

**CONFEDERATED TRIBES OF
GRAND RONDE
ELECTION CONTEST PACKET**



**THE CONFEDERATED TRIBES OF THE GRAND RONDE
COMMUNITY OF OREGON**

TRIBAL COURT

ELECTION CONTEST PACKET

Enclosed is the information and necessary forms to proceed with an Election Contest in Tribal Court. Read the instructions and the Tribe's Election Ordinance carefully to identify what is required. If you have any questions you should contact the **Tribal Court Clerk at (503) 879-2303**.

It is highly recommended that you make copies of the blank forms to assemble the information needed. Once you have gathered all the necessary information, prepare the final documents for filling with the Court.

Contents of Packet:

1. Election Contest Information and Instructions
2. Forms
 - a. Petition of Contest [Tribal Council Election]
 - b. Exhibit "A"
 - c. Certificate of Mailed Service
 - d. Certificate of Personal Service
3. Tribal Election Ordinance
4. Tribal Constitution

**CONFEDERATED TRIBES OF GRAND RONDE
TRIBAL COURT
ELECTION CONTEST INSTRUCTIONS AND INFORMATION**

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NOTICE ABOUT THESE INSTRUCTIONS AND INFORMATION

These instructions and information are not a complete statement of the law. They cover basic information for an Election Contest in Tribal Court. For legal information, please talk to a lawyer, or visit your local law library. It may be helpful to consult an attorney regarding an Election Contest, and the services of an attorney may be obtained through a lawyer referral service, independent legal services, or legal aid organization.

The purpose of these instructions is to provide you with the necessary forms and necessary information to allow you to file an Election Contest in Tribal Court.

The Tribal Council has adopted an Election Ordinance establishing procedures for conducting Tribal Elections as well as procedures for contesting such Elections. If you wish to contest a Tribal Election in Tribal Court, **it is important for you to read THE ENTIRE INSTRUCTION PACKET, AS WELL AS THE TRIBAL ELECTION ORDINANCE, VERY CAREFULLY.**

I. WHO CAN FILE AN ELECTION CONTEST?

An Election may be contested by any Voter or by any Candidate. The Election Contest must be based on a violation of Tribal law or applicable federal law.

II. DEFINITIONS

Candidate: a person nominated to run for Tribal Council who meets the qualifications set forth in the Election Ordinance.

Voter: any Duly Enrolled Tribal Member who will be eighteen (18) years of age or older on the date of the Election in which he or she intends to vote.

Election: any election for Tribal Council or a Measure that is held by the Tribe.

Measure: any of the following submitted to the General Council for their approval or rejection at an Election:

- a verified Initiative Petition;
- a verified Referendum Petition;
- a proposition or question pertaining to the Tribe's jurisdiction or reservation under Section 2, Article III of the the Tribal Constitution;
- a proposition pertaining to adoption under Section 4, Article V of the the Tribal Constitution.

Initiative Petition: a petition setting forth a proposed ordinance or resolution

Referendum Petition: a petition setting forth a proposed or previously enacted ordinance or resolution of the Tribal Council for reconsideration.

III. WHAT STEPS DO I HAVE TO GO THROUGH TO CONTEST AN ELECTION IN TRIBAL COURT?

Notice: The Petition of Contest must be notarized. The notary may require picture identification. The Tribal Court provides notary services at no cost. DO NOT SIGN THE DOCUMENTS UNTIL YOU ARE IN THE PRESENCE OF A NOTARY.

1. Complete the “Petition of Contest.”

- You are the named Petitioner on all court forms. Use your full name (first, middle or middle initial, last) and print the name the same on all forms.
- The Respondent is the person, group, or committee against whom you are filing your case. The Court cannot advise you as to the proper party to be named as the Respondent.
- Keep the Court informed of your current address so you get notice of all court dates.
- In the presence of a notary, sign the Petition of Contest. The document shall be signed under penalty of perjury, which is the same as being sworn to testify in Court.

2. Complete the document titled “Exhibit “A””

- This document describes the reasons for the election contest. Be as specific as possible.
- Attach the Exhibit to the Petition of Contest.

3. File the Petition of Contest with the Tribal Court.

- **The Petition of Contest must be filed with the Tribal Court no later than the 30th day after the Board has announced the Election results or the completion of a recount of votes cast in connection with the Election.**
- The Tribal Court is located in the Administration Building at 9615 Grand Ronde Rd., Grand Ronde, OR 97347.

- The Petition may be filed in person or mailed to the Tribal Court at the address listed above.
- There is no filing fee for filing a Petition of Contest.
- Upon filing, the Court Clerk will assign a case number to your case.

4. Service.

- The Petition of Contest shall be served upon:
 - Tribal Council Chairperson, and
 - Tribal Attorney, and
 - In the case of a Tribal Council Election Contest, the Candidate that is subject of Petition.
- The Petition must be served on the above persons no later than two (2) business days after the Petition of Contest is filed with the Clerk of the Tribal Court.

5. Hearing.

- Upon the filing of the Petition of Contest, the Court Clerk will set a date for a Court hearing.
- The parties will receive Notice of Hearing with a time and date set to go before the Judge. The Court shall send a notice no later than 30 days prior to the hearing date.
- The hearing must be held no later than 45 days after the Petitioner provides the notices to the appropriate persons.
- After the Court hearing, the judge will render a judgment affirming or setting aside the Election results.

IV. GENERAL INFORMATION

The Tribal Court has adopted the Federal Rules of Civil Procedure and the Federal Rules of Evidence. The proceedings shall be conducted pursuant to those rules unless otherwise stated in the Tribal Election Ordinance.

Upon the filing of the Petition, the clerk of the Court will publish a notice that the Petition was filed in the next issue of the Tribe's newspaper.

If the Court sets aside the election of a Candidate who is not an incumbent, the incumbent shall remain in office until a successor is elected.

If the Court sets aside the election of an incumbent, the office shall be declared vacant.

If the Court sets aside the election, the Court shall order a special election to be conducted according to the provisions of the Election Ordinance, except that the date shall be set by the Court.

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

1
2 4. A full written explanation is attached to this Petition as Exhibit A.
3

4 Petitioner (signature)

Print Name

5
6 Address or Contact Address

City, State, Zip Code

Telephone or Contact Phone

7 Email: _____

8 State of Oregon)

) ss.

