

ELECTION CODE

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

*STATUTES of the CONFEDERATED TRIBES of the UMATILLA INDIAN RESERVATION
As Amended through Resolution No. 11-078 (August 15, 2011)*

ELECTION CODE

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ELECTION CODE

CHAPTER 1. GENERAL PROVISIONS

SECTION 1.01. NAME

This Code shall be known as the Election Code of the Confederated Tribes of the Umatilla Indian Reservation.

SECTION 1.02. PURPOSE

The purpose of this Code is to define procedures that will produce a Tribal election process that is fair, efficient and maximizes Tribal member participation in Tribal elections.

SECTION 1.03. SCOPE

The provisions of this Code shall apply to all elections, both regular and special, conducted by the Confederated Tribes of the Umatilla Indian Reservation.

SECTION 1.04. DEFINITIONS

- A. Except when context requires otherwise, for the purposes of this Code the following words shall be defined as follows:
1. Altered. The use of white out, marking, erasure or scribbling out to make a change.
 2. Election Commission. The Election Commission is the entity established pursuant to section 2.01 of this Code, and is referred to in this Code either as the Election Commission or the Commission.
 3. Election Notice. The official Notice that an election will be held on a specific date established by the Election Commission.
 4. General Election. The election, held in November of odd-numbered years, in which all Board of Trustees and General Council positions are filled.
 5. Log. The journal that states activities at a General or Special Election (e.g., voting assistance).
 6. Poll Watcher. A person, chosen by a candidate for a position on the Board of Trustees or a General Council officer, to observe, on the candidate's behalf, the counting of ballots at a General Election or Special Election.
 7. Polling Official. An Election Commission member serving at the polls on election day.
 8. Qualified Voter. Any enrolled member of the Confederated Tribes of the Umatilla Indian Reservation who is 18 years of age or older on the date of a General Election or Special Election.
 9. Registration Record. The official record of Qualified Voters that shall include each Qualified Voter's name, address and signature (if required to receive an absentee ballot), and other related information as provided in this Code, which record shall be developed, updated and maintained by the Election Commission in a manual or electronic format.
 10. Special Election. An election held at a time other than the General Election.
 11. Spoiled Ballot. A Spoiled Ballot is a ballot that is:

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- a. Cast by a person who is not a Qualified Voter;
 - b. Is cast by a Qualified Voter by absentee ballot in a return envelope that has not been signed by the Qualified Voter;
 - c. Received by the Election Commission after the date of the General Election or Special Election;
 - d. Mistakenly marked by a Qualified Voter who returns the ballot to the Election Commission in exchange for a new ballot; or
 - e. Fails to meet a requirement of this Code.
12. Spoiled Ballot Box. The Spoiled Ballot Box shall be the container where all ballots cast by persons who are not Qualified Voters shall be deposited.
13. Tribal Ballot Box. The Tribal Ballot Box shall be the container where all ballots cast in a General Election or Special Election shall be deposited prior to and on the date of the General Election or Special Election. The Tribal Ballot Box shall remain locked and secure until 8:00 p.m. on the date of the General Election or Special Election at which time the ballots shall be removed by the Election Commission and counted as provided in this Code.
14. Voting Assistant. Any person chosen by a Qualified Voter to assist with the voting process.

CHAPTER 2. ELECTION COMMISSION

SECTION 2.01. ESTABLISHMENT

The Election Commission of the Confederated Tribes is hereby authorized to be established for the purposes of conducting and supervising all Tribal elections, regular or special, in accordance with the mandates of this Code, resolving election disputes as provided in this Code, promulgating such additional regulations as may be necessary from time to time and providing information and education to members of the Confederated Tribes about the Tribal election process.

SECTION 2.02. COMPOSITION

- A. The Election Commission shall consist of eight (8) members. The Commission shall elect by majority vote one of their members to serve in the following capacities: Chairperson, Vice Chairperson, Secretary and Treasurer.
- B. The Officers of the Commission shall be as follows:
1. Chairperson. The Chairperson shall preside over all meetings of the Commission, affix his/her signature to official Commission documents and shall vote only in case of ties.
 2. Vice Chairperson. The Vice Chairperson shall preside at meetings and otherwise act in the full capacity of the Chairperson in the absence or disability of the Chairperson, or at his/her request.
 3. Secretary. The Secretary shall conduct all correspondence, issue public notices, take minutes, record official actions, have custody of all files and records of the Commission, including the Registration Record, and affix his/her signature to the official documents of the Commission. The Secretary shall also perform other duties as assigned by the Commission.

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4. Treasurer. The Treasurer shall accept, receipt for, and safeguard all funds of the Commission under his/her custody as directed by the Commission, and keep a complete record of receipts and expenditures. The Treasurer shall also be responsible for the performance of duties as assigned by the Commission.
- C. Officer Terms. The Commissions officers shall be elected to serve terms of two (2) years.
- D. Election of Officers. The Commission members shall elect their officers and provide an orientation for new members of the Commission on the Election Code and duties of Commission members at the Commission's first meeting in each even-numbered year.
- E. Notary Public Requirement. At least one Commission officer shall be a notary public to facilitate General Council members becoming Qualified Voters. If no Commission officer is a notary public upon the election of the Commission officers, at least one officer shall become a notary public within sixty (60) days of that election.
- F. Commission Quorum. Official action taken by the Election Commission shall require a quorum of five (5) members of the Election Commission.

SECTION 2.03. APPOINTMENT

- A. The members of the Election Commission shall be enrolled members of the Confederated Tribes of the Umatilla Indian Reservation, over 18 years of age, who have applied for or wish to participate in Commission work.
- B. The eight (8) members of the Election Commission shall be appointed as follows: four (4) shall be appointed by the General Council officers and four (4) shall be appointed by the Board of Trustees. To keep track of Commission member appointments and terms, each Commission member position shall be numbered one (1) through eight (8). The General Council officers shall appoint Commission members numbered 1, 3, 5, and 7. The Board of Trustees shall appoint Commission members numbered 2, 4, 6 and 8.
- C. Any person appointed to the Election Commission may decline the appointment, in which case, another appointment shall be made by the General Council officers or the Board of Trustees, as appropriate.
- D. The members of the Commission shall be appointed on or before January 1 of each year in which new Commission members are required to be appointed under this Code.
- E. Members appointed to the Election Commission shall be sworn in by a Judge of the Umatilla Tribal Court.

