

CHAPTER 32 -ELECTION CODE

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Section 32-1 Purpose and Definitions

32-1.01 Purpose.

The purpose of this Code is to provide a statutory framework that shall govern all elections of the Spokane Tribe of Indians, whether the election is for the consideration of an initiative or referendum or for the choice of the Tribal official.

Legislative History: Enacted 02/08/85, Resolu. 1985-87; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337.

32-1.02 Definitions.

For purposes of this Code, certain terms are defined in this Section. The word "shall" is always mandatory and not merely advisory.

- (a) “Absentee Ballot” means a vote cast by a Qualified Tribal Voter via regular mail, electronic means, by depositing their ballot into a secure ballot box maintained by the Committee, or other methods as approved by the Committee.
- (b) “Absentee Ballot Request Form” means the standard request form, prepared and approved by the Committee, which a Qualified Tribal Member must complete and submit to the Committee, as required by this Code, prior to participating in elections via Absentee Ballot.
- (c) “Absentee Voting” means a vote cast by a Qualified Tribal Voter who does not vote in person at the Polling Location but instead casts their vote via Absentee Ballot.
- (d) “Alternate Committee Member” means the Committee Members appointed to serve on the Committee pursuant to Section 32-2.01(c).

- (e) “Certified Candidate” or “Candidate” means a Tribal Member who has filed a valid and certified petition of candidacy for Tribal Council with the Committee pursuant to this Code.
- (f) “Calendar Day” means the period of time from one midnight to the following midnight.
- (g) “Calendar Year” means the period of 365 days (or 366 days in leap years) starting from the first of January and ending the thirty-first of December.
- (h) “Code” means this Election Code.
- (i) "Committee" means the Spokane Tribal Election Committee that is responsible for overseeing all Tribal elections.
- (j) “Committee Member” means any Regular Committee Member or Alternate Committee Member.
- (k) “Constitution” means the Constitution of the Spokane Tribe of Indians.
- (l) “Court” means the Spokane Tribal Court.
- (m) “Election Materials” means any written material related to the election process and includes, but is not limited to, written requests for Absentee Ballots from Qualified Tribal Voters, voters’ information pamphlets, and Absentee Ballots cast in an election.
- (n) “Enrollment Officer” means the Enrollment Officer of the Tribe.
- (o) "Immediate Family" means any of the following: a partner, parent, child, step-child, step-parent, fostered or adopted child, brother, sister, mother-in-law, father-in-law, sister-in-law, brother in-law, daughter-in-law, son in-law, grandchild, or grandparent.
- (p) “Petition Carrier” means an individual who has filed a valid and certified petition for an initiative with the Committee pursuant to Article X, Section 2 of the Constitution.
- (q) "Poll Worker" means the individuals appointed by the Committee to work the polls and polling locations during a Tribal election.
- (r) “Proper I.D.” or “Proper Identification” shall include, but is not limited to, picture identification whether expired or not.
- (s) “Provisional Ballot” means a ballot which is stored separately from other ballots and investigated by the Committee to verify validity.
- (t) “Qualified Tribal Member Living Abroad” means a Qualified Tribal Voter who is a living outside the contiguous lower forty-eight (48) states of the United States. Qualified Tribal Voters living in U.S. territories, Alaska, and Hawaii are considered to be living abroad.
- (u) "Qualified Tribal Voter" means any Tribal Member who is 18 years of age or over, as required by Article VI, Section 4 of the Constitution.

- (v) “Recall Hearing” means the special General Council meeting called pursuant to Article VII, Section 2 of the Constitution for the purpose of determining whether a recall election shall be called.
- (w) “Regular Committee Members” means the three Committee Members appointed to serve on the Committee pursuant to Section 32-2.01(a).
- (x) “Replacement Absentee Ballot Request Form” means the standard request form, prepared and approved by the Committee, which a Qualified Tribal Member must complete and submit to the Committee, as required by this Code, to receive an Absentee Ballot. Replacement Absentee Ballot Request Forms are only valid for general and special elections, not run off elections.
- (y) “RSLOC” means the Revised Spokane Law and Order Code.
- (z) “Tribal Council” means the Spokane Tribe Business Council.
- (aa) “Tribal Member” means an enrolled member of the Tribe.
- (ab) “Tribe” means the Spokane Tribe of Indians.
- (ac) “Voter List” means the list of Qualified Tribal Voters as determined by the Enrollment Officer.
- (ad) “Working Days” means Monday through Friday except Tribal holidays.

