



# SUSANVILLE INDIAN RANCHERIA

**ORDINANCE NO. 2006-001**

## **AN ORDINANCE OF THE GENERAL COUNCIL OF THE SUSANVILLE INDIAN RANCHERIA ADOPTING RULES OF PROCEDURE GOVERNING TRIBAL ELECTIONS**

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

### **Section One. 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 III, Section 2(a) of the Constitution requires the General Council to adopt an Election Ordinance within 180 days of the effective date of the Constitution. The election ordinance shall provide for secret balloting, nominating and screening prospective candidates, maintaining a current list of qualified voters, resolving election disputes, and the establishment of an Election Board with the responsibility to ensure that elections are conducted objectively and fairly. The election ordinance must also provide for the conduct of recall and referendum elections, including uniform procedures for submitting petitions and determining their validity.
3. The purpose of this Ordinance is to comply with the Tribe's Constitution by establishing uniform rules of procedure governing all tribal elections that will ensure that all tribal 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 in each tribal election authorized by the Tribe's Constitution, to ensure that the votes are properly counted, to provide procedures for challenging elections that tribal members believe were not carried out according to the applicable procedures, and to provide procedures for sanctioning or removing members of the Election Board who do not perform their duties in accordance with the applicable procedures.



## **Section B. Adoption of “Rules of Procedure Governing Tribal Elections.”**

A new Ordinance entitled "Rules of Procedure Governing Tribal Elections" is hereby adopted to read as follows:

### **RULES OF PROCEDURE GOVERNING TRIBAL ELECTIONS**

#### Sections:

- 1 Establishment of Election Board
- 2 Qualification of Voters
- 3 Conduct of the Election
- 4 Absentee Voting
- 5 Election and Recounts
- 6 Time of Election
- 7 Candidates
- 8 Certification of Election
- 9 Taking Office
- 10 Vacancies
- 11 Procedures Applicable to All Petitions
- 12 Initiative
- 13 Referendum
- 14 Recall
- 15 Verification
- 16 Election Results
- 17 Appeals
- 18 Repeal of Previous Ordinance
- 19 Severability

#### **Section 1. Election Board.**

(a) Establishment of Election Board. All elections shall be administered by the Election Board.

(b) Composition of Board and Qualifications. The Election Board shall be composed of five members and five alternates selected by the Tribal Business Council (“TBC”) at its meeting held in September of each year. Election Board members shall be eighteen (18) years of age or older and must reside in Lassen County. An Election Board member must have a high school diploma or the equivalent. No person who has been convicted of a felony shall be eligible to hold office on the Election Board. No member of the Election Board may be a candidate for an elected office of the Tribe, serve as an elected official during his or her term on the Board, or have a family or business relationship with a candidate or elected tribal officer which would compromise the impartiality of the Election Board member or create the appearance of bias. No Election Board member shall participate in making or using his or her official position to influence a decision affecting a



candidate or elected official with whom the Board member has any of the relationships described in the preceding sentence or which would have a material effect on a financial interest of the Election Board member (collectively a "conflict of interest"). If an Election Board member has a conflict of interest, the Board alternate with the highest number of votes who does not have a conflict of interest shall participate in making the decision instead of the Election Board member with the conflict. "A family relationship" as used in this Ordinance means a relationship of parent, child, spouse (or person in a spouse-like relationship with the Board member), sibling, or any variation of these relationships denoted by the prefix "grand" or "step," or any person residing in the same household as the Board member. "Business relationship" as used in this Ordinance means (1) a Board member's employer, employee, or partner, or (2) a source of income to the Board member of \$500 or more during the previous 12 months, or (3) a business owner, officer, director or shareholder in which business the Board member has invested \$1,000 or from which the Board member expects to receive \$500 or more during the next 12 months.

