment number, and birth date of the person desiring to register, a space for them to sign attesting that they are an enrolled citizen of the Tribe, the date of registration and any other relevant information the Elections Board may require. Information on the Form will be verified by one of the following methods: 1) by review and certification by a notary, or 2) by checking a copy of a state or federally issued legal ID document with the registrant’s photo and signature, or 3) by reviewing a copy of their Tribal Citizen Identification;
- C. The Elections Board shall check the Signature Verification Form against the list of enrolled Tribal citizens and verify that the person registering is on the list before adding their name to the list of registered voters; and
- D. The Election Board shall oversee the official list of registered voters of the Tribe, to be maintained by the Enrollment Officer, which list may not be disclosed to anyone outside the Board, except by order of the Tribal court.

Section 5.05.03 Mail-in Voters

- A. The Election Board shall mail ballots to all Registered Voters when an election is announced by the Tribal Council. It is the responsibility of each individual voter to ensure that the Enrollment Office has their current mailing address;
- B. Ballots must be mailed through the United States Postal Service; no hand delivery

shall be allowed; and

- C. Mailed-in Ballots will be held by United States Postal Service for the Tribe until picked up by the Elections Board on Election Day.

Chapter 5.06 Notice of Elections

Sections:

Section 5.06.01 Notice of Elections

Section 5.06.01 Notice of Elections

- A. Notices of elections for the Tribal Council, initiatives, petitions, referendums or special elections shall be published in the Tribal newsletter and posted in the Administration Building at the Tribal Center and other appropriate Tribal public places, including the Tribe's web site. Notices of regular elections for the Tribal Council shall be published and posted at least twenty-one (21) calendar days before the scheduled date of elections. Notice of a run-off election shall be published and posted at least twenty-one (21) calendar days before its scheduled date; and

- B. Each notice shall include the names of all candidates, the offices they seek, and, if applicable, a statement of the issue or issues to be voted on (referendums, petitions, initiatives and other matters). It shall be the duty of the Elections Board to ensure all such notices are properly published.

Chapter 5.07 Screening and Certification of Candidates

Sections:

Section 5.07.01 Declaration of Candidacy

Section 5.07.02 Screening and Certification of Candidates

Section 5.07.01 Declaration of Candidacy

- A. Each candidate for a position on the Tribal Council shall submit a Declaration of Candidacy at least sixty (60) calendar days prior to each regular election, which includes the information required in Section 5.07.02, below, along with the payment of the filing fee, if required; and

- B. The Declaration of Candidacy must be mailed to the Elections Board, care of the Tribe, at 1033 Old Blyn Hwy., Sequim, WA, 98382, or hand delivered to an Elections Board Member at least sixty (60) calendar days prior to a scheduled election.

Section 5.07.02 Screening and Certification of Candidates

All candidates for a position on the Tribal Council will be screened and certified as follows:

- A. The Declaration of Candidacy will be reviewed for compliance with the requirements listed below:
 - 1. That they are an Registered Voter and they intend to run for a particular position;

 - 2. That they have not been convicted of a felony under any tribal, federal or state law, and, if they have been convicted, at least ten (10) years has passed since completion of the penalty for such offense (penalty shall include any period of restriction on civil rights). Provided, however, if a candidate has been convicted of domestic, elder or child abuse, a drug felony, or convicted of child molestation, that person shall be banned for life from running for a position on the Tribal Council. Conviction of a misdemeanor or gross-misdemeanor under any tribal, federal or state law shall not be a bar to candidacy;

 - 3. They assent to a background check being conducted on them by the Elections Board, or its designee, to assure compliance with the provisions of this Title and the Tribe's Constitution. The Board will provide each potential candidate with a form to be completed related to the background check. Only information that is necessary to conduct a background check will be required and all information provided will be kept strictly confidential. The Board, or its designee, may interview a potential candidate to confirm that the information provided in the form is accurate and up-to-date.

The first level background check will be a report generated from a search of the National Criminal Database and a criminal database from the various counties of the last five (5) years of residency of the candidate. If there are no negative findings in the report, per subsection 2, above, then the Board will certify that the individual has passed the background check. If there are any negative findings, a follow-up interview will be conducted with the

potential candidate and additional levels of background check may be required to resolve outstanding issues.