Legislative History: Enacted 02/08/85, Resolu. 1985-87; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Revised 5/26, 2016, Resolu 2016-286; Amended, 03/12/21, Resolu. 2021-223.

Section 32-2 Election Committee

32.-2.01 Establishment of the Election Committee.

- (a) The Tribal Council shall appoint three (3) Regular Committee Members from among the Qualified Tribal Voters of the Tribe.
- (b) The Tribal Council shall designate one (1) of the Regular Committee Members as Chairperson.
- (c) The Tribal Council also shall appoint an Alternate Committee Member to serve in the absence of a Regular Committee Member.
 - (1) The Alternate Committee Member shall attend all Committee meetings.
 - (2) The Alternate Committee Member may assist in any election at the direction of the Chairperson or her designee.
- (d) An appointed Committee Member shall serve on the Committee until the Committee Member resigns, vacates their position, or the Council rescinds their appointment.
- (e) While serving in their official capacity, Committee Members shall adhere to the code of conduct applicable to Tribal employees as set forth in the Tribe's Personnel Manual and

other applicable requirements.

- (f) Committee Members shall not participate in an election when a Certified Candidate is in their Immediate Family.
- (g) If two (2) or more Committee Members are not able to participate in any given election, then the Tribal Council shall appoint temporary members for that election only.

Legislative History: Enacted 02/08/85 Resolu.1985-87; Amended 01/04/01 Resolu.2001-101; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

32-2.02 Duties of the Committee. The Committee shall:

- (a) Appoint Poll Workers for each polling location.
- (b) Post notice of any and all elections throughout the Tribal community, to include, but not limited to: the Alfred E. McCoy Administration Building; Office of the Spokane Tribal Enterprises; Office of the Bureau of Indian Affairs in Wellpinit, WA; the David C. Wyncoop Memorial Clinic; Office of the Spokane Indian Housing Authority; the Wellpinit Post Office, and the American Indian Center in Spokane, WA.
- (c) Provide notice of any and all elections to the Rawhide Press and other applicable and/or available and relevant electronic sources of information.
- (d) All notices of election deadlines shall be posted or provided no later than twenty (20) working days before the Candidate filing deadline.
- (e) Distribute and collect petitions of Candidates for elective office and initiatives.
- (f) Examine the petition of any Candidate for elected office and determine the eligibility of the Candidate.
- (h) Compile and certify a list of Certified Candidates for any elective position.
- (i) Receive and certify petitions for initiatives.
- (j) Receive referenda approved by Tribal Council resolution.
- (k) Post the list of Certified Candidates as required by 32-2.03(b) and (c) within one (1) working day following the Candidate filing deadline.
- (l) Lock all ballot boxes before distribution to the polling locations on the day of an election.
- (m) Count all ballots cast in an election and determine the results of the election.
- (n) No later than one (1) working day after election, the Committee shall review the sign-in registers to verify that there was no double voting that would impact the results of the election.
- (o) Report the certified results of the election to the Tribal Council on the Monday

immediately following the election, unless some invalidity, illegality, tie vote or a failure of the leading Certified Candidate for an office to receive a 50% or greater majority (as provided in Article VI, Section 3 of the Constitution) which would require another election.

- (p) Review and investigate any claims of irregularity regarding the election and make appropriate findings as to the validity or invalidity of the claims.
- (q) Report any complaint of irregularity, and the Committee's findings regarding those complaints, to the Tribal Council.
- (r) Preserve the ballots as evidence, under sealed lock and key, for one (1) year from the date of each election, for any election dispute to be resolved in conformity with of this Code.
- (s) Supervise any other matter directly related to the conduct of Tribal elections.
- (t) To be available to Qualified Tribal Voters who have questions regarding the initiative process and to provide relevant information in consultation with the Office of the Spokane Tribe Attorney.

Legislative History: Enacted 02/08/85, Resolu. 1985-87; Amended 01/04/01, Resolu. 2001-101; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

Section 32-3 Poll Workers

32-3.01 Establishment of Poll Workers.

