

The seal of the Yurok Tribe is a circular emblem. It features a central scene with a white bear, a salmon, and a person. The bear is on the left, holding a salmon. The person is on the right, holding a bow. The background is a landscape with a blue sky, a yellow sun, and a blue body of water. The seal is surrounded by a decorative border of repeating geometric patterns.

**ELECTION ORDINANCE
OF THE
YUROK TRIBE**

July 9, 2004

**ELECTION ORDINANCE
OF THE
YUROK TRIBE**

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**ELECTION ORDINANCE
OF
THE YUROK TRIBE**

SECTION 1. AUTHORITY

This Election Ordinance is established by the Yurok Tribal Council under the authority delegated to it by Article IV, Section. 5(f) which states “The Yurok Tribal Council shall by ordinance prescribe election procedures for Tribal Elections. The Yurok Tribal Council shall by ordinance establish an Election Board whose members shall be appointed by the Chairperson with the advice and consent of the Yurok Tribal Council” of the Constitution of the Yurok Tribe as ratified on November 19, 1993; and shall remain in effect for the purpose of conducting Tribal elections as authorized in Article IV, Sec. 5 of the Constitution of the Yurok Tribe. All appointments to the Election Board shall abide by the Council’s Conflict of Interest Policies.

1.A Election Board

The Yurok Tribal Council shall establish an Election Board pursuant to Article IV, Sec. 5 (f) of the Constitution of the Yurok Tribe.

The Board shall be responsible for screening candidates, calling and conducting elections, settling any election disputes, certifying election results, establishing and overseeing the registration and petition process, and installing successful candidates. The Board Chairperson shall administer the oath of office.

The Board shall abide by the Internal Procedures of the Election Board, as set forth in this Ordinance. Members of the Board shall receive reimbursement for expenses related to their specific responsibilities. The Board will levy and collect filing fees from candidates and such other fees as specified in this Ordinance. Members of the Board may be removed by a 2/3-majority vote of the Yurok Tribal Council.

SECTION 2. PURPOSE

The intent and purpose of this Ordinance is to establish procedures for fair elections and to ensure the secrecy and sanctity of the ballot. The regulations and procedures contained in the Ordinance shall be administered in such a way that substantial compliance is deemed adequate.

SECTION 3. DEFINITIONS

Constitution	Constitution of the Yurok Tribe as ratified on November 19, 1993
Yurok Tribal Council	A nine member governing body established by Article III of the Constitution of the Yurok Tribe.
Moral Turpitude	An act of vileness or depravity in the private and social duties which a man owes to his fellow man or to society in general contrary to the accepted and customary rule of right and duty between man and man.
Primary Election	An election to be conducted in October of each year, for each office that the term is to expire. Those running for office who receive 50 percent plus 1 of the ballots cast for the office shall be elected.
Run-Off Election	The election to be held, if necessary, within 45 days of the Primary Election Certification when no candidate for office receives a majority of the votes cast for the office.
Recall Election	The election to be held to consider the recall of an elected official.
Special Election	The Election to be held to resolve a tie, conduct a referendum, conduct a recall of an elected official, fill vacant Council positions.
Measure	A proposed legislative act or course of action.
Initiative	A legislative measure proposed by a petition signed by at least twenty (20) percent of the eligible voters.

Referendum	A legislative measure approved by the Yurok Tribal Council and referred to the Tribal Voting Membership.
Majority	More than half of the votes (50% plus 1) cast for a particular office, measure, etc.
Registrar	The Chairperson of the Election Board, or their designee.
Election Notice	The official notice that an election will be held.
Eligible Voter	A person who is an enrolled member of the Yurok Tribe who will be at least eighteen (18) years of age on the date of the Primary or Special Election, and who has registered to vote.
Residence	The principle place where one physically resides.
Absentee Voter	Any eligible voter who requests an Absentee Ballot in accordance with the procedures set forth in this Ordinance.
Register of Voters	The official master list of registered voters for the election.
Submission to the Election Board	Except where noted, all documents required under this Ordinance will be submitted to the Election Board and shall either be delivered in person or by mail to the main tribal office.
Polling Place	A location where voting takes place
Poll Official	An Election Board member and any additional appointees; serving at the polls on Election Day.

SECTION 4. ELECTION BOARD OFFICIALS

4.A Election Board Official Duties

The Election Board shall, pursuant to the Constitution of the Yurok Tribe, have overall responsibility for the conduct of the elections authorized by Article III, Sec. 1-10 of the Constitution. These duties shall include, but not be limited to the following:

(1) Publication Of Election Notice

The publication of the Election Notice shall be not less than forty-five (45) days before the date of any election of members to the Tribal Council, and shall be made at the direction of the Chairperson of the Election Board. All notices shall contain the date, time, places, and purpose of each election and shall be posted at the polling places, and at various other public places throughout the area served by the established polling place. Each local newspaper, radio and TV stations that provides useful coverage to Indian communities shall be furnished a copy of the notice for carrying as a public service announcement.

(2) Selection of the Election Board Officials

The members of the Election Board shall appoint a Chairperson and a Vice-Chairperson from within their membership, and, if necessary, such additional appointees from the Tribal membership as may be required for conducting an election. The Chairperson shall be the Registrar. If any member of the immediate family (spouse, son, son-in-law, daughter, daughter-in-law, mother, mother-in-law, father, father-in-law, sister, sister-in-law, brother, brother-in-law, grandmother, grandfather, aunt, uncle, niece, nephew or first cousin) of an Election Board member is an approved candidate for office such Election Board member shall automatically be replaced by an alternate recommended by the Election Board and approved by the Yurok Tribal Council until such election is concluded.

(3) Election Supplies

At the direction of the Election Board the Chairperson shall direct staff to arrange for all election supplies including the printing of all ballots, tally lists, and for the reproduction of the lists of eligible registered voters and shall arrange for the delivery of the same to the Polling Officials before the opening of the polls.