9 County of Polk)

10
11 SIGNED AND SWORN to before me this ___ day of _____, 20___,
12 by _____.

13 _____
Notary Public – State of Oregon

14 My Commission Expires: _____

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2 - PETITION OF CONTEST
[Tribal Council Election]

THE CONFEDERATED TRIBES OF GRAND RONDE
TRIBAL COURT
9615 GRAND RONDE RD.
GRAND RONDE, OR 97347
PHONE: (503) 879-2303 FAX: (503) 879-2269



DATE ORIGINALLY ADOPTED: 01/31/85
 SUBJECT: General Government
 DATES AMENDED: 07/07/87; 01/15/88;
 09/08/89; 08/29/90; 05/01/91; 07/17/91;
 08/07/91; 04/15/92; 05/05/93; 08/03/94;
 08/18/94; 03/22/95; 09/17/97; 04/29/98;
 05/12/99; 04/03/02; 03/19/03; 01/14/04;
 04/20/05; 02/07/07; 01/28/09; 04/03/19;
 09/11/19; 06/10/20; 06/24/20
 RESOLUTIONS: 70-85; 222-87; 263-88; 391-
 89; 047-90; 019-91; 040-91; 049-91; 029-92;
 027-93; 083-94; 058-94; 022-95; 086-97; 034-98;
 059-99; 062-02; 055-03; 003-04; 061-05; 022-07;
 014-09; 076-19; 319-19; 148-20; 158-20

**THE CONFEDERATED TRIBES OF THE
 GRAND RONDE COMMUNITY OF OREGON**

**CHAPTER 101
 ELECTION ORDINANCE**

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**THE CONFEDERATED TRIBES OF THE
GRAND RONDE COMMUNITY OF OREGON**

**Chapter 101
Election Ordinance**

- (a) AUTHORITY AND PURPOSE. The purpose of this Ordinance is to provide for elections as required by Article VI of the Tribal Constitution.
- (b) DEFINITIONS.
- (1) “Absentee Ballot” means those Ballots cast pursuant to Section (i) hereof.
 - (2) “Ballot” means any media by which votes may be cast for Candidates or Measures.
 - (3) “Ballot Box” means a secured and locked ballot box with access under the exclusive control of the Election Administrator.
 - (4) “Board” means the Election Board appointed by the Tribal Council to supervise Elections.
 - (5) “Candidate” means a person nominated to run for Tribal Council who meets the qualifications set forth in Section (f) hereof.
 - (6) “Chairperson” means the person selected by the Board as its chairperson.
 - (7) “Contestant” means any person who files a Petition of Contest under Section (k) hereof.
 - (8) “Duly Enrolled Tribal Member” means any person who has been accepted as a member of the Tribe in accordance with the Tribal Enrollment Ordinance or Section 7 of the Grand Ronde Restoration Act.
 - (9) “Election” means any election for Tribal Council or a Measure that is held by the Tribe.
 - (10) “Election Administrator” means that entity selected pursuant to Section (d) hereof to administer Elections under the supervision of the Board.
 - (11) “Election Day” means the day set for the Election pursuant to Subsection (g)(2) hereof.

- (12) “Initiative Petition” means a petition setting forth a proposed ordinance or resolution.
- (13) “Measure” includes any of the following submitted to the General Council for their approval or rejection at an Election:
- (A) a verified Initiative Petition;
 - (B) a verified Referendum Petition;
 - (C) a proposition or question pertaining to the Tribe’s jurisdiction or reservation under Section 2, Article III of the Grand Ronde Constitution; and
 - (D) a proposition pertaining to adoption under Section 4, Article V of the Grand Ronde Constitution.
- (14) “Petition of Contest” means a petition filed with the Tribal Court to contest an Election pursuant to Section (k) hereof.
- (15) “Post Office Box” means secure United States Postal Service box designated by the Election Administrator and rented by the Election Board.
- (16) “Recall Petition” means a petition to recall an elected Tribal official.
- (17) “Referendum Petition” means a petition setting forth a proposed or previously enacted ordinance or resolution of the Tribal Council for reconsideration.
- (18) “Secretary” means the person selected by the Board as its secretary.
- (19) “Signature Verification Form” means a form as described in Subsection (2)(C) of Section (e) used to verify that a Ballot cast in the name of a Voter was in fact cast by that Voter.
- (20) “Voter” means any Duly Enrolled Tribal Member who will be eighteen (18) years of age or older on the date of the Election in which he or she intends to vote.
- (21) “Vice Chairperson” means the person selected by the Board as its vice chairperson.
- (22) “Voting Machine” means any piece of equipment which will (1) examine and tally marked Ballots or (2) which will record every vote cast for Candidates or Measures and will total all votes cast on that equipment.

(c) ELECTION BOARD.

(1) Qualifications. All Elections shall be supervised by the Board. The Tribal Council shall appoint persons to serve on the Board. The Board shall consist of five (5) persons selected from the Tribal membership. Board members shall be eighteen (18) years of age or older.

(A) No person shall be appointed who:

- (i) is currently holding elective office as a Tribal Council member, or
- (ii) plans to be a Candidate in any Election during his or her term of service.

(B) The Tribal Council shall also appoint two (2) alternates to serve in lieu of Board members who are disqualified from serving or unable to serve in an Election. Alternates shall not perform any tasks under this Ordinance unless selected to serve in lieu of a disqualified Board member, however alternates may observe election functions and perform incidental tasks at the request of the Board and under the supervision of a Board member. Selecting alternates to serve in place of disqualified Board members shall be by a random drawing of those alternates not disqualified from serving in the Election. The drawing shall be conducted at a regular meeting of the Tribal Council.

(C) If a Board member accepts a nomination as a Candidate, the Board member's appointment shall be deemed automatically withdrawn and the Tribal Council shall fill the vacancy pursuant to Section (2) of this Section. If a member of the immediate family of a Board member accepts a nomination as a Candidate, the Board member shall be disqualified from serving in that election and a Board alternate shall serve in his or her place. For purposes of this Ordinance, immediate family shall include a Board member's parents, spouse, person in a spousal relationship with a Board member, child, sibling, stepparent or stepchild.