- (a) The Election Committee shall appoint Poll Workers for each polling location.
- (b) The Poll Workers must be Tribal Members over eighteen (18) years of age.
- (c) Poll Workers shall not participate in an election when a Certified Candidate is within their Immediate Family.

Legislative History: Enacted 02/08/85, Resolu. 1985-87; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

32-3.02 Duties of Poll Workers.

Poll Workers shall be present and shall supervise the balloting at their respective polling location to:

- (a) Coordinate clocks at all polling locations on the day of election.
- (b) Verify the Proper Identification of every Qualified Tribal Voter who casts a ballot in-person at a polling location.
- (c) Ensure that ballots are distributed only to Qualified Tribal Voters.
- (d) Receive and preserve all ballots cast, including Absentee Ballots.
- (e) Ensure adequate recordkeeping to provide the Committee with sufficient information to come to an opinion regarding the validity of any election.

- (f) After the closing of the polling locations, two (2) Poll Workers shall deliver the locked ballot box, records, and materials to a central meeting location for the opening and counting of ballots by the Committee.

Legislative History: Enacted 02/08/85 Resolu.1985-87; Amended 03/23/92 Resolu.1992-162; Amended 01/04/01, Resolu.2001-101; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

Section 32-4 Elections for Elective Office

32-4.01 Qualifications for Elective Office.

- (a) No person shall be eligible to be a Certified Candidate for election to the Tribal Council unless they meet the requirements of the Constitution.

Legislative History: Enacted, 02/08/85, Resolu. 1985-87; Amended 01/04/01, Resolu. 2001-101; Readopted 8/01/06, Resolu. 2006-52-; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

32-4.02 Petition of Candidacy.

- (a) Candidates for Tribal Council shall qualify for a place on the ballot by filing with the Committee a petition signed by not less than twenty (20) Qualified Tribal Voters requesting that the named person be listed on the ballot as a candidate for a specified Tribal office.
- (b) A Candidate for Tribal Council shall identify the number of the position for which the Candidate is running.
- (c) A Candidate for Tribal Council may only run for one (1) Tribal Council position in any election.
- (d) All Candidates for Tribal Council shall sign a declaration of residency and a release permitting the Committee to conduct criminal background investigations in accordance with requirements set forth in the Constitution.
- (e) Candidates shall file a petition for candidacy with the Committee no later than 4:00 p.m. sixty-four (64) calendar days, including weekends and holidays, before the scheduled election.
 - (1) The Committee Member who receives a completed petition shall stamp or notate the petition with the date and time of receipt, and provide a receipt or a copy of the page with the petition stamp to the person filing the petition.
 - (2) In the event a Candidate filing deadline falls on a weekend or holiday, the Candidate may submit their petition to the Committee on the next working day. For purposes of clarity, a Candidate filing on the next working day, as per this subsection, shall not modify or change the election calendar calculation.
- (f) The Committee shall post the list of Candidates who have submitted a petition for candidacy, as required by 32-2.03(b) and (c), the exact same day as the Candidate filing deadline.

- (g) A Qualified Tribal Voter can sign more than one (1) Candidate's petition, and can be counted as one of the twenty (20) signatures required for certification.

Legislative History-Enacted, 02/08/85, Resolu. 1985-87; Amended 03/23/92, Resolu. 1992-162; Amended 01/0~/01, Resolu.2001-101; Amended 05/20/03, Resolu. 2003-342; Readopted 8/01/06, Resolu. 2006-52~; Revised 5/15/07, Resolu.2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

32-4.03 Objections to Petition of Candidacy.

- (a) Any Qualified Tribal Voter may challenge a petition for candidacy by submitting a written objection to the Committee within five (5) working days from the day the Committee posts the list of Candidates.
- (b) The Committee shall rule on the objection and respond formally, in writing, within two (2) working days of receiving the written objection.
- (c) All written objections and the formal written responses of the Committee shall be public record and shall be on file at the Alfred E. McCoy Administration Building located in Wellpinit, WA.
- (d) Any Tribal Member aggrieved by a decision of the Committee regarding a petition for candidacy may appeal to the Spokane Tribal Court, within two (2) working days, in conformity with the RSLOC.
- (1) The Tribal Court shall hear the matter the next business day after the filing of the appeal to ensure resolution of the matter before the election.
- (2) The aggrieved party has the burden of appealing within two (2) business days. If the aggrieved party fails to do so, then the aggrieved party cannot petition the Court for postponement of the election so that the matter can be heard by the Court.