SECTION 2.04. TERMS OF OFFICE FOR ELECTION COMMISSION MEMBERS

- A. Except as provided in this section, the terms of appointment for members of the Election Commission shall be four (4) years. The terms for Commission members shall be staggered so that two Commission members appointed by the General Council officers and two Commission members appointed by the Board of Trustees shall be appointed in every other even numbered year. The term of each Commission member shall commence on January 1 of their year of appointment and shall expire on December 31 four (4) years later.
- B. The General Council officers and the Board of Trustees shall appoint Election Commission member positions numbered 1, 2, 3 and 4 to terms that shall commence as of the date of appointment and shall expire on December 31, 2013.
- C. The General Council officers and the Board of Trustees shall appoint Election Commission member positions numbered 5, 6, 7 and 8 to terms that shall commence as of the date of appointment and shall expire on December 31, 2015.

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SECTION 2.05. CONFLICTS OF INTEREST

- A. In the event that any Commission member is nominated as a candidate for an office to be filled during his/her term on the Commission, he or she shall withdraw from the Commission and a replacement shall be appointed to serve in his or her place.
- B. Members of the Election Commission shall not sign nomination petitions for candidates for Tribal office, recall petitions or other petitions that are directly related to a General Election, Special Election or that involve matters subject to the control or regulation by the Election Commission. Any member found in violation of this subsection shall be subject to immediate removal from the Commission.
- C. Members of the Commission shall not publicly campaign for any person running for a Tribal office or any other matter on the ballot (in a General Election or Special Election). Any Commission member found in violation of this subsection shall be subject to immediate removal from the Commission.
- D. Members of the Commission may not make a motion, second a motion or vote on a General Council matter that may be placed on a Tribal election ballot.
- E. Members of the Commission shall take no action on an issue that may be on Tribal ballot that would compromise the integrity or neutrality of the Election Commission.

SECTION 2.06. STIPENDS

- A. For each meeting of the Commission where a quorum is present, any Commission members who are in attendance for at least two thirds of the length of the meeting shall be paid a stipend. The amount of the stipend shall be the standard amount paid by the Tribal government to members of subsidiary bodies of the Board of Trustees.
- B. Each Commission member shall be paid the Commission stipend for each two hour period of Commission service as set forth in this Code, including but not limited to, a candidate's forum, ballot mail outs, collection and counting, conducting a recount, and conducting an investigation or hearings of charges of unlawful campaign practices. No stipend shall be paid unless a Commission member works at least one hour of a two hour period.

SECTION 2.07. RULEMAKING AUTHORITY

- A. The Election Commission shall have authority to promulgate and enforce such rule(s) as they may deem necessary, by a majority vote, to provide for fair and efficient elections under this Code. Any rule(s) promulgated by the Commission must be in writing and be posted where all election notices are posted.
- B. Any rule promulgated under the authority of this section shall not be inconsistent with the provisions of this Code or the Constitution and By-Laws of the Confederated Tribes.
- C. Any rule promulgated by the Commission pursuant to this section shall, upon the conclusion of the election during which said rule was promulgated, be submitted by the Commission to the Board of Trustees along with an explanation of the reason for its promulgation, for the purpose of considering the inclusion of that rule in this Code.

SECTION 2.08. VACANCIES

- A. The General Council officers or Board of Trustees that appointed the member who is leaving the Commission shall then have the authority to designate a new Commission member to fill the vacancy. Any person so appointed shall serve for the duration of the term of his/her predecessor.

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- B. A Commission member shall be deemed to have vacated their position in the event that member has:
 - 1. Three (3) consecutive unexcused absences from meetings of the Election Commission. For purposes of this subsection, an unexcused absence is where the Commission member fails to provide written notice of their absence, and the basis for such absence, which notice must be provided to an officer of the Election Commission prior to or within 24 hours after the Election Commission meeting; or
 - 2. Has missed fifty (50) percent of Commission meetings in any six (6) month period.
- C. The Election Commission shall notify the Board of Trustees and General Council officers in the event that a vacancy has been created on the Commission.

SECTION 2.09. REMOVAL

- A. Any member of the Election Commission may be removed from office for cause. Removal shall be by action of the Board of Trustees or the General Council officers, depending upon which body appointed the Commission member being removed. The removal of a Commission member may be initiated either by the Election Commission, the Board of Trustees or the General Council officers, as appropriate. In either case, the Commission member subject to removal shall be provided notice setting forth the grounds for removal and the opportunity for a hearing.
- B. If removal is initiated by the Election Commission, the Commission shall schedule any hearing to review the removal of a member within 48 hours of the issuance of the notice of removal. If the Election Commission votes to remove the Commission member, the Commission shall prepare and submit a written memorandum to the Board of Trustees or General Council officers, as appropriate, identifying the Commission member subject to removal, the basis therefor, a summary of the notice and hearing on the removal charges and the action taken by the Commission approving removal of the Commission member. The removal of the Commission member shall become effective if approved the Board of Trustees or the General Council, as appropriate. Prior to taking official action on the Election Commission recommendation for removal, the Board of Trustees or the General Council officers may, but shall not be required to, schedule a hearing on the basis for removal.
- C. If removal is initiated by the Board of Trustees or General Council officers, the Commission member subject to the removal shall be provided an opportunity for a hearing to present his/her response to the removal charges. Upon completion of the hearing, the Board of Trustees or General Council, as appropriate, shall take official action of whether to remove the Commission member.

SECTION 2.10. CAMPAIGN FAIRS

The Election Commission is authorized, but is not required, to schedule and conduct campaign fairs in which candidates for Board of Trustee officer and at-large member positions and General Council officers would be permitted to speak to and answer questions posed by eligible voters, members of the Election Commission or by other persons as determined appropriate by the Election Commission.

CHAPTER 3. ELECTION PROCEDURES, GENERALLY

SECTION 3.01. ELECTION DATES

The Tribal General Election shall be held on the third Tuesday in November in odd-numbered years. Tribal Special Elections shall be held on dates set by the Election Commission.

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SECTION 3.02. VOTING HOURS

Voting hours for Tribal elections shall be between 8:00 a.m. and 8:00 p.m.

SECTION 3.03. VOTING PLACE

The Election Commission shall designate an appropriate public building within the Mission area to serve as the main voting place. The Commission may also establish additional voting places elsewhere within the Umatilla Indian Reservation as the Commission deems appropriate.