(2) Term of Office. Except as otherwise provided in this Section (c), Board members shall each serve for terms of two (2) years, unless a shorter term is necessary to provide for staggered terms. The Tribal Council may withdraw the appointment of a Board member at any time by a majority vote of the Tribal Council upon a finding that the Board member failed to perform his or her duties under the Tribe's Constitution or this Ordinance. Board members may be re-appointed for more than one term. In the event of a vacancy on the Board, the Tribal Council shall appoint a qualified replacement for the remainder of the vacant term.

(3) Oath and Responsibilities. Upon accepting the appointment, each member of the Board shall sign an oath which shall become part of the Board's records stating that he or she will serve according to the best of his or her ability, shall make every effort to prevent fraud or abuse in the Election process, and refrain from participation in campaign activities or other activities on behalf of or against a Candidate or a potential Candidate that may result in actual or perceived bias. The Board shall perform all tasks required of

it by this Ordinance and the Tribe's Constitution, including the supervision of all Elections. The Board shall be responsible for the following tasks:

- (A) Posting notices of the time and place of nominations for Tribal Council elections;
- (B) Presiding over nominations for Tribal Council elections;
- (C) Verifying that Candidates meet the qualifications for candidacy under Section 3, Article VI of the Tribe's Constitution and Section (f)(1) of this Ordinance and certifying nominations to the Tribal Council;
- (D) Distributing a copy of the Tribe's Constitution and Election Ordinance to Candidates;
- (E) Distributing the Voters List to Candidates;
- (F) Staffing the Election Board office for a minimum of twenty (20) hours per week between the date Absentee Ballots are sent and the date of the election to answer calls and questions;
- (G) Publishing and posting Election Board office schedule and contact information, including phone number and email address;
- (H) Publishing Election dates;
- (I) Publishing and posting sample Ballots;
- (J) Accepting or rejecting Absentee Ballots by verifying signatures on Ballots against Signature Verification Forms;
- (K) Counting or supervising the counting of votes cast for Candidates and Measures, excluding rejected Absentee Ballots;
- (L) Posting election results;
- (M) Certifying election results;
- (N) Reporting election results to Tribal Council and General Council;
- (O) Maintaining the original Signature Verification Forms;
- (P) Maintaining accurate Election records, including the poll book;

(Q) Preserving Ballots in sealed containers under lock and key for one (1) year from the date of the Election or until any Election dispute is resolved by the Tribal Court, whichever is later;

(R) Supervising recounts of Election results;

(S) Examining and verifying petitions for Measures;

(T) Supervising elections for Measures pursuant to the procedures set forth by Article II of the Tribe's Constitution and this Ordinance;

(U) Electing a chairperson, vice chairperson and secretary who shall serve as the Board's Chairperson, Vice Chairperson and Secretary for the duration of their current terms on the Board, and reporting the result of said election to the Tribal Council Chairperson.

(4) Compensation. Board members and alternates shall be compensated for their services at a rate set by the Tribal Council, to the extent that Tribal funds are available. Board members and alternates shall not be compensated for the time spent traveling to and from Board meetings but shall be reimbursed for reasonable out-of-pocket expenses incurred in connection with their official duties. Nothing in this Section is intended to prohibit a Board member or alternate from volunteering to serve and serving without compensation.

(5) Equipment and Materials; Payment of Expenses. The Board may procure equipment, supplies, materials, books, papers, and records of every kind, as well as for training in conducting elections, as the Board considers necessary to facilitate and assist in administering this Ordinance, according to a budget approved by the Tribal Council.

(d) ELECTION ADMINISTRATOR.

(1) Selection of Election Administrator.

(A) Except as otherwise provided in Section (d)(1)(B), not later than one-hundred twenty (120) days before a Tribal Council election, the Board shall solicit bids from firms to administer Elections. All bids must be received by the Board not later than ninety (90) days before said Tribal Council election. Not later than eighty-five (85) days before a Tribal Council election, the Board shall review and submit all bids to the Tribal Council. The Board shall include with the bids its recommendation for selection, including the basis for that recommendation. Upon signing a contract with the Tribe, said firm shall be referred to as the "Election Administrator."

(B) The Council may, by resolution, waive the soliciting of bids if it reasonably believes (i) that there would be an insufficient number of bidders to justify the time and expense of soliciting bids; and (ii) any firm selected as

Election Administrator is qualified to perform the work required under this Ordinance.

(C) Nothing in this Section shall prevent the Tribe from entering into a multi-year contract with the Election Administrator to administer all elections, be they for Tribal Council or Measures, held during the term of the contract.

(2) Responsibilities. The Election Administrator shall be responsible for the following tasks:

(A) Mailing a Signature Verification Form to each Voter who does not have a Signature Verification Form on file with the Board at least thirty (30) days prior to nominations in a Tribal Council election;

(B) Completing a random ordering of Candidates for Ballot arrangement;

(C) preparing the Voters List;

(D) Preparing Ballots;

(E) Mailing Absentee Ballots;

(F) Designating a Post Office Box where Absentee Ballots shall be returned;

(G) Retrieving Absentee Ballots from the designated Post Office Box;

(H) Providing election equipment and supplies, including voting machines;

(I) Counting or assisting in the counting of votes cast for Candidates and Measures, excluding rejected Absentee Ballots;

(J) Conducting or assisting in recounts of Election results;

(K) Assisting the Tribe with Election challenges;

(L) Administering elections for Measures pursuant to the procedures set forth by Article II of the Tribe's Constitution and this Ordinance;

(e) THE VOTERS.

(1) Who May Vote. Any Voter.

(2) Voter Verification.

(A) This Section sets out procedures to ensure that a vote cast in the name of a Voter is in fact cast by that Voter.

(B) Each Tribal member who desires to vote in an Election must either have a Signature Verification Form on file with the Board or complete a Signature Verification Form and submit it to the Board at the polls before he or she is permitted to vote. Upon submission of a completed Signature Verification Form, the Board shall instruct the Tribe's Enrollment Officer to confirm that the Tribal member is eligible to vote in the Election. Upon confirmation of eligibility, the Election Administrator shall add this Voter to the poll book kept pursuant to Subsection (3) hereof and the Board shall send the Voter a post card confirming he or she has been added to the poll book. The Tribe's Enrollment Officer shall be present at the polls to confirm voter eligibility for those Tribal members who submit a Signature Verification Form to the Board at the polls.