(4) Ruling on Qualifications of Candidates

The Election Board shall have the final authority to rule upon the qualifications of the candidates.

4.B Internal Procedure of Election Board

The Election Board shall have the final authority to determine any claim as to the right of any person, listed or not listed on the "Register of Voters" to vote as prescribed in this Ordinance.

(1) Quorum

A quorum of the Election Board shall consist of four (4) members.

(2) Meetings

Meetings may be called at any time by the Chairperson or by the request of a majority of the Board to the Chairperson. In the event the Chairperson fails to call a meeting as requested, any four (4) members of the Board may convene a meeting upon proper notification to the other Board members. All meetings of the Election Board shall be open to the members of the Yurok Tribe. The Election Board shall provide an opportunity for Tribal Member comment at each Election Board meeting. The Election Board may meet in executive session to discuss confidential matters.

(3) Notification

Proper notification shall be at least four (4) days preceding the meeting by mail or two (2) days preceding the meeting by telephone. The Chairperson may waive the notification period as he/she may determine necessary.

SECTION 5. VOTER REGISTRATION AND VOTING LISTS

5.A Registrar

The Chairperson of the Election Board shall be the official Registrar. The polling places shall be designated by the Board in the Election Notice. The Registrar of Voters shall have custody of registration records and materials assigned to them. The Election Board shall have the authority to delegate Deputy Registration Clerks.

5.B Registration Records

The official voter registration shall be contained in binders designated as "Register of Voters" arranged alphabetically by district and designed to record all necessary information that shall be maintained by the Registrar of the Election Board as a "Central File."

5.C How to Register as a Voter

Any member of the Yurok Tribe, who will be at least eighteen (18) years of age on the date of the Primary Election or Special Election, may register to vote either in person, or by mail with the designated Registrar. Official voter registration forms will be available at the Tribal offices or by mail. Such forms must be completed and filed with the Registrar.

5.D Registration

Each eligible voter shall register in one of the seven (7) districts according to the following requirements:

- (1) Each eligible voter who is a resident of a district shall register in that district.
- (2) Each eligible voter that is not a resident within a district shall choose to register in the North, South, or East District
- (3) Those eligible voters who are temporarily not residing within their voting district due to the following circumstances, will be allowed to vote in the district in which they are registered.
 - a) attending school**
 - b) incarcerated**
 - c) in the armed services**

- (4) A Tribal member who will be 18 by the next Primary, or Special Election shall be eligible to register to vote.
- (5) Each potential voter must register to vote at least 45 days prior to the Primary or Special Election in order to qualify as an eligible voter in the Primary or Special Election.

5.E Preparation and Posting List of Registered Voters

The Chairperson of the Election Board shall have prepared a list of all eligible registered voters. At least ten (10) days prior to each election, the Chairperson of the Election Board shall have Election Officials post said list at the polling places. After the certification of candidates, a list of names only of the eligible registered voters of a District shall be available for candidates for the District in which they are a candidate. Candidates for Chairperson and Vice-Chairperson only shall be eligible to receive lists of names only of all registered voters.

SECTION 6. ELECTION OF TRIBAL COUNCIL MEMBERS

6.A General Qualifications for Tribal Council Candidates

Any member of the Tribe may announce their candidacy for Chairperson, Vice-Chairperson, or a specific District seat on the Tribal Council provided the following qualifications are met.

The Constitution of the Yurok Tribe mandates that -“No person who is a candidate for or elected to any Tribal office, or is to be or has been appointed by the Yurok Council to any position of trust shall, at the time of candidacy, election or appointment, have been convicted of any violent felony or crime of moral turpitude such as, but not limited to fraud, theft, drugs, assault or embezzlement or crimes against another person, within ten (10) years of the date of election or appointment, and every candidate for election or appointment to any Tribal office or position who ever has been convicted of any violent felony or crime of moral turpitude shall, upon announcement of his/her candidacy or application for an appointment, fully disclose to the Yurok Election Board the fact and date of each such conviction, the court in which the conviction was entered, the offense for which convicted, the sentence imposed and the place and manner in which the sentence was served or otherwise discharged.” Any person required to make such a

disclosure and who fails to do so upon announcing his/her candidacy may be barred or removed from the office or appointed position for which the person was a candidate when the required disclosure was not made.

Accordingly, any person who, upon or subsequent to announcing their candidacy for election to any Tribal office, is formally charged with, but not yet convicted of, any crime of violence or moral turpitude, shall disclose to the Election Board, the fact of such prosecution upon becoming aware of the pending legal action.

(1) Tribal Chairperson and Vice-Chairperson

A candidate for Chairperson or Vice-Chairperson must be a Tribal member at least thirty (30) years of age upon election, and must actually reside and maintain their principal residence within sixty (60) miles of the Tribal territory for at least one (1) year immediately prior to election and remain in residence throughout the term of office.

(2) District Council Members

A candidate for a District Council member must be a tribal member of at least twenty-five (25) years of age upon election, must be registered with and actually reside and maintain their principal residence within the District, thirty (30) days immediately prior to election, when elected, and must remain an actual resident of the District throughout the term of office.

(3) Certification of Candidates

It is the Election Board's duty to certify the eligibility of candidates for election to Tribal office.

6.B Nomination Procedure

Candidates shall file in person for a specific position by submitting to the Election Board a nominating petition pursuant to this section signed by not less than five (5) registered voters.

Nomination petitions, for Districts seats must be signed by registered voters who are residents of the respective districts.

A registered voter may sign only one petition per office or measure. Petitions for nomination shall be filed by the potential candidate with the Registrar of the Election Board. Nomination petition information shall be typewritten and furnished to each candidate when they receive their candidacy papers and upon the payment of a non-refundable candidacy filing fee of \$25.00. Each candidate shall only run for one (1) office at a time per election.