(c) Election to Election Board. Any person who qualifies to serve on the Election Board pursuant to Section 1(b) of this Ordinance and who wishes to serve on the Election Board shall submit his/her name in writing to the TBC prior to or during the August quarterly meeting of the General Council. Between the August and September TBC meeting, the Chairperson shall collect sufficient information from each nominee to determine whether he or she is eligible to serve on the Election Board. Any nominee who the Chairperson determines is not eligible shall be given written notice of that decision not less than 10 days<sup>1</sup> prior to the September TBC meeting. Any nominee who disputes that determination may address the TBC at the September TBC meeting before the Chairperson reads the names of qualified nominees. After hearing from any such nominee and the Chairperson, the TBC shall vote on whether the nominee is or is not qualified based on the information then available. After the TBC has heard and decided any such disputes the Chairperson shall read the names of the qualified nominees to the TBC members in attendance. No further nominations shall be sought or accepted. After announcing the names of the nominees, the Chairperson shall conduct the election by secret ballot by providing to each TBC member a blank ballot sheet. The Chairperson shall instruct the TBC members present to write on the ballot the names of up to ten candidates (depending on the number of vacancies, including alternates to be filled) from the list of those nominated. The Chairperson shall collect and count the ballots in the presence of the TBC members. Nominees shall be listed in order from the highest number of votes received to lowest number of votes received. The member vacancies shall be filled by candidates on the list in descending order, until all of those vacancies are filled. The alternate vacancies shall be filled by continuing down the list in descending order until all of the alternate vacancies are filled. In the case of a tie, the TBC members shall vote to break the tie, using the same voting procedures used for the initial vote. If a dispute relating to the conduct of the election arises, the dispute shall be resolved by majority vote of the TBC members present and their decision shall be final. No Election Board member shall be seated and

---

1 "Days," when used in this Ordinance, means calendar days, unless otherwise specifically stated.



commence his or her duties, unless he or she has filed with the Chairperson not less than twenty (20) days prior to the September TBC meeting a written declaration under penalty of perjury declaring any felony criminal convictions, and consenting to a background check. If requested, the newly elected Board member shall supply his or her fingerprints in accordance with instructions from the Chairperson. If a newly elected Board member is found to have a felony conviction, the person shall be declared ineligible to hold office. If the background check could not be completed prior to the September TBC meeting, a replacement shall be selected as provided in this subsection (c).

(d) Term of Office. Election Board members shall each serve for a term of one (1) year. Election Board members' terms of office shall commence immediately upon election. In the event that a member of the Election Board resigns, is removed from office, or is unable to continue to serve as a member of the Election Board, the alternate Board member highest on the election list shall fill that vacancy.

(e) Duties of Election Board. Upon election, each member of the Election Board shall sign an oath which shall become part of the election records stating that he or she will serve according to the best of his or her ability and shall make every effort to prevent fraud or abuse of the election process. The Election Board shall perform all duties set forth in this Ordinance and in the Tribe's Constitution. The duties of the Election Board shall include, but not be limited to:

- (1) posting on the Rancheria and mailing to all eligible voters notices of the time, place, and requirements for qualified tribal members to file to become qualified candidates for tribal office;
- (2) examining and certifying the validity of nominations for candidacy for Tribal Business Council or other elective office and ensuring that all candidates meet the minimum qualifications for service on the Tribal Business Council or other elective office;
- (3) compiling an alphabetical list of all certified candidates for election to the Tribal Business Council and preparing all ballots pursuant to Section 3(a) of this Ordinance;
- (4) not more than one week after the nomination of candidates for elective office, posting on the Rancheria and mailing to all eligible voters the purpose, date, time and place of the election, and an application for an absentee ballot, together with instructions on how to obtain an absentee ballot, where to return the ballot, and the deadline for returning absentee ballots;
- (5) providing absentee voter applications and absentee ballots pursuant to Section 4(b) and (c) of this Ordinance;
- (6) accepting or rejecting absentee ballots pursuant to the procedures outlined in Section 4(e) of this Ordinance;