(C) The Signature Verification Form shall be in a format designed by the Board, provided that it shall contain at least the following: space for the Tribal member's signature, a space for a notary public's seal and signature and the following statement:

“In order to facilitate a means of communication between the Candidates and the Voters, your name, and city and state only will be provided to all Candidates, and your name and complete address will be provided to a mailing service selected by the Tribe through which the Candidates may send campaign material, unless you check the box below.

No. I do not wish my name, city and state to be provided to Candidates, or my name and complete address to be provided to a mailing service selected by the Tribe.”

(D) The Signature Verification Form must be signed by the Tribal member and verified either by (1) the seal and signature of a notary public or (2) attaching a legible copy of one of the following forms of identification: a valid Tribal Identification Card, Drivers License, state issued Identification Card, or Passport, provided that such identification bears the signature of the Tribal member.

(E) It is the responsibility of each Tribal member who wishes to vote in an Election to ensure that he or she has submitted a verified Signature Verification Form to the Board. Failure of the Board, or Enrollment Office, or Election Administrator to follow the procedures set out in this Section shall not be cause to allow a Tribal member's vote to be counted if no Signature Verification Form is on file or not submitted by the close of the polls on the day of an Election.

(F) Any Voter who changes his or her name, or whose signature has changed, shall submit a new Signature Verification Form to the Board.

(3) Poll Book. Based on the Signature Verification Forms submitted to the Board, the Board shall keep a roster of Voters known as the poll book with Voters listed in

alphabetical order or as nearly so as possible. The Election Administrator shall update the Poll Book as Signature Verification Forms are submitted to the Board.

(4) Voters List.

(A) Each year, the Election Administrator shall prepare a list of the names and the city and state of all Voters except those Voters who have indicated on his or her Signature Verification Form that he or she does not wish his or her name, city and state to be provided to Candidates, or his or her name and complete address to be provided to a mailing service selected by the Tribe. . The list shall indicate which Voters have a Signature Verification Form on file with the Board. The list shall be referred to as the “Voters List.”

(B) The Election Board shall distribute a copy of the Voters List and official campaign mailing instructions to all Candidates at the General Council Meeting at which nominations are accepted.

(C) The Election Administrator shall transfer the information in the Voters List, along with Voters addresses and a list of the Candidates, to a mailing service selected by the Tribe on the first Monday following the General Council Meeting at which nominations are accepted. The Election Administrator shall transfer updated Voters addresses to the selected mailing service sixty (60) days and thirty (30) days before the date of the election.

(D) Individual Candidates are responsible for making arrangements directly with the selected mailing service for the mailing of campaign materials and for the payment of such service.

(f) THE CANDIDATES.

(1) Qualifications. Any duly enrolled Tribal member who will be eighteen (18) years of age or older on the date of the election is qualified to be a Candidate.

(2) Nominations. The General Council shall accept nominations of Candidates for Tribal Council at a special meeting held on the last Sunday of June of each year. The Chairperson of the General Council shall give notice of this at the regular meeting of the General Council in May. Any Voter may nominate someone from the floor at the June meeting. The person nominated must be present and either decline or accept the nomination. The Board, with the assistance of the Enrollment Officer, shall verify that the nominee meets the qualifications set forth in Section (f)(1).

(3) Candidate Withdrawal. Once a Candidate has withdrawn from a Tribal Council election, such Candidate may not reinstate his or her candidacy for that Election.

(4) Write-In Candidates. No write-in Candidates will be accepted.

(5) Information for Candidates. The Election Board shall distribute a copy of this Ordinance, the Tribe's Constitution, the deadline for submitting Candidate pictures, and the deadline for submitting Candidate statements to the Public Affairs Office to all Candidates at the General Council Meeting at which nominations are accepted.

(g) TIME OF ELECTION.

(1) First Election. The Tribal members first elected to the Tribal Council shall hold office until their successors are duly elected and installed following the Tribal Council election in September 1987.

(2) Subsequent Elections. Elections for Tribal Council shall be held annually in September. The day for voting shall be designated by the Board in consultation with the Tribal Council.

(h) CONDUCT OF THE ELECTION.

(1) Ballots.

(A) The Election Administrator shall prepare all Ballots. The Ballot shall be printed on white paper with black ink and, in the case of Tribal Council elections, shall include the number of Candidates to be elected, and instructions that each Voter may cast one (1) vote for each vacancy on the Tribal Council and that no more than one (1) vote per Candidate shall be cast. The Ballot may also include copies of Candidate pictures submitted by the Candidates to the Election Administrator.

(B) Not later than the 5th business day following the verification of Candidates' qualifications, the Election Administrator shall complete a random ordering of the Candidates. The names of the Candidates shall be arranged on the Ballot according to said random ordering. If the Election Administrator determines that a Candidate has died or withdrawn, the name of the Candidate shall not be printed on the Ballot or, if the Ballots have already been printed, shall be erased or canceled before the Ballots are distributed.

(C) In the case of an election involving a Measure the Ballot shall be printed on white paper with black ink and consist of:

(i) A caption of not more than fifteen (15) words which reasonably identifies the subject of the Measure;

(ii) A question of not more than twenty (20) words which plainly phrases the chief purpose of the Measure so that an affirmative response to the question corresponds to an affirmative vote on the Measure; and

(iii) A concise and impartial statement of not more than one-hundred seventy-five (175) words summarizing the Measure and its major effects.

(D) The Board shall produce on colored paper an exact copy, except as to size, of the Ballot marked “sample.” The Board shall post said copy outside its offices and in the Tribe’s Community and Governance Centers. In the case of a Tribal Council election, the sample Ballot shall be published in every edition of the Tribe’s newspaper published in the month of August. In the case of a Measure, the sample Ballot shall be published in the last edition of the Tribe’s newspaper published before the election on the Measure.

(2) Voting Procedure.

(A) Voting shall take place at the Tribal Community Center in Grand Ronde, Oregon (or another location in Grand Ronde if the Community Center is unavailable) from 9 a.m. to 6 p.m. on the date set for the Election. No fewer than two (2) Board members shall be present at all times, regardless of the presence of the Election Administrator. Except as otherwise provided by this Ordinance, no other person shall remain, loiter or campaign within a polling place, or in any area on Tribal property within one hundred and fifty (150) feet of any entrance to the polling place.