Legislative History: Enacted, 02/08/85 Resolu. 1985-87; Amended 01/04/01, Resolu. 2001-101; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337; Amended, 03/12/21, Resolu. 2021-223.

32-4.04 Certification of Candidates.

- (a) Within fourteen (14) calendar days of the filing deadline for candidacy, the Committee shall determine the eligibility of Candidates in conformity with the Constitution and the RSLOC and certify eligible Candidates.
- (b) The Committee shall post a list of certified Candidates in conspicuous places at least thirty (30) calendar days before the election.

Legislative History: Enacted, 02/08/85, Resolu. 1985-87; Amended 03/23/92, Resolu. 1992-162; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

Section 32-5 Polling Locations

32-5.01 Polling Locations.

- (a) Tribal voters shall exercise their right to vote in person at a designated voting place or by Absentee Voting as more fully described in Section 32-16 below.

- (b) The polling locations shall be as follows:
 - (1) Alfred E. McCoy Administration Building, Wellpinit, WA
 - (2) Community Center, West End, WA
 - (3) TANF building, 232 E. Lyons Avenue, Spokane, WA
 - (4) Newhouse Lane Community Center, Ford, WA
- (c) If any of the above is not available as a polling location for any reason, the Committee shall recommend to the Tribal Council, and the Tribal Council shall approve any change to the polling location by Tribal Council Resolution.

Legislative History-Enacted, 02/08/85, Resolu. 1985-87; Amended OS/28/86, Resole. 1986-212; Amended 03/29/05, Resole. 2005-210; Readopted 8/01/06, Resole. 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/15/2018; Resol: 2018-180; Amended, 03/12/21, Resolu. 2021-223.

32-5.02 Rules of the Polling Locations.

The Committee and Poll Workers shall ensure that the following rules and procedures are strictly enforced during an election:

- (a) Polls shall be open on election day between the hours of 8:00 a.m. and 8:00 p.m.
 - (1) Polling location doors shall be locked at 8:00 p.m.
 - (2) Qualified Tribal Voters still in line at 8:00 p.m. shall be allowed to vote.
- (b) Voting shall be by means of secret ballot.
- (c) Any Qualified Tribal Voter who has a disability or is unable to read or write may be assisted by a person of the Qualified Tribal Voter's choosing.
- (d) Campaigning or loitering shall not be permitted within two hundred (200) feet of any polling location.
- (e) No Candidate shall come within two hundred (200) feet of the polling location except for the purpose of casting the Candidate's own ballot.
- (f) Any Qualified Tribal Voter may challenge the eligibility of any person to vote only on the grounds of age, Proper Identification, and enrollment status.
 - (1) The Committee Members or Poll Workers shall place any ballot cast by any person so challenged into an envelope, seal the envelope, and mark the envelope as a "Contested Vote" with the name of the voter.
 - (2) The envelope shall be delivered to the Committee, and the Committee shall determine the question of eligibility.
- (g) A Spokane Tribal Police Officer shall be present during the counting of the ballots, but

shall not interfere with the official duties of the Committee or Poll Workers.

- (h) No disruptive behavior will be tolerated during the counting of the ballots.
- (i) No electronic devices or outside communication will be allowed in the room while ballots are being counted other than for official Committee business.

Legislative History-Enacted, 02/08/85, Resolu.1985-87; Amended 05/01/87, ResoJu.1987-185; Amended 05/31/89, Resolu.1989-245A; Amended OS/20/03, Resolu. 2003-342; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu.2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

Section 32-6 Run-Off Election

32-6.01 Run Off Election for Candidates.

- (a) If the top two (2) or more Candidates for an elective office are tied, or no Candidate for an elective office has received 50% or more of the total votes cast for that office in the General Election, the Committee shall conduct a runoff election as required by the Constitution.
- (b) Only the Candidates who tied, or the two (2) Candidates who received the most votes for a particular office, shall be on the runoff ballot.