There is no cost to a candidate for the background check. It will be processed by members of the Tribe's staff who are qualified to secure background checks.

Background checks will be completed by the Board within twenty-one (21) calendar days of receipt of a properly completed Declaration of Candidacy from a potential candidate, but no later than forty-five (45) calendar days prior to an election. Potential candidates are advised that failure to fully disclose all relevant information in the Declaration may prevent the Board from securing a background check in a timely manner, and may result in them not qualifying for placement on the ballot;

4. Immediate disqualification from placement on the ballot will occur if a potential candidate is found to have knowingly falsified any background information contained in the Declaration. Further, they will be denied their right to run for a position on the Tribal Council for a period of ten (10) years from the date indicated on the Declaration, or if falsification is discovered after they are in office, they will be removed from office and barred for a ten (10) year period from further candidacy; and
 5. The filing fee, if applicable, has been paid by money order or certified check;
- B. No person shall be a candidate for more than one position in each election. No person holding a position may run for another position unless:
1. The term of the currently held position expires on or before the commencement date of the new position for which they wish to be a candidate; or
 2. If the term of their currently held position does not so expire, they agree to resign from the currently held position at the time of the election for the new position they are seeking;
- C. If potential candidates pass the background check, they will become a Certified candidate. The Elections Board shall immediately notify the candidate via telephone and e-mail of their determined status. A person who is denied certification for candidacy may appeal to the Tribal Council within five (5) calendar days of receipt of their notification of denial. The Tribal Council shall grant a hearing and review each appealed denial and shall either affirm the decision of the Elections Board or certify the candidate. The Tribal Council shall hold the hearing and make a decision in time for the person's name to be added to the list of candidates, which, in no case, shall be later than thirty-one (31) calendar days before the election;
- D. The Elections Board shall add to the list of candidates the names of candidates who have been certified after appeal to the Tribal Council. No later than thirty-one (31) calendar days before the election, the Board shall publish and post the list in the same places as the original notice of election was published and posted;

E. Write-in candidates are not allowed in Tribal elections;

F. Checklist for becoming a certified candidate:

- Signature Verification Form on file or completed and sent to Elections Board;
- Completed Declaration of Candidacy; and
- Completed Background Check form;

Optional checklist for candidates:

- In years when elections to the Tribal Council are to be held, candidates will have two opportunities to campaign in the Jamestown S’Klallam Tribal Newsletter with photo-deadline August 15th and September 15th to put in the September and October newsletters;
- Additional Campaign Material must go through the Mailing Service. Candidates must notify the Elections Board before September 23rd for Mailing List instructions to guarantee that their campaign materials arrive before the ballots;
- All costs for running for office are the responsibility of the candidate; and
- Candidates should notify the Elections Board of which mailing list you prefer to be sent.

Suggested warning language to candidates on forms:

“DO NOT WAIT UNTIL THE LAST DAY OR DEADLINE TO COMPLETE THIS FORM.”

; and

G. To save on costs, the Candidate may sort the addresses they are using by:

- All Tribal Citizens; or
- Tribal Citizens 18 and older; or
- Registered Voters; or
- Head of Households.

Please allow ten (10) days’ notice.

Chapter 5.08 Terms of Office and Vacancies

Section:

Section 5.08.01 Term of Office

Section 5.08.02 Staggering of Terms

Section 5.08.03 Tribal Council Vacancies

Section 5.08.01 Term of Officers

Commencing with the election for positions to the Tribal Council in calendar year 2011, the terms for each Tribal Council position transition from two (2) year to four (4) year terms with those terms staggered as provided in Article III, Section 3 of the Tribal Constitution. Tribal Council members shall remain in office until their successors are duly elected and installed.

Section 5.08.02 Staggering of Terms

The Chairperson and the Secretary shall be elected, commencing with the election in calendar 2011, in odd-numbered years, and every four (4) years thereafter. The Vice-Chairperson and Treasurer shall be elected every four (4) years, commencing with the election in 2012. The Councilperson (who was elected to a four (4) year term in the election of 2012), shall be elected to a one-time five (5) year term in the election of 2016 and, commencing with the election in 2021, to four (4) year terms thereafter.

