

# **COQUILLE INDIAN TRIBAL CODE**

## **CHAPTER 194**

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

#### **Supplement to the Election Ordinance (“Policy and Procedure”)**

## **Table of Contents**

I. Purpose.....	2
II. Applicability & Scope.....	2
III. Related Policies/Reference for More Information.....	2
IV. Definitions .....	2
V. Detailed Policy Statement.....	3
VI. Designated Election Administrator and Enrollment Services Coordinator.....	6
VII. Tribal Member Directory.....	7
VIII. Conduct of the Election.....	8
IX. Contesting Election Results .....	14
X. Recount .....	14
XI. Recall Election.....	14
XII. Conduct of a Special Election due to a Vacancy.....	15
XIII. Filling a Vacancy During the Final Year of a Tribal Council Term.....	15
XIV. Validation and Verification of Petitions .....	15
XV. Policy Authority .....	16

**I. Purpose**

1. These policies and procedures are intended to direct and inform the Election Board in carrying out Coquille Indian Tribal Code Chapter 194 Elections, to provide for a fair, uniform, and efficient Tribal Election as authorized under Article V of the Constitution of the Coquille Tribe.

**II. Applicability & Scope**

1. This policy serves to inform and guide the Election Board, Candidates, and Tribal members on details for all elections, nominations, and qualifications not specifically outlined in the Tribal Constitution or Coquille Indian Tribal Code Chapter 194.
2. The Tribal Constitution and the Tribal Code will control over conflicting content contained in these Policies and Procedures. These policies are intended to clarify and provide detail and are not intended to replace or overrule anything else contained in the Tribal Constitution and Tribal law.

**III. Related Policies/Reference for More Information**

1. Constitution of the Coquille Indian Tribe.
2. Coquille Indian Tribal Code Chapter 194.

**IV. Definitions**

1. “Ballot” means the final official ballot included in the Ballot Packet.
2. “Ballot Packet” means the packet mailed to all eligible voters that contains the Ballot, secrecy envelope, Return Envelope, instruction sheet and or a sample ballot
3. “Day of Election” means any day Ballots or Preliminary Ballots are due and counted for the purpose of polling Tribal members.
4. “Election Day” – means the third Friday in October.
5. “Electioneering” means any act of campaigning to influence the result of an election including, but not limited to, wearing items of clothing or putting up posters or signs showing support or favor for a particular candidate or issue.
6. “Immediate Family” means parent, child, sibling, spouse or member of household.
7. “Preliminary Ballot” means the ballot provided during the Preliminary Voting process and included in the Voter Packet if needed.
8. “Preliminary Vote” means the process used to narrow the number of candidates down to two for listing on the Ballot.
9. “Return Envelope” means the stamped envelope that must be signed and returned by the voter and should contain a Ballot or Preliminary Ballot.
10. “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.

11. “Present” means a person is physically in attendance or is attending via an electronic system or device that allows them to simultaneously speak, be heard, and be seen in real time.

## **V. Detailed Policy Statement – Election Board**

### **1. Appointment and Qualifications**

- (a) All elections shall be supervised by the Election Board. The Election Board shall consist of three (3) members and two (2) alternates selected from the Tribal General Council. The Election Board shall be appointed by the Tribal Council. The Tribal Council shall appoint the Election Board at a Tribal Council Meeting immediately following the General Council nomination meeting.
- (b) Members of the Election Board must be enrolled members of the Coquille Indian Tribe. Election Board members shall be eighteen (18) years of age or older. 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.
- (c) Members of the Election Board must resign from the Board prior to the General Council meeting for nominations if she or he wishes to nominate a person for Tribal Council office at the General Council nomination meeting.
- (d) Persons appointed to a position on the Election Board shall be notified of their appointment in writing or by e-mail, no later than 5:00 p.m. on the Monday following the Tribal Council meeting at which they were appointed, by the Election Administrator or their designee. Appointees who wish to decline the appointment must send a letter or e-mail of declination to the Tribal Council Secretary within five (5) business days of their appointment.
- (e) Notwithstanding any other provisions of the Election Ordinance, all day of Election actions of the Election Board, or those actions requiring a vote of the Election Board, shall be done by the three Election Board members appointed by Tribal Council pursuant to the Tribal Constitution and the Election Ordinance. If at any point one or more of the three designated Election Board members are not present for a day of Election action, or required vote of the Election Board, then the alternate Election Board members, in the order appointed, will assume the place of one or more of the three designated Election Board members to ensure a quorum. Three members are required to constitute a quorum for Election Board decision and voting purposes. Alternate Election Board members shall participate in all other actions and meetings required of the board.

