

# **COQUILLE INDIAN TRIBAL CODE**

## **Chapter 194**

### **Part 1 – General Governmental Affairs**

#### **Elections**

## Index

<b>Subchapter/Section</b>	<b>Page</b>	
194.010	General	2
194.100	Time of Election For Tribal Council Positions	2
194.120	Election Board	3
194.125	Designated Election Administrator	4
194.130	Candidates	4
194.135	Qualification of Voters	5
194.140	Conduct of Election	5
194.150	Swearing In	6
194.160	Contesting Election Results	7
194.170	Recount	8
194.180	Recall Election	8
194.190	Conduct of Special Election Due to a Vacancy	10
194.195	Filling a Vacancy During the Final Year of a Tribal Council Term	10
194.200	Initiative, Referendum, and Recall Petition Requirements	11
194.220	Circulation of Petition	12
194.230	Validation and Verification of Petitions	12
194.300	Eligibility of an Elected Person Under the Constitution of the Coquille Indian Tribe	12
194.310	Eligibility Standards	12
194.320	Contesting Eligibility to Serve on Tribal Council under Employment Prohibition	15
194.350	Policies and Procedures	16
194.375	Emergency Procedures	16
194.400	Severability	17
194.500	Sovereign Immunity	17

COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

---

**194.010 General**

1. Purpose- This ordinance is intended to provide for fair, uniform and efficient Tribal elections authorized under Article V of the Constitution of the Coquille Indian Tribe; and to authorize the Coquille Indian Tribal Court to resolve certain disputes that may arise under Article VI, Section 4(a) of the Constitution regarding the eligibility of persons elected and sworn to serve as Tribal Council members.
2. Definitions –
  - (a) “Ballot” means the final official ballot included in the Ballot Packet.
  - (b) “Ballot Packet” means the packet mailed to all eligible voters that contains the Ballot, secrecy envelope, return stamped envelope, and may also contain a letter of explanation and or a sample ballot
  - (c) “day of Election” means any day Ballots or Preliminary Ballots are due and counted for the purpose of polling Tribal members.
  - (d) “Election Day” – means the third Friday in October.
  - (e) “Immediate Family” means: parent, child, sibling, spouse or member of household
  - (f) “Preliminary Ballot” means the ballot provided during the Preliminary Voting process and included in the Voter Packet if needed.
  - (g) “Preliminary Vote” means the process used to narrow the number of candidates down to two for listing on the Ballot.
  - (h) “Voter Packet” means the packet mailed to all eligible voters that contains candidate materials, a Preliminary Ballot if needed, a final Ballot in the case of a special election with no Preliminary Vote, and may also contain referendum information.

**194.100 Time of Election for Tribal Council Positions**

1. The regular Election Day for Tribal Council positions shall be the third Friday of October each year.
2. A General Council nominations meeting for all expiring or vacant Tribal Council positions will be held at least 11 weeks before Election Day.
3. Nominations for Tribal office will be made from the floor at the General Council meeting. A General Council member who plans to nominate a candidate must be present to do so. The person nominated need not be present. The nomination will only be valid if the General Council member who nominated the candidate or the nominee provides the Election Board with a letter of nomination by the end of the General Council meeting. The Election Board will make a form letter of nomination available at the General Council meeting
4. In the event that more than two candidates are nominated for any single position, a ‘Preliminary Vote’ (run-off) will be called for and administered by the Election Board

COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

---

for the purpose of determining the two candidates who will be listed (by name) on the final Ballot, along with a space for write in candidates.

5. If a Preliminary Vote is called for, the balloting and vote counting will be conducted and completed at least five weeks before the regular Election Day.

**194.120 Election Board**

1. Appointment and Qualifications

- (A) All elections will be conducted by an Election Board. The Election Board will consist of three (3) members and two (2) alternates selected from members of the General Council.

- (B) The Tribal Council will appoint the Election Board at a Tribal Council Meeting immediately following the General Council nomination meeting.

- (C) No person shall be appointed to the Election Board if (1) she or he is a candidate, (2) his or her immediate family member is a candidate, or (3) she or he nominated a candidate for office.