Section 5.08.03 Tribal Council Vacancies

As provided in the Tribal Constitution, if a position on the Tribal Council becomes vacant within the regular term, the Tribal Council will appoint an interim member, who meets the qualifications of a candidate for election under this Title, to serve until the following election for the vacated position.

Chapter 5.09 Petitions

Sections:

Section 5.09.01 Types of Subject Matter Petitions

Section 5.09.02 Procedures for Preparing and Submitting a Petition to the Board

Section 5.09.03 Procedures for Evaluating a Petition by the Board

Section 5.09.04 Determination by Board on Petition

Section 5.09.05 Procedures for Processing a Petition

Section 5.09.06 Determination on Petition

Section 5.09.07 Finding and Recommendation on Petition

Section 5.09.08 Election on Petition

Section 5.09.01 Types of Subject Matter Petitions

There are three types of subject matter petitions Tribal citizens may submit to the Tribal Council under the Tribe's Constitution and this Title:

- A. An Initiative Petition, which is used to propose changes to the Tribal Code;
- B. A Constitutional Amendment Petition, which is used to propose an amendment to the Constitution; and
- C. A Recall Petition, which is used to recall a member of the Tribal Council.

Section 5.09.02 Procedures for Preparing and Submitting a Petition to the Board (Petition Pathway 1 - See Exhibit A to this Title; For Forms, See Exhibit B to this Title)

- A. A Lead Petitioner is designated;
- B. The Lead Petitioner completes a Registration Petition Template; and
- C. A completed Template is submitted to the Election Board, along with the filing fee ("Petition Filing Fee"), and the Lead Petitioner receives a Registration Date and Number from the Board for the submitted Petition.

Section 5.09.03 Procedures for Evaluating a Petition by the Board (Petition Pathway 1 - See Exhibit A to this Title)

The Board, upon receipt of a Petition, will commence both its technical and substantive evaluation of it. The Board shall have thirty (30) days to conduct its evaluation and, if the need arises, may request a reasonable extension of time from the Council to carry out its duties under this section.

The technical evaluation shall include the following:

- A. Is the Petition limited to one subject matter;
- B. Is the full description of the subject matter set out on each signature page of the Petition;
- C. Does it specify the proposed effective date, which can either be the date it is approved by the Tribal citizens in an election, or some later date;
- D. Does the signature attestation to the Petition provide that the party signing is a registered

voter of the Tribe on the date the Petition is signed; and

- E. Is there provision for the party signing the Petition to print their name under the signature line, to enter their enrollment number, and to enter the date they signed the Petition?

Section 5.09.04 Determination by Board on Petition (Petition Pathway 2,3 and 4 - See Exhibit A to this Title)

Once the Board completes its evaluation under the preceding section, it will do the following, in writing:

- A. Inform the Lead Petitioner that the Petition has been forwarded to the CEO for review or inform the Lead Petitioner that their Petition has failed to meet the minimum requirements for a Petition, that it has been rejected, and that they are free to resubmit it.
- B. Upon review of the Petition, the CEO will inform the Board of their findings and recommendations. The Lead Petitioner and the Board shall present the Petition to the Tribal Council at their next available meeting, along with the conclusions of the CEO's review.
- C. The Tribal Council shall approve or reject the Petition within thirty (30) days and notify the Board of the results. The Board shall notify the Lead petitioner of the Petition's approval or rejection.

Section 5.09.05 Procedures for Processing a Petition (Petition Pathway 5,6,7, and 8 - See Exhibit A to this Title; For Forms, See Exhibit B to this Title)

If the Tribal Council makes a determination, pursuant to Section 5.09.04, above, that the Petition meets all requirements of this Title, the Board will proceed as follows:

- A. Enter into its records a Registration Number and Registration Date for the Petition and inform the Lead Petitioner, in writing, that the Active Period for the Petition has commenced and that they may proceed with soliciting signatures for the Petition. The Registration Date becomes the Controlling Date;
- B. Mail, to all Registered Voters of the Tribe, the Petition which has been prepared by the Lead Petitioner and given to the mailing service. The Lead Petitioner pays for all costs of mailing through the mailing service. The mailing will include instructions as to where the signed Petitions must be returned and the end date (based on the Controlling Date) for their return, in order for them to be counted; and
- C. Inform the Lead Petitioner that they must turn over all signed Petitions to the Tribal Council by the end of the Active Period by bringing the document(s) to the next scheduled Tribal Council meeting; and the Tribal Council will turn over all signed Petitions to the Election Board within three (3) calendar days of receipt.