(B) One Board member shall control the poll book and another Board member shall hand out Ballots and supervise the Ballot box, which tasks may be delegated to the Election Administrator.

(C) A prospective Voter shall first sign his or her name in the poll book by their name. If the Voter is unable to do so, the Board member shall write “unable to sign” by that name. A Board member shall verify that the prospective Voter is the Voter whose name he or she is seeking to vote under. If a Voter cannot sign his or her name, the Voter’s identity may be established by his or her Tribal Identification Card, Drivers License, state issued Identification Card, or Passport. Once a Board member has verified the Voter’s identity, the Board member shall note such verification in the poll book by signing his or her initials by the Voter’s name. The Voter will then be issued a Ballot. The Voter shall then mark the Ballot in a private area to be designated by the Board. The Voter may receive assistance from a Board member in voting if requested. The Voter shall deposit the Ballot in the locked Ballot box when completed.

(D) If the poll book indicates that the Voter has already submitted an Absentee Ballot, the Voter will not be permitted to vote again.

(E) If the Voter accidentally makes a mistake or mutilates his or her Ballot, a new Ballot shall be issued to the Voter with the correction noted in the poll book. The spoiled Ballot shall be sealed in an envelope by the Voter and stored in the locked Ballot box.

(3) Voting Machines. Voting Machines may be used in Elections. No Voting Machine shall be used in any Election unless it

(A) secures to the Voter secrecy in casting his or her Ballot;

(B) permits the Voter to vote for any Candidate and as many Candidates and upon any Measure for which the Voter has a right to vote; and, where marked Ballots are used;

(i) is capable of correctly counting Ballots on which the proper number of votes have been marked for any Candidates or Measures that have been voted;

(ii) is capable of returning an improperly marked Ballot to the Voter; and

(iii) is capable of totaling votes by Candidate and totaling votes for and against each Measure on the Ballot.

(C) If a Voting Machine becomes inoperative, the Election Administrator shall repair the Voting Machine at once or substitute another Voting Machine. If no other Voting Machine can be procured and the inoperative Voting Machine cannot be repaired in time for further use in the Election, or when in the discretion of the majority of the Board it is impracticable to use the Voting Machine, the Board shall resort to the use of paper Ballots, and to the counting of same by the Board or the Election Administrator under the supervision of the Board.

(4) Returns. Immediately after the polls are closed, the Board shall clear the polling place of all persons other than themselves and the Election Administrator and count or cause to be counted the Ballots cast, including Absentee Ballots. Election winners shall be chosen by plurality according to the rank order of votes received. Upon completion of the Ballot counting, the Board shall announce the results of the Election and post the results on the main door of the polling place. The Board shall also post the general reasons why Absentee Ballots were rejected and the number of Ballots rejected by category. If no recount is requested, the Board shall certify the Election and the Chairperson shall deliver the results to the Tribal Council Chairperson no later than 24 hours after the time set for making a request for a recount under Section (j)(2) hereof. Winning Candidates shall take office in accordance with the Tribal Council Ordinance.

(i) ABSENTEE VOTING.

(1) Provisions for absentee voting are required for all Elections.

(2) The Election Administrator shall send by U.S. Mail an Absentee Ballot to each Voter who has a Signature Verification Form on file with the Board, whether or not he or she requests an Absentee Ballot. In the case of Tribal Council elections, the Election Administrator shall mail Absentee Ballots forty-five (45) days before the date of the election; and, if said date falls on a weekend, then on the first business day thereafter. In the case of an election involving a Measure, the Election Administrator shall mail Absentee Ballots within five (5) business days of the verification of the petition. If a Voter does not have a Signature Verification Form on file with the Board on the relevant date mentioned above but submits one to the Board following such date, and prior to the date of the election, the Election Administrator shall send an Absentee Ballot to that Voter following such submission consistent with Subsection (4) of this Section.

(3) A Voter may obtain a replacement Absentee Ballot from the Election Administrator if his or her Absentee Ballot is destroyed, spoiled, lost or not received by the Voter.

(4) No Absentee Ballot shall be mailed by the Election Administrator later than five (5) business days before an Election.

(5) Ballots. The Absentee Ballot shall consist of a Ballot which otherwise meets the requirements of Section (h)(1), an outer envelope, instruction sheet, Ballot secrecy envelope, and return envelope.

(6) Voting Procedure. When voting by Absentee Ballot, the Voter shall mark the Ballot and place it in the Ballot secrecy envelope and seal it. The Voter shall then place the Ballot secrecy envelope inside the return envelope and seal it. The return envelope shall be signed by the Voter as it appears on the return envelope and returned either by:

(A) U.S. Mail to the Post Office Box designated by the Election Administrator; or

(B) Deposit into a Ballot Box.

(i) One or more Ballot Box shall be located in the Tribal Governance Center under surveillance camera coverage and available to receive deposits from the date Absentee Ballots are mailed until 5:00 p.m. on the day before Election Day.

(ii) A Ballot Box shall also be located at the location Voting shall take place pursuant to Subsection (h)(2)(A) above and available to receive deposits from 9 a.m. to 6 p.m. on Election Day.

(7) Returns. The Board shall compare the signature on the return envelope with the signature on the Voter's Signature Verification Form. If the signatures do not match, the Absentee Ballot shall be rejected. The entire rejected Absentee Ballot shall be deposited unopened in a separate, secure box for invalid Ballots. If the signatures match, the Ballot

shall be deposited in the locked Ballot box. For Ballots placed in the locked Ballot Box, the Board shall make a notation in the poll book, next to the Voter's name, that indicates that the Voter has returned an Absentee Ballot. In the event there is no Signature Verification Form on file for the Voter, the Board shall hold the Absentee Ballot in a locked box until the close of the polls on Election day. If at such time there is no Signature Verification Form on file for that Voter, then his or her Absentee Ballot shall be deposited in the separate, secure box for invalid Ballots.

(8) Multiple Ballots. If a Voter to whom a replacement Absentee Ballot has been issued pursuant to Subsection (3) of this Section votes more than once, only the Ballot with the earliest postmark shall be counted. If there are two or more Absentee Ballots with the same postmark date for one Voter, neither Absentee Ballot shall be counted. If a Voter votes at the polls on Election day and an Absentee Ballot is matched to his or her Signature Verification Form after the polls close, then his or her Absentee Ballot shall not be counted.