### **2. Term in Office**

Election Board members shall serve a one (1) year term and may be re-appointed for additional terms.

### 3. Duties of Election Board

#### (a) Oath:

Upon accepting the appointment, each member of the Election Board shall sign an oath that states that she or he will serve according to the best of her or his ability and shall make every effort to prevent fraud or abuse of the election process. The oath shall become part of the election records.

#### (b) The duties of the Election Board shall include the following:

1. Supervising Tribal elections;
2. Monitoring the administration of elections by the designated Election Administrator;
3. Making available a nomination form letter at the General Council Nominations meeting and acting as a proxy for submission of the letter as needed;
4. Ensuring that General Council members are given notice of the nominations meeting at least 30 days prior to the meeting;
5. Ensuring publication of candidate personal statements, resumes, and pictures as defined Candidate Materials, if any, to MyTribe prior to the election;
6. Ensuring that Tribal election Voter Packets and Ballot Packets are compiled and distributed to voting Tribal members;
7. Ensuring that appropriate material is contained in the Voter Packet;
8. Ensuring that ballots accurately list the candidates and state the issues for the election;
9. Ensuring that an updated roll of Tribal members is available for the election;
10. Ensuring that ballots are mailed to all Tribal members eligible to vote in an election;
11. Receiving, counting, and tabulating the ballots at the close of voting;
12. Deciding questions of eligibility to vote and ensuring that ballots are distributed only to qualified voters;
13. Ensuring adequate poll book and other record-keeping procedures are followed which will provide sufficient information to determine the validity of the election;
14. Reviewing and investigating any claims of irregularity regarding the election and making findings as to the validity or invalidity of any claims of irregularity;
15. Requiring that a new election be held if it is determined that an irregularity affected the outcome of the election;
16. Interpreting ballots carefully and truthfully to voters who are unable to read or who request assistance;
17. Reporting to the Tribal Council the results of all Elections and reporting any complaint of irregularity and the determination arising from such complaint;
18. Certifying the results of the election;

19. Retaining all Return Envelopes and ballots, including spoiled ballots, in a sealed container and under lock and key for one year from the date of each election, as evidence to be used in any election dispute;
20. Monitoring the polling place on the day of Elections; and,
21. Supplying a list of General Council member contact information for nominees for Tribal Council positions as provided in the Election Ordinance.
22. Facilitating publication of any candidate personal statements in the Tribal newsletter prior to the election, as outlined pursuant to established publishing guidelines determined by the Tribal newsletter editor. Candidates are responsible for providing and editing their own materials to meet Tribal newsletter requirements. The Election Board will not make edits to any materials submitted.

4. Election Board Fees

At rates set by the Board, subject to the approval of the Tribal Council, a reasonable stipend may be paid, and reasonable out-of-pocket expenses may be reimbursed to the Board members for duties performed on behalf of the Election Board, *provided* that to the fullest extent possible, the Board shall endeavor to minimize the costs thereof. Such fees shall not be paid, however, to any Board Member who is otherwise employed by the Tribe.

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. If at any point one or more of the three designated Election Board members are not present for an official action, or the required vote of the Election Board, then the alternate Election Board members, in the order appointed, will assume the place of one or more of the three designated Election Board members to ensure a quorum. Three members are required to constitute a quorum for Election Board decision and voting purposes. Alternate Election Board members shall participate in all other actions and meetings required of the board.

6. Rulemaking

(a) Rulemaking Authority:

1. The Election Board shall have the authority to make and enforce such rules as they find necessary to provide for fair and efficient elections under these policies and procedures. Rules promulgated by the Election Board shall be in writing and shall be adopted by a majority vote of the Board.
2. The Election Board shall submit any rule that it promulgates for an election to the Tribal Council at its next regularly scheduled meeting along with a written explanation of the need for the rule. The Tribal Council may choose to use this information for the purpose of amending these policies and procedures or the Election Ordinance to include that rule.

3. Except as set forth in the Election Ordinance, the Election Board may not create any rule that would fundamentally amend or modify the Election Ordinance, including these Policies and Procedures without Tribal Council approval.
4. The Election Board may not create any rule that would be objectively considered outcome determinative during any active election.

