

**ELECTION ORDINANCE OF THE TE-MOAK TRIBE OF WESTERN  
SHOSHONE INDIANS OF NEVADA  
ORDINANCE NO. 00-ORD-DRAFT 2 DATED 7/2024**

BE IT ENACTED BY THE TRIBAL COUNCIL OF THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA, AS FOLLOWS:

That in accordance with Article 7, Section 8 of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada, amended and approved August 26, 1982, as organized under the Reorganization Act of 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378); The Te-Moak Council is the Final Interpreter of this ordinance.

**TITLE 13 - ELECTION PROCEDURES**

CHAPTER 1. STATEMENT OF PURPOSE.

Section 13-1-1. Purpose.

To delete in its entirety the Te-Moak Tribal Election Ordinance No. 99-ORD-TM-02, and to enact a Tribal Election Ordinance consistent with the Te-Moak Constitution to set forth the procedures to be followed in conducting each of the various types of Tribal and Band Elections ensuring all elections are conducted by secret ballot, providing for absentee voting, providing for maintaining a current list of registered voters, screening of prospective candidates, settling election disputes, and the establishment of Band Election Committees and a Tribal Election Board having responsibility to ensure that the Band a

CHAPTER 2. TITLE AND DEFINITIONS.

Section 13-2-1. Short Title. Te-Moak Tribal Election Ordinance

Section 13-2-2. Definition of Terms.

(a) Cast Ballot - An official ballot that is cast in the proper manner at the proper time **by a duly registered voter.**

(b) Constitution - The written governing structure of the Te-Moak Tribe, known as the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada, amended and approved on August 26, 1982, pursuant to the Indian Reorganization Act of 1934 (48 Stat. 984), as amended.

(c) Days - Calendar days.

(d) Electioneer - To work actively for a particular candidate or issue through printed materials and oral comments.

(e) Election Notice - A document prepared by the Band Election Committee or the Tribal Election Board that indicates a specific Band or Tribal election will be held during a scheduled date, time and place.

(f) Felony - Any of the crimes listed under the Major Crimes Act, 18 U.S.C §1153, (murder, manslaughter, kidnapping, rape, assault with intent to commit rape, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery/forgery, and larceny) which is punishable by death or by imprisonment in the state and/or federal prison institutions or any other felony conviction.

(g) Grandfather Clause – An exemption that allows tribal members who are ¼ degree Western Shoshone to continue with prior rules for the purpose of voting in band and tribal elections.

(h) Gross Neglect of Duty - A serious nonfeasance or failure to attend 3 regular council meetings and tribal/band council duties, by which a person abandons and forsakes, without justification renouncing their responsibilities and evading their duties.

(i) Improper Conduct - Council member who knowingly conducts himself to cause public inconvenience, peace or safety is guilty of improper conduct.

(j) Immediate Family – A council member's spouse, child, parent, brother, sister, grandparent, grandchildren, including those immediate family designated as (i.e. half-brother, half-sister) and in-law (i.e. father in-law, brother-in-law). Immediate family also includes persons residing in a council member's residence or persons who are financially dependent on the council member.

(k) Impartial - Fair and objective.

(l) Initiative - The proposal of a new law or constitutional amendment that is placed on the ballot as a result of voters petition.

- (m) Invalid Ballot – An official cast ballot marked in such a way that it is impossible to determine the intent of the voter, not marked at all, or does not comply with the requirements for voting.
- (n) Insurrection – A violent uprising against an authority or government.
- (o) Just Cause - Fair, adequate, reasonable or legitimate cause.
- (p) Loiter - To stand or wait around idly.
- (q) Malfeasance – Wrongdoing, especially by a public official.
- (r) Misfeasance – A transgression, especially the wrongful exercise of lawful authority.
- (s) Official Ballot - A document used to cast a secret vote.
- (t) Ordinance – A Tribal Election Ordinance consistent with the Te-Moak Constitution to set forth the procedures in conducting the various types of Tribal/Band Elections.
- (u) Petition - A written request made to a Band or Tribal Council for a particular action to be taken.
- (v) Physical Residence - To live physically within the interior boundaries of the Elko Colony, Battle Mountain Colony, South Fork Reservation (including Odgers Ranch and Ruby Valley Reservation) and Wells Colony.
- (w) Rebellion – An act of violence or open resistance to an established government or rule.
- (x) Referendum – The procedure where voters express themselves directly on actions or proposed actions by voting for or against.
- (y) Spoiled Ballot - A spoiled ballot is a ballot that has been marked incorrectly by the voter and is not counted by election officials.
- (z) Treason - Crime of betraying one's country, especially by attempting to kill the sovereign or overthrow the government.
- (aa) Tribal Member - A person who has initiated a application for enrollment and approved by the Tribal enrollment committee and Tribal Council is considered an enrolled member of the Te-Moak Tribe of Western Shoshone Indians of Nevada.

## CHAPTER 3. REGISTRATION

### Section 13-3-1. Registration.

(a) An enrolled member of the Tribe, at any time can request in person or in writing, a properly executed Voter's Registration Form at any Band Office.

(b) The person must be an enrolled member of the Te-Moak Tribe and is eighteen (18) years of age, or if the person is seventeen (17) years old at the time of registration, they will be permitted to register provided they are eighteen (18) years old by election day.

### Section 13-3-2. Appropriate Band.

(a) The Band where the person resides, identified by the name of the Band; provided, the residence is located within the exterior boundaries of the Elko Colony, Battle Mountain Colony, South Fork Reservation (including Odgers Ranch and Ruby Valley Reservation) or the Wells Colony.

(b) A person who is grandfathered into a Band, and who leaves the state, their voting Registration remains with their Band affiliation.

### Section 13-3-3. Refusal of Registration.

(a) Refusal of any Band who fails to register a member, the member may bring the matter before the Tribal Council for reconsideration. If eligible, the Tribal Council shall register the Application and assign to their Band affiliation.

### Section 13-3-4. Active Registration.

(a) To vote a person must register with their Band affiliation thirty (30) days prior to an election.

(b) Registration shall be active if the registered voter continues to cast ballots in Tribal or Band elections.

### Section 13-3-5. Cancellation of Registration.

(a) A person who fail to vote in two (2) consecutive Regular Tribal/Band elections shall be removed from the **Certified** Voter's Registration List and the Voter's Registration Form shall be marked CANCELED by the Band Election Committee.

1. This shall be confirmed by each Band Election Committee after each Regular Band Election by comparing the Sign-In sheets of the voters registered with each respective Band.

(b) Voluntary cancellation by a registered voter shall be submitted in writing to the Band Election Committee.

1. **The Voter's Registration form** shall be marked CANCELED by the Band Election Committee at a duly held meeting with the written request attached.
2. **The Voter's name** shall be removed from the **Certified** Voter's Registration List.

(c) Dual registration shall constitute an automatic cancellation.

1. **The Voter's Registration forms shall be marked CANCELED by the Band Election Committee**, with copy attached of each Band **Certified** Voter's Registration List.
2. **The voter's name** shall be removed from each Band **Certified** Voter's Registration List.

(d) Failure to complete and submit a properly executed Voter's Registration Form shall constitute an automatic cancellation.

1. **The voter's name** shall be removed from the **Certified** Band Voter's Registration List.

(e) Registered with an **affiliated** Band.

1. A person may register with the **affiliated** Band where they physically reside.
2. A person who lives off the reservation may register with their Band affiliation.