SECTION 3.04. COLLECTION OF BALLOTS

- A. Absentee Ballots. The Election Commission shall maintain a post office box at the U.S. Post Office in Pendleton, Oregon for the receipt of absentee ballots that are returned by U.S. mail.
- B. Ballot Drop Off Site. The Election Commission shall designate and provide a ballot drop off site(s) in or adjacent to the Nixyáawii Governance Center where Qualified Voters can drop off their absentee ballots in a General Election or a Special Election. The Commission may also establish additional ballot drop off site(s) elsewhere within the Umatilla Indian Reservation as the Commission deems appropriate. The Election Commission shall ensure that each ballot drop off site is secure and that absentee ballots cast are not lost, damaged or altered.
- C. Collection of Ballots Mailed to Pendleton Post Office. The Election Commission shall collect absentee ballots mailed to the Pendleton post office periodically prior to the date of a General Election or Special Election and after the mail has been received and distributed on the date of the General Election or Special Election.
- D. Collection of Ballots at Ballot Drop Off Sites. The Election Commission shall collect absentee ballots deposited at the ballot drop off site(s) periodically prior to the date of a General Election or Special Election and a final pick up on or shortly after 8:00 p.m. on the date of a General Election or a Special Election.
- E. Ballot Collection Procedures. The following procedures shall be used by the Election Commission when collecting absentee ballots under subsections (C) and (D) of this section:
 - 1. No fewer than two (2) Commission members and one Umatilla Tribal Police Department (UPTD) Officer shall participate in each ballot collection trip.
 - 2. The Commission members shall collect the absentee ballots from the post office and/or the ballot drop off site(s) and transport the ballots to be deposited in the Tribal Ballot Box or the Spoiled Ballot Box, as appropriate, which boxes shall be located in a secure location as determined by the Commission.
 - 3. Upon returning with the collected absentee ballots, the participating Commission members shall only deposit absentee ballots into the Tribal Ballot Box where the return envelope has been executed by the Qualified Voter. Any absentee ballot submitted that has not been executed by a Qualified Voter shall be deposited into the Spoiled Ballot Box.
 - 4. Each time Commission members collect ballots, the Commission member participants shall utilize a ballot collection form that records the following information:
 - a. The number of absentee ballots retrieved from the Commission's post office box and any ballot drop off site(s);
 - b. The number of absentee ballots deposited into the Tribal Ballot Box;

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- c. The number of absentee ballots deposited into the Spoiled Ballot Box; and
- d. The number of pieces of any mail that is not a ballot collected from the Commission's post office box or ballot drop off site.

The ballot collection form is to be dated and signed by each of the Commission member participants, the UTPD Officer and any participating Poll Watcher.

- 5. The Commission shall maintain the ballot collection forms until a General Election or Special Election is completed, any election recount is conducted, any election dispute is resolved and the election results are certified. The Commission may destroy the ballot collection forms at the same time ballots for a General Election or Special Election may be destroyed as provided in section 3.10(D) of this Code.

SECTION 3.05. NOTICES

The Election Commission shall issue such notices as are necessary to inform Tribal members of the dates, times, places, and procedures for nominations and elections. The Commission shall issue election notices ninety (90) days prior to the General Election date established in section 3.01 of this Code, which notice shall be posted at all locations deemed appropriate by the Commission. Notice of the Tribal elections shall be published in the Tribal newspaper, posted on the Tribal website and announced on the Tribal radio station. The Commission shall also take reasonable measures to notify Tribal members living outside the Umatilla Indian Reservation of the time, place and procedures for Tribal elections.

SECTION 3.06. QUALIFICATIONS FOR HOLDING OFFICE

Any enrolled member of the Confederated Tribes over 18 years of age may hold office on the General Council or the Board of Trustees; Provided, that no person shall be eligible to be an officer of the General Council or a member or officer of the Board of Trustees unless that person resides within the boundaries of the Umatilla Indian Reservation as defined in Article 1 of the Treaty of 1855 at the time the elected official is sworn into office as provided in section 3.16 (B) and (C) of this Code and throughout the course of his/her term.

SECTION 3.07. TERMS OF OFFICE FOR TRIBAL ELECTED OFFICIALS

- A. Officers of the General Council shall serve for terms of two (2) years or until their successors are elected and take office.
- B. Members of the Board of Trustees shall serve for terms of two (2) years or until their successors are elected and take office.
- C. Members of the Board of Trustees elected to serve as Board Officers shall serve their two (2) year term in said office.
- D. There shall be no limit on the number of terms to which an officer of the General Council or an officer or member of the Board of Trustees can be elected.

SECTION 3.08. NOMINATIONS

- A. The Election Commission shall prepare nominating petitions for each Board of Trustee and General Council officer position and for the Board of Trustee at large positions. Each nominating petition shall be numbered by the Election Commission. Each nomination petition shall contain signature lines for at least sixty (60) persons and shall include space for the signature, printed name and Tribal enrollment number for each petition signer. Only nomination petitions prepared by the Election Commission may be used to collect signatures for Tribal candidates. The Election Commission shall ensure that nomination petitions are readily available to potential Tribal candidates.

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- B. Any Tribal member who will be 18 years old on the date of the General Election or Special Election who meets the qualifications for a Tribal elected position, may be nominated by submitting a nomination petition signed by at least fifty (50) Qualified Voters. The nomination petition must also be signed by the candidate. All signatures on a nomination petition must be original signatures. The Election Commission shall not accept nomination petitions that were not prepared and issued by the Election Commission, that have been photocopied, that have been altered, or have not been signed by the candidate. For the purposes of this section, a nomination petition has been altered if the Tribal elected position or the name of the candidate on the petition has been altered, erased or changed.
- C. Except for a person filing a nomination petition for both the Board of Trustees Chair and General Council Chair positions, a person can file a nomination petition for only one position in a Tribal election. Consistent with Article VI, Section 3 of the Constitution, a person may file for, be elected to and serve as Chair of both the Board of Trustees and the General Council. Except for a person filing a nomination petition for both the Board of Trustees Chair and General Council Chair positions, the Election Commission shall reject all nomination petitions filed by a person where that person has filed petitions for more than one Tribal elected position.
- D. Nomination petitions shall be deposited in a locked ballot box provided by the Election Commission and located at the Nixyáawii Governance Center no later than 4:00 p.m. seventy (70) days prior to the date of the General Election as set by this Code or the date of the Special Election as set by the Election Commission. Upon the date set for the close of nominations the Commission shall:
1. Review all nomination petitions received,
 2. Determine whether or not the person nominated for a particular office is a member of the Confederated Tribes, will be 18 years old on the date of the General Election or Special Election and otherwise meets any other requirements of this Code,
 3. Determine whether or not each person signing a nomination petition is a Qualified Voter,
 4. Determine whether at least fifty (50) Qualified Voters have signed the petition, and
 5. Determine whether or not the nomination petition has been altered in the spaces for the person running or the position they are running for.
- E. Upon the determination of which candidates are properly nominated and otherwise eligible to serve in the position for which they are nominated, the Commission shall post public notices of the eligible candidates and shall direct the preparation of the official ballots. The Commission shall also prepare a written explanation for any nomination petition it rejected because of a failure to meet the requirements of this Code.

