

WARM SPRINGS TRIBAL CODE

CHAPTER 20

ORDINANCE NO. 44

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WHEREAS, the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon has determined that it is desirable to adopt uniform procedures for the holding of Tribal elections,

BE IT THEREFORE ENACTED by the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, as follows:

- 1. Applicability of Ordinance.** The provisions of this Ordinance shall apply to all elections held by the Confederated Tribes of the Warm Springs Reservation of Oregon except in tribal elections called by the Secretary of the Interior which are governed by the Code of Federal Regulations, where the provisions of this Ordinance are inconsistent with the provisions of the Code of Federal Regulations, then the Code of Federal Regulations shall prevail.
- 2. Preparation of Voters List.** As soon as possible after the adoption of this Ordinance, the Chief Statistician of the Tribe shall prepare a voter list from the Tribal roll which said list shall include all Tribal members of either sex, who are married, or who are 21 years of age or over. This list will show the district in which each voter resides to the best of the ability of the Chief Statistician.
- 3. Petitions for Review.** The voter list above-mentioned will be posted on or before July 1, 1968, and thereafter for a period of 90 days, any persons desiring to correct, change, add to or delete the name of any person from the list shall have an opportunity to petition in writing to the Chief Statistician for such change. The decision of the Chief Statistician on this or any other matter may be reviewed by petition in writing made to the Tribal Council provided that such written petition shall be filed with the Tribal Council within 20 days after the decision of the Chief Statistician. Thereafter the Tribal Council shall determine the validity of such petition and the decision of the Tribal Council shall be final.
- 4. Change of Registration.** Any person may, at any time, change the district in which such person desires to vote by filling out the registration form furnished by the Chief Statistician. Any such registration change must be filed more than 60 days prior to any election in order to be effective for that particular election.
- 5. New Registration.** As members of the Tribe become eligible to vote, they shall register to vote with the Chief Statistician on the forms as provided and such registration shall be effective for elections held 60 days or more after such registration.
- 6. Inspection of Voter List.** The Chief Statistician shall at all times maintain a current voter list available for inspection at any time during normal business hours.

7. Definition of “Married” Person. For the purpose of preparing and maintaining the voter list, the Chief Statistician shall consider that a person once “married” shall remain on the voter’s list even though such person may subsequently be divorced or separated prior to attaining the age of 21 years.

(Alternate 7) For the purpose of preparing and maintaining the voter list, the Chief Statistician shall remove the name of any person from the voter list who has been married, at such time as the marriage is terminated, provided that the person is then under the age of 21 years.

8. Election Boards. For each election, the Tribal Council shall appoint an election board for each polling place, the Election Board to be composed of the following officials:

- (1) Three members of the Election Board.
- (2) One alternate member of the Election Board.
- (3) One interpreter.

9. Counting Board. For each election, the Tribal Council shall appoint a Counting Board for the purpose of counting the results of the elections. The Counting Board shall consist of four persons and the Tribal Council will appoint one of the four members as Chairman.

10. Eligibility for Membership to Election and Counting Boards. All members of the Election Boards and Counting Boards shall be members of the Confederated Tribes of the Warm Springs Reservation of Oregon, and shall not be appointed to such positions in an election where they are a candidate for election or where they may personally have an interest in the election different from the interest of the membership at large.

11. Duties of Election Boards. It shall be the duty of the Election Board to supervise the election at the voting place where they are designated to serve. The Chief Statistician shall furnish to the Election Board an up-to-date voter list showing the district in which each of the voters is entitled to vote and insofar as the election board is concerned such voter list shall be final. The Election Board shall insure that all persons whose names are shown on the voter list shall have an opportunity to vote in the district where they are registered and that no persons whose names are not on the voting list for that district shall vote.

12. Date, Place and Hours of Election and Disputes. The Tribal Council shall establish the date of election, the voting places and the hours during which the polls shall be open. The Tribal Council shall furnish ballots to the Election Boards and the Election Boards shall guarantee that all registered voters have the opportunity to vote a secret ballot. Decisions on all disputes shall be decided by the Election Board assigned to the particular voting place and such decision shall be final.

13. Preservation of Ballots. All ballots shall be carefully preserved by the Election Boards and delivered to the Counting Board.

14. Counting and Protection of Ballots and Posting Results. The Counting Board shall count all ballots delivered to it by the Election Boards and shall deliver the ballots, along with a certified list of the results to the Tribal Council and the Superintendent, or his duly authorized representative, jointly. The Tribal Council and the Superintendent shall receive the ballots and the certified list of the results and immediately post and make public such results. Thereafter the ballots will be delivered to the Superintendent to be held by the Superintendent for a period of one week.

15. Objections. Within three days after the posting of the results, any person objecting to the procedures or practices involved in the elections shall file a written statement of such objection with the Superintendent. The Superintendent shall thereafter consider such objection and make a determination, which decision shall be final. Until such time as the Superintendent has rendered a decision, the ballots shall be maintained, but after such decision the ballots shall be destroyed. In the event that there shall be no objection, the ballots shall be destroyed after they have been held by the Superintendent for one week.