(f) The Band Election Committee shall notify in writing to that person whose **Certified** Voter's Registration form has been marked CANCELED as a result of:

1. Failure to vote in two (2) consecutive Regular Band Elections.

2. Voluntary cancellation.

3. Dual registration.

(g) The Band Election Committee shall notify in writing the person whose name has been removed from the Band **Certified** Voter's Registration List.

(h) The Band Election Committee shall notify in writing to the members whose Voter's Registration form has been CANCELED and whose name has been removed from the Band **Certified Voter's Registration List. Re-registration shall be required to vote.**

#### Section 13-3-6. Registration List.

**(a) The Band Election Committees shall prepare and maintain a current certified list of registered voters.**

**1. The lists shall be maintained at the Tribal/Band Administration Office and will be available for inspection by all persons.**

(b) Upon a written request of a Tribal Member or Court Clerk, the respective Band Election Committee shall **provide** a Certified Voter's Registration List seven (7) days after receipt of the written request; for the purpose of collecting signatures for a petition or developing a jury pool.

(c) The Certified Voter Registration List shall be updated as necessary with following information indicated thereon:

1. Be marked "OFFICIAL".

2. **The** specific Band identified.

3. **The** date approved by the Band Election Committee.

4. **The** purpose the list was prepared (**A specific election and date**, petition, jury pool, **current list, etc.**)

5. List registered voter's name in alphabetical order (in accordance with the signature on the Certified Voter's Registration Form), with the last name first, the first name second, followed with the middle initial, and Jr., I, II or III alphabetically and numerically.

(d) The original completed and submitted **Certified** Voter's Registration Forms and a current list of all registered voters shall be maintained in the "Register of Voters" binder at the Band Council Office and the Tribal Administration Office.

## CHAPTER 4. ELECTIONS

### Section 13-4-1. Election Procedures.

(a) The various types of Tribal and Band elections conducted shall be consistent with the Tribal Constitution approved August 26, 1982.

### Section 13-4-2. Regular Band and Tribal Council Election.

(a) **Regular Band and Tribal Council Election:** An election shall be held for the Band Councils to select its representatives to the Tribal Council for the composition of the governing body of the Te-Moak Tribe. The current seated Te-Moak Tribal Council will pass a resolution the first week in July, specifying the date the Band and Tribal Elections will occur.

1. Regular Band Council election shall be held the second week in the month of October **and shall be held on the same day in each Band.**
2. The candidates for the Tribal Council shall be **from among those elected officials of Band Councils and shall be selected to the Tribal Council by the Band Council by a resolution fourteen (14) days after the Regular Band Council Election.**
3. The members of the Band Councils selected as a representative to the Tribal Council shall serve on both councils for a three (3) year term.
4. The Tribal Council **shall hire a Recording Secretary. This person shall have no power to vote in Tribal Council proceedings.**
5. The Band Council shall fill any vacancy which may occur in its representation on the Tribal Council by vote of the Band Council and **adopted by a resolution.**
6. A member of the Tribal Council may resign without resigning from the Band Council. The Tribal Council will adopt a resolution accepting the resignation of the Tribal Council member **as final.**

### Section 13-4-3. Tribal Chairperson Election.

(a) Tribal Chairperson Election: An election shall be held in which all registered voters of the Tribe may vote in electing **the Chairperson** of the Tribe **from the elected officials of the Band Councils**. The election for Tribal Chairperson shall be held within twenty-one days after the Band elections

- 1 . The Tribal Election Board shall have the responsibility to ensure that the election is conducted objectively and fairly by secret ballot, and shall certify the results of such election to the Tribal Council and Band Councils five (5) days after the election.
2. The candidates for the Tribal Chairperson, who indicate their interest, shall be from among those selected by the Band Councils to be representatives on the Tribal Council.
3. The Chairperson of the Tribal Council shall be the person receiving the highest number of votes. **The person with the next highest votes will become the Vice-Chairperson.**

### Section 13-4-4. Special Tribal Elections.

(a) Recall of Tribal Chairperson Election: An election shall be held in which the registered voters of the Tribe shall determine whether the Chairperson should be recalled from office.

1. **Upon receipt of a valid petition of 25% of the registered voters of the Tribe or 2/3 of the registered votes of any Band, the Tribal Council shall direct the Tribal Election Board to call and conduct an election objectively and fairly by secret ballot, and shall certify the results of such election to the Tribal Council and Band Councils five (5) days after the election.**
2. **An election shall be established by the Tribal Council and conducted in each Band ten (10) days after the meeting which the petition was determined valid.**
3. **If fifty percent (50%) of all the registered voters of the Tribe cast a vote in favor of a recall, the Tribal Council shall declare the office vacant.**
4. A recall from office of Tribal Chairperson, the individual will no longer sit on the Tribal Council.



(b) Tribal Chairperson Vacancy Special Election. An election shall be held in which all registered voters of the Tribe shall have a choice in electing a successor to be the Chairperson of the Tribe for the remainder of term in office.

1. The Tribal Council shall direct the Tribal Election Board to conduct an election objectively and fairly by secret ballot, open to the Tribe's registered voters, and shall certify the results of the election to the Tribal Council and Band Council five (5) days after the election.
2. An election shall be conducted in each Band ten (10) calendar days after the Tribal Council declares the office vacant.
3. The candidates for the Tribal Chairperson shall be those currently seated Tribal Council members who indicates their interest.
4. If the vacancy occurs six (6) months before the next regular election, the Tribal Council shall appoint candidates from the currently seated members who indicate their interest to fill the un-expired term of the recalled Chairperson.

(c) Special Initiative Election. An election shall be held in which the registered voters of the Tribe shall have the right to propose legislation and determine whether it will be adopted or rejected.

1. Upon receipt of a petition, the Tribal Council shall validate and direct the Tribal Election Board to call an election to be conducted in each Band objectively and fairly by secret ballot, and shall certify the results of each election to the Tribal Council and Band Council five (5) days after the election.
2. An election shall be conducted in each Band forty-five (45) days after the receipt of a valid petition.
3. A copy of the proposed legislation shall be publicly posted to the registered voters of the Tribe to review ten 10 days prior to election.

4. An affirmative vote by a majority of those who cast ballots shall determine whether the proposal is adopted; provided **thirty percent (30%) of the registered voters of the Tribe cast ballots in such election.**

5. If the next Regular Band Council Election is six (6) months from the date the petition is filed, the balloting on the initiative shall take place at that election.

(d) Special Tribal Referendum Election. An election shall be held in which the registered voters of the Tribe **shall vote for or against the enacted or proposed ordinance or referendum of the Tribe.**

1. Upon the request of the majority of the members of the Tribal Council the Tribal election Board shall ensure that in election is conducted objectively and fairly by secret ballot and shall certify the results of the election to the Tribal Council and Band Council five (5) days after the election.

2. An election shall be conducted in each Band **forty-five (4)5** days after the request of the members of the Tribal Council.

3. A copy of the enacted or **proposed ordinance or referendum** shall be **publicly posted** to the registered voters of the Tribe to review ten (10) days prior to election.

4. The registered voters of the Tribe in a **referendum shall decide whether the ordinance or referendum shall be in effect, provided that thirty percent (30%)** of the registered voters vote in the in such referendum.

#### Section 13-4-5. Regular Band Council Elections.

(a) Regular Band Council Election: An election shall be held in which the registered voters of each Band; shall elect seven (7) members who shall constitute the governing body of the Band **Council, to conduct all business affairs that relate solely to the Band.**

1. Each Band Election Committee shall have the responsibility to ensure that the election is conducted objectively and fairly by secret ballot, and shall certify the results of the election to the Tribal Council and Band Councils five (5) days after the election.

