
Approved Ordinances for the Te-Moak Tribe of Western Shoshone

Last amended: 2003

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 and Tribal elections are conducted objectively and fairly.

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 - Means an official ballot that is cast in the proper manner at the proper time by a duly registered voter.

(b) Constitution - Means 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 - Means calendar days.

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

(e) Election Notice - Means 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 - means 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, and larceny) which is punishable by death or by imprisonment in the state and/or federal prison institutions.

(g) Gross Neglect of Duty - means 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 his responsibilities and evading his duties.

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

(i) Immediate Family - Means the Husband, Wife, Father, Mother, Son, Daughter, Brother or Sister.

(j) Impartial - Means fair and objective.

(k) Initiative - Means the right and procedure by which voters can propose a law by petition and ensure its submission to the voters by secret ballot to determine whether the proposed resolution or ordinance will be adopted or rejected.

(l) Invalid Ballot - Means an official cast ballot discovered at the time the votes are counted; which has been marked in such a way that it is not possible to determine the intent of the voter, which has not been marked at all, or which does not comply with the requirements for voting.

(m) Just Cause - Means fair, adequate, reasonable or legitimate cause.

(n) Loiter - Means to hang around.

(o) Official Ballot - Means a document used to cast a secret vote.

(p) Petition - Means a written request made to a Band or Tribal Council for a particular action to be taken.

(q) Physical Residence - Means 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

(r) Referendum - Means the procedure whereby voters express themselves directly on actions or proposed actions by voting for or against them.

(s) Spoiled Ballot - Means an official ballot that has been spoiled by the voter in the course of voting at the poll and returned by the voter to the poll officials to be marked as such.

(t) Tribal Member - Means a person duly enrolled as a 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 requesting for, completing and submitting in person or by Certified Mail a properly executed Voter's Registration Form by the applicant at any time, to the appropriate Band where the person resides, or the nearest Band if the person resides off trust lands; provided the person is an enrolled member of the Te-Moak Tribe and is at least eighteen (18) years of age; or, if the person is at least seventeen (17) years old at the time of registration, he will be permitted to register for the forthcoming election if he will be eighteen (18) years old by the date of the forthcoming election.

Section 13-3-2. Appropriate Band.

- (a) Shall be at 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) Shall be at the nearest Band if the person resides off trust lands.
- (c) If you are grandfathered into any band and you leave the state your registration stays with that band.

Section 13-3-3. Refusal of Registration.

- (a) If a Band shall refuse to register a member, the member may apply to the Tribal Council for registration. If found eligible, the Tribal Council shall thereupon register the applicant and assign him/her to the appropriate Band.

Section 13-3-4. Active Registration.

- (a) In order to vote a person must be registered with his/her appropriate Band at least thirty (30) days prior to an election.
- (b) Registration shall be considered active as long as the registered voter continues to cast ballots in Tribal or Band elections.

Section 13-3-5. Cancellation of Registration.

- (a) If a person fails to vote in two (2) consecutive Regular Tribal/Band elections, his/her name shall be removed from the Voter's Registration List and his/her 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 . His/Her Voter's Registration form shall be marked CANCELED by the Band Election Committee at a duly held meeting, with the written request attached.

2. His/Her name shall be removed from the Voter's Registration List.

- (c) Dual registration shall constitute an automatic cancellation in all areas.

1 . His/Her Voter's Registration forms shall be marked CANCELED by the Band Election Committee, with copy attached of each Band Voter's Registration List with his name listed thereon.

2. His/Her name shall be removed from each Band Voter's Registration List.

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

1. His/Her name shall be removed from the Band Voter's Registration List.

(e) Registered with an appropriate Band.

1. A person may register with the band they physically reside at.

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 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 that person whose name has been removed from the Band Voter's Registration List.

(h) The Band Election Committee shall also notify in writing to that person whose Voter's Registration form has been CANCELED and whose name has been removed from the Band Voter's Registration List that re-registration shall be required to again qualify to vote.

Section 13-3-6. Registration List.

(a) Each Band Election Committee shall prepare and maintain a current list of registered voters.

1. Within seven (7) days after the effective date of this Tribal Election Ordinance, each Band Election Committee shall provide to the Tribal Council, copies of the Voter's Registration Forms and the current Band Voter's Registration List prepared for inspection to ensure that each registered voter listed has a complete and properly executed Voter Registration Form on file and is registered with his appropriate Band.

The Tribal Council shall notify the Band Election Committee, if a Voter's Registration Form is unavailable for any person, that person's name shall be removed from that Band Voter's Registration List.

The Tribal Council shall recommend to the Band Election Committee, if any person's name should be removed from that Band Voter's Registration List.

2. Each Band Election Committee shall provide copies of any additional Voter's Registration Forms reviewed and approved and the current Band Voter's Registration List prepared for a Band or Tribal Election, to the Tribal Council at least seven (7) days before a Band or Tribal Election.

3. 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 prepare a current Voter's Registration List, at least seven (7) days after receipt of the written request; for the purpose of collecting signatures for a Petition or developing a Jury List.