Deadline for filing nomination petitions shall not be less than forty-five (45) days prior to the Primary Election.

All prospective candidates must receive and file candidacy nomination papers in person. Candidacy nomination papers submitted in any other manner will not be accepted.

6.C Procedure for Review and Determination of Candidacy Qualifications

The Election Board may take such steps deemed necessary to determine a candidates qualifications. If the Election Board determines that a person is not qualified to become a candidate, the individual affected shall immediately be notified by certified mail. Such letter will give reason for disqualification. Within twenty-four (24) hours of receipt of notification of disqualification under this Ordinance, such candidate may request, in writing, a hearing before the Board to contest the Board's decision. Such hearing shall be held within forty-eight (48) hours of receipt of request. The board will render its decision within twenty-four (24) hours of the hearings.

The decision of the Election Board shall be final. Immediately after the completion of final determination of candidacy qualification, the Election Board shall act to approve the sample ballot for the impending election. Said ballot shall list all approved candidates to be voted on in the Primary Election. Any candidate who withdraws from the election must do so in writing at least ten (10) days prior to the Sample Ballot being sent to voters.

6.D Posting Lists of Qualified Candidates and Mailing of Sample Ballots

Upon completion of review and determination of Candidacy qualifications, it shall be the duty of the Election Board to post in public areas in each of the seven (7) voting districts and other places designated by the Election Board, the names of all candidates who have met the qualifications and have been approved for the position for which they have filed.

The posting shall include but not be limited to, the following designated public places.

Orick District	US Post Office, Orick, CA
Requa District	Yurok Tribal Office, Klamath, CA
Pecwan District	Wauteck Church, Jack Norton School
Weitchpec District	Pearson's Store, Weitchpec, CA
	Libby Nix Community Center
East District	Ray's Shopping Center, Hoopa, CA
North District	NCIDC, Crescent City, CA
South District	Yurok Tribal Office, Eureka

Such lists shall be posted no less than ten (10) days prior to the Election date specified by the Election Board. The Election Board shall attach to the sample ballots brief candidate's statements of not more than 250 words when such information has been provided by the candidates.

SECTION 7. BALLOTS

7.A - Methods of Voting

Two methods of voting may be used for Elections:

- (1) Voting at polling stations**
- (2) Voting by absentee ballots**

7.B Number of Ballots

Ballots shall be supplied by the Election Board in sufficient quantity to assure that each voter whose name appears in the "Register of Voters" receives a ballot.

7.C Receipt of Delivery for Ballots

The Registrar of the Election Board shall direct staff to cause to be delivered to the polling place printed blank ballots and other election material including the ballot box with a locking device and fitted with one opening and not more of sufficient size to admit a single folded ballot. The Election Board members shall count all ballots delivered and shall be responsible for an accounting of all ballots and other election materials until turned over to the Chairperson of the Election Board as provided in Section 4 of this Ordinance.

SECTION 8. ABSENTEE VOTING

8.A Basis for providing Absentee Ballots

Absentee ballots shall be available upon written request by a registered voter when such request is made by the prescribed deadline. Absentee Ballots shall be requested for each election or requested permanently for all future elections.

8.B Notification

All eligible voters will be notified by mail of election and the procedures for registering, the issue(s) and/or candidates to be voted on, the method of voting and instructions for requesting absentee ballots. All registered voters shall receive a sample ballot of the issue(s) and/or candidates to be voted on and which will advise them on the method of voting and the procedure for requesting an absentee ballot.

8.C Proper Address

It shall be the duty of the registered voter to provide a current mailing and residence address to the Election Board. The Election Board shall inform Tribal Members of the need for current addresses on official election documents.

8.D Manner of Requesting and Issuing Absentee Ballots

(1) By Mail

Requests for Absentee Ballots by mail shall be received not less than fourteen (14) business days before Election Day to allow sufficient time for ballots to be mailed to the voter and returned by the date of election.

(2) By Visiting Tribal Offices

Absentee Ballots may be requested by visiting the Yurok Tribal Office in Klamath no less than five (5) business days before election day and must be returned by mail in time to be counted on the date of the election. All requests must be made in writing by the *voter*. Absentee Ballots will not be issued after the designated date.

8.E Execution and Return of Absentee Ballots by Mail

The absentee voter shall mark the ballot and enclose it in the secrecy envelope supplied by the Election Board. The secrecy envelope shall then be inserted in the pre-addressed "Absentee Ballot" return envelope on which the voter must sign their name.

The Absentee Ballot will be received only through the post office box designated, and remain in, a post office box at the designated US Post Office. The ballots shall remain in the locked post office box until 7:00 PM on election day at which time one member of the Election Board and one staff accompanied by the Security personnel shall retrieve the Absentee Ballots not more than one (1) hour after the polls close. The Ballots shall be deposited in a locked ballot box provided for Absentee Ballots, and then immediately returned to the election headquarters at the Yurok Tribal Office. The Absentee Ballot box shall remain locked until opened for the purpose of counting ballots according to the procedure for counting ballots as established in this Ordinance.

SECTION 9. ELECTION DAYS AND VOTING HOURS

9A. Date of Election

The Primary Election shall be conducted the second Wednesday in October for the Yurok Tribal Council. Voting shall be by secret ballot. Absentee ballots shall be available upon written request and mailed in a timely manner to such voters or by visiting and requesting one at the Yurok Tribal Offices.

9.B Election Hours

All elections shall be held between the hours of 8:00 AM and 7:00 PM. Any person waiting in line to vote at closing time will be permitted to vote, but those presenting themselves after the hour of closing of the polls will not be permitted to vote.