- (7) supervising the Tribal Business Council elections pursuant to the procedures outlined in Section 3 of this Ordinance;
- (8) ensuring that ballots are distributed only to qualified voters;
- (9) counting and tabulating the ballots at the close of voting, pursuant to the procedures outlined in Sections 3(c) and 4 of this Ordinance;
- (10) ensuring adequate record-keeping that will provide sufficient information to determine the validity of any election including, but not limited to, the procedure set forth in Section 3(c) below for checking and cross-checking ballot results;
- (11) reviewing and investigating any claims of irregularity regarding the election and making a determination as to the validity or invalidity of the election pursuant to the procedures outlined in Section 5 of this Ordinance;
- (12) reporting to the TBC the results of the election pursuant to Section 3(c) of this Ordinance within forty-eight (48) hours of the closing of the polls, and reporting any complaint of irregularity and determination arising from such complaint;
- (13) receiving all ballots cast and preserving and retaining all ballots in a sealed container and under lock and key for ninety (90) days from the date of each election, as evidence to be used in any election dispute;
- (14) examining and verifying petitions for initiative, referendum, and recall, by ascertaining that a petition contains the signatures of at least thirty percent (30%) of the eligible voters of the Tribe and that the basis for the petition is properly set forth as required by Articles IV and V of the Tribe's Constitution; and
- (15) announcing the time and place of the swearing in ceremony for newly elected candidates, which shall be at the next regular TBC meeting or not later than ten (10) days after the election, whichever comes first.

(f) Compensation. Members of the Election Board shall not be reimbursed for expenses or compensated for their service on the Board, unless the TBC adopts a resolution providing for such reimbursement or compensation.

(g) Removal from Office. A Board member shall automatically forfeit his or her position which shall become vacant, if he or she fails to attend two Election Board meetings without the prior approval of the Board. Failure to perform other duties of his or her office shall be cause for removal of an Election Board member by a 4/5 vote of the entire Election Board, but only after a statement of charges justifying such removal is served on the member not less than 10 days before an Election Board meeting to consider



the charges, and only after the Election Board member has been afforded an opportunity to respond to the charges at that meeting.

## **Section 2. Qualification of Voters.**

(a) Who may vote. Any duly enrolled member of the Tribe who will be eighteen (18) years of age or older on the date of any scheduled election shall have the right to vote in the election. "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. Prior to the enactment of such ordinance, the Tribe may rely on an officially recognized membership role of the Tribe.

(b) Voters List. The Enrollment Committee shall provide to the Election Board an updated list of eligible voters by no later than 5:00 p.m. on the forty-fifth (45<sup>th</sup>) day prior to any scheduled election. The Election Board shall keep an up-to-date poll book, with the voters listed in alphabetical order.

## **Section 3. Conduct of the Election for Tribal Business Council or Other Elective Office.**

(a) Ballots. The Election Board shall prepare all ballots. The names of the certified candidates shall be in alphabetical order. The ballot shall contain the following instructions:

"YOU MAY VOTE FOR \_\_\_\_ CANDIDATES FOR TRIBAL BUSINESS COUNCIL. PLACE AN "X" BY THE NAME OF EACH PERSON YOU WISH TO VOTE FOR. YOU MAY NOT GIVE ANY CANDIDATE MORE THAN ONE VOTE. ANY BALLOT WITH MORE THAN \_\_\_\_ TOTAL VOTES SHALL BE INVALID! IF YOU NEED ASSISTANCE, THE ELECTION BOARD MEMBERS WILL HELP YOU."

(b) Voting Procedure. Voting shall take place at a polling place on the Susanville Indian Rancheria to be designated by the Election Board. For regular TBC elections, ballots may be cast at the polling place from 8:00 a.m. to 7:00 p.m. on the first Saturday in November. For other elections, the date and time for voting shall be designated by the Election Board. No fewer than three Election Board members shall be present at all times. No other person shall remain, loiter, or campaign within one hundred (100) feet of the voting area. If any dispute should arise as to whether a person is violating the one hundred (100) foot prohibition contained in this Section, the Election Board shall immediately decide the issue and its decision shall be final.

One Election Board member shall control the poll book and another Election Board member shall hand out the ballots and supervise the ballot box. All ballots shall be numbered, counted and accounted for as set forth in this Section 3.



The voter shall first sign his or her name in the poll book. If the voter is unable to do so, the Election Board member shall write "unable to sign" by that name and have the voter make his/her mark. An Election Board member shall verify that the voter is the tribal member whose name he or she is seeking to vote under. Verification shall be done by visual comparison with any form of photo identification or if the voter is personally known to the Election Board member. Once an Election Board member has verified the voter, the Election Board member shall note such verification in the poll book by signing his or her initials by the voter's name. The voter will then be issued a ballot. The voter shall be provided with a private area in the polling place where he or she may mark the ballot. The voter may receive assistance from an Election Board member in marking the voter's ballot if requested. The voter shall fold the ballot when completed and deposit it in the locked ballot box.