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

1. Be marked "OFFICIAL".
 2. Have the specific Band identified.
 3. Have the date approved by the Band Election Committee.
 4. Have the purpose the list was prepared for (a specific election with the date the election is to be held, a Petition, Jury List, Current, etc.)
 5. List registered voter's name in alphabetical order (in accordance with the signature on the Voter's Registration Form), with the last name first, the first name second, followed with the middle initial (if any), and Jr., I, II or III (if any) alphabetically and/or numerically.
- (d) The original completed and submitted Voter's Registration Forms and a current list of all registered voters shall be maintained in the "Register of Voters" binder at the respective Band Council Office & Tribal Administration Office.

CHAPTER 4. ELECTIONS

Section 13-4-1. Election Procedures.

(a) In the first election, conducted in October 1982 to choose persons for Band Councils, with the Tribal Chairman Election subsequently held, pursuant to the regulations of the existing governing body which complied with provisions of the Tribal Constitution approved August 26, 1982 as much as possible; thereafter, each of the various types of Tribal and Band elections conducted shall be consistent with the Tribal Constitution.

Section 13-4-2. Regular Tribal Council Election.

(a) Regular Tribal Council Election: This election shall be held in which each Band Council shall select its representatives to the Tribal Council from within its membership, for the composition of the governing body of the Te-Moak Tribe, vested with executive and legislative powers to govern the affairs of the Tribe, known as the Tribal Council. The Te-Moak Tribal Council will pass by resolution, the first week in July, specifying a date the Band and Tribal elections will occur.

1. Regular Band Council elections shall be held the second week in the month of October.
2. The candidates for the Tribal Council Election shall be from among those elected to each Band Council and shall be selected to the Tribal Council by each Band Council by adoption of a resolution, within fourteen (14) days after the Regular Band Council Election.
3. Each member of the Band Council who is selected as a representative to the Tribal Council shall serve on both councils for the duration of his/her three (3) year term of office on the Band Council.
4. The Tribal Council shall select, either from within its membership or outside of its membership, a Secretary and/or Finance Officer. In the event such officials are selected from outside the Tribal Council, they shall have no power to vote in Tribal Council proceedings. The duties of the Secretary and/or Finance Officer will be identified by resolution.
5. Each Band Council shall fill any vacancy which may occur in its representation on the Tribal Council by vote of the members of the Band Council adopted by resolution. Selection shall be from within the Band Council.

6. A member of the Tribal Council may resign from the Tribal Council without resigning from the Band Council. The Tribal Council will adopt a resolution accepting the resignation of the Tribal Council member.

Section 13-4-3. Tribal Chairperson Election.

(a) Tribal Chairperson Election: This election shall be held in which all registered voters of the Tribe may vote in electing the primary representative of the Tribe, within the elected officials of the Band Councils. (Pertaining to Article 7, Section 2)

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 each Band Council within five (5) days after the election.

2. The candidates for the Tribal Chairperson shall be from among those selected to the Tribal Council, out of the representatives who are selected by the Band Councils to be representatives on the Tribal Council, the Tribal Council members will identify if they will run for the Chairman of the Tribal Council.

3. The Chairperson of the Band Council shall be the person receiving the highest number of votes in this election, and who is willing to accept the position. If the office is not accepted the person with the next highest votes will become Chairperson, if willing to accept position. This process will continue until Office is duly seated.

4. The Vice-Chairperson shall be the person receiving the next highest number of votes who is willing to accept the position.

Section 13-4-4. Special Tribal Elections.

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

1. The Tribal Council receives a valid petition of at least 25% of the registered voters of the tribe or at least 2/3 of the registered votes of any Band to recall the Tribal Chairperson, and the Tribal Council shall direct the Tribal Election Board to call and conduct this election objectively and fairly by secret ballot, and shall certify the results of such election to the Tribal Council and each Band Council within five (5) days after the election.

2. This election shall be established by the Tribal Council, conducted in each Band, no more than ten (10) days after the meeting which the petition was determined valid.

3. If at least fifty percent (50%) of all the registered voters of the Tribe cast a vote, and more than fifty percent (50%) of those voting in the election favor such recall, the Tribal Council shall declare the office vacant.

4. Recall from office of Tribal Chairperson the individual will no longer sit on the Tribal Council.

(b) Tribal Chairperson Vacancy Election: This election shall be held in which all registered voters of the Tribe shall have the privilege of making a choice for the Tribe in electing a successor to be the primary representative of the Tribe for the remainder of that term in office.

1. The Tribal Council shall direct the Tribal Election Board to conduct this election objectively and fairly by secret ballot, open to the Tribe's registered voters, and shall certify the results of such election to the Tribal Council and each Band Council within five (5) days after the election.

2. This election shall be conducted in each Band no later than fourteen (14) calendar days after the Tribal Council declares the office vacant.

3. The candidates for the Tribal Chairperson, shall be those Tribal Council members who indicate their interest.

4. If the vacancy occurs six (6) months or less from the next Regular Band Council Election, the Tribal Council shall appoint from such candidates who indicate their interest, to fill the un-expired term of the recalled Chairperson.

(c) Tribal Initiative Election: This 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. After the Tribal Council receives a valid petition, the Tribal Council shall direct the Tribal Election Board to call this election to be conducted in each Band objectively and fairly by the secret ballot, and shall certify the results of such election to the tribal Council and each Band Council within five (5) days after the election.

2. This election shall be conducted in each Band no later than thirty (30) days after the receipt of a valid petition.

3. A copy of the proposed legislation shall be provided by Certified Mail or in person to each registered voter of the Tribe to review at least ten (10) days prior to election, upon the availability of funds.