SECTION 10. TYPE OF ELECTIONS

10.A Primary Election/Annual Election

The Primary Election shall be conducted the second Wednesday in October for the Yurok Tribal Council. Voting shall be by secret ballot. Absentee ballots shall be available upon written request by registered voters and

mailed in a timely manner to such voters or by visiting the designated Yurok Office. Candidates who receive more than 50 percent (50%) plus 1 of the ballots cast for office shall be elected. The Annual Election may also include votes on initiative measures in accordance with Section 11 of this Ordinance.

10.B Run Off Election

When positions remain unfilled after the Primary Election, a Run Off Election shall be conducted within forty-five (45) days of the Primary Election Certification. Voting shall be by secret ballot. Absentee Ballots shall be available upon written request by registered voters and mailed in a timely manner to such voters or by visiting and requesting one at the Yurok Tribal Offices. The Run Off Election shall be between the two candidates receiving the most votes in the Primary Election. The candidate receiving the most votes in the Run Off Election for each position shall be elected.

10.C Special Run Off Election

If in the Primary Election or Run off Election held pursuant to this Ordinance, no candidate is determined to be the winning candidate, and it is unable to be determined by the votes cast which are the two (2) top candidates. A Special Run Off election shall be held and will include the candidates necessary to include the top two (2) candidates and any other candidates receiving the same number of votes as either of the top two (2) candidates. A special Run Off Election shall be immediately noticed and shall be held not more than forty-five (45) days from the date of the Run Off Election Certification.

10.D Special Election in Event of Contest

In the event of a contest, which has been upheld by the Election Board, a Special Election shall be held no later than forty-five (45) days after the previous election certification. The Special Election may be held by Mail Ballot. All other provision of this Election Ordinance, as deemed appropriate by the Election Board, shall apply.

10.E Special Election for Recall and Filling of Vacancies

Upon written petition of at least thirty (30) percent of the registered voters of the Yurok Tribe shall be presented to and verified by the Election Board. A Special Tribal Voting Membership election shall be called to consider the recall of the elected official.

In the case of a Yurok Tribal Council Member serving from a District, the petition requirement shall be at least thirty (30) percent of the registered voters from the district represented by a Yurok Tribal Council member. A Special District membership election shall be called by the Yurok Tribe to consider the recall of the elected official named in the petition. The election shall be held within sixty (60) days from the date the petition is verified, provided that any petition submitted within four (4) months of the next annual election shall be placed on the ballot of the annual election.

The position occupied by the official named in the recall petition shall be declared vacant if at least two-thirds (2/3) of the voting registered voters who support the recall.

If the vacancy occurs during the first year of the term to which the elected official was elected, the Yurok Tribal Council shall fill the vacancy for the unexpired portion of said term by appointing the person who received the next highest number of votes in said election, providing the candidate received at least thirty (30) percent of the total votes cast. If the elected official to be replaced was unopposed in said election, or if the candidate receiving the next highest number of votes did not receive at least thirty (30) percent of the total votes cast for that office, or if the vacancy occurs more than one (1) year prior to the expiration of the term, the vacancy shall be filled by a Special Election called and conducted pursuant to Article III, Section 10 of the Constitution of the Yurok Tribe.

A vacancy which occurs less than one year prior to the expiration of the term shall not be filled until the next regularly scheduled election.

No more than one (1) recall election shall be held in any one calendar year with respect to any specific tribal official.

10.F Special Election for Referendum

An Election called by Tribal Council to resolve any legislative measure proposed by Council will be held in accordance with Section 12 of this ordinance.

SECTION 11. INITIATIVE

Tribal voters shall have the right to propose any legislative measure by filing a petition signed by at least twenty percent (20%) of the eligible voters. Each such petition shall be filed with the Election Board at least sixty (60) days prior to the next annual election at which time it shall be placed on the ballot. If approved by a majority of those participating in the election, the petition

shall be in full force and effect immediately upon certification by the Election Board.

SECTION 12. REFERENCE

The Yurok Tribal Council by approval of at least five (5) members may refer any legislative measure to the Tribal Voting Membership by directing at least thirty (30) days in advance that said measure be placed on the ballot at the next annual election or by calling for a Special Election. All other provision of this Election Ordinance, as deemed appropriate by the Election Board, shall apply. If approved by a majority of those participating in the election, the measure shall be in full force and effect immediately upon certification of the Election Board.

SECTION 13. AMENDMENTS TO THE CONSTITUTION

Amendments to the Constitution may be proposed in the following manner:

- (1) A Resolution supporting the proposed change may be presented by the Yurok Tribal Council and shall require at least five (5) affirmative votes,
- (2) A petition submitted to the Election Board with notification to Council containing the entire text of the amendment and signed by not less than twenty percent (20%) of the Tribal Voting membership.
- (3) Adoption by not less than two-thirds (2/3) of those voting shall be required to amend the Constitution.

SECTION 14. EFFECTIVE DATE OF MEASURE

Unless a measure submitted to the voting membership specifies a Specific date of effect, any measure adopted by the voting membership shall become effective upon certification of the election results by the Election Board.

SECTION 15. PETITION REQUIREMENTS AND PROCEDURES

The petition must meet the requirements of this ordinance. Upon the receipt and certification of the petition, an election will be held on the proposed measure, recall, or amendment to the Constitution of the Yurok Tribe in accordance with the procedures set forth in this ordinance.

(1) Filing of Petition

Petitions shall be filed by the sponsor with the Election Board by mail or hand delivered to the Election Board. Each petition must be presented to the Election Board at least sixty (60) days prior to the next annual election at which time it shall be placed on the ballot. The day the petition is actually received shall control in computing time.

(2) Required Signatures

Petition must have verified signatures of at least twenty percent (20%) of the registered voters in the Tribe at the time the petition is filed with the Election Board.

