

Fort Belknap Indian Community

A RESOLUTION TO CONDUCT A SPECIAL ELECTION IN 2020

WHEREAS, the Fort Belknap Indian Community Council is the governing body of the Gros Ventre and Assiniboiné Tribes of the Fort Belknap Indian Community, Fort Belknap Indian Reservation, Montana, by the authority of the Constitution and By-Laws of the Fort Belknap Tribes approved on the 13 day of December 1935, and

WHEREAS, under the Constitution and By-Laws of the Fort Belknap Indian Community, the Fort Belknap Indian Community Council is charged with the duty of protecting the health, security and general welfare of the Fort Belknap Indian Community, and

WHEREAS, there exists a vacancy on the Council in the ASSINIBOINE REPRESENTATIVE AT-LARGE (Elected by both Tribes) position, because the duly elected occupant thereof has heretofore tendered her resignation, and

WHEREAS, Pursuant to Article XIII, Section 3 of the Fort Belknap Indian Community Constitution, as amended, *...a special election shall be held to fill the vacant FBIC Council position ...and the FBIC Council may conduct a primary (election)*, in addition to the election to fill said seat, and

WHEREAS, the Council has delayed action on this vacancy, because of the status of a health emergency declared in reaction to the Corona virus pandemic, which has caused an alarming number of deaths, worldwide, and regular activities have been suspended throughout the Fort Belknap Indian Reservation, the State of Montana and much of the United States, in an effort to curtail the spread of this disease, and

WHEREAS, action has, in the last few days, been taken in Montana to ease suspended activities, and the Council has reviewed circumstances and the importance of filling the vacant seat on the Council as soon as possible, and

WHEREAS, the Council has heretofore directed the Election Committee to evaluate present circumstances and propose a method whereby the Elections could be conducted, while minimizing risk and protecting election workers, candidates and the general public, and

WHEREAS, the Election Committee has reviewed the procedures necessary to conduct Elections, the Election Ordinance and the Fort Belknap Indian Community Constitution and By-laws, and has proposed the following procedures to conduct this important process, while protecting health and meeting existing election guidelines to the greatest extent possible,

NOW THEREFORE BE IT RESOLVED that the Fort Belknap Indian Community Council does hereby state its support of the process proposed by the Election Committee of the

Council, finds that these processes are an appropriate compromise to addressing the health risks found in the ongoing health emergency found and declared on the Fort Belknap Indian Reservation, while providing a means to effect the overall intent and process of mandatory election guidelines and the filling of a vacant seat on the Council, and does hereby formally adopt these procedures for this 2020 election as follows:

1. WRIT/NOTICE OF ELECTION. The Election Ordinance SEC. 5(D)(1), requires that the notice of election shall be posted for not less than seventy-five (75) days. The President of the Community Council shall issue a Writ of Election Notice dated 24 April 2020, declaring the ASSINIBOINE REPRESENTATIVE AT-LARGE (Elected by both Tribes) position to be vacant and directing that a Special Election with specific modification, be conducted **Election on Wednesday, June 24, 2020, because of the reasons set forth herein.**
2. The Election Committee considered an earlier Primary date of Wednesday 24 June however, the time frame between posting of the Writ and Election Day would be only sixty-one (61) days and forty-seven (47) days from candidate's last filing date to Election Day. Additionally there are significant issues with delayed mail delivery (see USPS Mail Delivery) and internal timelines that suggest the June date to be the least desirable option. **The Council hereby approves the date of June 24, 2020 because the Election Committee indicated it is the earliest possible date that could be met, because of the pandemic delays have already caused this seat to be vacant for 70+ days, this is a constitutionally mandated position on the Council, and absent this seat, the representation of the Tribes is not balanced.**
3. The Writ/Notice of Election will clearly state that the polling will be conducted by MAILED BALLOT ONLY.
4. ENUMERATION. The 2019 Enumeration Lists will be held viable for the Special Election since this is an extension of the 2019 Primary and General Election and therefore, posting of the Enumeration Lists will not be required.
5. CERTIFICATE OF INTENT OF CANDIDACY. Eligible candidates may secure an application for candidacy by telephoning the Election Office at any of the four (4) posted numbers to arrange for a same day visitation to pick up their CERTIFICATE OF INTENT OF CANDIDACY nominating petitions. This will allow staff to ensure minimal contact with other visitors and to comply with health mandates inclusive of social distancing and sanitation of contact area.
6. FILING FEES. Notice will be provided requiring that all Certificate of Intent of Candidacy nominating petitions be accompanied by a Filing Fee Receipt issued by the FBIC Department of Finance. Nominating petitions not accompanied by a Filing Fee Receipt will not be accepted. The Department of Finance will accept filing fee payment (exact amount only) through receipt of cash, money order, and cashier check.