Legislative History: Enacted, 02/08/85, Resolu, 1985-87; Amended OS/28/86, Resolu, 1986-212; Readopted 8/01/06, Resolu, 2006-524; Revised 5/15/07, Resolu, 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

Section 32-7 Election Disputes

32-7.01 Election Disputes.

- (a) Any Qualified Tribal Voter who disputes the validity of the certified election results, shall do so in writing and shall submit the written challenge to the Committee within thirty-six (36) hours after the Committee posts the certified election results at the Alfred E. McCoy Administration Building.
- (b) The Committee shall investigate the dispute or complaint as quickly as possible, not to exceed three (3) working days, and shall issue formal written findings. The Committee may also recertify the election results as per 32-7.01(c).
- (c) Upon receiving a written challenge, the Committee may, at the Committee's sole discretion, decide to rescind their certification of the election results and reexamine all Election Materials prior to recertification. This recertification process may not take longer than three (3) working days. While the election results are being recertified, the Tribal Council shall not pass any resolution accepting any election results.

Legislative History: Enacted, 02/08/85, Resolu. 1985-87; Amended 05/20/03, Resolu. 2003-342; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu, 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

Section 32-8 Recount of Ballots

32-8.01 Recounting of Ballots.

- (a) If a vote count difference of ten (10) or less votes exists between a Candidate receiving the most votes and any other Candidate, or a vote count difference of ten (10) or less

votes exists which would impact the outcome of any initiative or referendum, an immediate recount of all ballots shall be mandatory.

- (b) The Committee may, at its discretion, call for a recount of the ballots.

Legislative History: Enacted, 03/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

Section 32-9 Certification of Election

32-9.01 Certification of Election.

- (a) The Committee shall certify the results of all elections, and shall present its certification to the Tribal Council on the Monday following the election for Tribal resolution process, unless some invalidity, illegality, tie vote or a failure of the leading candidate for an office to receive a fifty percent (50%) or greater majority (as provided in Article VI, Section 3 of the Constitution) requires another election.

Legislative History: Enacted, 02/08/85, Resolu. 1985-87; Amended 05/20/03, Resolu. 2003-342; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

Section 32-10 Appeal of Election Results

32-10.01 Appeal.

Any Qualified Tribal Voter may appeal the certified election results to the Spokane Tribal Court in conformity with the RSLOC within two (2) working days of the resolution adopting the certified election results, but only after the Qualified Tribal Voter has exhausted their remedies under Section 32-7.01.

- (a) The Tribal Council approves a limited waiver of the sovereign immunity of the Tribe to permit Tribal members to seek Court review.
- (b) The jurisdiction of the Tribal Court under this section is limited strictly to a review of the certified election results, and shall be limited solely to equitable remedies.
- (c) The right of appeal provided by this section shall not be construed as a waiver of the sovereign immunity of the Tribe to a suit for legal damages.

Legislative History: Enacted, 02/08/85, Resolu. 1985-87; Amended 05/20/03, Resolu. 2003-342; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

Section 32-11 Initiatives and Referendums

32-11.01 Legal Review of Referendum or Initiative.

- (a) To provide for adequate legal review and accommodate Absentee Voting, a Referendum or a petition for an Initiative must be filed with the Committee no later than forty-five (45) calendar days before the scheduled election in order to be placed on the ballot for that election. The Committee shall verify all signatures for Initiatives.
- (b) Petition Carriers may consult with the Office of the Spokane Tribe Attorney at any point in the election process. Such consultation is recommended, and may include, but is not

limited to, discussion regarding the wording of the petition and the intent of the Petition Carrier.

Legislative History: Enacted, 8/01/06, Resolu, 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

32-11.02 **Majority Vote Shall Decide Initiatives and Referenda.**

- (a) A majority vote of the total votes cast shall decide an initiative or referendum, so long as the number of total votes cast in that election equals or exceeds fifty one percent (51%) of the average voter turnout at the regular elections held during the previous five (5) years.
- (b) The Committee shall certify that the total votes cast in that election equals or exceeds fifty one percent (51%) of the average voter turnout at the regular elections held during the previous five (5) years.