SECTION 3.09. WITHDRAWAL

A candidate may withdraw at any time prior to the printing of Tribal ballots, which shall be eight (8) calendar days after the closing date for the filing of nomination petitions as set forth in section 3.07.C of this Code. Withdrawals must be in writing, signed by the candidate, and notarized by a notary public. Withdrawals are final upon delivery to the Election Commission. In the event of the death of a candidate before the official ballot is printed, the Election Commission shall remove the candidate's name from the ballot. Candidate withdrawals should be acknowledged and referenced in the meeting minutes by the Election Commission at their meeting following receipt of the withdrawal. The Commission shall maintain candidate withdrawal requests in the Commission files.

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SECTION 3.10. BALLOTS

- A. The Election Commission shall prescribe the form of the ballot to be used in each election. Tribal ballots shall contain the names of the candidates, the offices for which they are candidates, and a place for the voter to mark his/her selection. The ballot shall be numbered and printed.
- B. The Commission shall provide space for the casting of write-in votes for each elected position on the Tribal ballot.
- C. Should any Qualified Voter spoil his/her ballot in their effort to vote, he/she may return the Spoiled Ballot to the Election Commission. The Election Commission shall destroy the Spoiled Ballot and provide such Qualified Voter with a replacement ballot. The election official shall write on the proper blank line on the stub of the Spoiled Ballot the word "Spoiled." The Commission shall keep a record of all Spoiled Ballots.
- D. The Election Commission shall keep the ballots, ballot box and the voting list under lock and key until the General Election or Special Election is completed and any election recount is conducted, any election dispute is resolved and the election results are certified. Immediately after the swearing in of the new officers and members of the Board of Trustees and the new officers of the General Council, the Election Commission shall supervise the destruction of all paper materials (except the ballots) and secure storage of the ballot box. The Election Commission shall destroy the ballots on the later of the following: 1) thirty (30) days after the election results have been certified; or 2) in the case of an election dispute, immediately after the Umatilla Tribal Court issues its final decision.

SECTION 3.11 ABSENTEE VOTING

- A. Absentee ballots shall be sent to qualified voters as follows:
 - 1. To Qualified Voters who previously returned a notarized absentee ballot request form. Such voters shall receive absentee ballots for every Tribal General and Special Election after the submission of the notarized absentee ballot request form until such time as the voter rescinds the request in writing;
 - 2. To Qualified Voters whose mailing address is outside the 97801 zip codes whose signatures are on file with the Election Commission. Such voters shall receive absentee ballots for every Tribal General and Special Election after the submission of their signature to the Election Commission until such time as the voter rescinds the request in writing; and
 - 3. To Qualified Voters who submit a written request for an absentee ballot signed by the voter requesting the ballot, which signature must be verified by the Election Commission. Such voters shall receive an absentee ballot only for these specific Tribal General or Special Election for which the absentee ballot is requested.
- B. Any written request for an absentee ballot must be signed by the voter requesting the ballot, and his/her signature must be verified by the Election Commission. Requests for absentee ballots must be received by the Election Commission no less than fifteen (15) days before the General or Special Election, as defined in section 3.01 of this Code.
- C. Absentee ballots shall be sent by mail to Qualified Voters authorized to receive absentee ballots pursuant to subsection A of this section no less than twenty-one (21) days before the General or Special Election date.
- D. All requests for absentee ballots shall be kept on file in the Tribal Office by the Commission.

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- E. Completed absentee ballots must be received by the Commission prior to the close of voting hours on the day of a General or Special Election.
- F. Absentee ballot requests shall be available to be picked up or mailed, as requested to all Qualified Voters fifty (50) days prior to General or Special Election. The Election Commission shall use the Tribal newspaper to provide information about absentee balloting and how to request absentee ballots to Tribal members.
- G. Execution and Return of Absentee Ballots by Mail.
 - 1. The absentee voter shall mark and fold the ballot and enclose it in the inner envelope supplied by the Election Commission. The ballot shall be folded so as to conceal the marking and be placed in the inner envelope marked "absentee ballot" and the envelope sealed. It shall then be inserted in the preaddressed outer envelope (on which the voter must sign his name) and sealed.
 - 2. The absentee ballot may be returned either by placing the envelope in the U.S. Mail, or by dropping it off at a ballot drop-off site provided for absentee ballots.
 - 3. Any absentee ballot not properly submitted in accordance with these instructions for absentee balloting shall not be counted.
- H. Any qualified voter who receives an absentee ballot pursuant to subsection A of this section shall be permitted to cast their vote at the Voting Place on Election Day either by:
 - 1. Depositing their absentee ballot at the Voting Place; or
 - 2. Voting on an official ballot at the Voting Place, provided that the official ballot shall be the one counted, and any absentee ballot mailed or deposited by the voter shall be marked "spoiled" and shall not be counted.

SECTION 3.12. COUNTING OF VOTES

- A. At 8:00 p.m. on the date of a General Election or Special Election, the Commission shall examine all ballots cast as of that time, and eliminate any invalid or improperly completed ballots. The Commission shall also count all absentee ballots that are received on or before the date of the General Election or Special Election. The Election Commission shall conduct its examination and count of ballots in an appropriate facility within the Nixyáawii Governance Center. Upon the completion of the vote count, the Commission shall determine the number of votes cast for each candidate whose name appears on the ballot.
- B. The Election Commission shall not count votes for an elected position or for other matter(s) on the ballot where the Qualified Voter has failed to follow the ballot instructions in voting for that position or matter.
- C. Poll Watchers. Each candidate for a Board of Trustees and General Council officer position is entitled to choose one person to observe, on his/her behalf, the counting of ballots by the Election Commission. Candidates shall notify the Election Commission in writing at least three (3) days before the General Election or Special Election identifying their poll watcher. In elections to vote on issues, the Election Commission may designate two (2) representatives to observe the counting of the ballots, one to represent each side of the question under consideration. No representative shall in any way interfere with or hinder the Election Commission in carrying out its duties under this Code. If interference occurs, the Election Commission Chairperson shall call for a suspension in the count until the individual or individuals responsible for the interference are removed from the room. Duplicate ballot counts by poll watchers will not be allowed.

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- D. The Election Commission shall post election results upon the completion of the count of all ballots received as of the General Election or Special Election date. The election results shall be posted on the Tribal website and at other sites as determined appropriate by the Commission.

SECTION 3.13. CERTIFICATION OF ELECTION

- A. Upon the completion of the counting of votes, the Commission shall prepare a certification of the results of the election which shall be signed by the Commission Chairperson upon a majority vote of the Commission and which shall contain the following information:
1. The number of ballots cast,
 2. The number of invalid ballots eliminated,
 3. The total number of valid ballots,
 4. The votes received by all persons on the ballot,
 5. The persons elected to office and the office to which they were elected,
 6. The votes for and against any other matter on the ballot.
- B. The write-in votes for eligible candidates need only to be reported if the write-in candidate receives at least twenty (20) votes.
- C. By noon on the day following a General Election, or a Special Election, the Commission Chairperson shall transmit the Commission's certification to the Chairman and Secretary of the General Council for approval.
- D. The Chairman and Secretary of the General Council shall approve the certification and submit it to the Board of Trustees by 4 p.m. of the day following the General Election or Special Election.