Section 5.09.06 Determination on Petition (Petition Pathway 9and10; See Exhibit A to this Title)

Within thirty (30) calendar days after the Tribal Council turns over to the Board all signed Petitions, received from the Lead Petitioner, the Board shall validate them, as follows:

- A. Verify that one-third (1/3) of the Registered Voters of the Tribe signed the Petition, as that fraction/percentage is determined by the Controlling Date; and

- B. Insure that all copies of the Petition were returned to the Lead Petitioner within the sixty (60) day window as defined by the Controlling Date.

Section 5.09.07 Petition Results (Petition Pathway 11and12 – See Exhibit A to this Title)

When an election on a Petition is deemed warranted, the Council shall call for such election, as provided for in this Title and the Tribal Constitution within thirty (30) calendar days.

- A. If a majority of the Registered Voters approve the Petition in an election, then the subject matter of the Petition will become effective as of the date of the election, unless a later effective date is specified in the Petition.
- B. If a majority of the Registered Voters disapprove the Petition, then the Board shall inform the Council that the Petition was defeated. No Tribal citizen may resubmit a Petition on the same subject matter for twelve (12) months from the date of the election on a disapproved Petition.

Chapter 5.10 Campaigning and Electioneering

Sections:

Section 5.10.01 Campaigning and Electioneering

Section 5.10.01 Campaigning and Electioneering

- A. The Tribe shall not disclose to any person outside of the Tribe the names of Tribal citizens and their addresses and other personal information held by the Tribe except upon the request of a Tribal citizen, in writing, that their personal information be released. Campaign material will be sent to the last known address of each Tribal citizen on file with the Tribe. Candidates will be responsible for all costs of mailing of their campaign materials.

Campaign letters and materials shall be provided to the Elections Board no sooner than (one hundred twenty) (120) calendar days prior to election and not later than twenty-one (21) calendar days prior to an election. The Elections Board will have up to ten (10) calendar days to process campaign literature for delivery to a mailing service;

- B. Nothing in this Title shall prevent or limit a candidate, at their own expense, from posting campaign material in the Tribal newsletter, which is generally available to Tribal citizens for publication, or in any other media outlet available to them, or undertaking any other legal act to campaign for Tribal Council; and
- C. The provisions in this Chapter are intended to limit access to the lists of Tribal citizen names and their addresses, but are not intended to otherwise limit a candidate's ability to campaign for Tribal Council.

Chapter 5.11

Ballots

Sections:

Section 5.11.01 Ballots

Section 5.11.02 Election Results and Counting of Ballots

Section 5.11.03 Recounting Process

Section 5.11.01 Ballots

- A. The Elections Board shall prepare, or cause to be prepared, all Ballots each of which shall include a random water mark. The Ballot shall be printed on white paper with black ink;
- B. Ballots shall list all candidates for each office separately and in alphabetical order by Tribal enrollment surname. There shall be a box or space in which the voters shall indicate their choice by an "X" filling in a box or checkmark. Instructions for marking the ballot shall appear clearly at the top of the form. Voters shall be instructed to vote for no more than one (1) candidate for each office;
- C. Ballots for a measure ("Measure") shall clearly state the issue or issues to be voted on. For each separate issue, there shall be a space or box labeled "FOR" or "YES" and one labeled "AGAINST" OR "NO" in which the voter may indicate their vote by filling in a box with an "X" or using a checkmark. Instructions for marking the ballot, sealing the secrecy envelope and signing of the outer envelope shall be clearly stated on the ballot. If amendments to the Tribal Constitution are being proposed, and the amendments are linked, then the linked amendments will be voted on as one Measure;
- D. Ballots shall be mailed at least twenty-one (21) calendar days before the scheduled date of the election;
- E. The Elections Board shall record to whom ballots have been mailed; and
- F. The Elections Board shall designate for voters a Post Office Box, rented by the Tribe for elections only, where ballots are to be mailed. Ballots must be received at the Post Office not later than five (5) PM the Monday prior to Election Day.

