

**BISHOP PAIUTE TRIBE
ELECTION ORDINANCE**

SECTION 1.0 PURPOSE

- 1.1 This Ordinance has been established to provide for standard, uniform procedures for conducting Tribal elections and shall be consistent with existing tribal laws and ordinances governing the Bishop Paiute Tribe.

SECTION 2.0 DEFINITIONS

- 2.1 As used in this Ordinance:

(a) **Bureau** – the Bureau of Indian Affairs

(b) **Ballot** –

1. **Cast Ballot** – an official ballot that is cast in the proper manner at the proper time by a duly registered voter.

2. **Invalid Ballot** – an officially cast ballot discovered at the time the votes are counted, which does not comply with voting requirements or is not an official ballot. An invalid ballot is not to be counted for determining the number of ballots cast.

3. **Mutilated Ballot** – a mutilated ballot not cast may be exchanged for a new one. If the need arises to exchange a mutilated absentee ballot, no additional time will be provided for the new ballot to be received by the Election committee.

4. **Spoiled Ballot** – a ballot that is spoiled at the polls may be exchanged for a new one. A spoiled cast ballot is to be counted in tabulating the total votes in conjunction with determining whether the required percentage of qualified voters have participated in the election.

(c) **Elections** –

1. **Primary Election** – an election in which eligible voters of the General Council vote to select from a list of eligible candidates, a limited number of candidates to fill vacancies.

2. **General Election** – a duly called election of the General Council conducted after a Primary election for the purpose of electing, by secret ballot, from a list of final candidates for public office and or for voting to either approve or reject initiatives.

3. **Special Election** – tie or recount and other initiatives.

- (d) **Election Board/Board** – the three (3) members, appointed by the Tribal Council to administer tribal elections. The terms of office will be staggered. Two (2) members will serve three (3) year terms and one (1) member a two (2) year term.
- (e) **Election Committee** - Five (5) members and two (2) alternates, appointed by the election board, to conduct election procedures on Election Day.
- (f) **Electioneer** – to work actively and otherwise lobby for the election of a particular candidate to public office or for the approval or rejection of a particular initiative.
- (g) **Eligible, entitled, qualified voter, or voting member** – the status achieved by a tribal member who meet the requirements of the tribe to vote in a tribal election.
- (h) **General Council** – all members of the Bishop Paiute Tribe who are eligible to vote acting together in a regular or special election.
- (i) **Member or Tribal Member** – any Indian who meets the Bishop Paiute Tribe's criteria for membership pursuant to the tribe's enrollment ordinance.
- (j) **Precinct** – the Bishop Paiute Reservation, Round Valley, Red Hill, and the City of Bishop.
- (k) **Registration** – the act whereby a tribal member becomes qualified or entitled to vote in an election of the General Council by having his/her name placed on the eligible voter's list of the tribe and approved by the Election Board.
- (l) **Reservation** – the Bishop Paiute Reservation.
- (m) **Tribal Council** – the governing body of the Bishop Paiute Tribe elected by the General Council.
- (n) **Tribe** – The Bishop Paiute Tribe.
- (o) **Voting Member** – a person whose name is on the eligible voter list of the Tribe.

SECTION 3.0 ELIGIBILITY TO VOTE

3.1 Any person who meet all of the following criteria is eligible to vote.

A person who:

- a. meet the criteria for tribal membership, pursuant to the tribe's enrollment Ordinance.
- b. will be twenty-one (21) years of age one day before an election.
- c. Is registered thirty (30) days before an election.
- d. Resides on the Bishop Paiute Reservation, Round Valley, Red Hill or the City of Bishop.
- e. Is on the official voters list but becomes ineligible, must come to the tribal office to change voting status.

SECTION 4.0 ELECTION BOARD POLICIES AND PROCEDURES

- 4.1 The Tribal Council shall appoint an Election Board consisting of eligible voters of the Tribe for conducting and administering elections. The Tribal Council shall appoint three (3) tribal members to the Board. The Election Board shall elect from its members a chairperson. The terms of office will be staggered. Two (2) members will serve three (3) year terms and one will serve a two (2) year term.
- 4.2 The Tribal Council shall delegate the authority they deem necessary for the Election Board to effectively carryout its purpose and duties in accordance with its Ordinance of the Bishop Paiute Tribe.
- 4.3 The Election Board shall submit a final report to the Tribal Council within three (3) days following the elections.

SECTION 5.0 ELECTION COMMITTEE

- 5.1 The Election Board shall solicit and appoint a five (5) member Election Committee for the purpose of conducting elections. The Election Committee shall be comprised of five (5) regular members and two (2) alternate members all of who shall be eligible voters of the tribe. The Election Committee shall elect from its members a Chairperson and Secretary.
- 5.2 No mother, father, brother, sister, or children of a candidate shall be a member of the election committee.
- 5.3 Following the elections, the Election Committee shall prepare a preliminary report of the election certifying its accuracy, and shall announce, and post the results at the Tribal office and other locations designated in the notice of the election.