SECTION 3.14. RECOUNT OF VOTES

- A. Recounts of Tribal election results shall occur as follows:
1. In the event that the person receiving the highest number of votes for an office has ten (10) or less votes more than the person receiving the next highest number of votes, the latter may, upon written request, have the votes for that particular office recounted by the Election Commission; and
 2. In the event of any other matter on the Tribal election ballot, such as a Constitutional amendment, recall or removal, the Election Commission shall automatically conduct a recount if the matter is decided by ten (10) or fewer votes.
- B. Any request for a recount shall be delivered to the Chairman of the Commission no later than 48 hours after the results of the election have been certified.
- C. The Commission shall conduct and complete the recount within 48 hours of the receipt of a recount request that meets the requirements of this section, or within 48 hours of an election in the case of an automatic recount.
- D. The Commission shall permit each candidate, including write-in candidates, to a race that is the subject of a recount, to be present at and oversee the conduct of the recount. The candidate may also designate a representative to oversee the recount. Candidates must notify the Commission in writing of the identity of their representative at the recount. Such notice must be submitted to the Commission prior to the commencement of the recount. Such

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representatives may observe and take notes on the recount procedure, but may not disrupt the conduct of the recount by the Commission.

- E. Upon completion of the recount, the Commission shall prepare a certification of the results of the recount which shall be signed by the Commission Chairperson upon a majority vote of the Commission. The recount certification shall set forth following information regarding the race results that are the subject of the recount: the number of ballots cast, the number of invalid ballots eliminated, the total number of valid ballots, the votes received by each candidate and the person elected to office in the race that was the subject of the recount. This certification of the recount shall be transmitted to the Chairman and Secretary of the General Council by noon on the day following the completion of the recount. The Chairman and Secretary of the General Council shall approve the certification of the recount and submit it to the Board of Trustees by 4:00 p.m. on the day they receive the Commission's certification of the recount.

SECTION 3.15. VOTING ASSISTANCE

- A. Voting With Assistance. If a voter requests assistance in voting because of a handicap a Polling Official or Voting Assistant will assist.
- B. The Polling Official or the Voting Assistant must not tell the voter whom to vote for. Any Polling Official or Voting Assistant doing this is liable for a fine of up to five hundred (\$500) dollars upon conviction by the Tribal Court.
- C. If the voter is unable to mark the ballot normally, the voter should direct that either the Polling Official or the Voting Assistant, mark the ballot for him/her. Any Polling Official or other person who willfully marks the ballot against the wishes of the voter is liable for a fine of up to five hundred (\$500) dollars upon conviction by the Tribal Court.
- D. A Polling Official should note that voting had taken place with assistance, in the Registration Record and in the Log.
- E. Voting Assistance on Election Day. If a Qualified Voter is unable to enter the voting place to cast his or her ballot on election day due to the voter's disability, age or sickness, such voter may request that the Polling Officials provide the voter with an absentee ballot. Such election day absentee balloting may be permitted under the following procedures:
1. A written request for an absentee ballot must be signed by the Qualified Voter. A Voting Assistant may be used to bring the request to the voting place.
 2. A Polling Official will then check the Registration Record to make sure an absentee ballot has not already been mailed. An absentee ballot and envelopes will then be issued to the Qualified Voter or Voting Assistant.
 3. The Qualified Voter shall mark and fold the ballot and enclose it in the inner envelope supplied by the Election Commission. The ballot shall be folded so as to conceal the marking and be placed in the inner envelope marked "absentee ballot" and the envelope sealed. It shall then be inserted in the preaddressed outer envelope (on which the voter must sign his/her name) and sealed.
 4. The envelope when returned to the voting place will then be put in the locked ballot box provided for absentee ballots.

SECTION 3.16. SWEARING IN OF BOARD OF TRUSTEE AND GENERAL COUNCIL OFFICERS AND MEMBERS

- A. Board Members and Officers and General Council Officers shall continue to serve in their positions until formally replaced as provided in this section.

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- B. Board Members and Officers. New Officers and Members of the Board of Trustees shall be sworn in by a Judge of the Umatilla Tribal Court on the Wednesday after Thanksgiving in the year of a General Election. Once sworn into office, the new Board members and officers shall assume the duties of their offices.
- C. General Council Officers. New General Council officers shall be sworn in by a Judge of the Umatilla Tribal Court at the same time as Board members and officers are. Once sworn into office, the new General Council officers shall assume the duties of their offices.

CHAPTER 4. RULES GOVERNING SPECIFIC TYPES OF ELECTIONS

SECTION 4.01. TIES

- A. In any race for a position as an officer of the Board of Trustees or General Council, if more than one candidate receives the highest number of votes due to a tie, then a run-off election shall be held between the candidates who tied.
- B. In the election of at-large members of the Board of Trustees, if there is a tie between two or more candidates for the fourth at-large position, then a run-off election shall be held between the candidates who tied.
- C. A run-off election shall be held by all qualified voters casting their vote on a ballot prepared by the Election Commission to break the tie. The candidate receiving the highest number of votes in the run-off election shall be deemed elected to the position. In any run-off election, sufficient time for notice and receipt of absentee ballots, in a manner consistent with this Code, shall be allowed.

SECTION 4.02. FILLING A VACANCY

- A. In the event that any officer or member of the Board of Trustees or officer of the General Council is unable, for whatever reason, to complete the term to which he/she was elected, a Special Election shall be called by the Chairman of the General Council for the purpose of filling the vacancy. In the event the vacancy to be filled is the position of General Council Chairman, the Vice-Chairman of the General Council shall call for the Special Election to fill that vacancy.
- B. A Special Election shall be held as soon as practicable after an office is left vacant.
- C. This Code shall govern the holding of a Special Election except where its provisions are clearly inapplicable.
- D. Any person elected to fill a vacancy on the Board of Trustees or as an officer of the General Council shall be sworn into office on the first Monday following the certification of the election results. If, at that time, a dispute over the election is still pending resolution by the Election Commission or the Umatilla Tribal Court, then the winning candidate shall be sworn in within the next business day following the final resolution of that dispute.

SECTION 4.03. RECALL

- A. Manner of Collecting Petition Signatures. Any member of the General Council may initiate a recall petition against an officer or member of the Board of Trustees or officer of the General Council. Only members of the General Council may sign such a petition. To be found “in proper form” a petition must comply with the standards listed in this section. Persons gathering petition signatures must ask each signer to read the petition before allowing them to sign it. It is illegal to obtain (or attempt to obtain) a person’s signature on a petition by means of coercion or threats. It is also illegal to pay a person to sign a petition, or to offer to pay them. This is true whether the payment is in the form of cash, goods or services.