4. An affirmative vote by a majority of those who cast ballots shall determine whether the proposal is adopted; provided that at least 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 or less from the date the petition is filed, the balloting on the initiative shall take place at that election.

(d) Tribal Referendum Election: The election shall be held in which the registered voters of the Tribe; shall have the privilege of voting for or against the enacted or proposed ordinance or resolution of the Tribe.

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

2. Shall be conducted in each Band no later than thirty (30) days after the request of the majority of the members of the Tribal Council.

3. A copy of the enacted or proposed ordinance or resolution shall be provided by Certified Mail or in person to each registered voter of the Tribe to review at least ten (10) days prior to election. A copy shall be posted at each Band/Tribal Office, upon the availability of funds.

4. The registered voters of the Tribe, by majority vote, in such referendum, shall decide whether the ordinance or resolution shall thereafter be in effect; provided that at least thirty percent (30%) of the registered voters shall vote in such referendum.

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

(a) Regular Band Council Election: This 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,

vested with executive and legislative powers to conduct all business affairs concerning all matters that relate solely to the Band; identified by the name of 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 such election to the Tribal' Council and respective Band Council within five (5) days after the election.
2. This election shall be conducted in each Band, in 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 of the Band Council shall be the person receiving the highest number of votes in this election, and who is willing to accept the position. If the office is not accepted the person with the next highest votes will become Chairperson, if willing to accept position. This process will continue until Office is duly seated. The person(s) refusing to accept the office of Chairperson will remain on the Council.
5. The Vice-Chairperson shall be the person receiving the next highest number of votes who is willing to accept the position.
6. In the event of a tie a flip of the coin will determine the officer.

Section 13-4-6. Special Band Elections.

(a) Band Vacancy Election: This election shall be held in which the registered voters of the Band; shall have the privilege of electing a qualified candidate to fill the vacancy on the Band Council.

1. The respective Band Election Committee shall have the responsibility to ensure that this election is conducted objectively and fairly by secret ballot, and shall certify the results of such election to the Band Council and Tribal Council within five (5) days after an election.
2. This election shall be conducted in the respective Band within thirty (30) 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 Tribal Election Board.
4. The successful candidate(s) shall be the person(s) receiving the highest number of votes.
5. In the event the vacancy occurs less than six (6) months from the next regular election, the Band Council shall appoint, by vote of its membership, a person who meets the qualifications of a candidate and per the recommendation of the Election Committee for that 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.

(b) Recall From Band Council Election: This election shall be held in which the registered voters of the Band; shall have the privilege to determine whether the member of the Band Council should be recalled from office.

1. The respective Band Council receives a valid petition and shall direct the Band Election Committee to conduct this election objectively and fairly by secret ballot, and shall certify the

results of such election to the Tribal Council and respective Band Council within five (5) days after the election.

2. This election shall be called by the respective Band Council, conducted in the respective Band, upon receipt of a valid petition by at least 50% of registered voters of the Band to recall a Band Council member, no more than ten (10) 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 within 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.

(c) Recall of Band Representative to the Tribal Council Election: This election shall be held in which the registered voters of the Band; have the privilege to 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. The respective Band Council receives a valid petition and shall direct the Band Election Committee to call and conduct this election objectively and fairly by secret ballot, and shall certify the results of such election to the Tribal Council and respective Band Council within five (5) days after the Election.

2. This election shall be established by the respective Band Council, conducted in the respective Band, no more than ten (10) 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 that person's membership on the Band Council.

(d) Removal From Band Council:

1. A Band Council member may be removed from the band Council for improper conduct or gross neglect of duty when at least four (4) 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 given, at least 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.

4. The member charged can request an open hearing unless otherwise requesting a closed hearing with or without representation.

(e) Band Initiative Election: This election shall be held in which the registered voter; of the respective 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 respective Band Council receives a valid petition, the Band Secretary/Council shall direct the Band Election Committee to call an election to be conducted in the respective Band objectively and fairly by secret ballot, and shall certify the results of such Election to the Tribal Council and the respective Band Council within five (5) days after the election.

2. This election shall be conducted in the respective Band no later than thirty (30) days after the receipt of a valid petition.

3. A copy of the proposed legislation shall be provided by Certified Mail or in person to each registered voter of the Band to review at least ten (10) days prior to the election. A copy will be posted at Band/Tribal Offices upon availability of funds.

4. An affirmative vote by a majority of those who cast ballots shall determine whether the proposed legislation is adopted; provided, that at least thirty percent (30%) of the registered voters of the Band cast ballots in such 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 thereafter be in effect; provided, that at least 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 respective Band Council within five (5) days after the election.

2. This election shall be conducted in the respective Band no later than thirty (30) days after the request of the majority of the members of the Band Council.

3. A copy of the enacted or proposed resolution shall be provided by Certified Mail or in person to each registered voter of the Band to review at least ten (10) days prior to election. A copy will be posted at Band/Tribal Offices upon availability of funds.

4. The registered voters of the Band shall, by majority vote, in such referendum, decide whether the resolution shall thereafter be in effect. At least thirty percent (30%) of the registered voters of the Band shall vote in such referendum.

Section 13-4-7. Date of Events.