2. This election shall be conducted in each Band, the second week of the month of October, every third (3rd) year.

3. The candidates for the Band Council Election shall be from among those qualified by the Band Election Committee.

4. The Chairperson and Vice-Chairperson of the Band Council shall be the person(s) receiving the highest and next highest number of votes and who is willing to accept the position.

5. In the event of a tie, **a number draw will determine the elected official.**

#### Section 13-4-6. Special Band Elections.

(a) Removal From Band Council:

1. A Band Council member may be removed from the Band Council for improper conduct or gross neglect of **duty by majority of the Band Council members vote in favor of removal.**

2. The member charged shall not vote. No vote shall be taken until after the member has had a fair hearing at which to reply to all charges.

3. No such hearing shall be held unless the member has been notified **fifteen (15) days** in advance, a certified notice of the time and place of the hearing and a written statement of the alleged acts of improper conduct or gross neglect **of duty.**

4. The member charged can request an **open or closed hearing** with or without representation.

(b) Band Vacancy Election: An election shall be held in which the registered voters of the Band; shall elect a qualified candidate to fill the vacancy on the Band Council. The Candidate Agreement shall apply to all elections.

1. The Band Election Committee shall have the responsibility to ensure that an election is conducted objectively and fairly by secret ballot, and shall certify the results of the election to the Band Council and Tribal Council five (5) days after the election.

2. An election shall be conducted in the Band forty-five (45) days after the Band Council has declared the position as vacant.

3. The candidates for this election shall be from among those candidates qualified by the Band Election Committee and in the event of a dispute, the Tribal Election Board.

4. The successful candidate(s) shall be the person(s) receiving the highest number of votes.

5. In the event a vacancy occurs six (6) months before the next regular election, the Band Council shall appoint, by vote of its membership, a person who meets the qualifications of a candidate by the recommendation of the Election Committee for the office to fill the un-expired portion of the term.

6. In the event of a vacancy for the Office of Chairperson or Vice-Chairperson, the person assuming the Chairmanship or Vice-Chairmanship will be determined by the highest number of votes received at the general election. A special election will be held to fill vacant council member seats.

(c) Recall From Band Council Election: An election shall be held in which the registered voters of the Band; shall determine whether the member of the Band Council should be recalled from office.

1. Upon receipt of a valid petition from the Band membership, the Band Council shall direct the Band Election Committee to conduct an election objectively and fairly by secret ballot, and shall certify the results of such election to the Tribal Council and Band Council five (5) days after the election.

2. An election shall be called by the Band Council to be conducted upon receipt of a valid petition by 50% of registered voters of the Band to recall a Band Council member, forty-five (45) days after the meeting in which the petition was determined valid.

3. The office shall be considered vacant if a majority of those voting in the election favor such recall.

4. If any Band Council shall fail or refuse to act thirty (30) days of its receipt of a valid petition for recall, the petitioners may bring the matter to the Tribal Council which shall act in place of the Band Council. The member charged shall not vote on the petition.

(d) Recall of Band Representative to the Tribal Council Election. An election shall be held in which the registered voters **of the Band determine whether the Band Representative to the Tribal Council should be recalled from office; except, when the** Band representative is also serving as the Tribal Chairman.

1. **Upon receipt of valid petition from the Band membership, the Band Council shall direct the Band Election Committee to call an election to be conducted in the Band objectively and fairly by secret ballot,** and shall certify the results of such election to the Tribal Council and Band Councils **(5) days** after the Election.

2. **An election shall be established by the Band Council, conducted in the Band forty-five (45) days** after the meeting in which the petition was determined valid.

3. The Tribal Council recalled position shall be considered vacant if a majority of those voting in the Election favor such recall.

4. Recall from the Tribal Council shall not affect the member's position on the Band Council.

(e) Band Initiative Election. An election shall be held in which the registered voter of the Band shall have the right to propose legislation within the scope of Band authorities and vote by secret ballot to determine whether it will be adopted or rejected.

1. **After the Band Council receives a valid petition from the Band membership,** the Band Council shall direct the Band Election Committee to call an election to be conducted in the Band objectively and fairly by secret ballot, and shall certify the results of the election to the Tribal Council and the Band Council five (5) days after the election.

2. An election shall be conducted in the Band **forty-five (45) days after the receipt of a valid petition.**

3. A copy of the proposed legislation shall be **publicly posted** to the registered voter of the Band to review thirty (30) days prior to the election. A copy will be posted at Band/Tribal Office.

4. An affirmative vote by a majority of those who cast ballots shall determine whether the proposed legislation is adopted; provided thirty percent (30%) of the registered voters of the Band cast ballots in the election.

5. If the next Regular Band Council Election is six (6) months or less from the date the petition is filed, the balloting on the initiative shall take place at that election.

(f) Band Referendum Election. Upon the request of the majority of the members of the Band Council, any enacted or proposed resolution of the Band Council shall be submitted by the Band Election Committee to a popular referendum of the registered voters. The registered voters shall, by majority vote in such referendum, decide whether the resolution shall be in effect; provided, that thirty percent (30%) of the registered voters shall vote in such referendum.

1. Upon the request of the majority of the members of the Band Council, the Band Election Committee shall ensure that the election is conducted objectively and fairly by secret ballot, and shall certify the results of such election to the Tribal Council and the Band Councils five (5) days after the election.

2. An election shall be conducted in the Band **forty-five (45) days after the request of the majority of the members of the Band Council.**

3. A copy of the enacted or proposed referendum shall be publicly posted to the registered voter of the Band to review **thirty (30) days** prior to election. A copy will be posted at Band/Tribal Office.

4. **The registered voters of the Band shall, by majority vote, decide whether the referendum shall be in effect provided thirty percent (30%) of the registered voters of the Band vote.**

Section 13-4-7. Date of Events. All Elections.

(a) The Dates of Events shall be established by the Tribal Election Board in their initial meeting for the Band/Tribal Chairperson election, to be provided to the Tribal Council and the Band Council to ensure the required time-frames are followed. The Dates of Events shall consist of the following:

(b) The Dates of Events shall be conducted by the Band Election Committee for all other elections.

1. Prepare and publicly post the Election Notice, the first week in July, in sufficient time to inform the registered voters of the election pursuant to Tribal Resolution.
2. Prepare and publicly post the Certified Voters Registration List, forty-five (45) days prior to the election.
3. Prepare and publicly post the Candidacy Filing Notice, thirty (30) days prior to election.
4. Tribal Council Action to consider a petition from a rejected candidate to certify the person as a qualified candidate four (4) days after candidacy deadline.
5. Prepare and publicly post the names of the qualified candidates at the Band Council Office and Tribal Administration Office one (1) day after certified.
6. Absentee Voting Requests shall be in writing immediately after election date is set to allow sufficient time for the Tribal/Band Election Board/Committee to mail and provide to the absentee voter an official ballot to be returned five (5) days before election day.
7. Provide the final Certified Voter's Registration List for the election to the Tribal Council/Band Councils, ten (10) days prior to the election
8. In the event an enacted or proposed ordinance/referendum is added to the ballot, a copy shall be provided to the registered voters of the Band/Tribe to review ten (10) days prior to the election.

9. Election Dispute Period starts on election day at 7:00 P.M. and ends the next day at 7:00 P.M. This allows the registered voters to file with the Band Election Committee/Tribal Election Board, a written dispute statement including a dispute fee of \$35 within the twenty-four (24) hour dispute period.

At the end of the election dispute period, the Band Committee or the Tribal Election Board shall hold an Election Dispute Hearing, if necessary. This allows the Band Committee or the Tribal Election Board to hear any disputes and to make a determination if the election is valid or invalid.