Legislative History: Enacted, 02/08/85, Resolu, 1985-87; Readopted 8/01/06, Resolu, 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

Section 32-12 Recall

32-12.01 **Recall Petitions.**

- (a) All recall petitions must be submitted to the Committee. The recall petition must be signed by two hundred and fifty (250) Qualified Tribal Voters. The Committee shall verify all signatures and the Enrollment Officer shall verify the enrollment status of all Qualified Tribal Voters. Once the signatures have been verified, the Committee shall provide only the petition language to Tribal Council.
- (b) The Tribal Council shall determine the date and time of a Recall Hearing consistent with Article VII, Section 2 of the Constitution.
- (c) If at the conclusion of the Recall Hearing, a majority of Qualified Tribal Voters attending the Recall Hearing vote to hold a Recall Election, an election shall be called for that purpose.

Legislative History-Enacted 03/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

32-12.02 **Duties of the Committee Regarding Recalls.**

The Committee shall:

- (a) Appoint four Poll Workers: one from the Wellpinit area, one from the West End area, one from the Spokane area, and one from the Ford area, to help conduct secret voting at the Recall Hearing.
- (b) Create ballots and be ready for a secret ballot vote if called upon by Qualified Tribal Voters at the Recall Hearing.
- (c) Have all voters sign an official signature log.
- (d) Verify the Proper I.D.s of Qualified Tribal Voters at the Recall Hearing.

Legislative History-Enacted 03/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

Section 32-13 Compensation to Election Committee and Board Members

32-13.01 Intentionally Deleted.

Legislative History: Enacted 02/08/85, Resolu. 1985-87; Amended 01/04/01, Resolu. 2001-101; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337; Amended 06/20/10, Resolu. 2010-285; Revised 3/20/12, Resolu. 2012-163; Amended 06/07/16, Resolu. 2016-295; Deleted, 03/12/21, Resolu. 2021-223.

32-13.02 Compensation of Committee Members and Poll Workers.

- (a) Committee Members and Poll Workers shall be paid for their services at the same hourly rate as Tribal Council, shall be reimbursed for mileage expenses at GSA rates to and from the polling location.
- (b) For services provided on election day, Committee Members and Poll Workers shall also receive a meal allowance of \$50.00 per day.

Legislative History-Enacted, 02/08/85, Resolu. 1985-87; Amended 01/04/01, Resolu. 2001-101; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Revised 6/7/2016; Resolu. 2016-295; Amended, 03/12/21, Resolu. 2021-223.

Section 32-14 Elections to Fill Vacancies

32-14.01 Elections to Fill Vacancies.

- (a) Article VII, Section 1, of the Constitution provides that any vacant Tribal Council position be filled by an appointee selected by the Tribal Council. Such appointee must meet the eligibility requirements of the Constitution and shall serve until the next regular election when the position shall be filled by election for the balance, if any, of the unexpired term. No vacancies that occur within three (3) months of the next regular election shall be filled except that the remainder of the Tribal Council shall fill any vacancies in excess of two (2) so that the Tribal Council may maintain a quorum.
 - (1) If necessary, to ensure compliance with this Constitutional requirement, the Committee, in consultation with the Tribal Council, may adjust election deadlines set forth in this Code as reasonably necessary to ensure a vacancy election falls within the general election cycle.

Legislative History: Enacted 5/30/2013, Resolu. 2013-274; Amended, 03/12/21, Resolu. 2021-223.

Section 32-15 Amendment of Election Code

32-15.01 Amendment of Election Code.

- (a) Article VI, Section 1, of the Constitution provides that this Code shall be provided by the Committee and approved by the Tribal Council.

Legislative History-Enacted, 02/08/85, Resolu. 1985-87; Readopted 8/01/06, Resolu. 2006-524; Revised 5/15/07, Resolu. 2007-337; Revised 3/20/12, Resolu. 2012-163; Amended, 03/12/21, Resolu. 2021-223.

Section 32-16 Absentee Voting

32-16.01 Purpose and Authority.

- (a) The purposes of this Section are to ensure the security and integrity of all elections while honoring each Qualified Tribal Voter's right to participate in elections via Absentee Ballot.
- (b) Each Qualified Tribal Voter shall be entitled to vote via Absentee Ballot, as per Article VI, Section 4 of the Constitution, in any election, subject to the requirements of this Code.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

32-16.02 Intentionally Left Blank.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

32-16.03 Duties of the Committee Regarding Absentee Voting.