If none of the Election Board members present can verify the voter by the above procedures, that voter shall be issued an absentee ballot and accompanying envelope. He or she shall complete the absentee ballot, fold it, place it in the envelope, and seal and sign the envelope. The envelope shall then be placed in the "rejected ballot" box, and be subject to the challenge procedures outlined in Section 4(f).

If the voter accidentally makes a mistake on or destroys his or her ballot, a new ballot shall be issued to the voter, with the correction noted in the poll book; the spoiled ballot shall be marked "void" immediately by an Election Board member and shall be retained by the Election Board.

(c) Returns. Immediately after the polls are closed, the Election Board shall count and tally the votes cast. Tribal members may observe the tally, provided their presence and conduct does not disrupt the Election Board in tallying the election results. Two Election Board members shall each separately tally the votes for each candidate as the Chairperson reads each ballot and an additional board member records 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 Election Board may declare the election results. Upon conclusion of the count and tally, the winners will be chosen by the Election Board. The winners shall be chosen by plurality according to the rank order of votes received. In the event of a tie, the Election Board shall conduct a run-off election within not less than ten (10) nor more than thirty (30) days. The run-off election shall be conducted in accordance with all applicable provisions of this Ordinance. The Election Board shall announce the results of the election. If no recount is requested and a new election is not justified, the Election Board shall certify the election by each Election Board 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 Election Board, 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 election. Winning candidates shall take office in accordance with Section 9 of this Ordinance.



#### **Section 4. Absentee Voting.**

(a) Required. Provisions for absentee balloting and voting by mail are required for all elections. No ballots received after the close of the voting shall be counted. Absentee ballots must be mailed to the Election Board and received no later than 12:00 p.m. (noon) on the election date.

(b) Absentee Ballot Requests. Forms for requesting absentee ballots ("Absentee Ballot Request Forms") shall be included with the notice of election provided in accordance with Section 1(e)(4) of this Ordinance. Absentee Ballot Request Forms also shall be available at the Tribal Office in Susanville, California. Commencing 45 days prior to the election, Absentee Ballot Request Forms may also be requested from the Election Board or its designee, which shall mail the requested form within two working days of the officially stamped receipt of the request.

(1) Except as provided in subsections (2) and (3) below, each person requesting an absentee ballot must fill out and sign the request form.

(2) A voter who cannot fill out or sign the Absentee Ballot Request Form because of a disability may authorize another person to sign on his or her behalf by designating that person as his or her attorney in fact in a written power of attorney prepared in accordance with California law. Alternatively, a family member or a person living with or caring for the voter may complete an "Authorization Form" on behalf of the voter that authorizes that person to sign on the voter's behalf. The Authorization Form shall be prepared and approved by the Election Board and shall be signed under penalty of perjury by the person who will sign for the voter. When an Absentee Ballot Request Form is filed with the Election Board on behalf of the disabled voter, a fully and properly completed power of attorney or Authorization Form shall be attached. Once that form has been filed with the Election Board, it shall be valid for all purposes for that election.

(3) If a voter cannot sign his or her full signature, someone may help the voter sign with an "X." That person must fill in the voter's name and under it write "Witnessed by." (Witness signs own name).

Any qualified voter shall be eligible to vote by absentee ballot. Upon receiving by mail or fax a properly completed and signed application form (including signatures as authorized by subsections (b)(2) and (b)(3) above) the Election Board or its designee shall mail to the applicant an absentee ballot within two working days of the officially stamped receipt of the application. No request for an application shall be valid after the eighth (8th) day prior to the election.

(c) Ballots. The absentee ballot shall consist of a paper ballot which meets the requirements of Section 3(a) of this Ordinance, an instruction sheet, an inner envelope, an outer envelope and a return envelope.



(d) Voting Procedure. When voting by absentee ballot, the voter shall mark the ballot and place it in the inner envelope and seal it. The voter shall then place the inner envelope inside the return envelope and seal it. The return envelope shall be signed, including as authorized in subsections (b)(2) and (b)(3) above, and the voter's roll number shall be written on the envelope and returned to the Election Board.

(e) Deposit and Receipt of Ballots at Post Office. Not less than two Election Board members shall deliver all absentee ballots to the Post Office and pick up absentee ballots from the Post Office.