- (D) The Election Board will perform all duties and functions described by the Election Board Policies and Procedures; as approved by Tribal Council.

2. Term in office -Election Board members will serve a one (1) year term, and may be appointed for additional terms.

3. Duties of the Election Board – The duties of the Election Board are defined in the Election Board Policies and Procedures. All substantive Policies and Procedures promulgated by the Election Board shall be approved by the Tribal Council by motion or Resolution.

4. Removal -The Tribal Council may remove a member of the Election Board who fails to perform the duties set forth in this Ordinance and/or the Policies and Procedures. The member may be removed by a majority vote of all Tribal Council members present in a duly held meeting.

5. Vacancies on the Election Board - Any vacancy on the Election Board shall be filled by the alternates previously selected by the Tribal Council. A new Election Board alternate will then be appointed by the Tribal Council at the next regularly scheduled Tribal Council meeting.

**194.125 Designated Election Administrator**

1. The Executive Director shall designate a staff member to serve as the Election Administrator to provide support to the Election Board as follows and as further defined in

COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

---

the Election Board Policies and Procedures:

- (A) Maintain all election forms, documents, templates, and records;
- (B) Assist the Election Board to produce and publish election notices, including the compilation and mailing of Voter Packets and Ballot Packets;
- (C) Ensure that all Voter packet materials are properly prepared;
- (D) Ensure a qualified Election Watcher is present during ballot counting;
- (E) Provide a copy of the Oath of Office to the Election Board Chairperson and the Tribal Council Chairperson prior to the Swearing in Ceremony.

- 2. Exceptions - The designated Election Administrator may not be a candidate, or Immediate Family member of a candidate

**194.130 Candidates**

- 1. Any enrolled member of the Coquille Tribe who will be eighteen years (18) of age on the day of the Election is qualified to be a candidate.
- 2. Nominations
  - (A) A General Council meeting will be called for the sole purpose of nominating candidates for the Tribal Council. The Tribal Council Chairperson or designee will conduct that meeting. Said meeting will be announced at least thirty (30) calendar days prior.
  - (B) Said announcement will include information and references pertinent to the qualifications and requirements of Tribal Council members.
  - (C) Only General Council members who will be eighteen (18) years of age or older on the day of Election may nominate candidates.
  - (D) Nominations can be made only in person. The nominee need not be present.
  - (E) Nominations will be validated by a letter of nomination provided to the Election Board by either the candidate or the nominee prior to the end of the General Council nominations meeting.
  - (F) The Election Board will contact all nominees to confirm the nominee's acceptance of the nomination. If a nominee fails to respond within five (5) business days following the nomination meeting, the Election Board will assume no response to be a declination by the nominee.

COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

---

**194.135 Qualification of Voters**

1. Eligible Voters - Any enrolled Coquille Tribal member who will be eighteen (18) years of age or older on the day of Election. Any such person will be eligible to vote in the Preliminary Vote process, should one occur.
2. No Registration - Voters shall not be required to register to vote.
3. Voter List - The Tribal Member Services Program shall maintain and keep up to date the mailing addresses of all qualified Tribal voters; and will provide to the Election Board a poll book of voters, listed in alphabetical order.

**194.140 Conduct of Elections**

1. Regular Elections will be conducted according to established Election Board Policies and Procedures.
2. Preliminary Vote
  - (A) A Preliminary Vote (run-off) will be conducted for any position when more than two candidates are nominated;
  - (B) If there are not more than two nominees for any position, the schedule of the Regular Election processes will be followed.
3. Special Elections
  - (A) Will be conducted according to the procedures of the Election Board Policies and Procedures.
  - (B) Will be initiated within 45 days of an announced vacancy; to be concluded within twelve (12) weeks of the General Council meeting held for the purpose of nominating candidates for the vacant position.
  - (C) The date of the final vote will be set by the Election Board after the nominations meeting. If there are more than two candidates a preliminary vote will be held.
4. Polling Place and Hours
  - (A) The polling place is the Coquille Tribal Administrative Offices, 3050 Tremont Avenue, North Bend, OR 97459.
  - (B) Ballots may be cast by mail or in person at the Polling Place until 12:00 p.m. on the day of the Election.
  - (C) Voting will close at 12:00 p.m. (Noon) on the day of Election. No candidate or

COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

---

proponent of an initiative or referendum shall be present on the premises of the polling place except to cast his or her Ballot.

