

TIMBISHA SHOSHONE TRIBE

ELECTION ORDINANCE

Ordinance No. 2006-01

Adopted August 19, 2006

TIMBISHA SHOSHONE ELECTION ORDINANCE
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TIMBISHA SHOSHONE TRIBE
ELECTION ORDINANCE

SECTION 1. GENERAL PROVISIONS

- 1.1 Title.** This Ordinance shall be known as the “Timbisha Shoshone Election Ordinance.”
- 1.2 Purpose.** The purpose of this Ordinance is to promulgate tribal law in order to establish rules and procedural requirements for the conduct of Tribal Council elections of the Timbisha Shoshone Tribe in accordance with the Constitution of the Timbisha Shoshone Tribe.
- 1.3 Authority.** Pursuant to Article VI, Section 1, of the Constitution of the Timbisha Shoshone Tribe, the Timbisha Tribal Council shall develop and adopt an Ordinance to govern Tribal Council elections of the Tribe.
- 1.4 Construction.** The provisions of this Ordinance shall be liberally construed to effect their purpose and to promote substantial justice; and, the Tribal Council, if necessary, shall make any interpretations of this Ordinance.
- 1.5 Effective Date.** This Ordinance shall be in full force and effect according to it’s terms from and after the date of adoption by the Tribal Council. Additionally, all previously adopted or amended tribal Election Ordinances in effect, as of the date this Ordinance becomes operative, are hereby repealed. Any subsequent repeal of this Ordinance, or any portion thereof, shall not have the effect of reviving any preceding ordinance.

SECTION 2. DEFINITIONS

- 2.1 Definitions.** Whenever used in this Ordinance, the terms defined in this Section shall have the following meanings:
- a. **Absentee Ballot.** An official ballot mailed to members of the General Council, so that they may cast their vote without being present at a Polling Location on the date of an election.
 - b. **Candidate.** An Enrolled Member who has filed a timely Statement of Intent for candidacy in an election and been determined to be qualified by the Election Board to run for a Tribal Council seat.

- c. **Constitution.** The Timbisha Shoshone Constitution as adopted on February 17, 1986.
- d. **Election Board.** The governmental body appointed by the Tribal Chairperson, approved by the Tribal Council, and charged with conducting Tribal Council elections in accordance with the Constitution and this Ordinance.
- e. **Enrolled Member.** All living persons listed on the Tribe's membership roll as maintained by the Tribe.
- f. **General Council.** The governing body of the Tribe consisting of all Enrolled Members who are sixteen (16) years of age or older.
- g. **General Election.** The annual election conducted by the Tribe on the second Tuesday in November to vote for Tribal Council members.
- h. **Independent Observer.** An Independent Observer is a person, organization or agency, not affiliated with the Tribe, which may be engaged from time to time by the Election Board to observe election activities for purposes of ensuring fair election practices in accordance with the Constitution and this Ordinance.
- i. **Initiative.** An initiative is an electoral process whereby the General Council may initiate tribal ordinance, regulation, rule or law through the filing of a formal petition with the Tribal Council to be acted upon by the General Council through an Initiative Election on the proposed ordinance, regulation, rule or law.
- j. **Initiative Election.** An election to determine whether or not the General Council shall exercise its powers through the Initiative process.
- k. **Ordinance.** The Election Ordinance of the Timbisha Shoshone Tribe.
- l. **Polling Sites.** The locations established by the Election Board to conduct General Election voting.
- m. **Proxy Voting.** The act of one person voting on behalf of another.