(f) Returns. The Election Board shall compare the signature on the return envelope with the signature on the application. If the signatures match, the return envelope shall be opened and the inner envelope shall be deposited in the locked ballot box. In the event that a ballot is rejected because of an improper signature, the return envelope shall not be opened. The entire rejected ballot shall be deposited in a separate, secure rejection box, the size and the form of the rejection box to be determined by the Election Board in its sole discretion. The Election Board shall maintain a record of each application for an absentee ballot sent (including the name and address to which the application was sent), each returned application, and the disposition of each returned absentee ballot (vote deposited in locked ballot box, vote deposited in rejected ballot box).

(g) Rejected Ballots. After the closing of the polls, and the count and tally of ballots has been completed, the Election Board shall open the rejection box and allow any interested tribal voter to challenge the rejection of any ballot. The decision of the Election Board on the challenge shall be final. If a challenge is granted, the return envelope shall be opened and the inner envelope deposited in the absentee ballot box in the same manner as other absentee ballots, and shall be counted before the election results are declared and certified. Rejected ballots shall be kept for a period of one year, but shall only be open to challenge for a period of thirty (30) days after the election.

## **Section 5. Election and Recounts.**

Any candidate may, by written request to the Election Board, obtain a recount when, in the opinion of the Election Board, 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 Election Board has announced the results of the election.

The decision of the Election Board as to whether to make a recount shall be final. In the event of extreme irregularity, the Election Board may order a new election. The new election shall be conducted generally in accordance with the provisions of this Ordinance except that no new candidates may be nominated and sufficient time shall be granted for notice of the new election to be given to tribal members and for absentee voting. The decision of the Election Board on whether to hold a new election shall be final.

## **Section 6. Time of Election.**

(a) First Elections. All members elected to the Tribal Business Council shall hold office until their successors are duly elected and installed. The first elections for Tribal



Business Council shall be held as follows:

- |  |           |
|--|-----------|
| (1) Chairperson, Vice-Chairperson, Secretary/Treasurer | Nov. 2006 |
| (2) Representatives from Districts 1 and 2             | Nov. 2007 |
| (3) 2 at-large representatives                         | Nov. 2008 |

(b) Subsequent Elections: Elections for Tribal Business Council shall be held on the first Saturday in November each year. Each Tribal Business Council member elected as provided in subsection (a) above shall hold office for three (3) years.

**Section 7. Candidates.**

(a) General Qualifications. Eligible candidates for Tribal Business Council must:

- (1) Be an enrolled Tribal Member
- (2) Be twenty-one (21) years of age or older on the date of the election;
- (3) Have resided in Lassen County for not less than one year prior to the election;
- (4) Not have been convicted of a felony; and
- (5) Have a high school diploma or G.E.D.

(b) Special Qualifications.

- (1) A candidate to represent District 1 must have resided on the Lower Rancheria for not less than one year prior to the election
- (2) A candidate to represent District 2 must have resided on the Upper Rancheria for not less than one year prior to the election.
- (3) An at-large candidate to represent "trust land" residents must have resided on Tribal trust land for not less than one year prior to the election.
- (4) An at-large candidate to represent Lassen County must have resided in Lassen County on or off trust land for not less than one year prior to the election.



(b) Nominations.

- (1) How to become a candidate. Any person eligible for election to the Tribal Business Council, as provided herein, may become a candidate by filing a notice of his or her candidacy with the Election Board on or before July 31. The Election Board shall adopt a form that must be used for this purpose. Copies can be obtained from the Secretary/Treasurer of the Tribal Business Council, the Election Board, or the Tribal Office.

At the time of the filing of the notice, the candidate must tender to the Tribal Office or the Election Board a non-refundable filing fee sufficient to cover the costs of fingerprinting. Such fee shall be waived in cases where the applicant is indigent. The Election Board shall set and notify each candidate of a day, time, and place to have the candidate fingerprinted and to complete a statement of criminal history. The candidate shall complete the application and be fingerprinted on the day and time scheduled. Failure of the candidate to complete the application, the fingerprinting and return the same to the Election Board not more than twenty (20) days after the candidate has been nominated shall make the candidate ineligible to run for office.