(b) General Rules:

In addition to any such rules promulgated by the Election Board pursuant to its authority under Ordinance and these policies and procedures, the Board will abide by these general rules in the conduct of the election:

1. The Board will count ballots cast in a Preliminary Vote or day of Election vote at the close of voting at the designated polling place.
2. An independent election watcher (the “Election Watcher”) must be present to monitor vote counting at all Tribal elections. As used in this subparagraph, “independent” means that an Election Watcher (and any employee or agent of the Election Watcher) is not a spouse, sibling parent, child, grandparent, grandchild, aunt, uncle or cousin of any candidate in that election.
3. No person will be allowed to loiter in the tabulation area in which the Board is counting ballots.
4. One member of the Coquille Indian Tribe Election Board must be at the designated polling place and available to address any election related queries until the close of business on the day of the Election.
5. The Election Board may not count ballots unless three (3) Board members, including alternates, are present.
6. Except as authorized by Tribal law, the Election Board may not publish or release a list of voters who voted in a particular election.

## **VI. Designated Election Administrator and Enrollment Services Coordinator**

1. The Tribal Government CEO shall designate an Election Administrator
  - (a) The Duties of the Election Administrator shall include:
    1. Conducting the day to day election administration work;
    2. Maintaining and updating all election forms, documents and templates;
    3. Assisting the Election Board with providing timely notices to Tribal Members;
    4. Collecting and securing all candidate materials;
    5. Ordering all envelopes and materials for impending elections;

6. Submitting a candidate’s personal statement, resume, and picture as defined Candidate Materials to the Communications Director for posting on MyTribe;
  7. Assisting the Election Board with compilation and mailing of Voter Packets and Ballot Packets;
  8. Contracting an Election Watcher in consultation with the Election Board;
  9. Being available to the Election Board as necessary;
  10. Working with the Election Board to schedule rooms as needed;
  11. Preparing, copying and securing all packet materials in preparation for Board to compile packets for mailing;
  12. Providing replacement Voter Packets and notifying Election Board;
  13. Preparing all envelopes with regard to labeling and postage;
  14. Providing the Tribal Council oath of office to be administered at the time of swearing in.
- (b) The election duties of the Enrollment Services Coordinator shall include:
1. Providing the Tribal Member Directory as defined below;
  2. Updating the Tribal Member Directory throughout the election cycle;
  3. Forwarding any Tribal Member address updates to candidates and the Election Board.
- (c) Exceptions:
1. The designated Election Administrator may not be an immediate family member of a candidate as defined below.
  2. If the Enrollment Services Coordinator is either a candidate, or an immediate family member of a candidate, that staff person shall be unable to assist in the election process as outlined above. These duties shall be re-assigned by the Tribal Government CEO in consultation with the Election Board Chair.
  3. Immediate family member shall mean the parent, child, sibling, spouse or member of a candidate’s household.

## **VII. Tribal Member Directory**

Within five business days after the nominations meeting, a directory of all current General Council names, phone numbers and addresses will be compiled and provided to the Election Board. Upon request, the Election Board will provide copies of the list to candidates; *provided*, that the candidate must, in advance of receiving the directory, sign a notarized statement under oath, swearing that the nominee will (a) use the directory exclusively for the purpose of that year’s campaign for Tribal Council, (b) will make no copies of the directory, and (c) will destroy the directory immediately after conclusion of the election. The directory may be provided to candidates as either a hard copy or a digital file. Candidates are required to clear, purge, destroy and permanently remove any digital directory files obtained or saved on drives of any and all nature at the conclusion of the election.



A candidate will not receive the directory until the Election Board receives the candidate’s signed and notarized oath. An oath is considered received when it is faxed, e-mailed or delivered to the Tribal Administration office. In the event of faxing or e-mailing the oath, the original must then be mailed to the Tribe. Directories handed out for this purpose may be identified using watermarks, memorandum notes, or otherwise.

## **VIII. Conduct of the Election**

### **1. Preliminary Vote**

- (a) A Preliminary Vote shall be held for each position where there are three or more nominated candidates.