(9) Voter Deceased on Election Day. If a Voter who voted by Absentee Ballot is deceased on Election day, the Voter's Absentee Ballot shall be processed in the same manner as if the Voter were living on Election Day.

(10) Security of Ballots. Returned Absentee Ballots shall remain in the designated Post Office Box and Ballot Boxes until retrieved by the Election Administrator. The Election Administrator shall retrieve returned Absentee Ballots not more than two days before the Election and:

(A) Not after 12 p.m. (noon) on Election Day from the Post Office Box and Ballot Box(es) located in the Governance Center.

(B) Not after 6 p.m. on Election Day from Ballot Box located at the location where Voting shall take place pursuant to Subsection (h)(2)(A) above.

(11) Securing Ballots After Count. Following the counting of Ballots, the Board shall maintain returned Absentee Ballots in a secure location.

(j) ELECTION RECOUNTS.

(1) Automatic Recount. There shall be an automatic recount of Election results if there is a difference of 1% or less in the number of votes cast for the third and fourth place Candidates in Tribal Council elections or in the number of votes cast for and against a Measure. The automatic recount shall not be subject to the other subsections of this Section (j). The automatic recount shall be held immediately after the Ballots are counted and the results are announced and posted pursuant to Section (h)(4) of this Ordinance. Upon completion of the automatic recount, the Board shall announce the results of the recount. The results of the recount shall be the official results of the Election unless a request for a recount is made under Subsection (2) of this Section.

(2) Recount Request. Any Candidate may, by written request to the Chairperson, request a recount in a Tribal Council election. Any Voter may, by written request to the Chairperson, request a recount of the results of any election involving a Measure. Each request for a recount shall include the Candidate's or Voter's name, address and Tribal enrollment number. Any request for a recount shall be made within seventy-two (72) hours after the Board has announced the Election results.

(3) Costs of the Recount. Each request for a recount shall be accompanied by a cash deposit of \$50, which deposit shall be held by the Board. The Chairperson may waive the cash deposit requirement of this Section if it appears that due to a material error by the Board or the Election Administrator, the outcome of the Election will be changed.

(4) Two or More Recount Requests. Only one recount shall be made for any Election for which a recount is requested. If two or more requests for a recount of the same Measure are filed with the Chairperson, the request first received by the Chairperson shall be considered the request for a recount. If two or more requests for the recount of the same Tribal Council election are filed with the Chairperson, the request received from the losing Candidate receiving the highest number of votes shall be considered the request for a recount.

(5) Notice of Recount. If the request for a recount is filed, the Chairperson, not later than two (2) business days after the filing of the first request, shall notify the other Candidates and/or the individual filing the request for a recount on a Measure, by certified or registered mail, that a recount is to be made and the date, time and place of the recount.

(6) Opening the Ballot Box. The Ballot box shall be opened by the Chairperson only in the presence of the Board, the Election Administrator, and other persons referred to in this Section. The Board, or the Election Administrator under the Board's supervision, shall conduct the recount and permit

(A) in a Tribal Council election, any Candidates or a Voter authorized in writing by a Candidate to be present as his or her representative to watch the recount; and

(B) in an election for a Measure, one Voter advocating and one Voter opposing the Measure to be present to watch the recount. (Prior to an election involving a Measure, the Board shall run a notice in the Tribe's newspaper requesting that Voters volunteer for pools supporting and opposing the Measure, from which these observers shall be selected.)

(7) Completion of Recount, Certifying Votes and Costs. The recount shall be completed as soon as practicable. If Voting Machines were used in the Election, Voting Machines may also be used for the recount. After completion of the recount, the Chairperson shall:

- (A) Certify the results of the recount to the Tribal Council Chairperson.
 - (B) In the case of a Tribal Council election, notify the Candidates by mail.
 - (C) In the case of an election involving a Measure, notify, by mail, the Voter who filed the request for the recount of the result and the cost of the recount.
 - (D) In the case of a Tribal Council election, notify, by mail, the Candidate who filed the request for the recount of the cost of the recount.
- (8) Cost to be Included in Recount Costs. The cost of a recount shall include:
- (A) compensation of Board members;
 - (B) compensation of the Election Administrator; and
 - (C) postage, telephone charges and other costs directly related to the recount.
- (9) Payment of Recount Costs.
- (A) If the results of the recount show that the outcome of the election involving a Measure was changed or that the Candidate who requested the recount received sufficient votes to be elected to the Tribal Council, the deposit required by Section (3) hereof shall be refunded to the person who filed the request.
 - (B) If the costs of the recount exceeds the amount of the deposit required by Section (3) hereof, and the person who filed the request does not qualify for a refund under Subsection (A) of this Section, that person shall pay to the Tribe the amount of the excess costs.
 - (C) The Chairperson shall transfer the deposit required by Section (3) and any additional amount paid pursuant to Subsection (9)(B) of this Section to the Tribe's general fund.
 - (D) All monies deposited and collected under this Section are appropriated for the purpose of reimbursing the Tribe for the costs of the recount.
- (10) Official Results After Recount. The results from the recount shall be the official results of the Election.
- (k) ELECTION CONTEST.
- (1) Contesting Elections; Persons Authorized to Contest. An Election may be contested by any Voter or by any Candidate. Any contest must be based on a violation of Tribal law or applicable federal law.