Section 5.11.02 Election Results and Counting of Ballots

- A. At least two (2) Elections Board members and one (1) Tribal Security Personnel or Enforcement Officer shall pick up the ballots at the Post Office after the final sorting on Election Day. Ballots collected from the Post Office shall be placed in a locked Ballot Box, with a numbered seal, to be held at the Tribal headquarters, until ballots are to be counted;
- B. Received Ballots shall meet these requirements:
 - 1. The Ballot shall have been placed within the white secrecy envelope and sealed; and

2. The signature area on the Voter's Affidavit must be filled in and match the voter's signature in the Signature Verification Form. If the signature does not match, the Ballot will be considered invalid.
- C. Ballots, at all times, with the exception of counting of the votes, shall be kept in a locked Ballot Box;
- D. Counting of Ballots will be conducted at the Tribal offices, at 1033 Old Blyn Highway, Sequim, WA;
- E. Ballots will be counted on Election Day, the Tuesday after the first Monday of November;
- F. The stack method of counting ballots shall be used. Three duplicate numbers will serve as the corrected number;
- G. If a vote for an office is "voided" the remaining votes on that Ballot shall be counted;
- H. No fewer than two (2) Elections Board members and the Tribe's CFO, or their designee, will be present at all times during the counting of the ballots;
- I. Winning results shall be determined by the highest number of votes cast for a candidate for a given office;
- J. If there is a tie for an office or for a Measure, a run-off election for that office or Measure shall be held within forty-five (45) calendar days following the election;
- K. The results of the election shall be verbally announced to the Tribal Council and Candidates upon completion of the count of votes on Election Day, and certified and posted by the Elections Board in the Tribal Administrative Office and on the Tribal website no later than the Monday following the election;
- L. If the run-off election is tied, the Chairperson of the Elections Board will flip a two-headed coin, with the Vice-Chair of the Election Board deciding which candidate or which side of the Measure is heads and the Secretary of the Election Board will record the winner;
- M. The Election results become official upon three (3) calendar days after the Election date or when all challenges have been resolved, whichever is later; the Elections Board shall certify the election results in writing to the Tribal Council. A staff member from the Tribe's Accounting Department will be present to audit the counting of ballots by the Board; and
- N. Official Election documents will be retained for three (3) years in a fireproof locked cabinet at the Tribal Office, with the Tribe's Accounting Office retaining a key.

Section 5.11.03 Recount

- A. An automatic recount shall be initiated when there is a three percent (3%) or less difference in the votes for any candidate or Measure;
- B. Any registered Voter or Candidate may, by written request to Elections Board, request a recount of an election. Each request for a recount shall include the Candidate's or Voter's name, address and Tribal enrollment number. Any request for a recount shall be made within three (3) calendar days after the Board has posted the Election results;
- C. Each request for a recount shall be accompanied by a One Hundred Dollars (\$100.00) fee by money order, certified check, personal check or cash. If the recount shows a change in the election results, the Board shall refund the fee to the party that requested the recount;
- D. Only one recount shall be made for any Election for which a recount is requested. If there is more than one request for a recount, the request first received by the Board shall be considered the request for a recount. If a request for a recount is filed, the Chair of the Elections Board, within three (3) calendar days, shall notify all parties as to the date of the recount within five (5) calendar days;
- E. The CFO, or their designee, in the presence of at least two (2) members of the Elections Board, shall open the Ballot Box and the Elections Board shall then conduct the recount. One (1) authorized watcher of the requesting candidate may observe the recount; and
- F. The completion of a recount shall be as follows:
 - 1. The Election Board shall notify all parties of the recount results;
 - 2. The Election Board shall certify the results of the recount to the Tribal Council; and
 - 3. The results from the recount shall become the official result of the Election.