(a) The Dates of Events shall be established by the Election Committee or Election Board in their initial meeting for a specific election, to be provided to the Tribal Council and the respective Band Council to ensure the required time-frames are followed. The Dates of Events shall consist of, but not limited to:

1. Prepare and post the Election Notice, in sufficient time to inform the registered voters of the forthcoming election pursuant to tribal resolution to be adopted in July.

2. Prepare and post the Voters Registration Deadline Notice, which shall indicate closure at least thirty (30) days prior to the election.

3. Prepare and post the Candidacy Filing Deadline Notice, which shall indicate closure at least twenty (20) days prior to election.

4. Deadline for Candidacy Filing Notice, at least twenty (20) days prior to the election, any person attempting to file after this date shall be informed that the Filing Period closed.

5. Deadline for Absentee Voting requests, at least ten (10) days prior to a Tribal Chairperson Election or a Tribal Chairperson Vacancy Election, to allow sufficient time for the Tribal Election Board to prepare and provide to the absentee voter, an official ballot to be returned on or before election day.
6. Deadline for the Tribal Council to consider a petition from a rejected candidate, and to render a decision to certify the person as a qualified candidate, at least ten (10) days prior to election.
7. Prepare and post the names of those qualified candidates, qualified by the Band Election Committee and Tribal Council, at the respective Band Council Office and Tribal Administration Office, at least ten (10) days prior to the election.
8. Deadline to provide a copy of the enacted or proposed ordinance or resolution to each registered voter of the Band or Tribe to review, at least ten (10) days prior to the election.
9. Deadline to mail an absentee voter an official ballot for the Tribal Chairperson Election or the Tribal Chairperson Vacancy Election, at least nine (9) days prior to the election.
10. Prepare and provide the current Voter's Registration List for the election to the Tribal Council and respective Band Council, at least seven (7) days prior to the election. This list is under direct supervision of the Election Committee and shall not be tampered with by any Tribal/Band Council member or Election Committee member.
11. Election Dispute Period: starts on election day at 7:00 P.M. and ends the next day at 7:00 P.M. This allows those registered voters to file with the Band Election Committees for Band Elections and the Tribal Election Board for Tribal elections, a written dispute statement within the twenty-four (24) hour dispute period.
12. At the end of the election dispute period, the Tribal Election Board shall hold a Special Meeting, at which the Election Dispute Hearing will be held if necessary. This allows the Tribal Election Board to hear any disputes and to make a determination if the election is valid or invalid.
13. A band election committee or tribal election board shall then prepare and certify, by signing and dating four copies of an Official Tally of Votes, an uncontested election with a summary of all votes cast, spoiled ballots, canceled ballots, and unused ballots; the committee or board shall also prepare and certify, by signing and dating four copies of an Official List of Candidates and Votes Received, an unchallenged election as candidate names appeared on the official ballot with the votes each candidate 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 or the tribal election board. Copies of both documents shall be published and posted publicly within five (5) days after such election.
14. Notify successful candidates to officially take office after certification of the election results.
15. Oath of Office to be given the next work day following certification of election results, to successful candidates prior to assuming duties.

CHAPTER 5. CANDIDACY.

Section 13-5-1. Candidate for Office.

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

1. Be enrolled as a member of the Te-Moak Tribe.
2. Be at least twenty-one (21) years of age.

3. Had physical residence within the trust lands of a constituent Band for a period of at least one (1) year immediately preceding the nomination.
4. Submit his name for candidacy in writing to the Band Election Committee in person or by Certified Mail at least twenty (20) days prior to the election.
5. Sign a "Authorization for Release of Information" form at the time he files for candidacy to permit the Election Committee to request for a background investigation regarding his/her criminal history; Individuals convicted of a felony shall be an ineligible candidate.

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 request from the respective Band Council or Te-Moak Housing Authority or Enrollment or Law Enforcement, if necessary for additional information required for qualifications requirements.
- (b) The Election Committee shall inform by certified letter the prospective candidates at least fifteen (15) days prior to an election whether he/she qualifies as a candidate.
- (c) Individuals convicted of a felony shall be an ineligible 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 such a petition and shall render a decision within 2 days after receiving the decision from the Band Election Committee.
- (c) The Band Election Committee shall be notified without delay of the decision of the Band Council.
- (d) The decision of the Band Council may be appealable to the Tribal Council and the Tribal Council shall render a decision within 2 days, which shall be final. The member of the Tribal Council whom 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 each respective Band Council Office, the Tribal Administration Office; and, may post on bulletin board(s) if available throughout each Band area, at least ten (10) days before the election.
- (b) The Tribal Election Board shall post the names of those selected candidates for the Tribal Chairperson at the Tribal Administration Office and each Band Council Office; and, may post on bulletin board(s) if available throughout each Band area, at least ten (10) days before the Tribal Chairperson Election.

CHAPTER 6. VOTING.

Section 13-6-1. Polling Place.

- (a) The place of voting shall be at a Polling Place designated by the respective Band Council enacted by the Band Resolution where balloting takes place during Regular/Special Election Day.

Section 13-6-2. Voting Hours.

(a) The Polling Place voting hours shall be between the hours of 7:00 a.m. and 7:00 p.m. during Election Day.

Section 13-4-3. Manner of Voting.