The name of each signer must be printed and the signature must be in ink. The date of signing must be noted. Signers must be eligible to vote in tribal elections as set forth in Section 5 of this ordinance.

(3) Sponsor

Each petition must have at least one sponsor, with whom all correspondence and communication with the Election Board shall take place. The sponsor(s) must be a tribal member registered to vote, and his or her name must appear on each petition signature page along with mailing address and phone number (phone number is optional).

(4) Purpose and Measure

Each petition signature page must contain the statement that "THE PURPOSE OF THIS PETITION IS TO HAVE AN ELECTION ON THE _____" followed by, in the case of an initiative, referendum, or amendment to the Constitution, a summary of the measure proposed, the number and date of adoption of the measure to be referred and a summary of it. Each petition signature page must have attached to it a complete copy of the proposed Measure or measure to be referred.

Copies of the signed petitions, with names and addresses, will be made public and are considered public documents available to a Tribal member upon request.

Verification

On the back of each signature page shall be a statement, signed by the tribal member who circulated that page, stating that he or she is a tribal member registered to vote, that he or she circulated the signature page with a complete copy of the measure attached, and that the signatures on it are true and authentic to the best of his or her knowledge.

(6) Forms

The Election Board may issue a suggested form of petition for use by tribal members, but any petition which meets the requirements of this Section shall be sufficient for filing with the Election Board.

(7) Procedure Before Circulation of Petition (Optional)

No initiative or petition will be certified by the Election Board unless it meets all the requirements of this ordinance. Therefore, although not required, sponsors may at their option submit their proposed petition to the Election Board prior to circulation so that errors as to form or legality may be identified in advance. The Election Board may promptly assist the petitioner in correcting any errors as to form. The Election Board may also forward a copy of the proposed or referred measure to the tribal attorney for opinion in accordance with Section 15(9) of this ordinance. Such an opinion with supporting reasons shall be issued within three calendar days of receipt of the measure by the tribal attorney and shall be supplied to the sponsor by the Election Board.

(8) Circulation of Petition

Petitions may be circulated only by tribal voters who are registered to vote in tribal elections. Persons asked to sign the petition must be given sufficient opportunity to read the summary of the measure and the attached complete copy of the measure, and must be advised that they must be a registered tribal voter in order to sign.

(9) Review of Petition

Upon the filing of a petition, the Election Board may forward a copy of the proposed or referred measure to the tribal attorney for review. At the request of the Election Board the tribal attorney may review the

measure solely for the purpose of determining whether or not it would be valid under the tribal constitution if adopted. If requested by the Election Board, the tribal attorney may issue an opinion on the constitutionality of the measure within one week of receiving it, along with supporting reasons for that opinion.

(10) Certification of Petition

The Election Board shall review the petition for compliance with all the requirements set forth in this ordinance. The Election Board shall verify the number and genuineness of the signatures and the voting qualifications of the signers. If there are sufficient valid signatures, the tribal attorney opinion issued in accordance with Section 15(9) that the measure is constitutional, and the other requirements of this ordinance are met, then the Election Board shall certify the petition. If the number of signatures are found to be insufficient or invalid, or if the measure is not constitutional, or if the other requirements of this ordinance are not met, then the Election Board shall return the petition to its sponsor with the reasons for its finding and shall also advise the Tribal Council of its action and the reasons.

(11) Presentation of Measure to Tribal Council

Upon certification of the petition, the Election Board shall present the petition to the Tribal Council at its next regular meeting. The Tribal Council may at its discretion consider the measure contained in the petition and may adopt it. In the event that the Tribal Council adopts the measure, no Special Election will be held.

(12) Date of Election of Measure

In the event that the Tribal Council does not adopt the proposed or referred measure as presented under Section 15 A 1-11 of this ordinance, the measure shall be placed on the ballot for the next regularly scheduled election, or at a Special Election called by the Tribal Council, whichever comes first. Any Special Election shall be held in the same manner as provided for in this ordinance, and the matter on the ballot shall be limited to the measure contained in the petition (or petitions if more than one petition has been certified) and any measure or measures referred by the Tribal Council.

(13) Adoption of Measure

With the exception of an amendment to the Constitution, and the recall of a tribal officer, both of which require a two-thirds (2/3) majority, a simple majority of those actually voting shall be required for the adoption of any measure.

In the event that there are conflicting measures placed upon the ballot, the ballot shall state that the voter may vote for as many measures as he or she chooses. In the event that more than one measure receives as majority of the votes cast, the measure receiving the greatest number shall prevail. If no measure receives a majority vote none shall be adopted and no further election shall be held without full compliance with the requirements of this ordinance.

SECTION 16. ELECTIONEERING AND LOITERING

No person shall be allowed to electioneer within 100 feet of the building where the election is in progress. No loitering will be permitted in and around the polling places during voting hours. It shall be the duty of the Election Officers at the polling place to obtain such assistance as may be required to maintain order about the building during the progress of the election.

SECTION 17. POLLING OFFICIALS

It shall be the duty of the Board Chairperson or the Vice-Chairperson of the Election Board to see that the balloting and the canvassing of the election returns are carried out in the manner prescribed in Sections 18 - 22 of this Ordinance.

The Board Chairperson shall also be responsible for designating other Polling Officials, including an Inspector/Judge and Clerk for each polling place. The individuals designated to serve in these positions must be Election Board members or Tribal members who are registered to vote.

17.A Alternate for Polling Officials

Should any polling Official become ill or have an unforeseen emergency arise, the Chairperson of the Election Board or Election staff shall be notified immediately so that an alternate may assume the responsibilities of the vacated position.