- (2) Posting of candidates' names. At least thirty (30) days before the election, the Election Board shall post the names of all candidates at the Tribal Office and in a conspicuous place, visible for all to see. The Election Board shall duly update the list in the event a candidate has been duly nominated under this Ordinance.
- (3) Determination of eligibility. The Election Board shall determine whether each candidate has filed all required documentation and fees and meets all the qualifications for candidacy. The decision by the Election Board as to whether the candidate is eligible to be a candidate shall be final. There shall be no refunding of filing fees.

(c) Write-In Candidates: No write-in candidates will be accepted.

**Section 8. Certification of Election.**

The Election Board shall certify the results of the election as provided in Section 3(c) above.

**Section 9. Taking Office.**

Within one week of certification of the election results by the Elections Board, the Election Board Spokesperson or his or her designee shall administer the oath of office to



the newly elected officials. The oath of office shall be as follows:

"I, \_\_\_\_\_, DO SOLEMNLY SWEAR THAT I WILL UPHOLD THE CONSTITUTION AND LAWS OF THE SUSANVILLE INDIAN RANCHERIA, THAT I WILL SERVE THE TRIBE TO THE BEST OF MY ABILITY, THAT I WILL WORK FOR THE ENTIRE MEMBERSHIP OF THE TRIBE, THAT I WILL RESPONSIBLY REPRESENT THE TRIBE, THAT I WILL CARRY OUT THE DIRECTIONS OF THE TRIBAL BUSINESS COUNCIL, THAT I WILL DECLARE WHEN A CONFLICT OF INTEREST COULD AFFECT THE PERFORMANCE OF MY DUTIES ON BEHALF OF THE TRIBE, AND THAT I WILL PERFORM ALL DUTIES REQUIRED OF ME BY THE CONSTITUTION AND LAWS OF THE TRIBE."

Immediately upon the taking of the oath of office, the Tribal Business Council members shall begin their terms of office.

#### **Section 10. Vacancies.**

(a) Causes of Vacancies. An elective tribal office may become vacant in the following ways:

- (1) Death, disability, or resignation of an elected tribal official;
- (2) Removal from office by the Tribal Business Council, according to the terms of Article IV, Section 3, of the Tribe's Constitution.
- (3) Recall of an elected tribal official pursuant to Article IV, Section 2, of the Tribe's Constitution.

(b) Filling Vacancies. In the event that any elective tribal office becomes vacant between elections, said vacancy shall be filled according to the terms of Article IV, Section 1 of the Tribe's Constitution. If the unexpired term is six months or less, the TBC shall fill the vacancy using the procedure in Article IV, Section 1 of the Tribe's Constitution at its next regular meeting occurring not less than 10 days following the creation of the vacancy. If the unexpired term exceeds six (6) months, the Election Board shall schedule the election to fill the vacancy not more than 45 days after the creation of the vacancy and shall conduct the election in accordance with the applicable provisions of this ordinance.

#### **Section 11. Procedures Applicable to All Petitions.**

The following procedures shall apply to initiative, referendum and recall petitions as authorized by Article IV, Section 2 and Article V of the SIR Constitution.

a. Petition form. All petitions shall be in the following form:



1. At the top of each page of a petition shall appear a title and summary, to be approved by the TBC after referral to the Tribal Attorney, in accordance with subsection b below.

2. Immediately below the title and summary in not less than 14 point type shall appear in **Bold Face** the statement: **A COPY OF THE MEASURE OR CHARGES AND TRIBAL ATTORNEY OPINION ARE ATTACHED.**

3. Beneath the title and summary, signature lines shall appear in the following form:

<u>Printed name</u>	<u>Signature</u>	<u>Address</u>	<u>Date</u>
1. _____	_____	_____	_____
2. _____	_____	_____	_____

4. Each page may contain as many signature lines as will fit below the title and summary, allowing enough space between each line so that the name, address and date can be legibly printed.

5. Below the last signature line shall appear the following statement: "I declare under penalty of perjury that I am an eligible voter of the Susanville Indian Rancheria, I obtained the above signatures from eligible voters of the Tribe on the dates indicated, and a copy of the full measure or charges presented in this petition and the Tribal Attorney's Opinion were attached at the time that the petition was signed by each voter." That statement shall be followed by a space for the printed name, signature, address and date signed of the person collecting the signatures on that page.