10. On validation of an election, the Band Election Committee/Tribal Election Board shall prepare and certify the election. Sign and date four (4) copies of the Official Tally of Votes and Official List of Candidates and Votes received. One copy shall be filed with a Band Council, one copy with the Tribal Council, and the remaining two filed with a Band Election Committee/Tribal Election Board. Copies of both documents shall be published and publicly posted five (5) days after the election.

11. Notify successful candidates after certification of the election results. The Oath of Office shall be the next work day following certification of election results.

## CHAPTER 5. CANDIDACY

### Section 13-5-1. Candidate for Office.

(a) To be an eligible candidate for elective office, a person shall:

1. Be enrolled as a member of the Te-Moak Tribe.
2. Be twenty-one (21) years of age.
3. Have physical residence within the trust lands of a constituent Band for a period of one (1) year.
4. Submit their name for candidacy in writing, include a \$50 nonrefundable fee, to the Band Election Committee in person twenty (20) days prior to the election. Sign a "Authorization for Release of Information" form at time of filing for candidacy to permit the Election Committee to request for a background investigation regarding criminal history. Individuals convicted of a felony shall be an ineligible candidate per the Constitution, Article 6, Section 1(b).



Section 13-5-2. Ruling on Candidacy.

(a) The Election Committee shall screen the pertinent information to determine a prospective candidate's qualifications for eligibility, and if necessary, request from the Band Councils, Te-Moak Housing Authority, Enrollment or Law Enforcement for more information.

(b) The Election Committee shall inform, by letter, the prospective candidates fifteen (15) days prior to an election whether they qualify as a candidate.

Section 13-5-3. Appeal Rights of Rejected Candidates.

(a) Any person who is refused candidacy by the Band Election Committee may petition the Band Council to certify the person as a candidate.

(b) The Band Council shall immediately consider the candidate's petition and shall render a decision in two (2) days.

(c) The Band Election Committee shall be notified without delay of the decision of the Band Council.

(d) The decision of the Band Council shall be appealed to the Tribal Council who shall render a decision in two (2) days, which shall be final. The member of the Tribal Council who is appealing shall not vote on the appeal.

Section 13-5-4. Posting of Qualified Candidates.

(a) The Band Election Committee shall post the names of those qualified candidates at the Band Council Offices, the Tribal Administration Office and publicly post at each Band ten (10) days prior to the election.

(b) The Tribal Election Board shall post the names of the selected candidates for the Tribal Chairperson at the Tribal Administration Office and Band Council Offices and publicly post at each Band ten (10) days prior to the election.

## CHAPTER 6. VOTING.

### Section 13–6-1. Polling Place.

(a) The place of voting shall be at a Polling Place designated by the Band Council's Resolution for the Regular/Special Election.

### Section 13-6-2. Voting Hours.

(a) The Polling Place voting hours shall be from 7:00 a.m. to 7:00 p.m. during Election Day.

### Section 13-6-3. Manner of Voting.

(a) Registered voters, with the exclusion of absentee voters, will vote by ballot at the appropriate polling place within the prescribed voting hours.

(b) The registered voter provides name and verification, if requested, i.e drivers license and tribal enrollment card, to the Poll Official and signs or mark on the Sign-In Sheet.

(c) Upon receipt of a ballot, the voter shall proceed to a private voting booth or voting area and mark their ballot using the instrument provided by the election officials.

(d) In order to be valid, the voter must mark their choices by the appropriate box(es) on the ballot.

(e) After the ballot is marked, the voter shall fold the ballot so that the printed side is completely concealed, and drop the ballot in the ballot box.

(f) In the event a voter request a ballot and states they are unable to mark their ballot or unable to read or write, it shall be the duty of the Poll Officials to give the voter assistance.

(g) Should a voter spoil a ballot in the course of voting, the voter may request to exchange the spoiled ballot for another by returning the Spoiled Ballot to the Poll Officials.

(h) No other legislative action will be conducted at this election, unless authorized through proper steps

Section 13-6-4. Electioneering and/or Loitering.

(a) No person shall be permitted to electioneer and/or loiter within 150 feet of the Polling Place during voting hours.

(b) It shall be the duty of the Election Committee Chairperson or Tribal Election Board **representative to obtain assistance from Law Enforcement to maintain order during the progress of the election.**

CHAPTER 7. ABSENTEE VOTING

Section 13-7-1. Absentee Voter.

(a) A registered voter **who is unable to appear** at the Polling Place on Regular & Special Election day shall be entitled to vote by Absentee Ballot.

1. Registered voters who requested for absentee voting shall not be permitted to vote at the Polling Place.

Section 13-7-2. Absentee Voting Request.

(a) All requests for an absentee **ballot** shall be made in writing by the voter and delivered in person or by mail to the Band/Tribal Administration Office in care of the Election **Committee prior to a Regular or Special Election.**

1. This allows sufficient time for an official Ballot to be supplied by the Tribal Election Board and Band Committee and returned before election day.

(b) It shall be the duty of the Tribal Election Board/Band Election Committee to indicate on the Sign-In Sheet those registered voters as "Absentee" and provide to the Poll Officials.

Section 13-7-3. Absentee Voting Ballot Execution and Return.

(a) The Tribal Election Board/Band Election Committee shall mail to the absentee voter an envelope with the Official Ballot and a return envelope.

1. The Tribal Election Board/Band Election Committee shall maintain a log of all absentee voting requests with name and addresses to whom absentee ballots are mailed, including the date of receipt of the returned absentee ballot.

(b) The absentee voter shall mark, fold and place the ballot in the envelope provided by the Tribal Election Board/Band Election Committee along with the following statement:

"I will be unable to appear at the Poll Place in \_\_\_\_\_ Nevada, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and have enclosed my ballot for the Regular & Special Election."

(Voter's Signature) \_\_\_\_\_ (Date) \_\_\_\_\_

(c) The absentee voter shall seal and return the envelope marked "ABSENTEE VOTER - DO NOT OPEN".

(d) The return envelope shall be pre-addressed as follows:

Te-Moak Tribal Election Board/Band Election Committee Representative  
C/O \_\_\_\_\_ Band Council  
P.O. Box Number or Street Address  
City, State and Zip Code

**"ABSENTEE VOTER – DO NOT OPEN"**

(e) All absentee voting envelope with ballots enclosed shall be returned by mail and be received at the Band Council Office **on or** before the close of business on election day.

(f) The absentee voting envelopes received before election **day shall be date stamped by the Tribal Election Board/Band Council Administration and placed in the locked "Absentee" ballot box, provided and** maintained at the Band Council Office. The envelopes will only be opened by Band Election Officials.

(g) The Band Election Committee/Tribal Election Board representative or law enforcement shall retrieve the locked "Absentee" ballot box and transport to the polling place.

(h) Any absentee voting envelopes received by Mail after close of business on election day will be marked as INVALID by the Tribal Election Board/Band Election Committee at the certification of election results.

## CHAPTER 8. BALLOTS.

### Section 13-8-1. Purpose of Ballots.

(a) To ensure that each Band or Tribal election held are conducted by secret ballot.

### Section 13-8-2. Format of Ballots.

(a) Stamp ballot "OFFICIAL" and Numbered.

(b) State specific type of Band or Tribal Election and date of election on each ballot.

(c) Print on ballot, "Mark your choice in the appropriate box(es)" and if the choices are undesirable mark the box "None of the above".

(d) List qualified candidates names as signed on candidacy letter, in alphabetical order, with the last name first, the first name second, followed with the middle initial (if any), and Jr., Sr., I, II, III (if any) for a Regular/Special Band Council, Tribal Chairperson, Band Vacancy or Tribal Chairperson Vacancy Election.