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- B. Form of Recall Petition.
1. Each recall petition shall be directed at one officer or member of the Board of Trustees or officer of the General Council, and shall contain allegations specific to that individual.
 2. Each recall petition shall:
 - a. state the name and title of the person whose recall is being sought;
 - b. state clearly the charges against that person (A clearly stated charge is one that will permit the individual subject to recall to understand the charge against him or her and to permit the individual to respond to that charge as provided below.);
 - c. state the full name, address and enrollment number of the lead petitioner(s).
 3. Each signature must appear on the same sheet of paper as the petition (either on the same or reverse side) or on a piece of paper stapled to the petition. Multiple copies of the petition, containing different signatures, are permitted. Signatures must be written in ink. In addition to providing his or her signature, each person signing the petition must print his or her full name, enrollment number, and the date of his or her signature. Any signature lacking this information shall not be considered valid. Any signature which the Election Commission or Umatilla Tribal Court determines was obtained by illegal means shall not be considered valid. All valid signatures are final as of the date of signing, and cannot be retracted.
 4. Each copy of the petition must contain the following information in uppercase type of a size at least equivalent to Times New Roman 10 point font:
 - a. PERSONS CIRCULATING THIS RECALL PETITION ARE PROHIBITED FROM USING COERCION, THREATS OR PAYMENT (OF CASH, GOODS OR SERVICES) TO INDUCE YOU TO SIGN THIS PETITION. IF YOU FEEL YOU ARE BEING HARASSED, FORCED OR BRIBED INTO SIGNING THIS PETITION, CONTACT THE UMATILLA TRIBAL POLICE AT 541/278-0550 OR THE ELECTION COMMISSION;
 - b. BEFORE YOU SIGN THIS RECALL PETITION, READ AND BE AWARE OF THE CHARGES IT CONTAINS;
 - c. YOUR SIGNATURE ON THIS RECALL PETITION IS FINAL AND YOU MAY NOT LATER REQUEST THAT YOUR SIGNATURE BE REMOVED; AND
 - d. TO BE VALID, SIGNATURES MUST BE PLACED ON THE FRONT OR BACK OF THE SAME SHEET OF PAPER AS THE PETITION'S CHARGES OR ON A PIECE OF PAPER STAPLED TO THE SHEET CONTAINING THE PETITION'S CHARGES.
- C. Required Number of Signatures. The required number of valid signatures shall be determined by dividing the total number of General Council members (as determined by the Enrollment Office) by 10 and rounding the result to the nearest whole number.
- D. Submission of Recall Petition. When the lead petitioner believes the petition satisfies all legal requirements (including having an adequate number of valid signatures) the petitioner may submit the petition to the Secretary of the Board of Trustees or his/her designee. Upon receipt of a recall petition, the Secretary shall record the time and date the petition was

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received. The Secretary shall promptly provide copies of the recall petition to all officers and members of the Board of Trustees and to officers of the General Council.

- E. Verification of Petition Signatures. The Board Secretary shall submit the recall petition and associated signatures to the Enrollment Officer. The Enrollment Officer shall examine each signature to determine if it is the signature of the person indicated and if the person is a member of the General Council. The Enrollment Officer shall also examine each signature to determine if it meets the standards listed in this section (in ink, etc). The Enrollment Officer shall report his or her findings to the Secretary of the Board of Trustees as soon as practicable, but at a minimum within five (5) days of receiving the petition from the Board Secretary.
- F. Findings by the Board of Trustees.
1. Upon receipt of the findings of the Enrollment Officer, the Secretary of the Board of Trustees shall schedule a review of the recall petition for the next regular Board meeting.
 2. At such meeting, the Board of Trustees shall, by motion, make the following findings and determinations:
 - a. A finding as to whether the recall petition contains the required number of valid signatures by General Council members;
 - b. A finding as to whether the allegations in the recall petition contain charges that are clearly stated against the individual sought to be recalled;
 - c. A finding as to whether the recall petition complies with the requirements as to form contained in this section;
 3. The Board shall promptly notify the Election Commission of the Board's findings.
- G. Recall Election Date. In the event the Board of Trustees finds that the recall petition contains sufficient valid signatures, clearly states its charges, and is in proper form, then the Election Commission shall schedule a recall election. The Commission shall use the following guidelines when scheduling the election:
1. The Commission shall assure that the person subject to the recall election has received a complete copy of the petition, including signatures. The Commission shall schedule the recall election for a date at least twenty (20) days after the date the recall petition was presented to the person subject to the recall.
 2. The Commission shall schedule the recall election for a date no later than ninety (90) days after the Board of Trustees made the findings listed above.
 3. The recall election shall be scheduled on a date that permits adequate time for:
 - a. the mailing of notices to all General Council members regarding the recall election;
 - b. the preparation of a response to the charges, written by the person subject to the recall, for inclusion in that mailing.
 - c. the mailing of absentee ballot request forms to voters;
 - d. General Council members to request and receive absentee ballots.

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- H. Conduct of Recall Election. Recall elections are Special Elections as defined by this Code. Pursuant to section 2.01, they are administered by the Election Commission.
1. The following sections of chapters 3 and 5 shall apply to the conduct of recall elections, except as limited or revised below in parentheses:
 - a. Section 3.02;
 - b. Section 3.03;
 - c. Section 3.05 (but the 90 day rule will not apply);
 - d. Section 3.10;
 - e. Section 3.12 (one Poll Watcher designated by the lead petition(s) and one by the person subject to the recall election);
 - f. Section 3.13(A)(1)-(3), (6), (C) and (D);
 - g. Section 3.14 (ten vote difference between yea and nay votes is sufficient to trigger recount; request may be filed by person subject to the recall election or the lead petitioner, as appropriate);
 - h. Section 3.15
 - i. Section 5.01;
 - j. Section 5.03;
 - k. Section 5.04.
 2. Each officer or member of the Board of Trustees or officer of the General Council who is subject to a recall election shall have the right to respond to the recall charges filed against him/her. The person subject to recall shall be permitted to include a response to the recall petition charges in the mail-out to all General Council members providing notice of the recall election as set forth above. The person subject to recall shall also be authorized to have his/her response published in the Confederated Umatilla Journal (CUJ) or successor Tribal newspaper at no cost.
 3. Voting shall be by secret ballot. A simple majority is required to effect the recall. In the case of a tie vote, the recall fails.
- I. Effect of Recall.
1. If the majority of voters vote in favor of the recall, then the person subject to the recall shall immediately cease to exercise any duties as an officer or member of the Board or an officer of the General Council, regardless of whether the election results are contested.
 2. If the election results are contested, and the completion of the recount or dispute resolution process indicates that the recall effort failed, the person may resume his or her duties immediately.
 3. If the election results are not contested, or if they are contested but the completion of the recount or dispute resolution process does not change the election results, then the recalled person's seat shall be declared vacant. The recalled individual shall immediately vacate his or her office, return any Tribal property in his or her possession, and shall receive their final paycheck. The vacancy caused by the recall shall be filled using the procedures described in section 4.02 of this Code.