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

(b) The registered voter states his name to the Poll Official, if requested provides verification (drivers license, tribal enrollment card, voter registration card), and affixes his signature or mark on the Sign-In Sheet.

(c) Upon receipt of a ballot, the voter shall retire to a private voting booth or voting area and therein mark his ballot in secrecy using the instrument provided by the election officials.

(d) The mark, in order to be valid, must be marked within the appropriate box(es) on the ballot for which it is intended.

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

(f) In the event any voter presents himself/herself for a ballot and states that he/she is unable to mark his/her ballot or is unable to read or write, it shall be the duty of the Poll Officials to give the voter such assistance as he needs.

(g) Should any voter spoil a ballot in the course of voting at a poll, the voter may request to exchange the spoiled ballot for another on by returning the Spoiled Ballot to the Poll Officials, upon which the voter will be furnished with another ballot.

(h) No other legislative action will be conducted at this election, unless taken 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 such assistance from Law Enforcement as may be required to maintain order during the progress of the election.

CHAPTER 7. ABSENTEE VOTING

Section 13-7-1. Absentee Voter.

(a) Only the registered voter who will be 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 absentee voting shall be made in writing by the voter and delivered in person or by Certified Mail to the Band & Tribal Administration Office in care of the Election Committee at least fifteen (15) working days before a Regular or Special Election.

1. This allows sufficient time for an official Ballot to be supplied by the Tribal Election Board and returned on or 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 containing an Official Ballot, and an inner and outer envelope as described herein.

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

(b) The absentee voter shall mark, fold and place the ballot in the inner envelope provided by the Tribal Election Board/Band Election Committee, which shall be marked "ABSENTEE VOTER".

(c) The absentee voter shall enclose the inner envelope in the outer envelope and after sealing same, shall execute the following statement marked thereon:

"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)

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

Te-Moak	Tribal	Election	Board	or	Band	Election	Committee	Representative
c/o_____	Band				Council			Office
P.O._____	Box		Number		or	Street		Address
City, State and Zip Code								

(e) All absentee voting envelopes with ballots enclosed may be returned by Certified Mail or Express Mail and be received at the respective Band Council Office on or before close of business on election day.

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

(g) At the close of the Band Council business hours on election day, the Tribal Election Board representative shall receive the locked "Absentee" ballot box and personally transported by an election committee official or law enforcement. The locked box to the polling place where it shall be delivered immediately to the Poll Officials.

(h) Any absentee voting envelopes received by Certified 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) Shall be to ensure that each Band or Tribal election, with the exclusion of the Regular Tribal Election, are conducted by secret ballot.

Section 13-8-2. Format of Ballots.

(a) Be stamped "OFFICIAL".

(b) Have the specific type of Band or Tribal Election to be held and the date of election specified on each ballot.

(c) Have indicated thereon "Mark your choice in the appropriate box(Es)".

(d) List qualified candidates names in alphabetical order (in accordance with the candidate's signature on the submittal letter), with the last name first, the first name second, followed with the middle initial (if any), and Jr., Sr., I, II, III (if any) alphabetically/numerically, for a Regular/Special Band Council, Tribal Chairperson, Band Vacancy or Tribal Chairperson Vacancy Election.

(e) Be prepared clearly and simply so that it is easy for the voters to indicate a choice of marking a "yes" or "no" for an initiative, Referendum or Recall Election.

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) Be prepared, maintained and secured by the Election Committee or Election Board in sufficient quantities to assure that each registered voter, excluding those that requested for an absentee ballot, may receive a ballot for that election, plus fifteen (15) extra in the event ballots are spoiled and the voter(s) may be provided with another ballot upon request.

(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 Band Representative to the Tribal Council, Recall of Tribal Chairperson, Recall from Band Council, Tribal Initiative or Band Initiative; excluding a petition of a rejected candidate to the Tribal Council for appeal. Pursuant to Article 4, Section 7, 8, 17

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. The number of Tribal Council members shall be reduced by one (1) in determining whether there is a two-thirds (2/3) vote for this purpose and the member charged shall not vote on the question of his/her 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 such hearing shall be held unless the member has been given, at least 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 such position by this or her Band Council for gross neglect/improper conduct. By the majority vote of all members of that Band Council except when such Band Representative is also serving as Tribal Chairperson.

(c) Upon the Band Council's receipt of a valid petition signed by at least 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 such representative should be recalled from the Tribal Council.

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

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

(a) The Tribal Chairperson shall be recalled from the office of Tribal Chairperson 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 at least twenty-five percent (25%) of the registered voters of the Tribe or by at least two-thirds (2/3) of the registered voters of any Band to recall the Tribal Chairperson, 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 should be recalled from that office.

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

(a) Removal. A Band Council member may be removed from the Band Council for improper conduct or gross neglect of duty when at least four (4) Band Council members vote in favor of removal. The member charged shall not vote. No such vote shall be taken until after the member has had a fair hearing at which to reply to all charges. No such hearing shall be held unless the member has been given, at least 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 at least 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 such representative should be recalled from the Band Council.