(e) For an initiative, referendum or recall election, indicate a choice of marking a "yes" or "no" on the ballot.

Section 13-8-3. Format of Absentee Ballots.

(a) Absentee Ballots shall be identical to the Official ballots.

Section 13-8-4. Number of Ballots.

(a) Ballots shall be prepared, maintained and secured by the Election Committee/Tribal Election Board in sufficient quantities to assure that each registered voter who request for an absentee ballot receive a ballot for that election.

(b) Each ballot will be numbered.

CHAPTER 9. PETITIONS.

Section 13-9-1 , Petition.

(a) A petition shall be for the purpose of a Recall of a Band Representative to the Tribal Council, Tribal Chairperson, Band Council member, Tribal Judge, and a Tribal Initiative or Band Initiative pursuant to Article 4, Section 7, 8, 17 of the Te-Moak Tribe Constitution.

1. Article 4, Sec. 7 Removal and Recall from Tribal Council.

(a) Removal by Tribal Council. Any Tribal Council member, other than the Tribal Chairperson, may be removed from the Tribal Council for improper conduct or gross neglect of duty by a two thirds (2/3) vote of all Tribal Council members except the one being considered for removal. No vote for removal shall be taken until after the member has had a fair hearing at which to reply to all charges. No hearing shall be held unless the member has been given fifteen (15) days in advance, a written notice of the time and place of the hearing and a written statement of the alleged acts of improper conduct or gross neglect.

(b) Removal by a Band Council. A Band representative to the Tribal Council may be removed from the position by Band Council for gross neglect/improper conduct by a majority vote of all members of the Band Council, except when a Band Representative, is also serving as Tribal Chairperson.

(c) Upon the Band Council's receipt of a valid petition signed by one-half (1/2) of the registered voters of the Band to recall its representative to the Tribal Council, it shall be the duty of the Band Council to direct the Band Election Committee to call and conduct a special election in the Band to determine whether the representative should be recalled from the Tribal Council.

(d) The Tribal Council seat shall be considered vacant if a majority of those voting in a special election favor the recall. Recall from the Tribal Council shall not affect that person's membership on the Band Council pursuant to Article 4, Section 10.

2. Article 4, Sec. 8. Recall of Tribal Chairperson/Tribal Judge.

(a) The Tribal Chairperson and Tribal Judge shall be recalled only in the manner set forth in this Section. Recall from the office of Tribal Chairperson does not affect that individual's membership on the Tribal Council.

(b) Upon receipt of a valid petition signed by twenty-five percent (25%) of the registered voters of the Tribe or two-thirds (2/3) of the registered voters of any Band to recall the Tribal Chairperson/Tribal Judge. It shall be the duty of the Tribal Council to direct the Tribal Election Board to call and conduct a special election to determine whether the Chairperson/Tribal Judge should be recalled.

3. Article 4, Sec. 17. Removal and Recall From Band Council. Band Council members may be removed or recalled in the manner set forth in this section, except when the Band Council member is also serving as the Tribal Chairperson.

(a) Removal. A Band Council member shall be removed from the Band Council for improper conduct or gross neglect of duty if a majority of the Band Council members vote in favor of removal. The member charged shall not vote. No vote shall be taken until after the member has had a fair hearing at which to reply to all charges.

**No hearing shall** be held unless the member has been given, fifteen (15) days in advance, a written notice of the time and place of the hearing and a written statement of the alleged acts of improper conduct or gross neglect.

(b) Recall.

(1) **Upon receipt of a valid petition by one-half (1/2) of the registered voters of the Band to recall a Band Council member, it shall be the duty of the Band Council to call a special election in the Band to determine whether the representative should be recalled.**

(2) **The band council seat shall be considered vacant if a majority of those voting in the election favor such recall.**

#### Section 13-9-2. Petition Format.

(a) A petition shall specifically state **the** purpose with a brief summary for a particular action to be taken.

(b) Each page of **the** petition, shall be signed by the carrier and notarized.

(c) **A petition carrier shall be a registered voter of a Band for the purpose of collecting signatures and filing the petition.**

(d) **The petition signer shall print, sign and date the petition.**

(e) A petition shall have signatures affixed sixty (60) calendar days prior to the filing.

(f) A petition shall be signed by **the minimum required number of registered voters as follows:**

- Recall of Band Representative to the Tribal Council: The petition requires the **signatures of one-half (1/2)** of the registered voters of the Band to recall its representative to the Tribal Council to be valid.



- Recall of Tribal Chairperson. The petition requires the signatures of **twenty-five (25%)** of the registered voters of the Tribe, **or two-thirds (2/3)** of the registered voters of any Band to recall the Tribal Chairperson to be valid.
- Recall from Band Council: The petition requires the **signatures of one-half (1/2) of the registered voters of the Band to recall a Band Council member to be valid.**
- Tribal Initiative: The petition requires the **signatures of thirty percent (30%) of all registered voters to be valid.**
- Band Initiative: The petition requires the **signatures of thirty percent (30%) of the Band's registered voters to be valid.**

(g) A copy of **the Certified Official Voter's Registration List shall be prepared, provided and attached for the purpose of collecting signatures for the petition and validation.**

(h) The approved format, passed by the Te-Moak Council, shall be **used for all petitions.** If the approved format is not used the petition shall be declared invalid.

#### Section 13-9-3. Filing of Petition.

(a) **The petition shall be presented to the Chairperson, unless the Chairperson is the subject of the petition, the Vice-Chairperson or an official representative.**

(b) Upon receipt, the official receiving the petition shall indicate the date the petition was filed.

#### Section 13-9-4. Action for Petition.

(a) The Chairperson or Vice-Chairperson receiving the petition shall call a meeting of the Council ten (10) days to establish and determine the validity of the petition.

(b) It shall be an act of gross neglect on the part of any Chairperson, Vice-Chairperson or Council member to purposely fail or avoid participation in calling **a meeting and** establishing the election.

Section 13-9-5. Valid Petition.

(a) Upon determination the petition is Valid, the presiding officer shall indicate the date the petition was validated.

(b) A petition shall be determined Valid by the Band or Tribal Council if all the petition provisions have been met.

(c) The Band or Tribal Council upon determining the petition is valid establish an election which shall be conducted by the Tribal Election Board or Election Committee ten (10) days after the meeting.

1. Recall of Band Representative to the Tribal Council: The Band Council shall direct the Band Election Committee to call and conduct a Special Election to determine whether the representative should be recalled from the Tribal Council.

2. Recall of Tribal Chairperson: The Tribal Council shall direct the Tribal Election Board to call and conduct a Special Election to determine whether the Chairperson should be recalled.

3. Recall From Band Council: The Band Council shall call a Special Election to determine whether the representative should be recalled.

(d) The Band or Tribal Council shall determine the petition is valid. An election shall be conducted by the Election Board or Election Committee thirty (30) days after receipt of the valid petition to determine whether the proposed legislation will be adopted or rejected. If the next regular election is six (6) months or less from the date the petition is filed, the balloting on the initiative shall take place at the Regular Band Election.

1. Tribal Initiative: The Tribal Council shall direct the Tribal Election Board to call an election. An affirmative vote by a majority of those who cast ballots shall determine whether the proposal is adopted; provided, thirty (30%) of the registered voters of the Tribe cast ballots.

2. Band Initiative: The Band Council shall direct the Band Election Committee to call an election. An affirmative vote by a majority of those who cast ballots shall determine whether the proposal is adopted; provided, thirty percent (30%) of the Band's registered voters cast ballots.