- n. **Referendum.** The electoral process whereby the General Council or the Tribal Council may initiate tribal ordinance, regulation, rule or law through the filing of a formal petition with the Tribal Council to be acted upon by the General Council through a Referendum Election on the proposed ordinance, regulation, rule or law.
- o. **Referendum Election.** An election to determine whether or not the General Council shall exercise its powers through the Referendum process.
- p. **Repeal.** The electoral process whereby the General Council or the Tribal Council initiates annulment of a previously existing tribal ordinance, regulation, rule or law through the filing of a formal petition with the Tribal Council to be acted upon by the General Council through a Repeal Election on the proposed annulment.
- q. **Repeal Election.** An election to determine whether or not the General Council shall exercise its powers through the Repeal process.
- r. **Report of Election.** A report prepared by the Election Board certifying the results of an election.
- s. **Run-off Election.** An election to determine the winner of an election when two or more candidates receive the same number of votes and there are fewer vacancies than the number of tied candidates.
- t. **Special Recall Election.** An election to determine whether or not a Tribal Council member should be recalled from office prior to the expiration of their term.
- u. **Special Tribal Council Election.** An election for the limited purpose of filling a vacancy on the Tribal Council when more than twelve (12) months remain in a vacant term.
- v. **Statement of Intent.** A declaration by a member of the General Council announcing their desire to run for a Tribal Council position.
- w. **Tribal Council.** The five (5) person governmental body elected by the General Council and charged with carrying out duties and responsibilities for the Tribe in accordance with the Constitution.
- x. **Tribe.** The Timbisha Shoshone Tribe.

SECTION 3. ELIGIBILITY TO VOTE

- 3.1 Voter Eligibility.** Every Enrolled Member of the Tribe who is sixteen (16) years of age or older on the day of an election shall have the right to cast one (1) ballot in any Tribal Council election.

SECTION 4. ELIGIBILITY FOR TRIBAL COUNCIL

- 4.1 Eligibility.** Tribal Council members must be eighteen (18) years of age or older on the date the election in which they participate as a Candidate.
- 4.2 Background Qualifications.** A person convicted of a felony in any jurisdiction is not eligible to run for or hold a Tribal Council position until ten (10) years after the completion of any punishment for the felony, including the completion of any sentence and/or parole.
- 4.3 Prior Resignation.** Former Tribal Council members who have previously resigned from the Tribal Council are not eligible to hold office until one (1) year after the date of their resignation.
- 4.4 Prior Recall or Removal.** Former Tribal Council members who have been removed or recalled from office in accordance with the Constitution, may, after two (2) years of leaving office, submit a letter to the Election Board requesting reinstatement as an eligible candidate. The Election Board shall evaluate each such request, including the reason for removal or recall, and shall make a final written decision as to the person's eligibility. Although the Election Board's decision is final and not subject to further appeals, nothing herein shall prevent a person from re-submitting a request for reinstatement of eligibility to the Election Board for further reconsideration, but no more than one (1) request for reinstatement shall be made by a person in any twelve (12) month period.

SECTION 5. ELECTION BOARD

- 5.1 Attributes.** As a governmental subdivision of the Tribe, it is the purpose and intent of the Tribal Council that the operations of the Election Board be conducted on behalf of the Tribe for the sole benefit and interests of the Tribe and its members.
- 5.2 Authority.** The Election Board is clothed with all the privileges and immunities of the Tribe, including sovereign immunity from suit.
- 5.3 Sovereign Immunity.** The sovereign immunity of the Election Board may be waived only by express resolutions of the General Council.

- 5.4 Waiver and Consent.** Nothing in this Ordinance shall be deemed or construed to be a waiver of sovereign immunity of the Election Board from suit, and nothing in this Ordinance shall be deemed or construed to be a consent of the Election Board to the jurisdiction of the United States or of any state or of any other tribe with regard to the duties and responsibilities of the Election Board.
- 5.5 Board Composition.** The Election Board shall consist of three (3) General Council Members of the Tribe who are not presently serving as Tribal Council members.
- 5.6 Member Selection.** The Election Board shall be appointed by the Tribal Chairperson and approved by the Tribal Council annually at the first Tribal Council meeting in the month of August, in order to supervise and administer elections in accordance with the Constitution and this Ordinance. Approval of the Election Board membership shall be by resolution of the Tribal Council.
- 5.7 Member Qualification.** To qualify for appointment to the Election Board, a person must be a member of the General Council, must be eighteen (18) years of age or older on the day their appointment is approved by the Tribal Council, and must be eligible pursuant to Section 4.2 herein.
- 5.8 Chairperson.** In its resolution approving the appointment of Election Board members, the Tribal Council will identify one of the Election Board members as the Chairperson of the Election Board. The Chairperson shall direct Election Board meetings, be the Election Board supervisor, and be responsible for the fulfillment of all Election Board duties and responsibilities.
- 5.9 Vice Chairperson.** In its resolution approving the appointment of Election Board members, the Tribal Council will identify one of the Election Board members as the Vice-Chairperson of the Election Board to act on behalf of the Election Board in the absence of the Chairperson of the Election Board.
- 5.10 Disqualification.** If any Election Board member submits an application to become a candidate for the Tribal Council, that Election Board member shall vacate their position on the Election Board immediately and a new Board Member shall be appointed pursuant to Section 5.19 of this Ordinance.
- 5.11 Term.** Election Board members shall serve a term of twelve months or until a subsequent Election Board is appointed and approved, whichever term is shorter.