- (2) An Election shall not be set aside unless:
- (A) The number of votes taken from a Candidate elected by reason of the cause of the contest would reduce the legal votes of that person below the number of legal votes given to another Candidate; or
 - (B) Mistake or fraud in the counting of Ballots and one of the losing Candidates would have been elected if all Ballots not counted because of the mistake or fraud had been cast for the losing Candidate.
 - (C) In the case of a Measure, the number of votes taken from the approval or rejection by reason of the contest would reverse the outcome of the election; or
 - (D) Mistake or fraud in the counting of Ballots and the outcome of the election on the Measure would have been reversed if all the Ballots not counted because of the mistake or fraud had been cast for approval or rejection of the Measure.
- (3) Petition of Contest; Nature of Proceedings. Not later than the 30th day after the Board has announced the Election results or the completion of a recount of votes cast in connection with the Election, any Voter or Candidate may file a Petition of Contest. The Petition shall be filed with the Tribal Court Clerk and shall specify the cause of the contest and be verified in the manner required for the verification of complaints in civil cases.
- (4) The proceedings shall be conducted pursuant to the Tribal Court's Rules of Civil Procedure for an action not triable by a jury.
- (5) When a Petition of Contest is filed with the Clerk of the Tribal Court, the Clerk shall publish a notice stating that the Petition has been filed. The notice shall be published in the next issue of the Tribe's newspaper.
- (6) Not later than two (2) business days after the Petition of Contest is filed with the Clerk of the Tribal Court, the Contestant shall file a copy of the Petition with the Candidate who is the subject of the Petition if the Petition involves the election of a Candidate and in all cases with the Chairperson and the Tribal Attorney.
- (7) The Tribal Court shall fix a time for a hearing on the Petition of Contest that is not later than the 45th day after the Contestant provides the notices required by Section (6) hereof. Not later than the 30th day before the hearing the Tribal Court shall give written notice of the hearing to each party to the proceeding. The contest proceeding shall take precedence over all other business on the Tribal Court's docket, except proceedings for emergency custody under the Tribe's Indian Child Welfare Ordinance.

- (8) The Tribal Court shall hear and determine the proceeding without a jury, and the practice and procedure otherwise applicable to civil cases shall govern the proceeding.
- (9) After the contest hearing, the Tribal Court shall render a judgment affirming or setting aside the Election results.
- (10) If the Tribal Court sets aside the election of a Candidate who is not an incumbent, the incumbent shall remain in office until a successor is elected.
- (11) If the Tribal Court sets aside the election of an incumbent, the office shall be declared vacant.
- (12) Special Elections. If the Tribal Court sets aside the election of a person, the Court shall order a special election to be conducted according to the provisions of this Ordinance, except that the election shall be held on a date to be set by the Court.
- (13) Effect of Successful Contest Involving a Measure.
- (A) After the hearing, the Tribal Court shall render a judgment affirming or setting aside the approval or rejection of the Measure.
- (B) If the judgment sets aside the approval or rejection of a Measure, the Tribal Court shall declare the measure to be resubmitted at a special election conducted in accordance with this Ordinance and held on a date set by the Court.
- (14) The Tribe shall bear the costs of any special election.

(I) ELECTION RUNOFFS.

- (1) In the event of a tie vote between the 3rd- and 4th-placed Candidates having the highest number of votes, the Board will ask whether one chooses to withdraw from the election. If a Candidate so chooses, the Board will declare the remaining Candidate the winner. If no Candidate withdraws, the Board shall conduct a run-off election.
- (A) The runoff election will be held on the 2nd Saturday in November, using the procedures for Tribal Council elections set forth in this Ordinance, except that all time periods shall be equitably adjusted in such a way as to permit the runoff election to be held on said date.
- (B) The Board shall place a notice of the run-off election in the October issues of the Tribe's newspaper, and in a special bulletin to be mailed to Tribal members by September 21.
- (2) If an incumbent Council member is a Candidate in the run-off election, that person shall occupy the Council seat until the results of the run-off election are certified

by the Board. If neither Candidate is an incumbent, the seat shall remain vacant until the winner of the election is sworn in.

(m) STAGGERED TERMS. At the Tribal Council election in September 1987, the three (3) members receiving the highest number of votes shall be elected to 3-year terms, the three (3) members receiving the next highest number of votes shall be elected to 2-year terms, and the three (3) members receiving the next highest number of votes shall be elected to 1-year terms. Thereafter, there shall be annual elections in September and, in order to maintain staggered terms of office, all Council members shall be elected to 3-year terms or until their successors are duly elected and installed.

(n) INITIATIVE. Upon receipt of an Initiative Petition signed by at least one-third (1/3) of the members of the General Council setting forth a proposed ordinance or resolution, the Board shall verify the said petition pursuant to Section (q). Upon verification, the initiative shall be submitted by the Board to a vote of the General Council at a regular or special election conducted according to the provisions of this Ordinance within sixty (60) days of said verification. The Board must give forty-five (45) days' notice of the election and publish the date, time, and place of the election and terms of the initiative.

(o) REFERENDUM. Upon receipt of a Referendum Petition signed by a least one-third (1/3) of the members of the General Council setting forth a proposed or previously enacted ordinance or resolution of the Council for reconsideration by the General Council, the Board shall verify the said petition pursuant to Section (q). Upon verification, the referendum shall be submitted by the Board to a vote of the General Council at a regular or special election conducted according to the provisions of this Ordinance within sixty (60) days of verification. The Board must give forty-five (45) days' notice of said election and publish the date, time, and place of the election and the terms of the referendum.

(p) RECALL.

(1) Procedure for Recall. Upon receipt of a Recall Petition signed by at least one-third (1/3) of the members of the General Council setting forth the basis for recall of an elected official who is guilty of improper conduct or gross neglect of duty, the Board shall verify the said petition pursuant to Section (q). Upon verification, the Board shall call a special election conducted according to the provisions of this Ordinance to consider the recall of the elected official named in the petition. The election shall be held within thirty (30) days of verification of the petition by the Board; provided, that if the petition is submitted within six (6) months of the next annual election, the Board may direct that the matter be placed on the Ballot for that election. The accused tribal official shall be given full opportunity to reply to any and all charges at a General Council meeting called at least five (5) days in advance of the election.

(2) Basis for Recall. For purposes of this Section, "improper conduct" shall consist of a conviction of any felony in any jurisdiction within the United States, or any act involving substantial dishonesty committed while acting as a tribal official. For purposes of this Section, "gross neglect of duty" shall consist of failure to perform the duties as set

forth in the Constitution and laws of the Confederated Tribes of the Grand Ronde Community of Oregon.

(3) Contents of Recall Petition: A Recall Petition shall contain the following:

(A) The name of the person whose recall is sought;

(B) A brief but specific statement of the charge or charges made, including, where appropriate, dates, places, and times; and

(C) Spaces for the printed names, the signatures, and the addresses of persons wishing to sign the petition and the date of signing.

(4) Notice. Upon receipt of a Recall Petition, the Board shall personally deliver, or mail by certified mail, a copy of the said petition to the person whose recall is sought.