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SECTION 4.04. REMOVAL FROM BOARD OF TRUSTEES FOR GROSS NEGLECT OF DUTY

A Special Election to ratify a Board of Trustees' determination to remove one of its members shall be conducted in compliance with Article VI, Section 5 and Article V, Section 7 of the Confederated Tribes' Constitution.

SECTION 4.05. CONSTITUTIONAL AMENDMENTS

- A. A proposed constitutional amendment shall only be placed on the ballot in the following ways:
 - 1. Approval by the Board of Trustees of a resolution to place the proposed amendment on the ballot, or
 - 2. Vote by the General Council to place the proposed amendment on the ballot.
- B. In order to appear on the General Election ballot, the complete text of the proposed amendment must be delivered to the Election Commission at least seventy (70) days prior to the date of the General Election. Proposed amendments delivered at other times shall be voted on at Special Elections.
- C. The notice of the election (whether a General or Special Election) shall set forth the proposed amendment in full. Likewise, the ballot shall set forth the proposed amendment in full.
- D. A proposed constitutional amendment shall only take effect if both of the following occur:
 - 1. A majority of the Qualified Voters participating in the General Election or Special Election where the constitutional amendment is on the ballot vote in favor of the constitutional amendment; and
 - 2. At least 50 votes are received in favor of the constitutional amendment.

CHAPTER 5. CODE ENFORCEMENT

SECTION 5.01. UNLAWFUL CAMPAIGN PRACTICES

- A. No person shall campaign, attempt to persuade voters, place campaign literature or signs or otherwise attempt to influence the outcome of a Tribal election within 75 feet of the entrance to a voting place established by the Election Commission for a Tribal election. The Commission shall post a notice of this subsection at each voting place.
- B. No person shall use Tribal government or Tribal enterprise personnel, property, equipment or work time for purposes of influencing the outcome of a Tribal election or promoting the placement of an issue on the ballot (including preparing petitions or gathering signatures).
- C. No person shall attempt to influence a person's vote or obtain a person's signature on a petition by means of coercion or threats.
- D. No person shall mark the ballot of another Qualified Voter without that voter's express approval nor execute the signature of another Qualified Voter on the pre-addressed return envelope provided by the Election Commission.
- E. No person shall attempt to influence a person's vote or obtain a person's signature on a petition by making a direct and specific offer to that individual of cash, goods or services (including alcohol or drugs). This subsection is not intended to limit the making of "campaign promises", i.e., generalized suggestions that people will benefit from policies associated with particular candidates or issues on the ballot.

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- F. The Election Commission may promulgate regulations setting forth a civil fine schedule pursuant to its rulemaking authority under section 2.07 of this Code. The civil fines imposed by the Election Commission shall not exceed \$1,000 per violation.
- G. Candidates for Tribal office shall remove all campaign signs supporting their candidacy within the boundaries of the Umatilla Indian Reservation no later than thirty (30) days after the General Election or Special Election. Any candidate who fails to remove such signs within the prescribed time period shall be liable to a civil fine imposed by the Election Commission which shall not exceed \$50.00 per sign.
- H. Any violation of this section shall be subject to civil fines imposed by the Election Commission.

SECTION 5.02. INVESTIGATIONS AND FINES.

- A. Investigations. The Election Commission shall be authorized to conduct or have conducted on its behalf, any such investigation it determines reasonable and necessary to carry out its obligations set forth in this Code. Such investigations may be associated with determining that a candidate meets the eligibility requirements for the position the candidate seeks, that nomination petitions are valid, the facts surrounding an election protest and allegations of unlawful campaign practices.
- B. Notice of Violation. Upon the completion of an investigation by the Commission of an unlawful campaign practice, the Commission shall issue a Notice of Violation to any person(s) the Commission determines has engaged in an unlawful campaign practice. The Notice of Violation shall contain the following information:
 - 1. Name of person engaged in unlawful campaign practice.
 - 2. Nature of the unlawful campaign practice.
 - 3. Citation to Election Code that makes the campaign practice unlawful.
 - 4. The fine imposed by the Commission.
 - 5. The opportunity for the person receiving the Notice of Violation to challenge the finding of an unlawful campaign practice and the imposition of a fine, including the time, date and location for the hearing and that the person subject to the Notice of Violation has the right to be represented by an attorney or personal representative at the hearing.
- C. Hearings. The Commission shall conduct an informal hearing if requested in writing by a person receiving a Notice of Violation pursuant to this section. The request for hearing must be submitted to the Commission prior to the scheduled hearing date. The hearing shall be scheduled and conducted within five (5) calendar days of the issuance of the Notice of Violation. The hearing shall be conducted by a quorum of the Commission, and shall be subject to informal rules of both procedure and evidence. The hearing shall open with the Commission setting forth the basis for its issuance of a Notice of Violation. The person receiving the Notice of Violation shall then have the opportunity to present testimony and evidence challenging the basis for the Notice of Violation. The Commission shall issue its written decision on the challenge to the Notice of Violation within three (3) working days following the hearing, and provide a copy of such written decision to the person who requested the appeal.
- D. Fines. The Election Commission has the ability to impose and collect fines on any person found to have engaged in unlawful campaign practices. The Commission may impose fines up to the following amounts for the following violations:

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1. Failure to Remove Campaign Signs – pursuant to the authority in section 5.01(G), the Commission may fine a candidate for up to \$50.00 per election sign not removed within thirty (30) days after a General Election or Special Election.
2. Unlawful Campaign Practices – pursuant to section 5.01(F), the Commission may fine persons who have engaged in unlawful campaign practices as defined in section 5.01 in an amount that shall not exceed \$1,000.00 per violation provided that in no event shall a person's first violation result in a fine that exceeds \$100.00 unless the Commission finds that the violation was willful and wanton and that the violation had the effect of compromising the integrity of a Tribal election.

SECTION 5.03. ELECTION PROCEDURE DISPUTES.