17.B Duties of Polling Officials

(1) Responsibilities

The Board Chairperson shall be responsible for all arrangements necessary to conduct an election. The Board Chairperson shall be responsible for securing ballots and other election materials necessary to conduct voting in each District. Only the official list of registered voters as required to conduct the election as provided by this Ordinance will be kept or maintained until the election results are certified by the Board. No separate handwritten list which will jeopardize the sanctity of the ballot shall be kept by any member of the Election Board or designated Polling Official. They shall also provide sufficient private booths for the voters to mark their ballots in secrecy.

(2) Number of Polling Officials

There will be three (3) Polling Officials and at least two (2) of the Polling Officials shall be present at all times at the designated polling places on election day to permit voting to begin when the polls open. The officials shall also be present until the polls close, all ballots have been counted, the tally properly recorded, and the ballot boxes and the ballots turned over for the delivery as provided in this Ordinance.

(3) Locking of Ballot Box

Before the voting begins, the Polling Officials shall open and inspect the ballot box to determine that it is empty. The ballot box shall then be locked and shall remain locked until the District tally of ballots has been completed by the polling officials as outlined in Section 19 of the Ordinance. Once the District tally has been completed the ballot boxes will be locked. Keys to the ballot boxes, shall be placed in a sealed, signed, and dated envelopes, and the envelopes inserted into the ballot box. A duplicate set of keys to the election file cabinet and ballot box keys shall remain in the custody of the Chairperson of the Election Board.

17.C Responsibilities of the Voter at the Polling Place

(1) Signature of Voter

After opening of the polling place, each voter upon presenting themselves to vote shall announce to the polling officials their name and physical address and must then sign their name and address in the

official register prepared especially for the subject election. Any voter who signs with "X" or a thumb print shall have their mark witnessed by the signature of two Election Officials.

(2) Absentee/Challenged Ballot

In the event a voter appears at the polls to vote, and finds that their name does not appear on the official Register of Voters, the Polling Officials shall inform the individual of that fact. If the individual insists on voting, the Polling Official shall issue a Challenged Ballot to that individual. Also to be determined by checking this list is whether the voter has received an Absentee Ballot for the pending election. If the voter has been issued an Absentee Ballot, the polling official shall inform the individual of that fact. If the individual insists on voting, the Polling Official shall issue a Challenged Ballot to that individual.

(3) Marking of Ballot

Upon receipt of a ballot and official envelope, the voter shall retire to one of the private voting booths and therein mark their ballot in secrecy. Only one voter shall occupy a voting booth at one time with the exception of a person needing assistance. The mark, to be valid, must be identifiable within the appropriate square or place on the ballot for which it is intended. After the ballot is so marked, the voter shall insert the ballot into the envelope so that the printed sides are completely concealed and then deposit the envelope in the ballot box.

(4) Physical Disability of Voter

When any voter presents themselves for a ballot and states that they, because of physical disability or infirmity are unable to mark the ballot, it shall be the duty of the official to give the voter such assistance as needed. In all instances, the voter must state without suggestions from officials, the way they wish to vote, and in no instance shall an Election Official by word, action, or expression attempt to influence the voter as to how they should vote. Assistance shall be given in private and all persons other than election officials shall be kept sufficiently distant so that they will not hear or know how this voter voted. Any voter, who needs an interpreter shall furnish their own interpreter.

17.D Poll Watchers

(1) Number of Poll Watchers

Each candidate for a position on the Tribal Council is entitled to choose one person to observe on their behalf at the polling place. The candidate may also choose one person to observe, other than themselves, at the Election Headquarters.

(2) Interference

No Poll Watcher shall in any way interfere with or hinder the Polling Officials in exercising their responsibility. If interference occurs, the Election Board Chairperson or Polling Official shall call for an immediate suspension in election activities until the individual or individuals responsible are removed from the room.

SECTION 18.HANDLING OF SPECIAL CIRCUMSTANCES

18.A Spoiled Ballot

Should any voter spoil a ballot in their effort to vote, the voter shall fold and return the ballot to the Polling Officials, shall have the voter place the spoiled ballot in a envelope marked "spoiled ballot." The Polling Officials will then place the "spoiled ballot" into a large specially marked envelope for all "spoiled ballots". The Polling Officials will then issue a new ballot and envelope to the voter.

18.B Write-in Votes

Write-in votes are not allowed and will be considered improperly marked ballots.

18.C Challenged Ballot

Any voter declaring that an Absentee Ballot has been destroyed and not executed, or any voter who at the polls has been determined not qualified to vote and who insists on voting shall be issued a challenged ballot by the polling official. Such challenged ballot shall be counted only if it is determined by the Election Board that the ballot should be declared valid. This determination shall be made during the "Counting of the Ballots" procedure. In the event that an Absentee Ballot has been cast the Challenged Ballot will not be counted. If a person, not listed on the Register of Voters, is determined to have met all the requirements for inclusion but

has been erroneously left out of the register the challenged ballot will be counted.

SECTION 19.DISTRICT TALLY OF BALLOTS AT POLLS

19.A Manner of Count

- (1) The District Election Board Officials will count and record the number of ballots cast as soon as the polls close.
- (2) The doors shall be locked and only District Election Board Official Poll Watchers and Security Officer shall be present while the ballot boxes are unlocked and the contents are being tallied. No interruptions, i.e., telephone calls, visitor's etc., shall be tolerated.
- (3) The official list of voters' signatures will be counted and the number of signatures should equal the total number of executed ballots. Once the numbers of signatures and ballots have been verified. Tally sheets shall be accurately filled out and signed by the District Poll Officials, and shall include the following:
 1. Total number of ballots cast
 2. Total number of spoiled ballots
 3. Total number of Challenged Ballots, if any
 4. Total number of unused ballots
 5. Total number of unused envelopes
 6. Total number of Absentee Ballots received, if any
 7. Explanation, if needed, of discrepancy in the Tally

19.B Security, Time, and Transport of District Ballot Boxes

(1) Security of Ballot Box

Upon completion of the tally, the District Inspector/Judge shall lock the ballot box, with the ballots and the signed tally sheet locked inside. Keys to the ballot boxes shall be placed in a sealed, signed and dated, envelopes and the envelope inserted into the ballot box.