## Section 13-9-6. Invalid Petition

- (a) Upon the determination the petition is invalid, the presiding official shall indicate the date the petition was invalidated.
- (b) A petition shall be determined invalid by the Band or Tribal Council if one (1) or more of the petition provisions have not been met.
- (c) The Band or Tribal Council shall determine the petition is invalid, inform the petitioner of the reason(s) why it was determined invalid and no further action will be taken.

## Section 13-9-7. Refusal of Band Council to Act on Band Recall Petition.

- (a) If any Band Council shall fail or refuse to act thirty (30) days upon receipt of a valid petition for recall, the petitioners may bring the matter to the Tribal Council.
- (b) The Tribal Council shall call a Special Election in the Band to determine whether such representative should be recalled from the Band Council.

## CHAPTER 10. ELECTION DISPUTES.

### Section 13-10-1. Band or Tribal Election Disputes.

- (a) Election Dispute Period. The Election Dispute Period starts on first day to the last day of the calendar of events.
  - 1 . Any registered voter of the Tribe may at any time, during the dispute period, file with the Band Election Committee/Tribal Election Board a dispute concerning the election.
- (b) Dispute Statement. A dispute must be made in writing and signed by the registered voter and submitted with a \$35 filing fee. The written dispute statement shall contain the following information:
  - 1. The name and address of the registered voter, the Band they are from, and a specific allegation that validates the dispute.
  - 2. Cost. A payment of \$35 shall be a money order payable to the Band. Cash will not be accepted.

(c ) Hearing. A hearing shall be called and conducted before the Band Election Committee/Te-Moak Election Board twenty-four (24) hours after the election to determine whether the dispute warrants further actions.

1. The registered voter will present all issues.

(d) Decision of the Band Election Committee/Te-Moak Election Board. Based upon the facts and findings, the Band Election Committee/Te-Moak Election Board shall render a decision to determine the election as Valid or Invalid.

(e) If the decision of the Band Election Committee/Te-Moak Election Board is to determine the election as Valid, the Band Council/Te-Moak Council will be immediately notified.

1. If the decision of the Band Election Committee/Te-Moak Election Board is to determine the election as invalid, the Band Council/Te-Moak Council will be immediately notified and will direct the Band Election Committee/Te-Moak Election Board to again conduct and certify the election

- Same time frames will apply, with a current Voter's Registration List

2. The decision of the Band Election Committee/Te-Moak Election Board shall be final.

## CHAPTER 11. CERTIFICATION OF RESULTS OF BAND OR TRIBAL ELECTION.

### Section 13-11-1 . Certification of Band or Tribal Election.

(a) The Election Committee/Election Board shall certify the results of a Band/ Tribal election to the Tribal Council and Band Councils, five (5) days after the election.

(b) The Election Committee/Election Board shall begin with the publicly unofficial tally of the count at the place of voting immediately following the close of the polls.

1. One (1) Election Official shall verbally announce the choice or choices indicated on the ballot. The other Election Officials shall record the tally as indicated. This process shall continue until there are two (2) identical counts reached.

- Count all ballots marked as "Spoiled" and all un-marked ballots.

- **Count** and compare the number of cast Ballots (including Invalid Ballots) with the Sign-In Sheet. The number of ballots cast shall equal **the voters who signed in, including** the Absentee Voters indicated as "Voted" on the Sign-In Sheet.

- Mark **ballot** totals on Tally Sheet.

(c) The total number of all ballots shall equal the number of official ballots **for voting in person and absentee voting.**

(d) The voters marked as "Absentee" on the Sign-In Sheet who did not return an absentee ballot, shall be marked as "Did Not Vote" on the Sign-In Sheet.

(e) The Election Committee/Election Board shall prepare and complete two (2) identical Official Tally Sheets for the Certified Results of the Band/Tribal Election; provided that the Election Committee/Election Board member present shall affix their signature with date and time indicated and a statement as follows:

"We, the \_\_\_\_\_ Band **Election Committee/Te-Moak Tribal Election Board**, do hereby certify the results of the election to the \_\_\_\_\_ **Band Council/Te-Moak Tribal Council**, with the count listed above as being true and accurate. The total of \_\_\_\_\_ of registered voters cast ballots, out of \_\_\_\_\_ registered voters of the Band/Tribe"

(f) **One (1) original Certified Results and a copy of the sign in sheet of the Election shall be provided to the Tribal/Band Council; and attached to the proposed legislation, enacted or proposed ordinance/resolution of the Tribal Council/Band Council, with the remaining original Certified Result to be retained for Election Committee/Election Board records**

#### Section 13-11-2. Posting of Certified Results.

(a) A copy of the Certified Results **shall be publicly posted** by the Election Committee/Election Board **the next day following the certification, at the Band Council Office/Tribal Administration Office and throughout the Band area.**

## CHAPTER 12. OATH OF OFFICE

### Section 13-12-1 . Oath of Office.

(a) Each member of the Tribal/Band Council, and each member of the Band Election Committee/Tribal Election Board, elected or appointed, shall take the following Oath of Office as **administered by the Chief Judge of the Tribal Court/Chairman of the Tribal Election Board, prior to assuming the duties:**

"I, \_\_\_\_\_ do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada; that I will carry out, faithfully and impartially, the duties of my office to the best of my ability; that I will promote and protect the best interests of the Te-Moak Tribe of Western Shoshone Indians of Nevada."

(b) The Oath of Office shall be given to each member of the Band/Tribal Council.

**(c) No person shall hold any office, who have previously taken an oath as a Te-Moak Tribal elected official, to support the Constitution of the United States and the Te-Moak Tribe, shall have engaged in insurrection, rebellion, misfeasance, malfeasance, or treason against the same.**

## CHAPTER 13. OFFICIAL INAUGURATION OF SUCCESSFUL CANDIDATES.

### Section 13-13-1. Notification of Successful Candidates.

**(a) Successful candidates shall immediately be informed in writing by the Election Committee/ Tribal Election Board that they shall officially take office on the next workday following certification of the election results.**

(b) In the event that two (2) candidates tie, the tie shall be determined by the flip of a coin; provided, that one candidate does not cede to the other.

(c) In the event that three (3) or more candidates tie, the tie shall be determined by high card draw.

**(d) In the event the Chairperson cedes their seat to the Vice-Chairperson that person assumes the Chairperson's position. The Chairperson who cedes the position will no longer be considered on the Council.**

1. All other members will be advanced up the list.
2. The candidate receiving the next highest vote advances to the council.

Section 13-13-2. Officially Take Office.

(a) The Tribal Chairperson and members of the Tribal Council shall officially take office on the next workday following the certification of the Tribal Chairperson election results.

CHAPTER 14. ESTABLISHMENT AND RESPONSIBILITIES OF THE BAND ELECTION COMMITTEE AND OFFICIALS.

Section 13-14-1. Establishment of the Band Election Committees.

- (a) The Band Council shall appoint by resolution an impartial Election Committee to be composed of three (3) but no more than five (5) persons.
1. A member appointed to the Band Election Committee shall remain impartial.
  2. Individuals convicted of a any felony shall be an ineligible committee member.
  3. Sign a “Authorization for Release of Information” form at time of filing for candidacy to permit the Election Committee to request for a background investigation regarding criminal history.
  4. If an Oath of Office document is unavailable for filing at the Tribal Administration Office five (5) days after being appointed, that member shall not assume his duties, and shall without delay take the Oath of Office as administered.
  5. The Band Election Committee member shall abstain from decisions regarding members of their immediate family.
- (b) The regular term of office for a member of the Band Election Committee who is appointed shall be three (3) years.
- (c) The members of the Band Election Committee shall appoint a Chairperson, Vice-Chairperson, Secretary, Recording Clerk and select its representative to the Tribal Election Board, from within its membership.

