

Inyo County, California

Ordinance No. 3, Election Ordinance

WHEREAS, the Constitution and ByLaws of the Big Pine Band of the Owens Valley Paiute/Shoshone Indians, approved May 23, 1980, provide in Article V, Elections, that all nominations and elections, whether for Tribal representatives or by way of referendum, shall be conducted in accordance with an ordinance adopted by the General Council,

NOW THEREFORE, the General Council of the Big Pine Band of the Owens Valley Paiute/Shoshone Indians herewith ordains the following election regulations and procedures:

I. Eligibility to Vote.

All enrolled members of the Big Pine Band of the Owens Valley Paiute/Shoshone Indians who are eighteen (18) years of age or older and who have established thirty (30) days residence on the Big Pine Reservation are qualified voters. A qualified voter must register to vote before their name can be placed on the voters register.

Pending the preparation of the initial membership roll of the Band, eligible voters shall be those persons having reached the age of eighteen (18) years and who have maintained thirty (30) days residence on the Big Pine Reservation prior to the date of the election who are recognized as members of the Band.

II. Eligibility to Hold Office.

Any eligible voter of the General Council, twenty-one (21) years of age or older, if duly nominated and elected shall be entitled to hold office.

III. Nominations.

All candidates for the Tribal Council and other Tribal representatives shall be nominated from the floor at a General Council meeting called for that purpose, thirty (30) days prior to the election. Nominees must be present to accept or decline nominations. Any member of the Band has the right to declare his/her intent to run for office and shall be included on the ballot. No candidate may run for more than one office on the Tribal Council.

III. Nominations - cont.

The eligibility of the nominees and declared candidates shall be verified from the current eligible voters list by the Election Committee.

IV. Calling of Elections.

The Tribal Council shall call elections which are specifically provided for in the Constitution and By-Laws, and shall call other elections as authorized by the General Council.

V. Manner of Voting.

All elections whether for Tribal Council members or other Tribal representatives, or for referendum purposes, shall be accomplished by the use of secret and absentee ballots. No proxy voting will be permitted. Any eligible voter who has established residence and who will not be in the area at the time of an election has the right to apply for an absentee ballot.

VI. Polling.

- a). Polls shall be open from 7:00 A.M. to 7:00 P.M. on the date of the elections.
- b). There shall be no electioneering within two hundred (200) feet of the voting place during the hours the polls are open.

VII. Appeals.

Appeals from the actions of the Election Committee in connection with elections shall be heard by the General Council at a special meeting called for that purpose and the decision of the General Council shall be final. Any appeals or complaints which protest the conduct of an election or the results, therefore shall be presented and settled within thirty (30) days following an election, and none shall be considered after the thirty day period has elapsed.

VIII. Compensation.

The Election Committee shall be compensated at a rate to be determined by the Tribal Council.

IX. Election Responsibilities.

Election responsibilities shall be shared by the Tribal Council and the Election Committee. The division of the duties shall be as follows:

A. Duties of the Tribal Council.

1. After nominations for Tribal Council and other Tribal representatives, the Tribal Council shall appoint an election committee composed of four (4) General Council members, a judge and three (3) tellers to serve a term of two (2) years. Vacancies on the election committee shall be filled by appointed, by the Tribal Council at any regular or special meeting. Tribal Council members shall not be appointed to the election committee.
2. Set the date, time and place of all elections.
3. Prepare and mail notices to all Tribal Members at least fifteen (15) days prior to the meeting date at which nominations and declarations for Tribal Council and other Tribal representatives will be received. Each candidate will be given the opportunity to address the General Council at this meeting.
4. Prepare and distribute sample ballots to all Tribal members at least twenty-one (21) days in advance of the date of all elections, giving the name of candidates and/or issues to be voted upon.
5. Prepare a notice to accompany the sample ballot giving the following information: a). Purpose of the election, b) date, time and place of the election, c). method of casting ballots, d). where to obtain absentee ballots, e). where to return absentee ballots, f). date by which an absentee ballot must be received in order to be counted.
6. Furnish the election committee with a copy of the election ordinance to inform the committee of its duties.
7. Prepare ballot forms for use at the election polls, and for use by the absentee voters. No absentee ballots shall be cast in elections provided for in Article VI; of the Constitution and ByLaws.

A. Duties of of the Tribal Council - cont.

8. Following the election notify the absentee voters of the election results.
9. Furnish a report on the results of all elections to the Bureau of Indian Affairs.
10. Refer any written appeals or complaints regarding elections to the General Council as provided for in number VII of this Ordinance.
11. Prepare a list of eligible voters from the current membership roll and post the list on the Reservation at least ten (10) days prior to the date of a called election.
12. Mail absentee ballots to all eligible voters who request them, furnishing a return envelope marked "Absentee Ballot".
13. Prepare a list of eligible absentee voters showing to whom absentee ballots were sent, the date of mailing and the date and time of receipt of returned ballot.
14. Prepare a register of eligible voters for use at the polls.

B. Duties of the Election Committee.

1. Supervise all elections as follows:
 - a). Open the polls at the specified time.
 - b). The judge shall announce the closing of the polls at the proper time and no voting shall take place thereafter.
 - c). Make certain that the ballot box is empty, then locked when the polls are opened, and that the box remains locked while the polls are open.
 - d). When the polls are opened, remove the absentee ballots from their envelopes and place them folded in the ballot box.
 - e). Enter the words, "Voted Absentee" opposite the names of each person on the voters register who vote absentee, and whose ballot was returned in the required time.
2. Require each eligible voter to sign the Register before he receives a ballot. No person whose name is not on the Register shall be given ballot and no person shall be allowed to vote by proxy or to vote more than on time.

B. Duties of the Election Committee - cont.

- g). Following the closing of the polls, the judge shall unlock the ballot box, and the tally shall take place with the judge and one teller reading aloud the vote from the ballots, and the other two tellers keeping tally. A recount shall take place with two tellers reading aloud the vote from the ballots and the judge and one of the tellers keeping tally. If the two counts bring different results, the votes shall again be counted twice, and so on, until agreement is reached. If the results of both counts are the same, it shall be called correct.
- h). The candidate receiving the highest number of votes for the respective office shall be declared elected. In case an election results in a tie vote, the Chairperson shall order a new election for the office or offices in question, which shall be held within thirty (30) days. The same candidate shall be voted upon in the second election.
- i). The Election Committee shall then prepare a written report of the election, including the number of voters and the results of the vote, and shall certify to its accuracy. The report shall then be given promptly to the Tribal Council and the election results posted.
- j). All election material shall be kept in the Tribal Office under lock and key for thirty (30) days in the event of protest or order for recount.

C E R T I F I C A T I O N

We, the undersigned, duly elected members of the Big Pine Tribal Council, do hereby certify that the foregoing Ordinance was adopted by the members of the Big Pine General Council at a duly called Tribal Election on the 4th day of February 19 81, by a vote of 31 "for" 8 against, and that such Ordinance has not been rescinded or amended in any way.

Donna Duckey
Donna Duckey, Chairperson

Feb. 12, 1981
Date

Leora Moose
Leora Moose, Secretary

Feb. 12, 1981
Date