SECTION 6.0 ELIGIBILITY AND NOMINATIONS OF CANDIDATES TO HOLD ELECTED OFFICES

- 6.1 Any eligible voting member of the tribe who is nominated may accept or decline the nomination. A member who is a write in candidate from the primary election, or a member who desires to be placed on the ballot as a candidate for tribal council or other elected office, shall file with the Election Board a "Declaration of Candidacy".
- 6.2 The Election Board shall review and verify the eligibility of all candidates for public office. A candidate presenting false information shall be ineligible as a candidate and shall be notified immediately by certified letter. A copy of that information will be sent to the Tribal Council.
- 6.3 Any candidate whom the Election Board finds ineligible may appeal the decision to the Tribal Council. Such a candidate must file a written appeal with the Tribal Council no later than forty-eight (48) hours after the receipt of the adverse decision. The Tribal

Council shall render a written decision no later than seven (7) days after the receipt of the appeal.

6.4 If the Tribal Council decides in favor of the candidate, the candidate's name will be placed on the ballot. The Tribal Council's decision shall be final.

6.5 Felon – See Policies and Procedures.

SECTION 7.0 PRIMARY AND GENERAL ELECTION

7.1 A Primary Election shall be conducted on the first Tuesday of the month of June, for the purpose of electing no more than five (5) nominees to fill vacancies on the Tribal Council and for electing other public officials. Write-in candidates will be accepted on primary elections only. A write in candidate must receive a minimum of ten (10) votes before they will be placed on the general election ballot.

7.2 A General Election shall be conducted no less than thirty (30) days from the date of the primary election. When the fourth of July falls on a Tuesday the election will be held on the following Tuesday.

7.3 The Election Board shall post or cause to be posted a notice of the election.

7.4 The Election Board shall mail or cause to be mailed election notices and sample ballots to all eligible voters at least fourteen (14) days prior to the election.

7.5 The Election Board may organize a "Candidates Night" at least ten (10) days before the date of the General Election, where the candidates may, if they want, express their views to the tribal members.

SECTION 8.0 MANNER OF VOTING

8.1 All elections shall be by secret ballot.

8.2 Absentee voting is permitted. Eligible voters must individually request, and return an absentee ballot to the Election Committee/tribal staff before polls close on Election Day.

8.3 No proxy shall be permitted.

SECTION 9.0 POLLING

9.1 The Tribal Chambers shall be the designated polling place. Polls shall be open from 7:30 AM to 7:00 PM, local time. The Election Board may set different hours; they shall inform the voters of the change in the election notice.

9.2 There shall be no electioneering within a one hundred (100) feet radius of the polling place during the hours the polls are open.

SECTION 10.0 GENERAL ELECTION RESULTS

- 10.1 The candidates(s) receiving the highest number of votes for each office shall be declared the winner(s). In the event the ballot count reveals two candidates for the same office have received the same number of votes, a recount will be conducted immediately after the Polls have closed. If a tie exists at the completion of the recount, the Election Board will call a special run off election; following procedures pursuant to SECTION§ 7.2, 7.3, and 7.4.
- 10.2 The Election Committee shall post the results of the election immediately after the count, at the Tribal office and other locations designated in the election notice.
- 10.3 The Election Board shall keep all election material in a locked and sealed cabinet for thirty (30) days following the election in case of protest or order for recount. After the thirty (30) days they may dispose of the ballots. The results shall be filed at the tribal office.

SECTION 11.0 CONTESTING OF ELECTION RESULTS

- 11.1 Any candidates may challenge the manner in which an election was conducted to the election results. Any challenge filed, which includes a recount shall be in writing and filed with the Election board within two (2) working days following the posting of the results of the election being challenged. No challenge shall be accepted after the two- (2) days have lapsed.
- 11.2 Any individual filing a challenge shall be required to submit along with the challenge a non refundable filing fee of seventy-five dollars (\$75.00) to the Election Board/Tribal Council then to the Election Committee.
- 11.3 If a recount is ordered, the Election Board, and the candidates shall be present to view the recount. The election Committee shall perform the recount. The decision of the Election Board/Election Committee shall be final. If the challenge is found valid and a run-off election is warranted: they will follow procedures pursuant to Section 7.2, 7.3, and 7.4.

SECTIONS 12.0 AMENDMENTS

- 12.1 This ordinance shall provide for standard and uniform administration of all elections conducted by Bishop Paiute Tribe. Accordingly, a majority vote of the Tribal Council may amend this Ordinance. All five (5) Tribal Council members must be present to vote on any amendments. Amendments will become effective upon certification by the Tribal Council.

SECTIONS 13.0 CERTIFICATE OF ENACTMENT

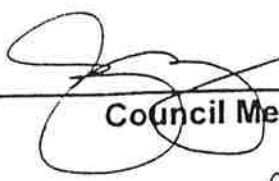
13.1 The Bishop Tribal Council duly enacted the forgoing Election Ordinance at a meeting held at the Tribal headquarters on this 17th day of FEBRUARY 1998 by a vote of 4 for 0 against and 0 abstentions with a quorum being present.



Chairman



Vice-Chairman



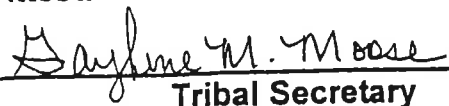
Council Member



Council Member



Council Member

Attest:


Tribal Secretary