(2) Time of Transport

7:00 P.M. to 10:00 P.M.

(3) Transport of Ballot Box

The Inspector/Judge of each District shall then escort, the assigned Security Officer, the locked ballot box and hand carried time sheet information back to the Election Headquarters and delivers them to the Election Board.

SECTION 20. COUNTING THE BALLOTS

20.A Counting the Ballots from the Polls

(1) Presence of Poll Officials

Chairperson shall verify that all Poll Officials are at Election Headquarters and that all ballot boxes and tally sheets are correct.

(2) Opening of Locked Ballot Box

The Election Board Chairperson, in the presence of the Election Board, other Election Officials and any designated Poll Watchers shall unlock the Ballot Boxes containing the executed ballots and election materials.

(3) Order of Count

After the Ballot Boxes are opened the ballots shall be counted and recorded in the following manner:

North District	announced by East District
Orick District	announced by Requa District
Pecwan District	announced by Orick District
East District	announced by Weitchpec District
Requa District	announced by Pecwan District
South District	announced by North District
Weitchpec District	announced by South District

(4) Tally of Ballots

The Election Board members shall record such information on tally sheets or electronic tabulating machines provided for such purpose. Upon completion of the tally, the Board shall note on their tally sheets or print out results on electronic tabulator, the number of votes cast by those voting in-person.

(5) Poll Watchers During Count

Poll Watchers shall not be seated at the Election Board table when the count is taking place. They must remain a distance of at least ten (10) feet from this table.

(6) Anyone May Observe Count

All attendees must adhere to all rules of conduct and not interfere with or hinder the Polling Officials in exercising their responsibility. If interference occurs, the Election Board Chairperson shall call for an immediate suspension in election activities until the individual or individuals responsible are removed from the room.

20.B Counting of Absentee Ballots

(1) Time of Pick-up

Absentee ballots will be picked up from the designated Post Office between 7:00 and 8:00 PM as provided in Section 8 of this Ordinance.

(2) Opening of Locked Ballot Box

After the counting has been completed of those ballots executed in person, the Chairperson, in the presence of the other Election Board members and any Poll Watchers, shall unlock the Absentee Ballot box. The signature on the registration forms of those who have voted by Absentee Ballot shall be compared to the envelope in the ballot boxes to confirm that the ballots have been returned in accordance with absentee voter regulations. Should any envelope reviewed not conform with the regulations set forth in this Ordinance, it will remain unopened and shall be marked "spoiled"; each member of the Election Board shall initial the envelope in which the ballot is improperly returned. Those

envelopes marked "spoiled" shall be sealed and preserved along with other executed ballots at the end of the count.

(3) Opening of Ballots

Upon completion of the review of the envelopes, the outer (return) envelopes shall be opened and the inner envelope containing the ballots removed. The outer envelope from those ballots determined to have been properly returned, shall at this point be set aside until after the count, at which time they will be placed in the election file cabinet with other materials from the election.

20.C Improperly Marked Ballots

All write-in votes and any ballot on which the intent of the voter cannot be determined, shall be preserved and filed with ballots submitted to the Election Board Chairperson for safekeeping. A notation shall be placed on the face of each ballot indicating that it was improperly marked and not counted.

20.D Primary Election Results

In the event that, at the completion of the canvas of the Primary Election results as prescribed in this section, the tally reveals that no candidate has received a majority of votes cast in that contest, the candidates receiving the two (2) highest number of votes cast shall be candidates at the ensuing Run Off Election.

20.E Run Off Election Results

In the Run Off Election, the candidate receiving the highest number of votes cast shall be determined to be the winning candidate. In the event that, at the completion of the canvas of the Run Off Election results, the tally reveals a tie for the contested seat, the Election Board shall recount. The Election Board will conduct a Special Run Off election, and such election shall be limited to the tied candidates.

SECTION 21.SPECIAL PROCEDURE FOR HANDLING TIE VOTES

If, in a Run Off Election, there are only two (2) candidates on the ballot, and the candidates each receive an equal number of votes, the determination of who will be the winning candidate will be resolved in a manner acceptable to both candidates, if they are able to agree without another election. If the two candidates are unable to agree upon a method, the outcome will be

determined in their presence by a coin toss made by the Chairperson of the Election Board.

SECTION 22. ANNOUNCEMENT OF RESULTS

Preliminary results shall be issued within 24 hours of election day and a final official certification shall be posted not later than fourteen (14) days after the election certification.

SECTION 23. PRIMARY, RUN-OFF AND ALL OTHER ELECTIONS

GROUND FOR CONTEST

23.A Grounds for Contest

Any registered voter of the Tribe may contest the Primary Election, any Run Off Election or results for any of the following causes:

- (1) Any member of the Election Board is guilty of misconduct.
- (2) That any candidate has given any eligible voter or member of the Election Board any bribe or reward for the purpose of procuring their election.
- (3) That illegal votes were cast
- (4) That the Election Board in conducting the election or canvassing the returns, made errors sufficient to change the results of the election.
- (5) That there was an error in the vote counting or summation of ballot counts.
- (6) A sufficient number of votes were illegal, fraudulent, forged, or otherwise improper, and that counting such votes changed the results of the election.
- (7) Due to mistakes, errors or misconduct the votes were incorrectly counted as to change the results.
- (8) Any qualified voter contesting an election under this section shall file a written statement with the Election Board stating:
 - (1) Their name and address
 - (2) The name of the candidate and their office
 - (3) Particular grounds for contest

If a contestant's written statement does not meet the guidelines of "Grounds for Contest" under this section, the contest shall be declared invalid.