(2) The office 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 its purpose with a brief summary included for a particular action to be taken.
- (b) Each page of such petition, shall be signed by the carrier and notarized.
- (c) Shall be a registered voter of his respective Band to be a petition carrier for the purpose of collecting signatures and filing such petition; and/or a petitioner signer to sign such petition.
- (d) A petition signer shall personally affix his signature and the date of signing on such petition.
- (e) A petition shall have signatures affixed no more than sixty (60) calendar days prior to the filing.
- (f) A petition shall be signed by at least the minimum required number of registered voters.
 - Recall of Band Representative to the Tribal Council: The petition requires the signatures of at least 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 at least twenty- five percent (25%) of the registered voters of the Tribe, or by at least 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 at least one-half (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 at least thirty percent (30%) of the registered voters to be valid.
 - Band Initiative: The petition requires the signatures of at least thirty percent (30%) of the Band's registered voters to be valid.
- (g) A copy of the Official Voter's Registration List prepared and provided for the purpose of collecting signatures for the Petition shall be attached to the Petition, for validation.
- (h) The approved format, passed by the Te-Moak Council, shall be used for any/all petitions. If the approved format is not used the petition shall be declared invalid.

Section 13-9-3. Filing of Petition.

- (a) Shall be presented to the appropriate Chairperson or, in the absence of the Chairperson or in the event the Chairperson is the subject of the petition, to the appropriate Vice-Chairperson.
- (b) Upon receipt, the officer receiving the petition shall indicate thereon 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 appropriate Council within 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 the meeting and establishing the election.

Section 13-9-5. Valid Petition.

(a) Upon the determination that the petition is Valid, the presiding officer shall indicate thereon 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 the determination that said petition is valid establish the election which shall be conducted by the Election Board or Election Committee no more than 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 in the Band to determine whether such 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 from that office.

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

(d) The Band or Tribal Council shall upon the determination that said petition is valid establish the election which shall be conducted by the Election Board or Election Committee no more than thirty (30) days after receipt of the valid petition to determine whether the proposed legislation will be adopted or rejected; provided, that 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 Secretary of the Tribal Council shall direct the Tribal Election Board to call an election to be conducted. An affirmative vote by a majority of those who cast ballots shall determine whether the proposal is adopted; provided, that at least thirty (30%) of the registered voters of the Tribe cast ballots in such election.

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

Section 13-9-6. Invalid Petition.

(a) Upon the determination that the petition is invalid, the presiding officer shall indicate thereon 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 upon the determination that said petition is invalid, inform the petitioner of the reason(s) why it was determined invalid, and inform the petitioner 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 within 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 the place of the Band Council.

(b) The Tribal Council shall call a Special Election in the appropriate 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 of each phase of the calendar of events and ends on the last day of each phase of the calendar of events.

1. Any registered voter of the Tribe may at any time within twenty-four (24) hours after the election, file with the Band Election Committee/Tribal Election Board a dispute concerning such election.

(b) Dispute Statement: Such Dispute must be made in writing and signed by the disputer and submitted with a \$35.00 filing fee. The written dispute statement shall contain the following information:

1. The name and address of the registered voter, the respective Band he/she is from, and a specific allegation on the grounds validating his/her dispute.

2. Cost.

(c) Hearing: The hearing before the Band Election Committee/Te-Moak Election Board within a twenty-four (24) hour Election Dispute Period to determine whether the dispute warrants further actions.

1. The disputer will present all issues which lead to this hearing.

(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 at such meeting 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 directed the Band Election Committee/Te-Moak Election Board to once 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 or Election Board shall certify the results of a Band or Tribal election to the Tribal Council and respective Band Council, within five (5) days after the election.

(b) The Election Committee or Election Board shall commence with the unofficial tally of the count in the following manner immediately following the close of the polls to be counted publicly at the place of voting:

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.

- Shall count the ballots marked as "Spoiled" and all un-marked ballots.

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

- Mark totals on Tally Sheet.

(c) The total number of all ballots shall equal the number of official ballots provided 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 or Election Board shall prepare and complete two (2) identical Official Tally Sheets which shall be considered as the Certified Results of the _____ Band or Tribal Election; provided, that each Election Committee or Election Board member present shall affix his signature, with date and time indicated thereon and a statement as follows:

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

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

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

(a) A copy of the Certified Results shall be posted by the Election Committee or Election Board no later than the next day following the certification, at the respective Band Council Office, the Tribal Administration Office, and bulletin board(s) if available throughout the Band area.

CHAPTER 12. OATH OF OFFICE.

Section 13-1 2-1 . Oath of Office.

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

"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 or Tribal Council.

CHAPTER 13. INSTALLATION OF SUCCESSFUL CANDIDATES.

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

(a) Successful candidates shall immediately be notified by written notification by the Election Committee or Tribal Election Board that he shall be installed in 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 aces being the highest card in the deck.

(d) In the event the person whom has received the highest number of votes (chairman) cedes his/her seat to the person whom received the next highest number of votes (vice-chairman). This person assumes the chairman position. The person whom cedes the position will be considered a council member with the least amount of votes. All other members will be advanced up the list.

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.

1 . The installation shall take place.

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

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

(a) Each Band Council shall appoint by Band 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 felony shall be an ineligible committee member.

3. The Tribal Chairperson or the Band Council Chairperson shall be an ex-officio non-voting member of every committee or delegate agency of their respective councils. No committee or delegate of the Council shall have more than one (1) voting member who is a member of the Council.

4. A member appointed to the Band Election Committee shall abstain from decisions regarding members of his immediate family.