(q) VERIFICATION. The Board shall verify petitions made pursuant to Article II, Sections 1(b), (c), and (d) of the Tribe's Constitution by determining that the names which appear on the petition total at least one-third (1/3) of the General Council members, that each person has signed only once, and that the names on the petition are the names of General Council members.

(r) ELECTION RESULTS. The Board shall determine the results of elections pursuant to Sections (n), (o) and (p) by determining if thirty percent (30%) of those qualified to vote have voted. If not, the petition shall fail. If at least thirty percent (30%) of those qualified to vote have voted, a vote of a two-thirds (2/3) majority shall be conclusive and binding on the Council. The Board shall deliver the results of such election as provided in Section (h)(4).

(s) AMENDMENT OF THE TRIBAL CONSTITUTION.

(1) Amendment Initiated by Tribal Council. The Tribal Council may submit proposed Constitutional amendments to the Secretary of the Interior. The following process will apply:

(A) *Development of Proposed Amendment*. The Tribal Council may seek input from the General Council on possible Constitutional amendments through community meetings and advisory votes as provided in Subsection (e)(1) of the General Council Ordinance, Tribal Code Chapter 112. The Tribal Council will approve its proposed amendment language through an Authorization to Proceed.

(B) *Submission to Bureau of Indian Affairs ("BIA") for Review*. Upon the Tribal Council's approval of amendment language by Authorization to Proceed, the Tribal Attorney will submit the proposed amendment to the BIA's Northwest Regional Director requesting informal review. BIA will review the proposed amendment and provide technical assistance and comments, including guidance from the Department of Interior's Regional Solicitor on whether any of the provisions of the proposed amendment may be contrary to applicable laws. If the

BIA review finds issue with the proposed amendment, then Tribal Council may make any necessary changes and resubmit for BIA review.

(C) *Authorizing Resolution.* Following BIA's notice that their informal technical and legal review is completed and nothing has been found to prevent the proposal from being presented to the membership, the Tribal Council will adopt a resolution with the exact language to be amended and a request for the Secretary of the Interior to call a Secretarial election. The only language that may be amended is that set forth in the Tribal Council resolution authorizing the Secretarial election.

(D) *Calling of the Election.* Upon receipt of a proposed amendment from the Tribal Council, an election to vote on its adoption shall be called by the Secretary of the Interior in accordance with rules and regulations established by the Secretary of the Interior.

(2) Amendment Initiated by the General Council. The General Council may initiate amendments to the Constitution by submitting to the Secretary of the Interior, pursuant to Secretarial regulations, a petition of at least one-third (1/3) of the members of the General Council, setting forth the section(s) of the Constitution to be amended and the proposed amendment(s). Upon verification of the petition by the Secretary of the Interior, it shall be the duty of the Secretary of the Interior to authorize the calling of an election to consider amendments to the Constitution, in accordance with regulations as set forth by the Secretary of the Interior.

(3) Establishment of Secretarial Election Board. The Board shall serve as the Tribe's appointed members of the Secretarial Election Board in any election concerning the amendment of the Tribal Constitution authorized by the Secretary of the Interior pursuant to Article II, Section 1 (e) of the Tribal Constitution. A BIA employee appointed by the BIA will serve as the Chair of the Secretarial Election Board. The Secretarial Election will be conducted by the Secretarial Election Board.

(A) *Election Documents.* The Secretarial Election Board shall prepare and assemble all election documents required by the Secretary of the Interior's regulations. Third party and Tribal staff review may be obtained to ensure accuracy of the documents. All members of the Secretarial Election Board and the Tribal Attorney will certify in writing that the election documents are consistent with the authorizing resolution. All election documents will ultimately be reviewed and approved by the Chair of the Special Election Board.

(B) *Duties.* The Secretarial Election Board's responsibilities include assembling and mailing the Secretarial Election Notice Packet, posting the Election Notice, confirming registration forms are received on or before the deadline date, mailing of ballot packets, hearing of challenges, counting of ballots, and certifying the results of the election.

(4) Required Vote to Pass. The affirmative vote of a two-thirds (2/3) majority of those actually voting shall be conclusive, so long as at least thirty percent (30%) of those qualified to vote, as set forth by the Secretary of the Interior, shall have voted.

(5) Effective Date of Amendment. Amendments to the Constitution shall not become effective until approved by the Secretary of the Interior.

(t) SEVERABILITY. If a court of competent jurisdiction finds any provision of this Ordinance to be invalid or illegal under applicable federal or tribal law, such provision shall be severed from this Ordinance. The remainder of this Ordinance shall remain in full force and effect.

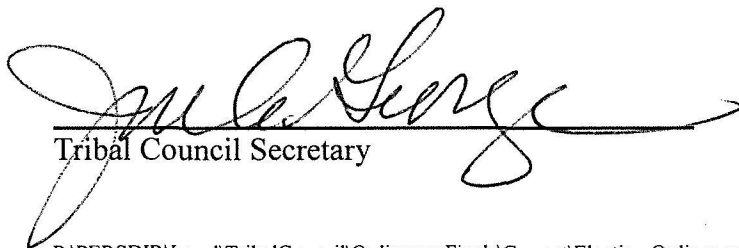
(u) COVID 19 PANDEMIC 2020 TRIBAL COUNCIL ELECTION.

(1) Staffing the Election Board Office. The Election Board will staff the Election Board office for a minimum of fifteen (15) hours per week between the date Absentee Ballots are sent and the date of the election to answer calls and questions. This Subsection temporarily amends Subsection (c)(3)(F).

(2) Polling Place. Voting shall take place at the Tribal Community Center in Grand Ronde, Oregon (or another location in Grand Ronde as determined by the Election Board) from 9 a.m. to 6 p.m. on the date set for the Election. No fewer than two (2) Board members shall be present at all times, regardless of the presence of the Election Administrator. Except as otherwise provided by this Ordinance, no other person shall remain, loiter or campaign within a polling place, or in any area on Tribal property within one hundred and fifty (150) feet of any entrance to the polling place. This Subsection temporarily amends Subsection (h)(2)(A).

(3) Effective Date/Sunset. This Section (u) is effective on the date of enactment and shall sunset on September 30, 2020.

I certify this to be a true copy of the Confederated Tribes of the Grand Ronde Community of Oregon Election Ordinance.


Tribal Council Secretary

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