



SUSANVILLE INDIAN RANCHERIA

ORDINANCE NO. 2006-008

AN ORDINANCE OF THE SUSANVILLE INDIAN RANCHERIA GENERAL COMMUNITY COUNCIL ADOPTING RULES OF PROCEDURE GOVERNING BALLOT MEASURES

The General Council for the Susanville Indian Rancheria ("Tribe") hereby ordains as follows:

Section 1. Authority and Purpose. The General Council hereby states the authority and purpose of this Ordinance as follows:

1. The Tribe has adopted an amended Constitution of the Susanville Indian Rancheria under the Indian Reorganization Act approved June 18, 1934 (48 Stat. 984), as amended. The Constitution was adopted by a majority of the voting members of the Tribe at a Secretarial Election on May 18, 2005, and approved by the Secretary of Interior on July 13, 2005.
2. Article VI, Section 1 of the Tribe's Constitution enumerates the powers reserved to the General Council, including the power to enact ordinances governing elections, assignment of tribal land, and membership and to initiate the consideration of other tribal enactments. At times, the Tribal Business Council must submit ballot measures to the voting members of the Tribe, when the General Council is unable to act on the measure at a duly called meeting with a quorum present, either because the need to take action arises before such a meeting can be convened or because the General Council cannot achieve a quorum in a timely manner.
3. The purpose of this Ordinance is to authorize the Tribal Business Council to submit ballot measures to a vote of the eligible voters of the Tribe and to establish uniform rules of procedure governing voting procedures that will ensure that all ballot measure elections are conducted fairly.
4. This Ordinance is necessary in order to guarantee the right of each tribal member to cast one vote by secret ballot authorized by the Tribe's Constitution, to ensure that the votes are properly counted, and to provide procedures for challenging ballot measure elections that tribal members believe were not carried out according to the applicable procedures.

Section 2. Delegation of Authority to Tribal Business Council.

The Tribal Business Council is hereby authorized to submit by mailed ballot to the eligible voters of the Tribe ordinances and other legislative enactments in accordance with the procedures set forth in Section 3 of this Ordinance. Any such measure shall be adopted and binding on the General Council, the Tribal Business Council and the members of the Tribe, if approved by a majority of those voting on the measure.

Section 3. Adoption of "Rules of Procedure Governing Ballot Measure Elections."

The "Rules of Procedure Governing Ballot Measures Proposed by the Tribal Business Council" is hereby adopted to read as follows:

**RULES OF PROCEDURE GOVERNING TRIBAL BALLOT MEASURES
PROPOSED BY THE TRIBAL BUSINESS COUNCIL**

Section:

- 1.010 Qualification of Voters
- 1.020 Conduct of the Ballot Measure Election
- 1.030 Election and Recounts
- 1.040 Appeals
- 1.050 Tribal Business Council Regulations
- 1.060 Severability
- 1.070 Amendments

1.010. Qualifications of Voters.

Any duly enrolled member of the Susanville Indian Rancheria with a current valid mailing address, who will be eighteen (18) years of age or older on the date when a ballot must be received by the Tribal Office in any scheduled ballot measure election, shall have the right to vote on the ballot measure. "Duly enrolled member" shall mean any person whose name appears on the tribal membership roll prepared pursuant to the Tribal Enrollment Ordinance adopted pursuant to Article II, Section 3, of the Tribe's Constitution.

1.020. Conduct of the Ballot Measure Election.

- A. Ballots. The Tribal Office shall prepare all ballots for ballot measure elections with a "yes" or "no" checkmark box for the tribal member to indicate his or her vote for or against the ballot measure. The ballot shall include or be accompanied by the ballot measure in its entirety and instructions as to how to complete and return the ballot, when the ballot must be received and the date, time and location where and when the ballots will be counted. If ballots are sequentially numbered, no record shall be maintained of which numbered ballot was sent to which tribal member.

This will ensure that the identity of the voters is not revealed, when the ballots are counted and will preserve voting by secret ballot.

- B. Voting Procedure. The Tribal Office will mail out the ballot measure (along with a ballot and a self-addressed stamped envelope) to all adult voting members of the Susanville Indian Rancheria that will be at least eighteen years of age on the date the ballot is due. Note: The Tribal Office will be unable to mail a ballot measure to any adult voting member that does not have a current mailing address on file and as a result that individual will not receive a ballot. This ensures that no individual may vote more than once on the ballot measure. In addition, no ballots will be handed out by the Tribal Office.

The return address of the self-addressed stamped envelope shall be labeled in the following manner:

Susanville Indian Rancheria
745 Joaquin Street
Susanville, CA 96130
_____ Ballot Measure

The voter shall check the box of their choice on the ballot measure, place the ballot in the self-addressed stamped envelope and mail it back to the Tribal Office so that it is received prior to the due date. If a voter defaces or tears off any portion of the ballot, the ballot will be considered “spoiled”.