(b) Should a copy of an Oath of Office be unavailable for filing at the Tribal Administration Office within five (5) days after being appointed, that member shall not assume his duties, and shall without delay take the Oath of Office as administered.

(c) The regular term of office for a member of the Band Election Committee who is appointed shall be three (3) years in length.

1. Appointed members of each Band Election Committee on or before the effective date of this Tribal Election Ordinance shall continue to Comply with this approved ordinance.

(d) The members of each Band Election Committee shall appoint as Officers, a Chairperson, Vice-Chairperson, Secretary, and select its representative to the Tribal Election Board, from within its membership.

1. Each Band Administration shall provide written notification to the Tribal Council, within five (5) days after the effective date of this Tribal Election Ordinance, or within five (5) days after appointment/selection, of the:

- Names of the Band Election Committee 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, in addition to all other responsibilities called for in the Tribal Constitution and this Tribal Election Ordinance, the following responsibilities listed in this Section:

1. Prepare, maintain and/or provide all documents necessary for each election.

- All election notices, Sign-In Sheets, Un-Official Tally Sheets, correspondence, etc..

2. Prepare and provide to the Tribal Council and respective Band Council, an enumerated Dates of Events for a specific Band election, to ensure that the Band Election Committee is complying the time-frame requirements.

3. Designate a Registrars from within or outside the Band Election Committee, to provide upon the request a person, a Voter's Registration Form to register to vote, to accept the completed and properly executed Voter's Registration Form 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 respective Band Council Office of the Te-Moak Housing Authority that a prospective candidate resides within the exterior boundaries of the respective Band, and has maintained physical residence within such respective Band for a period of at least one (1) year immediately preceding the date of his 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 no less than twenty-four (24) hours prior to the meeting; and when so called and convened, ensure that no meeting shall commence until a quorum of no less than three (3) members is present, including the presiding officer; and preside and maintain order during the meeting.
2. Call for a recess if any interference occurs during a closed meeting, until the individual responsible for the interference is removed from the room.
3. Be a voting member of the Band Election Committee.
4. In the event that there is a tie at a duly held meeting, 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 or Tribal Council meeting upon request or as is necessary, to make available to the appropriate Council reports or information concerning an election.

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

1. Assist the Chairperson and in the absence of the Chairperson assume the responsibilities of the Chairperson, with the exclusion of calling for a closed meeting, with the exception of 3 or more members requesting for such closed meeting.

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

1. Record and maintain duplicate records in a secure place at the respective Band Council Office & Tribal Election Board the minutes of the Band Election committee closed meetings, and all documents for a Band election.

(a) Minutes of all meetings shall be attached to their check payment requests prior to authorization of payment.

2. Maintain the original Voter's Registration Forms in the "Registrar of Voters" binder and the Tribal Election Board.

3. In the absence of both the Chairperson and Vice-Chairperson, ensure that there is a quorum present, preside over a Band Election Committee closed meeting.

Section 13-14-4. Vacancies.

(a) Should a vacancy occur that leaves the Election Committee without at least three (3) members to conduct and certify band elections, the Band Council shall post a Band Election Committee Vacancy Notice for a person to submit his name in writing for consideration of appointment to the Band Council, in person or by Certified Mail at least five (5) days prior to a duly scheduled Band Council meeting; otherwise it will be at the discretion of the Band Council to post a vacancy notice.

1. 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 respective 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 respective Band Council at a duly scheduled meeting.

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

1. After he/she or a member of his/her immediate family has qualified as a candidate for any elective office.

2. He/she participates in a Recall Petition process as a petition carrier.

(c) An Election Committee member or Band representative to the Election Board may be removed from such position for any just cause; provided that it is not immediate removal, by the majority vote of his respective 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, at least 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 within 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 each of the several Band Election Committees.

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. ARTICLE 4 SECT 19 Manner of Conducting Business. Both the Tribal Council and the Band Councils shall follow these provisions.

A. Committees.

(1) The Tribal Chairperson or the Band Council Chairperson shall be an ex-officio nonvoting member of every committee or delegate agency of their respective councils.

(2) No committee or delegate agency of the Council shall have more than one (1) voting member who is a member of the council.

4. A member of the Tribal Election Board shall abstain from decisions regarding members of their immediate family.

(b) Should a copy of an Oath of Office be unavailable for filing at the Tribal Administration Office within five (5) days after being selected, that member shall not assume his duties, and shall without delay take the Oath of Office as administered.

(c) The term of office for each Tribal Election Board member shall be for the duration of his 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 continue comply with this ordinance.

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

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

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

(a) The Tribal Election Board shall exercise; in addition to all other responsibilities call for in the Tribal Constitution and this Tribal Election Ordinance, the following responsibilities listed in this Section.

1. Prepare, maintain and/or provide all documents necessary for a Tribal Election.

- All election notices, Sign-In Sheets, Absentee Voting requests and logs, Unofficial Tally Sheets, correspondence, etc.

2. Prepare and provide to the Tribal Council an enumerated Dates of Events for a specific Tribal election, to ensure that the Tribal Election Board is complying with the time-frame requirements.

3. Provide for Absentee Voting for a Tribal Chairperson Election or a 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 Committees responsibilities.