- (D) Campaigning or electioneering at the polling place, in any form or fashion, at any time during the conduct of an Election, is prohibited.
- (E) After the Election Board has counted and tallied all Ballots received in person or by mail, the Election Board will prepare a certification of the results of the election; signed by each Election Board member and the Election Watcher, to include the following:
  - (1) Total number of Ballots mailed;
  - (2) Total number of Ballots cast;
  - (3) Total number of spoiled ballots that were eliminated;
  - (4) Total number of valid Ballots;
  - (5) Number of votes cast for each Tribal Council position, to include the number of write-in votes; and
  - (6) In the case of an Initiative, Referendum, Recall, or Advisory vote, the number of ballots returned and a tally of yeas and nays.
- (F) The Election Board will publish a Notice of Election Results immediately after all ballots have been counted and certified; and the Election Board will attempt to notify all candidates by electronic or telephonic means immediately thereafter.
- (G) Election results will be posted at the Coquille Tribal Administration Offices, on MyTribe, and the next edition of the Tribal newsletter.

**194.150 Swearing In**

1. Persons elected to Tribal Council will be sworn in to office immediately before the next regularly scheduled Tribal Council meeting following the Election by the Tribal Council Chairperson or his/her designee.
2. The day and time of swearing in will mark the end of the term of office for the incumbent; no incoming Tribal Council member can assume or maintain the position until having taken the Oath of Office.
3. The Oath of Office must be given verbally in the presence of a majority of the Tribal Council. The Oath will be presented in writing and signed by both the person giving and receiving the Oath.
4. The Oath of Office shall, at a minimum, read as follows:

I, \_\_\_\_\_, do solemnly swear that I will support and defend the constitution of the United States and the constitution of the Coquille Indian Tribe; that I will carry out, faithfully and impartially, the duties of my office

---

to the best of my ability; and that I will cooperate, promote, and protect the best interests of the Coquille Indian Tribe in accordance with its Constitution and all subsequent Tribal laws.

**194.160 Contesting Election Results**

1. Any contest of election results may not occur until after Election Day or the day of Election for a Special Election.
2. Only a losing candidate may challenge the results of the vote in her/his Tribal Council election.
3. Time for Filing Challenge / Injunctive Relief
  - (A) A losing candidate who wishes to challenge the results of his/her Tribal Council election must file a written complaint with the Election Board within six (6) days of the certification of the final election results. The challenge must be made in writing and be received by the Election Board at the Coquille Tribal Administrative Office by 12:00 p.m. of the Thursday following the day of Election. The challenge must state that it is a challenge to the election results and must state the basis for the claim.
  - (B) A losing candidate challenging election results may apply to the Tribal Court to issue a temporary restraining order or preliminary injunction under CITC Chapter 620, enjoining the elected person from serving on Tribal Council until resolution of an election contest filed under this Section. If a candidate has initiated proceedings under this section, no Tribal Court complaint shall be necessary for the court to consider whether to award such injunctive relief.
4. Procedure
  - (A) The Election Board will meet to consider the challenge as soon as possible after it is received. The Board shall make its findings in writing and shall make them within twenty days following certification of the election. The Board shall make its findings on the claim by a majority vote of the members of the Board. If the Election Board determines that a new election should be held, they shall specify in the findings which position(s) is/are affected by the claim. They shall also state in the findings which position(s) should be included in the new election.
  - (B) The Election Board shall forward the request for a new election to the Tribal Council in writing or by e-mail and state which position(s) is/are subject to the new election. The Tribal Council must set a new day of Election for the affected positions within five (5) weeks of the Election Board's written notification of the need for a new election.
  - (C) The Election Board will serve a copy of its written findings and conclusions on the complainant by certified mail, as well as posting them at the Coquille Tribal Headquarters, on the Tribal Portal, and publishing them in the next edition of the Tribal newsletter.



COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

---

5. Appeal

- (A) If the candidate who filed the challenge disagrees with the final decision of the Election Board on his/her challenge, the candidate may file an appeal with the Tribal Court. Only the candidate who filed the challenge may appeal the Election Board's final decision to the Tribal Court.
- (B) The candidate must file the appeal with the Tribal Court within ten business (10) days of the candidate's receipt of the Election Board's decision, or thirty calendar (30) days after the Election Board's final written decision, whichever is shorter. The Tribal Court must deny any appeal that is not timely filed.
- (C) The Tribal Court shall apply the standard of arbitrary and capricious in its evaluation of a decision of the Election Board appealed under this section.
- (D) In evaluating the petition, the Court may consider evidence offered by the complaint and Election Board without strictly complying with the rules of evidence. The Court shall consider evidence offered if the Court deems it to be relevant and truthful.
- (E) Except as provided under this section, the provisions of Coquille Indian Tribal Code Chapter 610 (Tribal Court) and Coquille Indian Tribal Code Chapter 620 (Rules of Civil Procedure) apply to any appeal filed under this section.
- (F) Notwithstanding any other provision of Tribal law, a vote of the Tribal Council will not be invalid solely because of a successful challenge under this section.

**194.170 Recount**

If the margin of victory for any position is within two (2) percent of the total votes cast for that position, the Election Board shall automatically recount the votes for that position to verify the results.

**194.180 Recall Election**

1. Standard for Recall

A member of the Tribal Council may only be removed from office under the Recall provision of the Tribal Constitution, Article IV, Section 3 by a 2/3 majority vote provided that at least thirty percent (30%) of eligible Tribal voters cast a vote in the Recall election.

2. Procedure for Recall

- (A) Upon verification of a Petition for Recall, the Election Board shall notify the Tribal Council and the proponent of the Recall petition that a special election on the Recall petition must be held. Upon receipt of the notification from the Election Board, the Tribal Council shall set a special election conducted according to the provisions of this Ordinance to

COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

---

consider the recall of the Tribal Council member(s) named in the Recall petition. The Council shall set the Recall election within forty-five (45) days of notification of the verification of the petition by the Election Board; provided that if the Recall petition is submitted within six (6) months of the annual Council election, the Tribal Council may direct that the matter be placed on the Ballot for that Election.

(B) The Election Board shall ensure that written notice of the Recall Election is sent to each eligible Tribal voter.

(C) The Tribal Council member subject to Recall and the sponsor of the Recall may each submit a two page document to the Election Board regarding their respective positions within two (2) weeks of notification of verification of the petition. The documents may be mailed, e-mailed, or faxed to the Election Board. The Election Board will ensure the submitted materials are consistent with requirements of this ordinance and ensure they are mailed to all eligible Tribal voters prior to the Recall Election.

3. Basis for Recall

A Recall of the Tribal Council member must be based upon gross neglect of duty to the Tribal Council or improper conduct. For purposes of this section, "improper conduct" shall consist of a conviction for any felony in any jurisdiction, or any act involving substantial dishonesty committed while acting as a Tribal official. For purposes of this section, "gross neglect of duty" shall consist of failure to perform the duties set forth in the Constitution of the Coquille Indian Tribe.

4. Notice

(A) Upon receipt of a Recall petition, the Election Board shall personally deliver or mail by certified mail, a copy of the Recall petition to the Tribal Council member whose recall is sought.

(B) The Election Board shall ensure notice of the Recall Election is sent to all eligible Tribal voters.

5. Verification

The Election Board shall verify Recall petitions as provided in this Ordinance.

6. Dispute Resolution of Recall Elections

(A) Any challenges to a recall election is subject to the procedures set forth in Section 194.160 of this ordinance provided that only a Tribal Council member who has been recalled may contest the results of the recall election. The proponents of a recall whose efforts have failed to recall a Tribal Council member may not contest the results of the recall election.

COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

---

(B) If the recall vote results in a member of the Tribal Council being recalled from office, the position vacated will be filled pursuant to the provisions of Article VI, Section 5 of the Coquille Tribal Constitution and section 195.195 of this Ordinance.