6. A copy of the full initiative, referendum or detailed charges against the elected official on a recall petition, including dates and specific acts by the official which warrant his or her recall, and the Tribal Attorney's opinion shall be attached to each signature page.

b. Pre-circulation procedures. Prior to circulating a petition for signature, the proponents must submit the measure or charges to the TBC which shall refer the measure to the Tribal Attorney for the preparation of a title and summary and an opinion as provided in subsection b(2) below. The TBC must provide the proponents with an approved title and summary within 15 days after the measure or charges are submitted.

(1) Upon referral by the TBC, the Tribal Attorney shall prepare an impartial title and summary which accurately but concisely identifies and summarizes the contents of the measure or, in the case of a recall petition, the charges against the official subject to recall. The summary shall not exceed 75 words.



(2) The Tribal Attorney shall also prepare an impartial analysis of the measure or charges and express an opinion as to whether the measure or charges comply with applicable federal or tribal law or would result legal or practical difficulties for the Tribe.

(3) Upon receipt of the title, summary and opinion, the petition proponent or proponents must submit to the TBC a petition in the form required by subsection a above. Within 15 days of its receipt, the TBC shall either approve the petition as to form or provide the proponent with written notice of any defects in the petition. The proponents shall have one additional opportunity to seek approval of the petition. The TBC shall act on the corrected petition within 15 days of its receipt; provided it is resubmitted within 45 days after the proponents received notice of defects.

c. Circulation of petitions. The proponent or proponents of a petition must file the signed petitions with the TBC within 90 days after it has been approved as to form by the TBC. The TBC shall have no obligation to take any further action upon a petition filed more than 90 days after it has been approved as to form or to call an election upon such a petition. All petitions with signatures must be filed with the TBC at one time for purposes of verifying signatures and taking further actions as provided in Sections 12-16 below.

## **Section 12. Initiative.**

Within twenty (20) days after timely receipt of a petition signed by at least thirty percent (30%) of the voters of the Tribe qualified to vote under Section 2(a) setting forth a proposed ordinance or resolution, as provided in Section 11 above, the Election Board and Secretary/Treasurer of the TBC shall verify the petition pursuant to Section 15 of this Ordinance. Within ten (10) days of verifying the signatures, the initiative shall be submitted by the Election Board to the Tribal Business Council, which shall call an election on the initiative to be held within sixty (60) days of the submission of the verified petition to the TBC. The Election Board shall conduct an election among the eligible voters of the Tribe to allow the eligible voters to determine whether the measure should be adopted as law. The Election Board must give not less than forty-five (45) days' notice of the said election, publish the date, time, and place of the election and the terms of the initiative, prepare ballots and conduct the election, including the use of absentee ballots, following the applicable provisions of this ordinance. The ballots shall include the proposed initiative, a copy of the Tribal Attorney impartial analysis and opinion, the question: "Shall the proposed initiative be adopted?" and space for a "yes" or a "no" vote. If a majority of those voting in the election vote "yes," the initiative shall be adopted and become the law of the Tribe. The Tribal Business Council may not repeal a measure adopted by initiative, which may only be amended or repealed by a measure voted upon at an election conducted in accordance with the applicable provisions of this ordinance, including a measure submitted to such an election by the Tribal Business Council.



### **Section 13. Referendum.**

A valid referendum petition in compliance with Section 11 above must be submitted to the Election Board no later than one hundred eighty (180) days after the measure it challenges was adopted by the Tribal Business Council. The Election Board and Tribal Business Council shall not further consider a petition not filed within this time. Within twenty (20) days after receipt of a timely petition seeking to require an election on an ordinance or resolution previously adopted by the Tribal Business Council signed by at least thirty percent (30%) of the voters of the Tribe eligible to vote under Section 2(a), the Election Board and TBC Secretary/Treasurer shall verify the said petition pursuant to Section 15 of this Ordinance. Within ten (10) days of verification, the referendum shall be submitted by the Election Board to the Tribal Business Council for its consideration at the next regular or special meeting of the Tribal Business Council to be held not less than ten (10) days from such submission. If the Tribal Business Council fails to repeal the challenged measure, the Tribal Business Council shall call and the Election Board shall conduct an election on whether the measure should be adopted or not. The election must be held within sixty (60) days of its consideration by the Tribal Business Council. The Election Board shall give not less than forty-five (45) days' notice of said election and publish the date, time and place of the election and the terms of the referendum, prepare ballots and conduct the election, including the use of absentee ballots, following the applicable provisions of this ordinance. The ballots shall include the proposed referendum, the Tribal Attorney impartial analysis and opinion, the question: "Shall the challenged tribal ordinance or resolution be repealed?" and space for a "yes" or a "no" vote. If a majority vote "yes" in answer to that question, the challenged ordinance or resolution shall be of no further force or effect and the Tribal Business Council shall not reenact the same measure.