16. Absentee Ballots. Nonresident members may vote by absentee ballot. Also, whenever due to temporary absence from the reservation, illness or physical disability, any eligible voter is not able to vote at the polls and duly causes the Election Board to be notified thereof, he shall be entitled to vote by absentee ballot. The Election Boards may give or mail ballots for absentee voting to voters upon request in sufficient time to permit the voters to execute and return the ballot on or before the date of election or within the time allowed by the Election Board. Together with the ballot there shall be an inner envelope bearing on the outside the words "Absentee Ballot," a pre-addressed outer envelope, and an affidavit in form as follows:

I, _____, do solemnly state that I am a member of the Confederated Tribes of the Warm Springs Reservation of Oregon, that I will be 21 years of age or over or married at the election date and am entitled to vote in the election to be held on (date of election); that I am registered to vote in _____ district, and that I cannot appear at the polling place on the reservation on the date of the election because (indicate one of the following reasons) I expect to be absent from the reservation or because of illness or because of physical disability .

I further swear that I marked the enclosed ballot in secret.

(voter)

On this ____ day of _____, 19 __, I hereby certify that the voter exhibited the ballot to me unmarked; that he then in my presence and in the presence of no other person, and in such manner that I could not see his vote, marked such ballot and enclosed and sealed the same in the envelope marked "Absentee Ballot."

Witness

Witness

The voter shall make the statement before two witnesses and thereupon in the presence of such witnesses, mark such ballot in such manner that the witnesses cannot know how such ballot was marked. The ballot shall then be folded in the presence of such witness so as to conceal the marking, and, in the presence of the witnesses, placed in the envelope marked "Absentee Ballot" and the envelope sealed. The voter shall then place the sealed envelope marked "Absentee Ballot" together with the witness certification in the outer envelope, and mail it or have it delivered. The pre-addressed outer envelope shall be directed to the Election Board at the reservation where the voter registered. Absentee Ballots must be received by the Election Board not later than the close of the polls on election day, or at such other time as may be prescribed by the Election Board. The Election Boards shall make and keep a record of ballots mailed, to whom mailed, the date of mailing, the address on the envelope, the date of the return of such ballot, and from who received, and shall count and register all such votes after all other ballots have been counted and included them in the results of the election.

17. Mailing of Absentee Ballots. The Election Boards shall mail an absentee ballot, together with a concise statement of the issues involved in the election, to nonresident eligible voters for which the Election Board has addresses.

18. Registration for Absentee Ballots. Registration for nonresidents or voters by absentee ballots shall be the same as for residents.

Elections to Determine Members of the Tribal Council

Except as hereinafter set forth, the foregoing provisions of the Ordinance shall apply to all elections to select members of the Tribal Council.

19. Time of Elections. Elections to select members of the Tribal Council must be held not less than 30 days in advance of the expiration of the term of office of the Tribal Council members.

20. District Meetings. Before an election to select Tribal Council members, the Tribal Council will call District Meetings in each district for the purpose of making nominations for the Tribal Council. Notice of such district meetings shall designate the time and place of such meeting and shall be posted in three public places on the Reservation for at least ten days prior to such meetings. At the time of posting the notices, a voter's list will be posted showing the District of each registered voter.

- 21. Chairman of District Meetings.** The notices as referred to above will designate a temporary chairman for each district for that particular meeting and the temporary chairman shall preside over the meeting until the District Council elects a permanent Chairman.
- 22. Secretary of District Meetings.** The District Council shall also elect a secretary of the meeting to maintain an accurate record of the proceedings.
- 23. Eligibility to Participate in District Meetings.** All voters registered in the particular district shall have the right to participate in the district council meeting. Any person who is not registered on the voters list for that particular district may not participate in that particular district meeting.
- 24. Procedure at District Meetings.** The procedure at the District Council Meeting shall be established by the permanent chairman of the meeting provided, however, that the District Council may by a majority vote change or establish any such procedure.
- 25. Certification of Nominations.** The permanent chairman and the secretary of the meeting shall certify all nominations made by the District Council to the Tribal Council in writing.
- 26. Posting of Candidates.** Upon receiving such certification from each district, the Tribal Council will prepare a list of the candidates with notice of the election not less than ten days prior to election. The notice shall be posted at the voting places and shall designate the voting places, the date of the election, and the hours during which the polls will be open.
- 27. Ballots.** The ballots will be prepared by the Tribal Council for such election showing the names of the candidates from each district and a separate ballot shall be prepared for each district. Each ballot shall have a place for the voter to enter "write-in" votes in the event that the voter shall wish to vote for some candidate whose name is not on the ballot.
- 28. Eligibility of Candidates.** No candidate shall be eligible for election from any district unless said candidate is registered to vote in such district.

Other Action Superseded

The provisions of this Ordinance shall supersede all prior action taken by the Tribal Council whether by resolution, ordinance or motion but shall not supersede the provisions of the Tribal Constitution and Bylaws, nor shall this Ordinance supersede the regulations of the Secretary of the Interior where such regulations apply.

Certification

The undersigned, as Secretary-Treasurer (General Manager) of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby certifies that the Tribal Council is composed of 11 members, of whom 7 constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed and convened this 27th day of February, 1968; that the foregoing

Ordinance was passed by the affirmative vote of 6 members, the Chairman not voting; and that the said Ordinance has not been rescinded or amended in any way.

Vernon Jackson
Secretary-Treasurer
(General Manager)

Approved:

Doyce L. Waldrip, Superintendent