### **2. Candidate Materials**

- (a) The Election Board, with the assistance of the Election Administrator, shall gather all Candidate Materials for all elections.
- (b) The Candidate Materials may only contain:
  - 1. A personal statement from each candidate; and
  - 2. A resume from each candidate;
- (c) The Candidate Materials may not contain:
  - 1. Any statements not authored by the candidate;
  - 2. Any documents on letterhead from the Tribe or any Tribal entity;
- (d) The personal statement and resume may not exceed two double-sided pages in total, the equivalent of 4 single sided pages, each page on 8 ½ x 11” standard sized paper.
- (e) Candidate photos:
  - 1. Each candidate may submit only one photo of themselves;
  - 2. The photo must be no more than five years old;
  - 3. Photographs must only be of the head and shoulders of the candidate;
  - 4. Any photographs that reveal clothing, uniform or insignia suggestive of holding public office, or that of any organization that advocates or teaches racial or religious intolerance, are prohibited;
  - 5. Any photo will only be published once within the space allotted for the personal statement and resume, which including the photo, may not exceed two double-sided pages in total, the equivalent of 4 single sided pages, each page on 8 ½ x 11” standard sized paper. The photo size must not exceed what can fit on one 8 ½ x 11” standard sized piece of paper.

- (f) Submission of Candidate Materials is optional. If a candidate chooses not to submit a document, or does not submit it by the deadline, the Election Board will print the name of the candidate and directly under that the words “No Submission Received From The Candidate.”
- (g) Review of submitted candidate materials:
  - 1. Submitted materials shall be subject to review by the Election Board for conformance with these policies and procedures. Unless otherwise noted, materials are presented in black and white and ordered as personal statement then resume.
  - 2. Any materials that do not conform to the requirements of these Policies and Procedures will be returned to the Candidate for correction. Final versions must be submitted by the deadline. The Election Board will not alter or edit Candidate Materials.
- (h) Candidate Materials shall be submitted to any Election Board member or the Election Administrator. Materials shall remain confidential until they are mailed.

### 3. Voters’ Packets

- (a) Voters’ Packet: The Election Board, with the assistance of the Election Administrator, shall prepare all Voters’ Packets. These packets shall include: all referendum information and Candidate Materials.
- (b) In the case of a Preliminary Vote the Voters’ Packet will include (1) an information/instructions sheet which states the purpose of the Preliminary Vote, the location of the polling place, the date the Preliminary Ballot needs to be returned and instructions for filling out the Preliminary Ballot (2) an inner optional secrecy envelope; (3) a clearly marked "Preliminary Ballot," and (4) a self-addressed stamped Return Envelope.
- (c) Additional materials, including but not limited to Candidate Forum information, may be included in the Voters’ Packet if authorized by a unanimous vote of the Election Board.

### 4. Ballot Packets

- (a) The Election Board, with the assistance of the Election Administrator, shall prepare Ballot Packets. Ballot Packets shall include: (1) an information/instructions sheet which states the purpose of the Ballot, the location of the polling place, the date the Ballot needs to be returned and instructions for filling out the Ballot; (2) the Ballot; (3) an inner optional secrecy envelope; and (4) a self-addressed stamped Return Envelope. The Ballot Packet shall not contain referendum or Candidate Materials.

5. Ballots

- (a) The Election Board, with the assistance of the Election Administrator, shall prepare all Ballots.
- (b) Tribal Council Election Preliminary Ballots are necessary when there are three or more candidates nominated for the same Tribal Council position. Preliminary Ballots shall clearly be marked “Preliminary Ballot” and shall have the names of the candidates for each position listed in alphabetical order by last name. The Preliminary Ballots shall have a space for write-in candidates for each office listed. An instruction sheet shall be included with the following instructions:

You may vote for one candidate for each office. Place a mark by the name of each person for whom you wish to vote. If you vote for more than one candidate for any position, your vote for that position will not be counted.

If you make an error on the Ballot or want to change your vote, you may (1) make the correction on the Ballot as clearly as possible so it can be determined by the Election Board for whom the vote was intended or (2) contact the Election Board for a new Ballot.

Be sure to clearly and legibly sign your name on the back of your Return Envelope. Your Ballot will not be counted if you do not sign the return envelope or if the signature does not validly appear to be that of the voter casting the Ballot. Ballots inside of unsigned returned envelopes will be spoiled, but nothing prohibits the Election Board, at their discretion, from attempting to contact voters to cure timely discovered signature defects.

If you need assistance, the Election Board members will help you.

- (c) Ballots shall clearly be marked “Official Ballot” and shall have the names of candidates for each office listed in alphabetical order by last name. Should a Preliminary Vote have occurred, the top two vote receivers per office shall be listed on the Ballot. The Ballot shall have a space for write-in candidates for each office. An instruction sheet shall be included with the following instructions:

You may vote for one candidate for each office. Place a mark by the name of each person for whom you wish to vote. If you vote for more than one candidate for any position, your vote for that position will not be counted.