Section 5.11.04 Contesting Election Results

- A. In the event of any alleged violation of election procedures, any Registered Voter, within thirty (30) calendar days of the posting of election results, may file a Petition of Contest with the Tribal Court. The Petition of Contest must be based on a specific violation of the Tribal Constitution, the Tribal Code or applicable federal law;
- B. An election shall not be set aside by the Tribal Court, pursuant to a Petition of Contest, unless it is confirmed by the Court that:
 - 1. The number of votes taken from a Candidate, elected by reason of the cause of the contest, would reduce the legal votes of that person below the number of legal votes given to a competing Candidate; or
 - 2. There was mistake or fraud in the counting of Ballots and the losing Candidate would have been elected if all Ballots not counted because of the mistake or fraud had been cast for the losing Candidate; or

3. In the case of a Measure, the number of votes taken from the approval or rejection by reason of the contest would reverse the outcome of the election; or
 4. Mistake or fraud in the counting of Ballots and the outcome of the election on a Measure would have been reversed if all the Ballots not counted because of the mistake or fraud had been cast for approval or rejection of a Measure;
- C. A Petition of Contest shall be filed with the Tribal Court clerk and shall specify the cause of the contest and be verified in the manner required for the verification of the complaints in civil cases under the Tribal Code;
 - D. The proceedings shall be conducted pursuant to the Tribal Court's Rules of Civil Procedure for an action not triable by a jury;
 - E. When a Petition of Contest is filed with the Clerk of the Tribal Court, the Clerk shall publish a notice stating that the Petition has been filed. The notice shall be published in the next issue of the Tribe's newsletter;
 - F. Not later than two (2) calendar days after the Petition of Contest is filed with the Clerk of the Tribal Court, the petitioning party shall also file a copy of the Petition with the Candidate who is the subject of the Petition if the Petition involves the election of a Candidate and in all cases with the Chair of the Tribal Council;
 - G. The Tribal Court shall fix a time for a hearing on the Petition of Contest that is not later than the forty-fifth (45th) calendar day after the petitioning party provides the notices required by Section F, hereof, above. Not later than the thirtieth (30th) calendar day before the hearing the Tribal Court shall give written notice of the hearing to each party to the proceeding. The contest proceeding shall take precedence over all other business on the Tribal Court's docket, except proceedings for emergency custody of a child;
 - H. The Tribal Court shall hear and determine the proceedings without a jury, and the practice and procedure otherwise applicable to civil cases shall govern the proceeding;
 - I. After the contest hearing, the Tribal Court shall render a judgment affirming or setting aside the Election results;
 - J. If the Tribal Court sets aside the election of an incumbent, the office shall be declared vacant;
 - K. If the Tribal Court sets aside the election of a person, the Court shall order a special election to be conducted according to the provisions of this Title, except that the election shall be held on a date to be set by the Court;
 - L. Effect of a successful contest involving a Measure:
 1. After the hearing, the Tribal Court shall render a judgment affirming or setting

aside the approval or rejection of the Measure; and

2. If the judgment sets aside the approval or rejection of a Measure, the Tribal Court shall declare the Measure to be resubmitted at a special election conducted in accordance with this Title and held on a date set by the Court; and

M. The Tribe shall bear the costs of any special election.

Chapter 5.12

Codification and Amendments

Sections:

Section 5.12.01 Codification

Section 5.12.02 Amendments

Section 5.12.01 Codification

Title 5 Elections was created with Resolution #28-99 (April 6, 1999), and codified as a Title in this code on February 18, 2005.

Section 5.12.02 Amendments

This Title was amended with Resolution #72-99 (November 16, 1999), Resolution #40-02 (October 28, 2002), Resolution #31-03 (June 20, 2003), Resolution 18-11 (April 27, 2011), Resolution #27-12 (July 24, 2012), Resolution #41-12 (August 21, 2012), Resolution #09-13 (February 26, 2013), Resolution #24-14 (August 28, 2014), Tribal Council meeting (May 7, 2015), Phone Poll (May 19, 2015), Resolution #15-15 (May 26, 2015). This Title was further amended with Resolution #20-19 (April 30, 2019).