- A. The Election Commission shall decide all disputes arising during and concerning the election process and their decision shall be final, unless reversed by the Umatilla Tribal Court as provided in section 5.04 of this chapter.
- B. Only persons charged with engaging in unlawful campaign practices or candidates for Tribal office who dispute the Commission's conduct of the election and counting the votes cast, shall have the standing to dispute the Commission's decision, action or inaction under this Code.
- C. In deciding any election disputes, the Commission shall gather all relevant facts and documents as are necessary for a resolution of the problem. The Commission shall provide any affected candidate an opportunity for a hearing. Any decision of the Commission shall be based on the evidence gathered by the Commission or submitted by an affected candidate. The Commission's decision shall be in writing and shall be by a majority vote thereof. The Commission shall render its decision as expeditiously as possible, but in no event later than three (3) working days after the election.

SECTION 5.04. TRIBAL COURT REVIEW

- A. Review of Fines Imposed for Unlawful Campaign Practices. The Umatilla Tribal Court shall have jurisdiction to review the imposition of a fine by the Election Commission against any person found to have engaged in an unlawful campaign practice as defined by section 5.01, provided that the person found in violation requested a hearing before the Commission to challenge the basis of the Notice of Violation as provided in section 5.02(B)(5) and (C). The person seeking Tribal Court review must file their suit challenging the Commission's imposition of a fine within five (5) working days following the date of the Commission's decision. The Tribal Court shall uphold the decision of the Commission unless it finds the Commission's decision arbitrary and capricious or otherwise not in accordance with applicable law.
- B. Review of Election Disputes. The Umatilla Tribal Court shall have jurisdiction to review the Commission's decisions on election disputes. Any petition for review brought under this section must be filed by the candidate or person directly affected by the Commission's election dispute decision and must be filed within five (5) working days of the final decision of the Commission. The Tribal Court shall uphold the decision of the Commission unless it finds the Commission's decision arbitrary and capricious or otherwise not in accordance with applicable law. The Tribal Court shall place any election suit filed under this Code as the highest priority on its docket.

APPENDIX A

LEGISLATIVE HISTORY

ELECTION CODE

LEGISLATIVE HISTORY

As enacted in 1949, the Constitution and By-Laws of the Confederated Tribes of the Umatilla Indian Reservation addressed election matters in the following sections: Art. V, sections 2, 5, and 6; Art. VI, sections 2, 3, 5, and 6, and Art. VII.

For many years elections were conducted using only the guidance provided in the Tribes' Constitution and certain customary rules. This occasionally leads to problems in the administration of elections (See Board of Trustees Resolution No. 71-18 (December 1, 1970)). In order to codify election processes which implement and elaborate upon the Constitutional provisions, the Board of Trustees enacted the Election Ordinance, in Resolution No. 77-10 (July 20, 1976).

On November 27, 1990 the General Council of the Confederated Tribes approved Amendment Four and Amendment Five to the Constitution and By-Laws of the Confederated Tribes of the Umatilla Indian Reservation. Amendment Four required direct election of the Officers of the Board of Trustees (Previously, Board Officers had been appointed by the Board itself from among its nine elected members.). Amendment Five extended the term of office of Officers of the General Council from one year to two. As these amendments significantly changed the election processes of the Confederated Tribes, revision of the Tribes' Election Ordinance became necessary. The Board enacted a revised Election Ordinance in Resolution 91-33 (June 19, 1991), and amended it once, in Resolution No. 92-12 (March 18, 1992).

On June 18, 1992 the General Council approved Amendment Six to the Constitution and By-Laws of the Confederated Tribes. This amendment established that all Tribal general elections shall take place in November of odd numbered years.

Subsequently, the revised Election Ordinance was amended an additional four times, by Resolutions No. 93-41(A) (September 29, 1993), No. 93-41(B) (September 29, 1993), No. 94-29 (April 20, 1994), and No. 97-52 (September 3, 1997).

In the *Statutes of the Confederated Tribes of the Umatilla Indian Reservation, July 1999 Compilation*, three editorial changes were made to the revised Election Ordinance. One of these changes was to change the name from "Election Ordinance" to "Election Code." The other changes are described in detail in the legislative history published with the Code in the *July 1999 Compilation*. The Board of Trustees approved these changes in Board Resolution No. 99-63 (July 28, 1999).

Following Board approval of the *Statutes of the Confederated Tribes of the Umatilla Indian Reservation, July 1999 Compilation*, the Board enacted a second revised Election Code in Resolution No. 01-087 (August 20, 2001). The second revised Election Code contained a number of technical amendments recommended by the Tribes' Election Commission, based upon experience in recent elections.

Unfortunately, several of the amendments recommended by the Election Commission were inadvertently left out of the text of the second revised Election Code. Consequently, two and a half months later the Board enacted a third revised Election Code, which incorporated additional technical amendments recommended by the Election Commission. The third revised Election Code was enacted by the Board of Trustees in Resolution No. 01-109 (November 5, 2001), in order to be available for the General Election to be held later that month.

As of the enactment of the third revised Election Code, no version of the Election Code had addressed the entire range of Tribal elections. The various versions of the Code had focused on regulating general elections of officers and members of the Board of Trustees and General Council officers. The Code had either overlooked entirely, or only partially addressed a number of other types of elections addressed in the Tribal Constitution, such as recalls and constitutional amendments. In addition, the organization of the Code was unnecessarily confusing and redundant.

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To correct these problems, the Board of Trustees enacted a fourth revised Election Code in Resolution No. 02-035 (April 15, 2002).

The fourth revised Election Code was amended by the Board of Trustees in Resolution No. 02-079 (September 30, 2002). This amendment greatly expanded section 4.02 and added a subsection (D) to section 4.01.

The Board enacted a fifth revised Election Code in Resolution No. 05-006 (January 24, 2005). This revised code incorporated the changes to the recall procedure made by Amendment IX to the Constitution and Bylaws. It also added a new chapter 5 which addresses code enforcement. Finally, the fifth revised code included new provisions relating to tied elections, and made changes to provisions on ballots and absentee voting.

In response to problems arising in the conduct of the 2007 Tribal Election, in Resolution 08-109 (October 27, 2008), the Board enacted several amendments to the Election Code. Specifically, section 3.07, concerning the preparation and submission of nomination petitions, and section 3.08, concerning the withdrawal of candidates were amended.

In the November 2007 general election, tribal members approved Amendment XI to the Confederated Tribes' Constitution, which amended Article VII of the Constitution to remove the requirement that the Secretary of the Interior approve constitutional amendments prior to their taking effect. Section 4.05(D) of the Election Code, which also contained language requiring constitutional amendments to be approved by the Secretary of the Interior, was not immediately amended. The Board of Trustees corrected this inconsistency in Resolution 09-122 (October 19, 2009) by removing the requirement of secretarial approval.

In Resolution 11-078 (August 15, 2011), the Board of Trustees amended several provisions of the Election Code, primarily related to Election Commission eligibility, appointment, compensation and removal; the date on which Tribal General Elections are held; ballot collection procedures; nomination petitions; and recount procedures.