If you make an error on the Ballot or want to change your vote, you may (1) make the correction on the Ballot as clearly as possible so it can be determined by the Election Board for whom the vote was intended or (2) contact the Election Board for a new Ballot.

Be sure to clearly and legibly sign your name on the back of your Return Envelope. Your Ballot will not be counted if you do not sign the return envelope or if the signature does not validly appear to be that of the voter casting the Ballot. Ballots inside of unsigned returned envelopes will be spoiled, but nothing prohibits the Election Board, at their discretion, from attempting to contact voters to cure timely discovered signature defects.

COQUILLE INDIAN TRIBAL CODE  
Chapter 194  
Supplement to the Election Ordinance (“Policy and Procedure”)

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Preliminary Ballots inadvertently submitted when an official final Ballot is required may be counted, so long as the ballot is not spoiled for any other reason. Votes for candidates not listed on the official Ballot and submitted on a Preliminary Ballot will be considered a write-in vote for the candidate selected. All other ballot substitutes will be considered spoiled.

If you need assistance, the Election Board members will help you.

- (d) Ballots for Referendum or Initiatives will clearly state the question presented and that a yes or no vote is required on the issue. In addition to the statement of the question presented, the Ballot shall also contain the following instructions:

You may vote either yes or no on the referendum or initiative. A yes vote means that you support the referendum/initiative. A no vote means that you do not support the referendum/initiative. Place a mark by either yes or no. A voter cannot vote both yes and no on the issue.

If you make an error on the Ballot or want to change your vote, you may (1) make the correction on the Ballot as clearly as possible so it can be determined by the Election Board if you intended to vote yes or no or (2) contact the Election Board for a new Ballot.

Be sure to sign and print your name on the back of your Return Envelope. Your Ballot will not be counted if you do not sign the envelope.

- (e) Ballots for recall of a Tribal Council member will clearly state the name of the Tribal Council member whose recall is sought. Additionally, each Ballot shall contain the following instructions:

You may either vote yes or no on the recall of (insert name of council member whose recall is being sought) from the Tribal Council. If you vote yes, it means that you support the recall petition and that you believe that the Tribal Council member should be removed from office. If you vote no, it means that you do not support the recall petition and that you do not want the Tribal Council member removed from office.

Please place a mark by either the Yes or No space. You may not vote more than once. If you mark both spaces, your Ballot will be marked spoiled, and your vote will not be counted.

If you make an error on the Ballot or want to change your vote, you may (1) make the correction on the Ballot as clearly as possible so it can be determined by the Election Board if you intended to vote yes or no or (2) contact the Election Board for a new Ballot.

Be sure to sign and print your name on the back of your Return Envelope. Your Ballot will not be counted if you do not sign the envelope.

Sample Ballot:

Ballot #

Should \_\_\_\_\_ (insert council member's name) be recalled?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

- (f) Ballots for a General Council Advisory Vote will clearly state the question presented and that a yes or no vote is required on the issue. In addition to the statement of the question presented, the Ballot shall contain the following instruction:

This is a Ballot for a General Council Advisory Vote. This vote does not create or change Tribal law. The Tribal Council is using this vote to find out how you feel about an important issue.

You may vote either yes or no on the General Council Advisory Vote. A yes vote means that you support the question posed on the Ballot. A no vote means that you oppose the question on the Ballot. Place a mark by either yes or no. You cannot vote both yes and no on the issue.

If you make an error on the Ballot or want to change your vote, you may (1) make the correction on the Ballot as clearly as possible so it can be determined by the Election Board if you intended to vote yes or no or (2) contact the Election Board for a new Ballot.

Be sure to sign and print your name on the back of your Return Envelope. Your Ballot will not be counted if you do not sign the envelope.