1. The Band Administration shall provide a written notification to the Tribal Council of the appointed members, five (5) days after appointment:

- . Names of the Band Election members appointed, dates of appointment, and appointment expiration dates.
- Names of those Election Committee members selected as Officers.
- Name of the representative selected to serve on the Tribal Election Board.

Section 13-14-2. Responsibilities of the Band Election Committee.

(a) The Band Election Committee shall exercise all responsibilities called for in the Tribal Constitution/Tribal Election Ordinance, as listed in this Section:

1. Prepare, maintain and/or provide all documents necessary for each election.
  - Date of Events, Election notices, Sign- in Sheets, Un-Official Tally Sheets, correspondence, etc.
2. Prepare and provide to the Tribal Council/**Band Councils**, an enumerated Dates of Events for a **specific election**.
3. **Designate a Registrar within or outside the Band Election Committee to provide a Voter's Registration Form. A completed and properly executed Voter's Registration Form shall be provided for the Band Election Committee's review and approval.**
4. Verify with the Te-Moak Enrollment Office that applicant(s) registering to vote, or prospective candidate(s) are duly enrolled members of the Te-Moak Tribe of Western Shoshone Indians of Nevada.
5. Verify with **the Band Council Office or the Te-Moak Housing Authority that a prospective candidate resides within the exterior boundaries of the Band, and has maintained physical residence within the Band for a period of one (1) year immediately preceding the date of their written submittal for candidacy.**



Section 13-14-3. Responsibilities of Band Election Committee Officials.

(a) The Band Election Committee Chairperson shall be responsible for the following:

1. Call for a closed meeting with written or oral notice **twenty-four (24) hours prior to the meeting; and when so called and convened, ensure that no meeting shall commence until a quorum of three (3) members is present**, including the presiding officer.
2. Call for a recess if any interference occurs during a closed meeting, until the individual responsible for the **interference is removed**.
3. Be a voting member of the Band Election Committee.
4. In the event that there is a **tied decision, the tie shall be determined by the flip of a coin**.
5. Be the official spokesperson for the Band Election Committee and attend Band Council/Tribal **Council meeting to make available reports/information** concerning an election.

(b) The Band Election Committee Vice-Chairperson shall be responsible for the following:

1. **In the absence of of the Chairperson, the Vice-Chairperson shall assume the responsibilities of the Chairperson.**
2. **Request a closed meeting if three (3) or more members are present.**

(c) The Band Election Committee Secretary shall be responsible for the following:

1. Record and **maintain records** in a secure place at the **Band Council/Tribal Election Board Offices, minutes of** the Band Election committee closed meetings and all documents for a Band election.
2. Maintain the original Voter's Registration Forms in the **Band's "Registrar of Voters" binder** and the Tribal Election Board **binder**.
3. In the absence of both the Chairperson and Vice-Chairperson, ensure there is a quorum present **to** preside over a Band Election Committee closed meeting.

4. Minutes of all meetings shall be attached to their check payment requests prior to authorization of payment.

Section 13-14-4. Vacancies.

(a) Should a vacancy occur that leaves the Election Committee without three (3) members to conduct and certify band elections, the Band Council shall post a Band Election Committee Vacancy Notice.

1. Any interested person must submit their name in writing for an Election Committee appointment to the Band Council five (5) days prior to a duly scheduled Band Council meeting.
2. At a duly scheduled Band Council meeting, the Band Council shall review the name(s) submitted and appoint by majority vote the individual(s) to serve on the Band Election Committee by Band resolution

Section 13-14-5. Resignation or Removal.

(a) Voluntary resignation of a member shall be in writing with the effective resignation date and accepted by the Band Council at a duly scheduled meeting.

(b) Removal of a member shall become effective immediately to ensure fairness and impartiality:

1. When a member of their immediate family has qualified as a candidate for any elective office.
2. When they participate in a Recall Petition process as a petition carrier.

(c) An Election Committee member or Band representative from the Election Board may be removed from the position for any just cause by the majority vote of the Band Election Committee.

1. No vote shall be taken until after the member has had a fair hearing at which to reply to all charges.
2. No hearing shall be held unless the member has been given five (5) days in advance, a written notice of the date, time and place of the hearing and a written statement of the alleged acts of justifying the removal.
3. The member shall be notified in writing five (5) days after the hearing of the decision of the Band Council.

CHAPTER 15. ESTABLISHMENT AND RESPONSIBILITIES OF THE TRIBAL ELECTION BOARD AND OFFICIALS

Section 13-15-1 . Establishment of the Tribal Election Board.

(a) The Tribal Election Board shall be composed of one (1 ) of the members selected from within **the Band Election** Committee.

1. A member selected to the Tribal Election Board shall remain impartial.
2. Individuals convicted of a felony shall be an ineligible Board member.
3. A member of the Tribal Election Board shall abstain from decisions regarding members of their immediate family.
4. **If a copy of an Oath of Office is unavailable for filing at the Tribal Administration Office five (5) days after being selected, that member shall not assume the duties, and shall without delay take the Oath of Office as administered.**

(b) The term of office for the Tribal Election Board member shall be for the duration of their term of office on the Band Election Committee.

1. Each member selected as the representative to the Tribal Election Board on or before the effective date of this Tribal Election Ordinance **shall comply** with this ordinance.

(c) The selected members of the Tribal Election Board shall appoint as Officers, a Chairperson, Vice-Chairperson, Secretary **and Records Clerk from within its membership and shall be recognized by resolution of the Tribal Council.**

1. **The Tribal Administration shall provide a written notification to the Tribal Council & Band Councils with a copy of the Oath of Office the names of the Tribal Election Board members selected as Officers five (5) days after selection.**

Section 13-15-2. Responsibilities of the Tribal Election Board.

(a) The Tribal Election Board shall exercise all responsibilities in the Tribal Constitution and the Tribal Election Ordinance as listed in this Section.

1. Prepare, maintain and/or provide all documents necessary for a Tribal Election.
  - Date of Events, Election Notices, Sign-In Sheets, Absentee Voting requests and logs, Unofficial Tally Sheets and correspondence, etc.
2. Prepare and provide to the Tribal Council an enumerated Dates of Events for a specific Tribal election.
3. Provide for Absentee Voting for a Tribal Chairperson Election/Tribal Chairperson Vacancy Election.
4. Prepare and post the Candidate listing for a Tribal Chairperson Election.
5. In the event that the Band Election Committee dissolves or neglects their responsibilities, the Tribal Election Board will assume the Band Election Committee responsibilities.

Section 13-15-3. Responsibilities of the Tribal Election Board Official.

(a) The Tribal Election Board Chairperson shall be responsible for the following:

1. In the absence of of the Chief Judge of the Tribal Court, the Tribal Election Board Chairperson will administer of the Oath of Office.
2. Call for a closed meeting with written or oral notice twenty-four (24) hours prior to the meeting; and when convened, ensure that no meeting shall commence until a quorum of three (3) members are present, including the presiding officer.
3. Call for a recess if any interference occurs during a closed meeting. Resume when the individual responsible for the interference is removed.