- C. Returns. On the next working date following the date when the ballot is due, the Tribal Office, along with at least one Tribal Business Council member and any available Election Board member, shall tally the returned ballots. Tribal members may observe the tally, provided their presence and conduct does not disrupt the tallying of the ballot measure results. A Tribal Business Council member and one Tribal Office staff member shall each separately tally the votes and an additional tribal office staff member shall record the votes on a flip chart visible to all observers. This procedure will result in three separate recorded tallies. All three must agree before the Tribal Administrator /Tribal Office Manager may declare the results of the ballot measure. Upon conclusion of the count and tally, the Tribal Administrator /Tribal Office Manager shall declare whether the ballot measure passed or failed. In the event of a tie, the Tribal Administrator / Tribal Office Manager shall call for a new election on the ballot measure. The new ballot, labeled as a run-off ballot for an identified ballot measure, shall be mailed out no later than five (5) calendar days after the vote tally with a due date of twenty-one (21) calendar days from the date the ballot is mailed. The run-off ballot measure election shall be conducted in accordance with all applicable provisions of this Ordinance. If no recount is requested and a new election is not justified, the Tribal Administrator /

Tribal Office Manager shall certify the election results by each Tribal Office staff member present signing his or her name at the bottom of each of the two tally sheets after the phrase: "I, the undersigned member of the Tribal Office, hereby certify that the above count and tally is true and correct, executed this ____ day of _____, 2 ____." and deliver the results to the Chairperson or, in the absence of the Chairperson, the Secretary/Treasurer of the Tribal Business Council within 48 hours of the announcement of the results of the ballot measure.

- D. Spoiled Ballots. A "spoiled ballot" is a ballot that has any other marking other than the appropriate box checked on the ballot. Comments on the ballot reflecting a voter's opinion on the ballot measure or the removal of any portion of the ballot shall cause the ballot to be "spoiled". The numbering of the ballot is to ensure that no one votes twice on the measure as there is no other means of identifying who has or has not voted on the ballot measure. Spoiled ballots shall be maintained by the Tribal Office separately from other ballots for a period of six (6) months, but shall only be open to challenge for a period of seven (7) calendar days after the election results have been announced by the Tribal Office Manager/Administrator. Any tribal member may seek to examine and question the designation of a ballot as "spoiled." The challenge shall be submitted to the Tribal Office Manager/Administrator in writing and shall set forth the basis of the challenge. The Tribal Business Council shall consider all such challenges at a regular or special meeting within three business days after the written challenge is filed. It shall determine whether treat the ballot as valid or spoiled. If that determination could affect the outcome of the election, the Business Council decision may be appealed in accordance with Section 1.040.

1.030. Election and Recounts.

Any tribal member may, by written request to the Tribal Business Council, obtain a recount when, in the opinion of the Tribal Business Council, a vote is so close as to justify a recount or there is some evidence of irregularity sufficient to justify a recount. Any request for a recount shall be made within 48 hours after the Tribal Administrator / Tribal Office Manager has announced the results of the ballot measure election.

The decision of the Tribal Business Council as to whether to conduct a recount shall be final. In the event of extreme irregularity, the Tribal Business Council may order a new election. The new election shall be conducted generally in accordance with the provisions of this Ordinance. The new ballot is to be mailed out no later than five (5) calendar days after the decision requiring a new election and the ballot measure shall have a due date of twenty-one (21) calendar days from the date the ballot is mailed. The decision of the Tribal Business Council on whether to hold a new election shall be final.

1.040. Appeals.

Decisions of the Tribal Business Council may be appealed by any adult tribal member to the General Council as further provided in this Section. An appeal of a ballot measure election shall stay the enforcement of the measure until the appeal is finally decided. An appeal must be filed with the Tribal Business Council, in writing, no later than seven (7) calendar days following the certification of the election results. An appeal outside this seven (7) day period is invalid and shall not be further considered. An appeal may only be based on a failure of the Tribal Office to comply with this Ordinance. No other ground for appeal shall be considered. The written notice of appeal must specify the provision of the Ordinance which has been violated and the specific facts claimed to violate the Ordinance. A written appeal that does not contain this information is invalid and shall not be further considered. If the Tribal Business Council receives a timely appeal which contains the required information, it shall call for a special meeting of the General Council for a date which is not less than fourteen (14) calendar days nor more than thirty (30) calendar days after the appeal was filed. If a quorum of the General Council does not exist at that meeting, it shall be adjourned, and the Tribal Business Council shall call a special meeting of the Tribal Business Council to consider the appeal which must be held not later than fifteen (15) calendar days after the convening of the General Council meeting. At the meeting of the General Council or Tribal Business Council, as applicable, the appellant may present evidence or argument in support of the appeal. The General Council or Tribal Business Council shall grant or deny the appeal at that meeting. If the appeal is denied, the election results shall be deemed final for the Tribe. If the appeal is granted, the Tribal Office shall conduct a new election in accordance with the applicable provisions of this Ordinance, as necessary to remedy the violation.

1.050. Tribal Business Council Regulations. The Tribal Business Council is hereby authorized to adopt by resolution such regulations as it deems necessary to implement or make specific the provisions of this Ordinance; provided that such regulations are consistent with and do not conflict the express provisions of this Ordinance.

1.060. Severability.

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

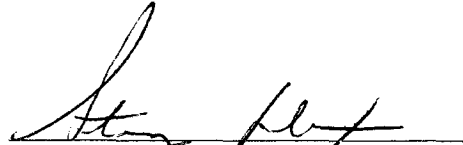
1.070. Amendments.

This ordinance may be amended by the General Council or by an initiative petition.

CERTIFICATION


We, the undersigned Chairman and Secretary/Treasurer of the Susanville Indian Rancheria, hereby certify that the foregoing Ordinance was adopted by the General Council through a Ballot Measure on the 24th day of November, 2006, with a vote count of 66 for, and 38 against.

Dated: 12/28/06



Stacy Dixon, Chairman

Dated: 12-28-06



Aaron Dixon Sr., Secretary/Treasurer