**194.190 Conduct of Special Election due to a Vacancy**

1. As set forth in the Constitution of the Coquille Indian Tribe, if a Tribal Councilmember shall die, resign, automatically forfeit his or her Tribal Council position under Article VI, Section 6(a) of the Tribal Constitution or be removed from office for any reason, the Tribal Council shall declare that member's position vacant within 35 days of the event which creates the vacancy.
2. If the Tribal Council declares a member's position vacant within the first two years of the member's term of office, the Election Board shall initiate proceedings to hold an election to fill that vacancy.
3. If a vacancy occurs at any time during the third year of a term of office, the Tribal Council shall make an appointment to fill the vacancy for the remainder of that term as defined in 194.195 below.
4. If a Special Election is called for, the vacancy will be filled as follows:
  - (A) The Election Board will ensure that notice of the vacancy and the date and time of the Nomination meeting is sent to the General Council within five (5) days of a declared vacancy. This notice may be sent electronically or by postal mail to the most current address on record with the Tribal Member Services Program. Said Notice will also be posted to MyTribe.
  - (B) A General Council meeting will be held in within thirty five (35) days of the declared vacancy. This meeting shall be held in accordance with 194.100 (3).
  - (C) All provisions governing the conduct of a Special Election, as set forth in the Election Board Policies and Procedures, will apply.

**194.195 Filling a Vacancy During the Final Year of a Tribal Council Term**

This Section includes procedures to implement Article VI, Section 5 of the Constitution of the Coquille Indian Tribe (the "Tribal Constitution"), which states (in part):

If the Tribal Council declares a member's position vacant within the last year of his/her term, there shall be a special General Council meeting called within two weeks of the declaration of the vacancy for the purpose of nominations of tribal members to fill that vacancy. The nominees from the General Council shall be presented to the Tribal Council at the next regular meeting following the General Council meeting. The Tribal Council shall appoint a person to fill the vacancy from the list of nominees from the General Council.

# COQUILLE INDIAN TRIBAL CODE

## Chapter 194

### Elections

- 
1. Declaring a Position Vacant -At its next meeting following, or concurrent with the date that a member resigns or is no longer qualified to serve in office, the Tribal Council will declare the member's position vacant. Tribal Council may declare a position vacant by motion or resolution.
  2. Calling a General Council Meeting -A General Council meeting to accept nominations under Article VI, Section 5 of the Tribal Constitution will take place within two weeks of the date when the Tribal Council declares a vacancy.
  3. Notice of General Council Meeting - The Election Board will ensure that notice of the vacancy and nominations meeting is sent to the General Council within seventy-two hours of a declared vacancy. This notice may be sent by email or U.S. Postal Service First Class mail to the most current email address / mailing address on record with the Tribal Member Services Program. The Election Board will also ensure it is posted on MyTribe.
  4. The Election Board shall prepare a ballot for the Tribal Council containing a list of the nominees from the General Council that did not decline consideration, and will present said list to the Tribal Council at the next Regular Tribal Council meeting; at which time Tribal Council will make its appointment by secret ballot.
  5. The Tribal Council Secretary or a member of the Election Board will tally the ballots and announce the appointee. If necessary, successive rounds of voting will occur until one person has received a majority of votes cast. Or in the case of a tie between two nominees, the Tribal Council Chair will determine the winner by coin toss.
  6. The Election Board will notify the appointee within 24 hours of his or her appointment by Tribal Council.
  7. The Election Board will publish a notice of appointment to the General Council and post at the Coquille Tribal Administration Office, on MyTribe, and publish the notice in the next edition of the Tribal newsletter.
  8. Appointed Tribal Council members will take office at the next regularly scheduled Tribal Council meeting.