**EXHIBIT A
PETITION PATHWAY DIAGRAM**

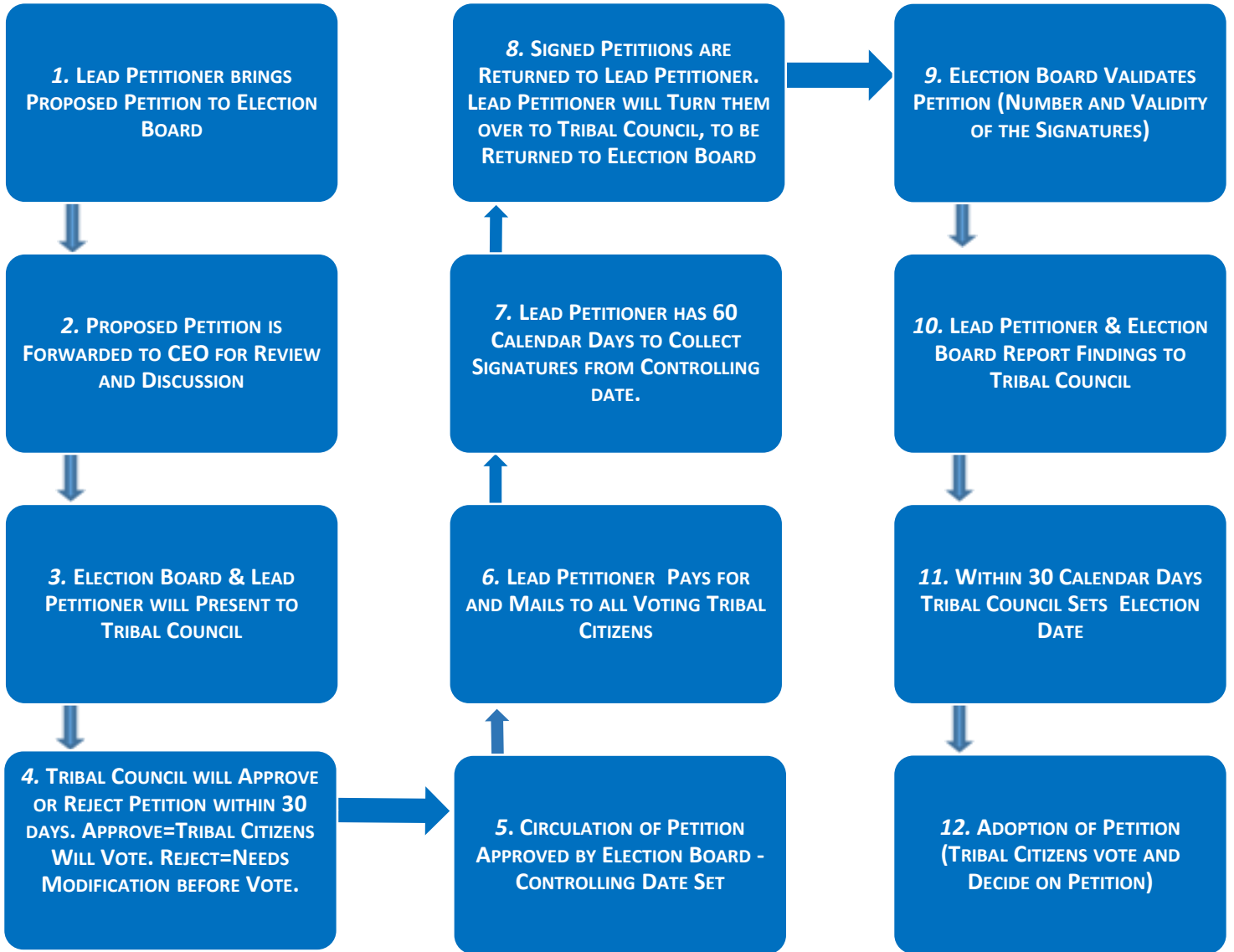


EXHIBIT B FORMS

List of Forms in this Exhibit

Note: Each Form is Available on the Tribe's Web Site in PDF Format for Printing:

- Voter Signature Verification Form
- Request for Replacement Ballot
- Declaration of Candidacy – Tribal Council Chair and Tribal Secretary
- Declaration of Candidacy – Tribal Council Vice-Chair and Treasurer
- Declaration of Candidacy – Tribal Council Member
- Tribal Council Candidate Checklist
- Tribal Council Candidate Background Check Form
- Registration Petition Template (Petition Pathway 1 Form)
- Petition (Petition Pathway 5 Form)