- (a) The Committee shall maintain a record or listing of all Absentee Ballot requests and other Election Materials that have been sent or received by the Election Committee.
- (b) The Election Committee shall be responsible for printing and safe guarding all ballots, including but not limited to Absentee Ballots.
- (c) The Committee shall adhere to and enforce the requirements of this Code.
- (d) Upon receipt of an Absentee Ballot Request Form, the Committee shall verify that the individual making the request is a Qualified Tribal Voter through any reasonable measures. Such reasonable measures include, but are not limited to, coordinating with the Tribe's Enrollment Officer to verify the signature on the Absentee Ballot Request Form.
- (e) Upon receipt of an Absentee Ballot, the Committee shall verify that the individual casting the Absentee Ballot is a Qualified Tribal Voter and had previously submitted an Absentee Ballot Request Form as required by this Code, through any reasonable measures. Such reasonable measures include, but are not limited to, coordinating with the Tribe's Enrollment Officer to verify the signature on the Absentee Ballot.
- (f) The Committee shall ensure each Qualified Tribal Voter casts no more than one ballot in any given election.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

32-16.04 Form of the Absentee Ballot.

- (a) Any and all Certified Candidates, referenda, and/or initiatives included in an Absentee Ballot shall be identical to ballots cast in person at polling locations.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

32-16.05 Reserved

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

32-16.06 Requesting an Absentee Ballot.

- (a) Qualified Tribal Voters may participate in all elections via Absentee Ballot by submitting an Absentee Ballot Request Form to the Election Committee.
- (b) An Absentee Ballot Request Form must meet all applicable requirements of this Code and must include the Qualified Tribal Voter's signature. An Absentee Ballot Request Form submitted digitally must include a scanned image of the Qualified Tribal Voter's signature.
- (c) Qualified Tribal Voters may request an Absentee Ballot by submitting an Absentee Ballot Request Form in any of the following ways:
 - (1) hand delivered to the Committee's drop box; or
 - (2) mailed to the Committee's approved address; or
 - (3) emailed a scanned and signed request to the Committee's email address.
- (d) All Absentee Ballot Request Forms must be received by the Committee no later than thirty (30) working days before an election in order to receive an absentee ballot for that election, subject to all applicable provisions of this Section.
- (e) All Absentee Ballot Request Forms sent via mail or electronic mail, including all pre-printed ballot requests provided to Qualified Tribal Voters by the Committee, shall be addressed as follows:

Spokane Tribe of Indians
Election Committee
PO BOX 97
Wellpinit, WA 99040

ElectionCommittee@SpokaneTribe.com
- (f) Absentee Ballot Request Forms which do not include a written signature, are not received by any applicable deadline, or otherwise fail to meet any mandatory requirements of this Code shall not be accepted or processed. The Committee shall contact the Qualified Tribal Voter requesting an absentee ballot to attempt remedy any problems or deficiencies with an incomplete Absentee Ballot Request Form.
- (g) It shall be the sole responsibility of the Qualified Tribal Voter to ensure that the Qualified Tribal Voter's mailing address is correct on their Absentee Ballot Request Form. The Committee shall only mail an Absentee Ballot to addresses listed on a completed Absentee Ballot Request Form.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

32-16.07 Casting a Physical Absentee Ballot.

- (a) Physical Absentee Ballots may be cast in one of two ways: either mailed to the Committee via U.S. Mail or delivered to any official polling location.
- (b) All Absentee Ballots delivered to any polling location must be received no later than the date of the election day by the time the polls officially close, and must bear the written signature of the Qualified Tribal Voter on the outside envelope.

- (c) Absentee Ballots cast in an election via U.S. Mail, rather than delivered to a polling location, must be in the Committee's designated post office box by 12:01 PM on election day, and must bear the written signature of the Qualified Tribal Voter on the outside envelope.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

32-16.08 Casting an Electronic Absentee Ballot.

- (a) Qualified Tribal Voters Living Abroad may participate in any and all elections via an electronic voting system. This electronic voting system shall be selected, monitored, and operated by the Committee.

32-16.09 Receiving Absentee Ballots.