4. Be a voting member of the Tribal Election Board.
5. In the event that there is a **tied decision at a duly held meeting, the tie shall be determined by the flip of a coin.**
6. Be the official spokesperson and attend Tribal Council **meetings to make available to the Tribal Council, reports/information concerning an election.**

(b) The Tribal Election Board Vice-Chairperson shall be responsible for the following:

1. **In the absence of the Chairperson, assume the responsibilities of the Chairperson, with the exclusion of administering the Oath of Office.**
2. **Request a closed meeting if three (3) or more members are present.**

(c) The Tribal Election Board Secretary shall be responsible for the following:

1. Record and **maintain records** in a secure place at the Tribal administration Office, **including the minutes of the Tribal Election Board closed meetings and all documents for the Tribal Election.**
2. Maintain the original Voter's Registration Forms in the "Registrar of Voters" binder.
3. Minutes of all meetings shall be attached **to the check** payment request prior to authorization of payment.

Section 13-15-4. Vacancies.

(a) Band Election Committee shall fill any vacancy which may occur in its representation on the **Tribal Election Board by vote of the members.**

Section 13-15-5. Resignation or Removal.

(a) A member may resign from the Tribal Election-Board without resigning from the Band Election Committee.

(b) Removal of a member shall become effective immediately to ensure fairness and impartially:

1. **When a member of their immediate** family becomes a candidate for the Tribal-Chairperson position.
2. When they participate in a Recall Petition process as a petition carrier.

## CHAPTER 16. POLL OFFICIALS

### Section 13-16-1 Selection of Poll Officials.

- (a) Individuals convicted of a felony shall be an ineligible Poll Official.
- (b) **Election Committee shall select three (3) impartial persons to serve as Poll Officials and inform poll officials of duties prior to election day.**
- (c) An Alternate may be selected in the event that a Poll Official is unable to serve on Election Day.
- (d) No person shall be selected as a Poll Official for a Band/Tribal Election, if a member of his immediate family is listed as a qualified candidate for an elective office, **or a recalled Band Representative, Tribal Chairperson or Band Council member.**
- (e) **The salary of the poll officials shall be determined by the Band Councils.** Payment will be paid five (5) days after the election.

### Section 13-16-2. Responsibilities of Poll Officials/Election Committee Officials

- (a) The Poll Officials are selected to serve at the Polling Place **on Election Day.**
- (b) Maintain strict confidentiality and remain neutral.
- (c) After the Election Committee Chairperson/Tribal Election Board representative unlocks the ballot box, the Poll **Officials shall remove, account for, and remain responsible for all election supplies, all prepared Official ballots, the Voter's Registration list and the Sign-In Sheet.**

1. The empty ballot box shall be locked after the unofficial count until the time to officially count the ballots to certify the results of the election.

(d) Ensure that all persons who were mailed an absentee ballot are not permitted to vote at the Polling Place..

(e) Open the Polling Place promptly at 7:00 a.m.

(f) Ensure that only the duly registered voters sign/mark their names on the Sign-In Sheet prior to receiving a ballot and double checked by the Official Registered Voters list.

(g) Assist those registered voters who are physically disabled to mark their ballot.

1. Assistance shall be given in private and all other persons shall be kept at a distant to ensure that the voter is not heard.

2. The voter must state the way he wishes to vote.

3. In no instances shall a Poll Official by word, action or expression attempt to influence the voter as how he should vote.

(h) Should a voter spoil a ballot in the course of voting, the voter may request to exchange the spoiled ballot for another by returning the spoiled ballot to the Poll Officials. The ballot shall be marked as SPOILED by the Poll Official, affix their initials to the ballot, and record the name of the voter on the ballot. The Spoiled Ballot shall be deposited in the ballot box.

(i) Place ALL unmarked ballots in the manila envelope(s) provided, and seal the envelope. All Poll Officials shall affix their signatures over the seal and place scotch tape over their signatures.

#### BAND ELECTION COMMITTEE DUTIES:

(a) The Band Election Committee/Tribal Election Board or law enforcement officer shall retrieve the locked "Absentee" ballot box and transport to the polling place.

(b) At the polling site, open the outer "Absentee Ballot" envelopes, secure them to the Sign-In Sheet, place the unmarked inner envelopes containing the ballots in the locked main ballot box to ensure the secrecy of the ballot, and indicate "VOTED" next to the absentee voter name on the Sign-In Sheet.

(c) Return the locked Ballot box, sealed manila envelope(s), and supplies to the Election Committee Chairperson or Election Board representative who will do an unofficial count of the votes in an open forum.

(d) Lock the Polling Place promptly at 7:00 p.m

1. If there are any register voters within the Polling Place after closing, allow them to finish voting.

## CHAPTER 17. SALARIES, EXPENSES & PROVISIONS.

### Section 13-17-1. Salaries & Expenses.

- (a) The Band Council may pay salaries to the Band Election Committee, the representative to the Tribal Election Board, and the Poll Officials as is deemed advisable from funds as may be available.
- (b) The Band Council shall pay election expenses incurred for the Band Election Committee or the representative to the Tribal Election Board.

### Section 13-17-2. Provisions.

- (a) The Tribal Council shall be responsible for providing to the Tribal Election Board a place to hold meetings, office equipment necessary for preparation, reproduction, maintaining and securing of all forms required for the Tribal Election.
- (b) The Band Council shall be responsible for providing to the Band Election Committee, a place to hold meetings, office equipment necessary for preparation, reproduction, maintaining and securing of all forms required for the Band Election. Also, providing for the Band Election Committee/Tribal Election Board representative all necessary election supplies, including ballot box(es) with locks.

## CHAPTER 18. ADOPTION OF TRIBAL ELECTION ORDINANCE.

### Section 13-18-1. Adoption of Tribal Election Ordinance.

- (a) This Tribal Election Ordinance as amended shall become effective upon the date when adopted by a majority vote of the Tribal Council members in a duly called and noticed Council meeting.



(b) Te-Moak Ordinance No. 03-ORD-TM-01 is hereby expressly repealed in its entirety and all other ordinances, resolutions or acts that have been previously enacted by the Tribal Council of the Te-Moak Tribe of Western Shoshone, which are in conflict with any provision of this Ordinance are hereby repealed.

#### CHAPTER 19. AMENDMENTS.

##### Section 13-19-1. Amendments to the Tribal Election Ordinance.

(a) Provided that the Tribal Council shall deliver the proposed amendment to this Tribal Election Ordinance to each Band Council office for review and comment by the Band ten (10) days but no more than forty-five (45) days before a vote is taken on such proposed amendment to the Tribal Election Ordinance by the Tribal Council.

#### CHAPTER 20. SEVERABILITY CLAUSE

##### Section 13-20-1 Severability Clause

(a) If any section of this Ordinance or any part of any section shall be declared invalid or unconstitutional such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

#### CHAPTER 21. SAVING CLAUSE

##### Section 13-21-1 Saving Clause

(a) All resolutions, and other expressions of policy of the Tribe or the Band Councils of the effective date of this Ordinance are ratified and continued in full force and effect if such are consistent with this Ordinance.

CERTIFICATION

I, the undersigned, as Chairman of the Tribal Council of the Te-Moak Tribe of Western Shoshone Indians of Nevada, do hereby certify that the Tribal Council is composed of \_ members, of whom constituting a quorum were present at a duly held meeting on the \_\_ day of \_\_\_\_\_ and that the foregoing ordinance was duly adopted at such meeting by an affirmative vote of \_ FOR; \_ AGAINST; \_ ABSTENTIONS, pursuant to the authority contained under the Article 4, Section 3, (n) of the Constitution of the Te-Moak Tribe of the Western Shoshone Indians of Nevada.

\_\_\_\_\_

Tribal Chairperson  
Te-Moak Tribe of Western Shoshone

ATTEST:

\_\_\_\_\_  
Recording Secretary  
Te-Moak Tribal Council

DRAFT

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