7. CERTIFICATE OF INTENT OF CANDIDACY applications will be made available beginning Monday 27 April 2020 with application closure occurring not later than Friday 05:00 p.m. 08 May 2020.
8. BALLOTS. Official Ballots containing the names of all certified candidates will be mailed to all eligible voters of record, with specific instruction to return their Official Ballot in an enclosed self-addressed stamped envelope. Ballots will only be delivered by mail.
9. OFFICIAL BALLOTS MUST BE RETURNED BY MAIL AND RECEIVED BY THE ELECTION COMMITTEE NOT LATER THAN 12:00 P.M. (Noon) on the designated day of election.
10. Ballots distributed in the 2020 Special Election will NOT REQUIRE NOTARY PUBLIC SERVICES.
11. WALK-IN BALLOTS, HAND DELIVERED BALLOTS OR ANY BALLOT NOT RETURNED THROUGH THE UNITED STATES POSTAL SERVICE WILL NOT BE ACCEPTED.
12. US POSTAL SERVICE MAIL DELIVERY. Postal Service representatives contacted in Billings, Harlem and Great Falls have individually recommended preparation for delayed delivery of one (1) to two (2) days due to precautions for handling bulk mail and a disproportionate amount of postal workers being quarantined or symptomatic. DESPITE PUBLIC DECLARATION THAT THE MAIL POSES LOW RISK OF EXPOSURE, WE WERE URGED TO EXERCISE HEALTH MANDATED CAUTION.
13. POLLING SITE. Because of the Pandemic and risk to judges and the public, mail-in ballots only will be considered and tallied. No ballots will be received at any traditional polling sites. In consideration of the need to make tallying viewable by the public, the Fort Belknap Community Council meeting chambers shall be designated, this one time only, as the official site for tallying ballots with the official start time being established for 02:00 p.m. on the day of election. Chamber doors will remain open but with restricted access. In compliance with health mandates, entry to Council Chambers will be allowed to FBIC SECRETARY TREASURER, two members of the FBIC LEGAL DEPARTMENT, one HOUSEKEEPING STAFF MEMBER, two SECURITY OFFICERS, one RECORDING SECRETARY and FOUR ELECTION COMMITTEE JUDGES. ALL PARTICIPANTS WILL BE PROVIDED FULL PERSONAL PROTECTIVE EQUIPMENT. The tallying of ballots will be televised for public viewing. A camera may be placed in close proximity to each voting machine to ensure full view of activity as the ballots for each precinct are inserted for counting. Other cameras may be positioned for continuous and full view of the remaining portion of Council Chambers. Each Precinct Judge will insert the total of their own numerical/color coded ballots with Precinct 005 Mountain Assiniboine and ending with Precinct 008 River Gros Ventre.


14. **BALLOT PROCESSING.** Since circumstances require ballot tallying to be conducted at a single polling site, the following process will prevail. Judge No. 1. will remove the ballots singularly from the ballot box and open the envelope; Judge No. 2 will remove the ballot from the envelope and unfold it face down; Judge No. 3 will receive it and place it face down in the hands of Judge No. 4 who will then insert it into the voting machine. Any ballot identified as other than being "ACCEPTED" shall be announced by Judge No. 4 and further ballot tallying will cease until a determination can be made of the final disposition of the ballot in question. The remaining ballots shall be tallied in like fashion and when all have been counted for that precinct, that Precinct Voting Machine shall be keyed to "CLOSE POLL." Upon all ballots having been accounted for and tallied by each of the succeeding the Precinct Judges and each voting machine having been keyed to "CLOSE POLL," a printed voting machine recording shall be initiated by each Judge. The Abstract of each Precinct shall be compiled. The Official Certified Election results shall be posted. All ballots will be retained in sealed and locked ballot boxes and placed in a secure environment away from the Fort Belknap Election Office and upon official clearance from all protested and legal constraints and the official acceptance of the 2020 Special Election results by the Fort Belknap Community Council, the total of all Mail-In Ballots shall be destroyed in a manner deemed acceptable by Hazardous Material Standards.

15. **APPLICATION OF ELECTION ORDINANCE.** The above procedures shall control for this special election only. The Council does hereby conclude that the uncertainty and health risks created by the Corona-Virus Pandemic make it necessary and appropriate to conduct this election in this modified manner, while respecting the need to have an additional Assiniboine member of the Council selected as quickly as possible. The existing Election Ordinance shall otherwise control process where no guidance is set forth in the above procedures. Because of the extraordinary circumstances caused by the Pandemic, no appeal shall be available from the application of the above rules to the Special Election process.


BE IT FURTHER RESOLVED, emergency declarations otherwise issued are amended to enable this process, and the Election Committee is directed to conduct this election in a manner to protect the health of all Election workers, Tribal staff and officials required to participate in the process as well as candidates and members of the public, while enabling, to the maximum extent possible, to have an open election where everyone is treated fairly, and

BE IT FINALLY RESOLVED that the Council Officers are hereby delegated the authority and responsibility to sign all documents necessary to effect this action.

ATTEST:



Andrew Werk Jr., President
Fort Belknap Indian Community Council



Steven Fox, Jr., Secretary/Treasurer
Fort Belknap Indian Community Council

CERTIFICATION

I, the undersigned, as Secretary of the Fort Belknap Indian Community Council of the Fort Belknap Indian Reservation, Montana, do hereby certify that the Fort Belknap Indian Community Council is composed of ten (10) members, of whom 9 members, constituting a quorum were present at a meeting thereof, duly and regularly called, noticed, convened and held this 24th day of April, 2020; and that the foregoing Resolution of the Fort Belknap Indian Community Council was duly adopted and approved by the affirmative vote of 7 for; 1 opposed; 1 not voting; 0 temporary absent; 1 absent; and that the said Resolution has not been rescinded in any way.

DATE:

4/24/2020


Steven Fox, Jr., Secretary/Treasurer