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

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

1. Call for a closed meeting with written or oral notice no less than twenty-four (24) hours prior to the meeting; and when so called and convened, ensure that no meeting shall commence until a quorum of no less than three (3) members is present, including the presiding officer; and preside and maintain order over the meeting.

2. Call for a recess if any interference occurs during a closed meeting, until the individual responsible for the interference is removed from the room.

3. Be a voting member of the Tribal Election Board.

4. In the event that there is a tie at a duly held meeting, the tie shall be determined by the flip of a coin.

5. Be the official spokesperson and attend Tribal Council meetings upon requests or as necessary, to make available to the Tribal Council, reports or information concerning an election.

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

1. Assist the Chairperson and in the absence of the Chairperson assume the responsibilities of the Chairperson, with the exclusion of administering the Oath of Office and calling for a closed meeting, with the exception of 3 or more members requesting for such closed meeting.

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

1. Record and maintain duplicate records in a secure place at the Tribal administration Office the minutes of the Tribal Election Board closed meetings and all documents for each Tribal Election.

(a) Minutes of all meetings shall be attached to their check payment requests prior to authorization of payment.

2. Maintain the original Voter's Registration Forms in the "Registrar of Voters" binder.

3. In the absence of both the Chairperson and Vice-Chairperson, ensure that there is a quorum present, preside over a Band Election Committee closed meeting.

Section 13-15-4. Vacancies.

(a) Each Election Committee shall fill any vacancy which may occur in its representation on the Tribal Election Board by vote of the members of the Election Committee. Selection shall be from within the Band Election Committee by Tribal Election Board Resolution.

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

1. After a member of his immediate family becomes a candidate for the Tribal-Chairperson position.

2. He/She participates 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) Each Election Committee shall select at least three (3) impartial persons to serve as Poll Officials at the polls 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 or Tribal Election, if a member of his immediate family is listed as a qualified candidate for an elective office, is named as a Band Representative to be recalled from the Tribal Council, is named as a Tribal Chairperson to be recalled, or is named as a Band Council member to be recalled from the Band Council.

(e) The salary of the poll officials shall be determined by the Band Councils. Payment will be paid within 5 days after the election.

Section 13-16-2. Responsibilities of Poll Officials.

(a) The Poll Officials are selected to serve at the Polling Place on Election Day during the designated time-frame.

(b) Maintain strict confidentiality and remain neutral.

(c) After the Election Committee Chairperson or Tribal Election Board representative unlocks the ballot box and maintains the key, 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 re-locked and remain locked, after the unofficial count until the time to officially count the ballots to certify the results of such election.

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

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

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

(g) Assist those registered voters who are physically disabled and unable to mark his ballot, or is unable to read or write.

1. Such assistance shall be given in privacy and all other persons shall be kept sufficiently distant to ensure that the voter is not heard.

2. The voter must state without suggestions from such officials 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) Upon the request of the voter the Poll Officials shall mark the face of the ballot as SPOILED, affix their initials to the ballot, and record the name of the voter on the ballot, thereafter furnish the voter with another ballot. The Spoiled Ballot shall then be deposited within the ballot box.

(i) At the close of the Band Council business hours on election day, the, Election Committee Chairperson and a law enforcement officer shall receive and personally transport the locked "Absentee" ballot box to the polling place where it shall be delivered immediately to the Poll Officials and remained locked until after the polling place is closed.

(j) 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.

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

1. If there are any registered voters within the Polling Place at this time, allow them to finish voting.

(l) 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.

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

CHAPTER 17. SALARIES, EXPENSES & PROVISIONS.

Section 13-17-1. Salaries & Expenses.

(a) The Band Council may pay such salaries of their Band Election Committee, their representative to the Tribal Election Board, their Poll Officials, as is deemed advisable from such funds as may be available.

(b) The Band Council shall pay such election expenses incurred of their Band Election Committee or their representative to the Tribal Election Board.

Section 13-17-2. Provisions.

(a) The Tribal Council shall be responsible for providing for the Tribal Election Board, the use of a place to hold meetings, the use of office equipment necessary for preparation, reproduction, maintaining and securing of all forms required for each Tribal Election.

(b) The respective Band Council shall be responsible for providing for their Band Election Committee, the use of a place to hold meetings, the use of office equipment necessary for preparation, reproduction, maintaining and securing of all forms required for each Band Election; providing for their Band Election Committee and 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. 99-ORD-TM-04 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, by personal service or return receipt mail, the proposed amendment to this Tribal Election Ordinance to each Band Council office for review and comment by the Band, at least 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 whatever nature predating 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 9 members, of whom constituting a quorum were present at a duly held meeting on the 2nd day of JULY, 2003 and that the foregoing ordinance was duly adopted at such meeting by an affirmative vote of **4 FOR; 1 AGAINST; 1 ABSTENTIONS**, pursuant to the authority contained under the Article 4, Section 3, (n) of the Constitution of the Te-Moak Tribe of Western Shoshone Indians of Nevada.

_____/s/____

FELIX
Te-Moak Tribe of Western Shoshone

IKE,

Tribal

Chairperson

ATTEST:

_____/s/____

Recording
Te-Moak Tribal Council

Secretary

ORDINANCE OF THE TE-MOAK TRIBE OF WESTERN SHOSHONE INDIANS OF NEVADA

[ORDINANCE NO.] 03-ORD-TM-01

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.