- (a) The Committee shall obtain a U.S. post office box to receive Election Materials, including but not limited to physical Absentee Ballots.
- (b) The Committee shall obtain, maintain, supervise, and operate an electronic voting system to receive electronic Absentee Ballots cast by Qualified Tribal Voters Living Abroad.
- (c) Only the Committee shall be authorized to access or receive Election Materials from the U.S. Post Office.
- (d) At least two (2) members of the Committee shall be present at all times to pick up election materials from the U.S. Post Office.
- (e) The envelopes of all Absentee Ballots shall be date stamped and initialed by the Committee upon receipt.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

32-16.10 Provisional Ballots.

- (a) Circumstances under which a Qualified Tribal Voters may be issued a Provisional Ballot include:
 - (1) Where a Qualified Tribal Voter claims they have not yet voted in an election, but their name has been marked on the Voter List as having voted. This includes voting via Absentee Ballot.
 - (2) Where a Qualified Tribal Voter claims to be a Qualified Tribal Voter yet their name cannot be found on the Voter List.
 - (3) Where a Qualified Tribal Voter's eligibility to vote has been officially challenged in a way other than a Contested Ballot.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

32-16.11 Verifying Absentee Ballots.

- (a) The Committee shall verify the validity of each Absentee Ballot or Provisional Ballot cast in an election by reviewing the Voter List and the list of absentee voters to ensure

that all Qualified Tribal Voters cast only a single Absentee Ballot. In the event a Qualified Tribal Voter casts more than one Absentee Ballot, the Committee shall discard the older Absentee Ballot as determined by the Committee.

- (b) The Committee shall review all applicable records to ensure each Qualified Tribal Voter only casts a single ballot. In the event a Qualified Tribal Voter has voted in-person at a polling location and also via Absentee Ballot, the in-person vote shall be counted and the Absentee Ballot shall be discarded.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

32-16.12 Invalid Absentee Ballots.

- (a) Any Absentee Ballots received after the applicable time period, as defined by this Code, are invalid and shall not be opened, processed, or counted.
- (b) A returned Absentee Ballot that does not bear the signature of the Qualified Tribal Voter on the outside envelope is invalid and shall not be opened, processed, or counted.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

32-16.13 Lost or Destroyed Absentee Ballots.

- (a) In the event a Qualified Tribal Voter's Absentee Ballot is lost or destroyed, they may obtain a replacement ballot by making a written request to the Committee. Upon receipt of a Replacement Ballot Request Form, the Committee shall issue a replacement Absentee Ballot and follow all applicable precautions contained in this Code, and verification requirements as determined by the Committee.
- (b) The Replacement Ballot Request Form must be received by the Committee twenty four (24) calendar days, either via U.S. Mail or electronic mail, before the date of the election. The Committee shall mail the replacement Absentee Ballot, via certified mail, as soon as possible.
- (c) Qualified Tribal Voters may only submit Replacement Ballot Request Forms for general elections and special elections. Due to time constraints, replacement ballots are not available for run-off elections.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

32-16.14 Automatic Absentee Ballots.

- (a) A Qualified Tribal Voter who submits a valid Absentee Ballot Request Form by the deadline(s) established by this Code shall automatically receive an Absentee Ballot for all future elections, including but not limited to general elections, special elections, and run-off elections.
 - (2) Qualified Tribal Voters do not need to submit a new Absentee Ballot Request Form each Calendar Year.
 - (3) If a Qualified Tribal Voter fails to submit a new Absentee Ballot Request Form within the deadline(s) established by this Code, the Qualified Tribal Voter shall

only be able to participate in an election(s) by casting their ballot in person at a polling location.

- (4) The Committee shall send a Qualified Tribal Voter's Absentee Ballot to the address listed on their Absentee Ballot Request Form. It is the Qualified Tribal Voter's responsibility to keep their address up to date with the Committee.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.

Section 32-17 Election Calendar

32-17.01 Adjusting Election Deadlines.

- (a) If necessary, to ensure compliance with Constitutional requirements, the Committee, in consultation with the Tribal Council, may adjust any election deadlines set forth in this Code as reasonably necessary to accommodate for unforeseen circumstances.

Legislative History: Adopted, 03/12/21, Resolu. 2021-223.