### **Section 14. Recall.**

Immediately upon its timely receipt of a petition in compliance with Section 11 above signed by at least thirty percent (30%) of the eligible voters of the Tribe setting forth the basis for the recall of an elected official, the Tribal Business Council shall forward the petition to the Election Board and the Secretary/Treasurer of the TBC who shall, within seven (7) days of its receipt from the TBC, verify such petition pursuant to Section 15 of this Ordinance. Upon verification, the Tribal Business Council shall convene a General Council meeting in accordance with the procedures set forth in Article IV, Section 2 of the Tribe's Constitution.

### **Section 15. Verification.**

Upon receipt of a petition, as provided in Sections 11-14 above, the Tribal Business Council shall direct the Election Board and the TBC Secretary/Treasurer to verify petitions by determining that the names which appear on the petition total at least thirty percent (30%) of the eligible voters of the Tribe, that each person has signed only once, and that the names on the petition are the names of persons eligible to vote pursuant to Section 2(a) of this Ordinance. The Election Board and TBC Secretary/Treasurer shall complete these



tasks at a duly called meeting of the Election Board, with a quorum present, not later than 3 days after receiving said direction from the TBC. The Election Board shall keep minutes of all its meetings so that a permanent record of its meetings shall be available.

#### **Section 16. Election Results.**

The Election Board shall determine the results of elections held pursuant to Sections 12 and 13 of this Ordinance by determining whether thirty percent (30%) of those entitled to vote have voted. If not, the petition shall fail. If at least thirty percent (30%) of those entitled to vote have voted, a vote of fifty-one percent (51%) shall be conclusive and binding on the Tribal Council.

#### **Section 17. Appeals.**

Decisions of the Election Board may be appealed by a tribal member to the General Council as further provided in this Section. An appeal of an election for tribal officials shall stay the seating of the newly elected officials until the appeal is finally decided. The officials in office prior to the election shall remain in office until their successors are seated. An appeal in any other election shall delay the implementation of the election results until the appeal is decided. No other person may appeal. An appeal must be filed with the TBC in writing not later than seven (7) days following the election. An appeal filed more than seven (7) days after the election is invalid and shall not be further considered. An appeal may only be based on a failure of the Election Board 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 TBC receives a timely appeal which contains the required information, it shall call a special meeting of the General Council for a date which is not more than 30 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 TBC shall call a special meeting of the TBC to consider the appeal which must be held not later than 15 days after the convening of the General Council meeting. At the meeting of the General Council or TBC, as applicable, the appellant may present evidence or argument in support of the appeal. The General Council or TBC 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 Election Board shall conduct a new election in accordance with the applicable provisions of this Ordinance, as necessary to remedy the violation.

#### **Section 18. Repeal of Previous Ordinance.**

This Ordinance repeals and replaces all prior Election Ordinances.

#### **Section 19. 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.

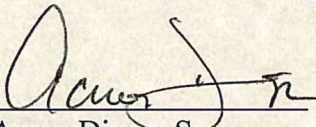
**Section 20. Amendments.**

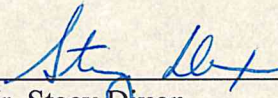
This ordinance may be amended by a ballot measure submitted by the TBC or by an initiative.

**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 2<sup>nd</sup> day of March, 2015, with a vote count of 181 yes, 64 no, and 0 spoiled. We also certify that at least a quorum of the voting members (212 out of 708) voted on the Ordinance.

ATTEST:

  
\_\_\_\_\_  
Mr. Aaron Dixon, Sr.  
Secretary/Treasurer

  
\_\_\_\_\_  
Mr. Stacy Dixon  
Tribal Chairman

3-10-15  
\_\_\_\_\_  
Dated