23.B Deadline for Contest

Such written statement must be delivered to the Election Board within forty-eight (48) hours of the posting of the preliminary election results or, if on a weekend, the next business day no later than 5:00 PM.

23.C Review of Contest

Upon receipt of contestant's written statement, the Election Board shall review the allegation. Such review may include a hearing where the contestant and any candidate may present evidence, after which the Board shall respond in writing prior to posting the official Certification of Election results. All candidates shall be contacted regarding the Contest. All candidates shall be provided with notice and a copy of a contestant's written statement, notice of any hearing to be convened, and an opportunity to contest a written contest at any hearing concerning the election contest. Such hearings shall be conducted in accordance with the Election Ordinance or other rules of procedure governing Election hearings.

When any Election, is contested on account of misconduct of the Election Board, or any member thereof, the election shall not be annulled or set aside upon any proof thereof, unless the misconduct was such that it changes the result of the election.

An election shall not be set aside due to illegal votes, unless it appears that the number of illegal votes changes the results of the election. In all cases, the decision of the election board shall be final.

23.D Fees for Contest

All contests including a recount of votes shall be accompanied by a nonrefundable fee of \$150.00. Upon receipt of the contest and the fee, the Election Board shall proceed to conduct a recount of the votes for the particular office or investigate the particular matter. All contests shall be resolved prior to posting the official Certification of Election Results. In all cases, the Decision of the Election Board shall be final.

SECTION 24. OFFICIAL CERTIFICATION OF ELECTION RESULTS

The Election Board shall post an official certification of the election results no later than fourteen (14) days immediately following the election certification. The election Board may extend this deadline for a period not to exceed thirty (30) days from the election certification for the purpose of resolving all valid contests in accordance with Section 23. Copies of the certification will be mailed to the Yurok Council, Bureau of Indian Affairs and each person who was a candidate in the election.

When canvas of election results has been resolved, all marked and unmarked ballots will be turned over to the chairperson of the Election Board who, with the assistance of the other members of the Election Board, will destroy all unmarked ballots. All marked ballots will be sealed and locked in a file cabinet, available for inspection by only the Election Board until such time the Election Board has posted the official certification of the Election Results, after which all marked ballots will be destroyed by the Election Board, in accordance with the provisions of Section 26.

SECTION 25. INSTALLATION OF SUCCESSFUL CANDIDATES

25.A Notification and Installation

Successful candidates shall immediately be notified by mail and telephone, if possible, that they will be installed in office upon certification of the election by the Election Board. Installation of any candidate for a particular position may be postponed, however, until such time there is a determination of any disputes over the election for that position.

25.B Oath of Office - Tribal Council

Each successful candidate approved to the Yurok Tribal Council shall take an oath of office prior to assuming the duties of such position, by which oath they shall pledge themselves to support and defend the Constitution of the Yurok Tribe. The following form of oath of office shall be administered by the Chairperson of the Election Board.

I, _____, do solemnly swear (or affirm) that I will uphold and defend the Constitution, sovereignty and traditions of the Yurok Tribe, and I will perform the duties of my office with honesty and fidelity. I further swear (or affirm) that I will devote my best efforts to help the Yurok Tribe achieve its objectives as stated in the Preamble of the Constitution.

25.C Oath of Office - Election Board

Each Tribal member appointed to the Election Board shall take an oath of office prior to assuming the duties of such position, by which oath they shall pledge themselves to support and defend the Tribe's Constitution. The following form of oath of office shall be administered by the Chairperson of the Tribal Council.

I _____, do solemnly swear (or affirm) that I will carry out faithfully and impartially the duties of my office to the best of my ability, that I will promote and protect the best interests of my tribe. in accordance with its Constitution.

SECTION 26.ELECTION RECORDS

The Election Board shall be responsible for seeing that files on each election are maintained on a permanent basis and include the following material from each election:

1. Election notice posted and placed in newspapers
2. Candidacy papers and qualifications of candidates
3. Sample Ballot
4. Unofficial election results and official certification of election
5. Voter registration list
6. Outer ID envelopes used in absentee voting
7. Executed ballots

All of the articles mentioned in Section 26 with the exception of #6 and #7 must remain in the files permanently. At no time will an original document be permanently removed from the files. Any registered voter may request and receive copies of items 1, 3 and 4 at no cost. At the end of ninety (90) days from the date of certification of an election, executed ballots and outer envelope from that election shall be destroyed by the Chairperson in the presence of the other members of the Election Board.

SECTION 27.ELECTION BOARD BUDGET

The Election Board shall request that a specified amount be budgeted by the Yurok Tribal Council for the election activities, under a separate line item. The funds budgeted shall be utilized in accordance with all tribal financial plans of operation for conducting Tribal elections in accordance with this Ordinance only for the Election and Run Off Election and any other Special Elections.

SECTION 28. AMENDMENTS TO ORDINANCE

The Election Board may recommend amendments to the Ordinance to the Yurok Tribal Council by a majority vote of a quorum at any duly noticed meeting of that body, provided that such recommendation for amendment may not be made to this Ordinance upon closing date for filing nominations.

SECTION 29. RATIFICATION OF ELECTION ORDINANCE

The Election Ordinance shall become effective upon approval by the Yurok Tribal Council at a duly called meeting.

SECTION 30. CONSTITUTIONAL CONFLICT

Any portion of this Ordinance in conflict with the Yurok Tribal Constitution shall be superseded by the Tribal Constitution.

SECTION 31 FORMS

Official Ballot

Voter Registration Form

Candidate's Declaration of Candidacy for District Seat

Candidate's Declaration of Candidacy for Chairperson or Vice-Chairperson

Nominating Petition

Request for Absentee Ballot

Absentee Ballot Envelope

Optional Petition Form