#### **194.200 Initiative, Referendum, and Recall Petition Requirements**

1. Each petition, whether for Initiative, Referendum, or Recall, must have a sponsoring Tribal member, with whom all communication with the Election Board will occur. The sponsor's name, address, and telephone number must be clearly listed in the upper left hand corner of each petition signature page.
2. Each Referendum or Initiative petition signature page must contain the statement that "THE PURPOSE OF THIS PETITION IS TO HAVE A GENERAL COUNCIL ELECTION ON THE FOLLOWING MEASURE:"

COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

- 
3. Each Recall petition signature page must contain the following statement "RECALL PETITION FOR \_\_\_\_\_, TRIBAL COUNCIL MEMBER", or an equivalent statement. Each Recall petition signature page must also contain a brief statement of the basis for the recall including when appropriate, dates, places and times of alleged misconduct.
  4. Each petition signature page must have attached to it a complete copy of the proposed measure or measures to be referred. A Recall petition must contain a statement on each page of the reasons why recall of the Tribal Council member is being sought.
  5. Each petition signature page must include the following information for each Tribal member signing the petition:
    - (A) Printed name,
    - (B) Signature,
    - (C) Address and phone number,
    - (D) Date of signature.
    - (E) Enrollment Number
  6. 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.

**194.220 Circulation of Petition**

Petitions may be circulated only by Tribal members who are at least 18 years of age. Persons asked to sign a petition must be given sufficient opportunity to read the summary of the petition and the attached complete copy of the measure for Initiative and Referendum petitions, and must be advised that they must be a Tribal member at least 18 years of age in order to sign a petition.

**194. 230 Validation and Verification of Petitions**

As required by the Constitution of the Coquille Indian Tribe, the Election Board shall verify and determine the validity of any petition related to the Recall of a Tribal Council member, an Initiative, or a Referendum as detailed in the policies and procedures.

**194.300 Eligibility of an Elected Person Under the Constitution of the Coquille Indian Tribe.**

CITC 194.300 – 194.320 govern the standards and procedures applicable to the eligibility of an Elected Person to serve on Tribal Council.

**194.310 Eligibility Standards**

1. The following provisions relate to a person's eligibility to serve on Tribal Council:

COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

- 
- (A) Article VI, Section (4)(a) (the “Employment Prohibition”) of the Constitution of the Coquille Indian Tribe (the “Tribal Constitution”) provides that, “[n]o member of the Tribal Council may be employed by the tribal administrative office while serving as a member of the Tribal Council.”;
- (B) Article VI, Section (6) of the Tribal Constitution establishes certain criminal background standards for Tribal Council members; and
- (C) Article V, Section (6) of the Tribal Constitution authorizes the Tribal Elections Ordinance to address matters related to the election of Tribal Council members. Article VI Subsection (6)(b) of the Tribal Constitution authorizes the removal of a Tribal Council member found guilty of a category of crimes. Nothing in this Section is intended to amend the procedure to remove a Tribal Council member under Article VI (6)(b) of the Tribal Constitution. In order to implement the requirements of Article VI, Section (6) of the Tribal Constitution, the Tribal Council requires persons elected to Tribal Council to submit to criminal background investigations at or prior to the time that they are sworn into office, or at the most practicable time thereafter. The results of these investigations will be shared only with Tribal Council members and employees or contracted persons whom are authorized to carry out official duties. The Tribal Council further declares that the requirement to remain free of criminal convictions described in Article VI, Section (6) of the Tribal Constitution continues throughout a person’s term on Tribal Council.
- (D) The Tribal Council declares that the category of crimes described in Article VI, Subsection (6)(b) of the Tribal Constitution includes, but is not limited to the following (provided for illustrative purposes only):
1. Arson
  2. Burglary
  3. Embezzlement
  4. Extortion
  5. Fraud
  6. Theft
  7. Assault with intent to kill, commit rape, commit robbery or commit serious bodily harm
  8. Manslaughter
  9. Murder
  10. Rape
  11. Attempting or abetting any of the above or any other crime included within the scope of Article VI, Subsection 6(b) of the Tribal Constitution
- (E) When directed by the Tribal Council, the Tribal Executive Director and Tribal Attorney (or their designees) are authorized to enforce compliance with this section.
2. For the purposes of the Employment Prohibition, “employ” means to provide compensation for services. Employ does not include:
- (A) gifts received,

COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

---

- (B) volunteer work,
  - (C) receipt of any general welfare benefits under the laws of the Tribe, as defined by CITC Chapter 163,
  - (D) receipt of benefits available to any class of eligible persons under the laws of any government, including the Tribe;
  - (E) receipt or accrual of benefits under the Tribal Council Service Fund Ordinance;
  - (F) receipt of meals, lodging, per diem, nominal gifts, or transportation from any entity that qualifies as a “tribal administrative office” under this Ordinance;
  - (G) reimbursement of any expense incurred on behalf of the Tribe or “tribal administration office” as defined by this Ordinance.
3. For the purposes of the Employment Prohibition, “tribal administrative office” includes:
- (A) units of Tribal government, including, without limitation, all employees within the Coquille Gaming Commission and the Coquille Indian Housing Authority, and all employees under the chain of command of the Tribal Chairman, Tribal Executive Director, the Tribal Chief Financial Officer, or the Tribal Attorney;
  - (B) entities in which the Tribe has greater than a 50% ownership interest, and any subsidiaries of such entities in which the entity or the Tribe (individually or combined) have a greater than 50% ownership interest.
4. For the purposes of the Employment Prohibition, “employed by the tribal administrative office” excludes the following:
- (A) Tribal Council membership by a person not subject to the Employment Prohibition, including the performance of duties and powers associated with or derived from Tribal Council membership, or as delegated by Tribal Council;
  - (B) Tribal government authorized compensation received by a person not subject to the Employment Prohibition for Tribal Council membership or service during a Tribal Council member’s term;
  - (C) special purpose contracts between Tribal Council members and the Tribal Council for the performance of extraordinary Tribal Council duties, with a term not to exceed 120 days, unless unusual circumstances warrant a longer contract term;
  - (D) work as a volunteer for the tribal administrative office; and
  - (E) service on tribal administrative office boards, workgroups or committees.

---

**194.320 Contesting Eligibility to Serve on Tribal Council under the Employment Prohibition**

1. The Tribal Council, acting collectively through the Tribal Attorney (or designee of the Tribal Attorney) or individually, or any member of the General Council may contest the right of an Elected Person (as defined below) to serve on Tribal Council. For the purpose of this Ordinance, an “Elected Person” is a person who the Election Board has certified as the winner of a Tribal Council election and who has taken office to serve on Tribal Council. To contest the right of an Elected Person to serve on Tribal Council, the Tribal Attorney (or designee), or any member of the General Council may file a Petition for Declaratory Judgment and Injunctive Relief (“Petition”) in the Coquille Indian Tribal Court (the “Tribal Court”). Such a Petition must specifically allege the grounds for an Elected Person’s ineligibility to serve on Tribal Council and must request the following relief:
  - (A) declaring an Elected Person to be disqualified from service as a Tribal Council member under Article VI, Section (4)(a) of the Tribal Constitution,
  - (B) enjoining the Elected Person’s service on Tribal Council and declaring the Tribal Council position at issue to be temporarily open and unfilled, and
  - (C) declaring the Tribal Council position at issue to be temporarily open and unfilled and preliminarily enjoining the Elected Person’s service on Tribal Council, pending the outcome of the litigation.
2. Except as otherwise provided in CITC 194.300-194.320, the Tribal Court will apply CITC 610 and 620 to any Petition for Declaratory Judgment proceeding authorized under this Ordinance.
3. It is the Tribe’s policy for proceedings filed under CITC 194.320 to be resolved efficiently and in an expedited manner. The Tribal Court will expedite proceedings filed under CITC 194.320, and for this purpose, the Tribal Court will have the authority to impose procedural time limitations and deadlines different from those listed elsewhere under Tribal law, including but not limited to discovery, motions, and hearings; *provided*, that nothing in this section authorizes the Tribal Court to alter the provisions of CITC 620.200(e) (“Statute of Limitations for Suits Against Tribe or Tribal Entities”).
4. If requested by a Petitioner or Intervenor, the Tribal Court may enter an Ex-Parte temporary restraining order or preliminary injunction enjoining an Elected Person from serving on Tribal Council until resolution of the Declaratory Judgment and Injunctive Relief proceeding. If the Tribal Court enters such a temporary restraining order or preliminary injunction, the Tribal Council position at issue will be deemed temporarily open and unfilled and remain open and unfilled until that order or injunction is dissolved. At its discretion the Court may make any order regarding benefits associated with Tribal Council membership for the Elected Person as is appropriate under the circumstances.



COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

- 
5. If the Tribal Court finds that an Elected Person is ineligible to serve on Tribal Council under the Employment Prohibition, the Court shall issue a Declaratory Judgment and Permanent Injunction enjoining that Elected Person from serving on the Tribal Council and declaring the position at issue open and unfilled. Provided, however, that such Declaratory Judgment and Permanent Injunction will become effective only after a ten calendar day waiting period (“Waiting Period”).
- (A) The purpose of the Waiting Period is to provide the Elected Person an opportunity to voluntarily resolve the conflict of interest (the “Conflict”) by terminating the tribal administration office employment at issue.
- (B) If, prior to the expiration of the Waiting Period, the Elected Person provides sufficient evidence to the Tribal Court demonstrating that he or she is no longer employed by the tribal administrative office the Tribal Court shall withdraw the Declaratory Judgment and Permanent Injunction, shall dissolve any temporary restraining order or preliminary injunction, and dismiss the case without prejudice.
- (C) If the Waiting Period expires with no resolution of the Conflict, the Declaratory Judgment and Permanent Injunction will immediately go into effect, and the Tribal Council vacancy will then be filled as provided under the Tribal Constitution.

Notwithstanding any provision of Tribal law, the Tribal Court may not award attorney fees, fines, compensation or damages for or against any party as a result of a proceeding brought pursuant to CITC 194.300 - 320.

**194.350 Policies and Procedures**

By resolution the Tribal Council may adopt, amend or repeal policies and procedures to carry out this Ordinance, provided that such provisions must not conflict with this Ordinance.

**194.375 Emergency Procedures**

Notwithstanding any other provision of this Ordinance, the Election Board may adopt alternate rules for the conduct of elections whenever compliance with the procedures set forth in this Ordinance or any supplement or Tribal Council-adopted policies and procedures pose a reasonable threat to the health or welfare of Tribal members, employees or contractors. Such alternate rules shall apply only during a duly declared governmental state of emergency or state of disaster, and:

1. Must be consistent with the Constitution of the Coquille Indian Tribe;
2. Shall be effective only during the applicable state of emergency or state of disaster;
3. Shall not affect the integrity of the election process; and
4. Should be designed to support the participation of General Council voters in the nomination and election process.

COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

---

**194.400 Severability**

If a court of competent jurisdiction finds any provision of this Ordinance to be invalid or illegal under applicable Tribal and or federal law, such provision shall be severed from this ordinance and the remainder of this Ordinance shall remain in full force and effect.

**194.500 Sovereign Immunity**

Nothing in this Ordinance waives the sovereign immunity of the Coquille Indian Tribe, or any of its officers, employees, board members, representatives or agents.

COQUILLE INDIAN TRIBAL CODE

Chapter 194

Elections

---

History of Amendments to Chapter 194 Elections Ordinance:

September 8, 1989

Revised August 10, 1994

Amended April 23, 2005

Adopted June 9, 2005

Amended June 12, 2008 CY0895

Adopted August 6, 2008 CY08114

Approved Dec 18, 2008 CY08177

Approved March 28, 2009 CY0950

Adopted June 11, 2009 CY0997

Approved May 22, 2010 CY1054

Adopted July 24, 2010 CY1070

Approved March 26, 2011 CY 1131

Adopted June 7, 2011 CY 1156

Approved September 8, 2011 CY 1185

Adopted October 19, 2011 CY 1198

Approved February 9, 2012 CY1212

Adopted April 12, 2012 CY1232

Administrative Correction July 28, 2012 CY1265

Approved August 25, 2012 CY1276

Adopted October 11, 2012 CY1291

Approved December 13, 2012 CY12129

Adopted January 18, 2013 CY1315

Approved June 6, 2013 CY1360

Adopted July 11, 2013 CY1368

Approved June 4, 2015 CY1562

Adopted July 9, 2015 CY1569

Approved May 28, 2020 CY20053 with supplemental Policy and Procedures

Adopted July 23, 2020 CY20070 with supplemental Policy and Procedures