- (g) All Ballots shall be printed in black on white paper and marked as noted in (B) and (C) above.
- (h) The Election Board, with the assistance of the Election Administrator, shall determine and record the total number of Ballots to be printed for each election in the poll book.
- (i) The Election Board may include sample ballots for voters. Sample ballots must be printed on colored paper and shall clearly be labeled "sample ballot". If a sample ballot is placed in the ballot box, it shall not be counted.
- (j) If the Election Board has an objectively reasonable belief that a Return Envelope has been tampered with, the Return Envelope shall be verified before it is logged in and placed in the ballot box. In order to verify the Return Envelope, an Election Board member will call the General Council member who has purportedly signed the Return Envelope and ask them to verify the condition of their Return Envelope. If the General Council member does not respond within two business days of the call, or if a phone number cannot be found to reach the member, or if the member cannot be reached within two business days, then the Return Envelope and Ballot shall be considered “spoiled” as defined below and a new Return Envelope and Ballot shall be issued to the General Council member immediately, accompanied by an explanation of the reason for the new Ballot. This section does not create an obligation on the part of the Election Board to ensure that the new Ballot is received or returned prior to the date of the Election.

6. Casting Ballots

- (a) Should a Preliminary Vote be necessary, the Election Board shall ensure Voters’ Packets are mailed to all eligible voters no later than thirty (30) days prior to the day of the Election.

- (b) The Election Board shall ensure Ballot Packets are mailed to all eligible voters no later than thirty (30) days prior to Election Day.
- (c) Voters may cast their Ballots in person by depositing the completed Ballot in the signed Return Envelope in the secured box at the designated polling place during normal tribal office hours from the time of the receipt of the Ballots until 12:00 p.m. on the day of Election. Voters may also cast their vote by mailing the completed Ballot in the signed Return Envelope.
- (d) Ballots may not be cast by facsimile (fax) machine or via email.
- (e) Ballots that are cast by mail must be received at the designated polling place by 12:00 p.m. on the day of the Election. Ballots that are received later than 12:00 p.m. on the day of Elections are spoiled ballots and shall not be counted. The Election Board shall note in the poll book any Return Envelopes received after 12:00 p.m. on the day of Election and keep these Return Envelopes containing the Ballots in the spoiled ballot container.
- (f) Ballots in Return Envelopes that are cast by mail to the designated polling place shall be placed in a secured box upon their receipt at the designated polling place. An Election Board member shall stamp the date the Return Envelope is received, docket the receipt of the Return Envelope in the poll book and deposit the Return Envelope in the ballot box. No one shall open this ballot box except the members of the Election Board; provided that a quorum of the Election Board shall be present when the ballot box is opened.
- (g) The voter may place the Ballot in the inner envelope and seal the inner secrecy envelope. If the inner secrecy envelope is used, it shall be placed in the Return Envelope. The back of the Return Envelope shall be signed, or the Ballot will be spoiled. The Election Board shall note that the Ballot is spoiled and it will be kept in the spoiled ballot container.
- (h) If the voter is unable to mark the Ballot or sign his/her signature on the Return Envelope, the voter may direct someone to mark the Ballot for him/her and sign the Return Envelope provided that the voter mark the signature line with an X and the person attests to the mark; for example, "X, mark of John Doe witnessed by Jane Doe."
- (i) A spoiled ballot is a Ballot which cannot be counted because: (1) the Ballot is not received in a sealed envelope signed by the voter or his or her designee; (2) the Election Board has an objectively reasonable belief that a Return Envelope or Ballot has been tampered with; (3) the Return Envelope is received later than 12:00 p.m. on the day of the Election; (4) the Election Board cannot determine for which candidate the vote was intended; (5) the Ballot was for a General Council Advisory Vote, recall of a Tribal Council member, or a referendum or initiative and both “Yes” and “No” are marked or the Election Board cannot determine whether the intended vote is “Yes” or “No”.
- (j) Spoiled ballots shall be placed in separate container clearly marked "spoiled ballots".

- (k) The Election Board shall record in the poll book by each eligible voter's name whether his or her Return Envelope was received. The Election Board shall also note in the poll book any spoiled ballots along with the reason they were found to be spoiled. The poll book and the information contained shall be kept confidential.

7. Counting Ballots

- (a) The Election Board shall have an independent Election Watcher present at the vote count, tally, certification and any recount of the votes.
- (b) The ballot box shall only be opened with a quorum of the Election Board members present. All Ballots received shall be counted by the members of the Election Board after the polls have closed on the day of Election. A quorum of the Election Board and the Election Watcher must be present to count the Ballots and any recounts of the Ballots. The Election Board shall keep the Return Envelopes as part of the record of the election.
- (c) The members of the Election Board shall remove the Ballots from the Return Envelope and optional inner secrecy envelopes and count the Ballots and votes for each candidate or initiative or referendum.
- (d) The Election Board shall count and record in the poll book: the total number of Ballots cast; and the total number of spoiled ballots cast and certify the number of valid votes received for each candidate or each initiative or referendum in the poll book.

8. Certification

- (a) After the Election Board has counted and tallied all Ballots received in person or by mail, and tallied the votes for each candidate, initiative or referendum, the Election Board shall prepare a certification of the results of the election which shall be signed by the members of the Election Board and the Election Watcher.
- (b) The Election Board shall ensure their certification of the results of the election is made public. The Election Board will attempt to notify candidates of the Preliminary Vote and day of Election results within twenty-four (24) hours of the close of the polls on the day of the Election. The results shall be posted at the designated polling place, on MyTribe, and published in the next edition of the Tribal newsletter.

**IX. Contesting Election Results**

The process for contesting election results is detailed in Chapter 194 Elections 194.160

**X. Recount**

If the margin of victory for a 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.

**XI. Recall Election**

The process for recall elections is detailed in Chapter 194 Elections 194.180

## **XII. Conduct of a Special Election due to a Vacancy**

1. The Election Board shall send notice of the vacancy and Nominations Meeting to all members of the General Council at least fifteen (15) calendar days before the meeting.
2. The Election Board will verify that the nominees are Coquille Tribal Members who will be at least eighteen (18) years of age on the day of the Election, then will contact all nominees as soon as possible to determine whether the nominees wish to accept the nomination. Nominees must respond in writing by fax, e-mail, or U.S. mail postmarked within five (5) business days of the meeting. If the nominee fails to respond by the deadline, it shall be treated as a declination.
3. Write-in candidates shall be allowed for Special Elections. The Election Board shall ensure that the Ballots provided will provide space for write-in candidates.
4. The Special Election will be conducted as set forth in Section 194.190 of this Ordinance, with the following exceptions:
  - (a) The day of Election will be within 90 days of the Nominations Meeting.
  - (b) The Election Board shall set the date following the nominations meeting, and give notice to the Tribal Council of the date set.
  - (c) Election Board has the discretion to decide on the packet information for a Special Election
  - (d) In the event that a Special Election is ran in conjunction with a regular Election, then all election materials shall be mailed together.
5. Actions for Contesting the Special Election, Complaints, and Recount will be conducted in accordance with CITC 194.160, 194.170, and 194.180, respectively.

## **XIII. Filling a Vacancy During the Final Year of a Tribal Council Term**

This process is detailed in Chapter 194 Elections 194.195.

## **XIV. Validation and Verification of Petitions**

1. The Election Board shall verify petitions by certifying that the names and signatures which appear on such petitions total at least one-third (1/3) of the General Council members entitled to vote, that each person has signed each petition only once, and that the names on the petition are the names of General Council members.
2. Signatures will be valid for one year from the date of signature. Any signature obtained more than a year before the petition is presented for verification shall be considered invalid and will not count towards the total number of signatures required.
3. Verification Procedure. The Election Board shall take the following steps to verify petitions:
  - (a) Compare every petition signature with the current General Council member list to ensure that each General Council member has signed a petition only once. If a General Council member has signed a petition more than once, only one of the signatures will be verified and the remainder will not count toward the total required to authorize an election to consider a Recall, Initiative or Referendum.



- (b) Compare the physical signature on the petition with the signature on file with Enrollment Services.
- (c) If the physical signature on the petition is different from the signature on file, or if there is no signature on file with Enrollment Services, the Election Board shall attempt to call the person listed in the petition. In this phone call the Election Board shall:
  - 1. Ask the person to verify their age, the spelling of their name and their Tribal membership.
  - 2. Briefly summarize the nature of the petition and the Election Board’s duty to verify petition signatures.
  - 3. Ask the person to confirm that they signed the petition.
  - 4. Request the person to send a signature card to be kept on file to verify future tribal petition or election signatures.
  - 5. Make a written record of the telephone call and the person’s responses.
- (d) If after taking steps 2 and 3, above, the Election Board cannot confirm the identity of the person, the Election Board shall send a certified letter to the person at their last known address on file with Enrollment Services. This letter will request the person to contact the Election Board either telephonically or in writing to confirm their age, identity, Tribal member status and desire to sign the Petition. This letter will request a response within 30 days of its mailing.

If the Election Board takes all of the above steps and still does not receive a response from the person it must treat the signature as unverified, and the signature will not count toward the total required to authorize a Recall, Initiative or Referendum election.

## **XV. Policy Authority**

Tribal Council.