- 5.12 Conduct.** Election Board members shall not contribute to the campaign of any candidate, either physically or financially, or by contributing information or providing any other means of direct or indirect assistance. Additionally, Election Board members shall maintain and treat all information obtained by the Election Board with the utmost confidentiality.
- 5.13 Compensation.** Election Board members shall receive compensation as established by the Tribal Council.
- 5.14 Expenses.** All expenses of the Election Board require prior approval by the Tribal Council and are subject to the availability of budgeted funds.
- 5.15 Meetings.** The Election Board shall meet as necessary to fulfill its duties and responsibilities under this Ordinance and the Constitution. Election Board meetings may be called at any time upon notice to all members of the Election Board. Nothing in this Ordinance shall prohibit the Election Board from conducting telephone meetings. The Election Board shall keep minutes of all meetings and provide a copy to the Tribal Council.
- 5.16 Quorum.** Two (2) members shall constitute a quorum for Election Board meetings.
- 5.17 Board Action.** All actions of the Election Board, in connection with the furtherance of its duties and responsibilities, shall be decided by majority vote of those members attending the Election Board meeting to decide such action.
- 5.18 Removal of Member.** An Election Board member may be removed by the Tribal Council for the following reasons: serious inefficiency, neglect of duty, non-participation, malfeasance, misfeasance, nonfeasance, misconduct in office, or for any conduct which threatens the honesty and integrity of the Election Board or otherwise violates the letter or intent of this Ordinance. No Election Board member may be removed without notice and an opportunity for a hearing before the Tribal Council. At any such removal hearing, the member subject to removal shall have the opportunity to be heard in person or through a representative and to present witnesses and evidence on their behalf. A written record of all removal proceedings together with the basis and findings thereon shall be kept by the Secretary of the Tribal Council. The decision of the Tribal Council upon the removal of an Election Board member shall be final and is not subject to appeal.

5.19 Vacancy. If an Election Board member shall die, resign, be removed or for any other reason be determined by the Tribal Council to be unable to serve as an Election Board member, the Tribal Council shall declare such member's position vacant and the Tribal Chairperson shall appoint another qualified person to fill the position within thirty (30) days of the vacancy. Any appointment pursuant to this section must be approved by the Tribal Council. The terms of office of a person appointed and approved to fill a vacancy under this Section shall be for the remaining balance of any unexpired term of such position.

SECTION 6. ELECTION BOARD DUTIES AND RESPONSIBILITIES

6.1 General Elections. The Election Board shall have the following duties and responsibilities when conducting a General Election:

- a. To conduct the General Election for the Tribe.
- b. To establish a deadline for submission of Statement of Intent forms by prospective Candidates, which shall be not less than sixty (60) days prior to the election date.
- c. To prepare the official notice identifying the deadline for filing statement of intent forms for prospective Candidates which shall be distributed to General Council by the Secretary of the Tribal Council and posted at the Tribe's business office at least twenty (20) days prior to the deadline for submission.
- d. To receive and review all Statement of Intent forms filed with the Secretary of the Tribal Council.
- e. To check the qualifications of those Enrolled Members who have filed a Statement of Intent form with the Election Board. The Board has the authority to disqualify any candidate who does not meet the qualifications for Tribal Council members as provided for in the Constitution and this Ordinance. The Board's decision of disqualification shall be final and not subject to appeal.
- f. To provide notice to all members of the General Council of the list of qualified Candidates prior to mailing the absentee ballots.
- g. To prepare the official notice for the General Election which shall include:
 1. The date of the General Election;
 2. The time the polling place will be open;

3. The location of the polling place; and
 4. The location of the vote counting.
- h. To present the official notice for the General Election to the Tribal Secretary which shall be available for distribution to the General Council, posted at the Tribe's business office and three (3) other public places at least thirty (30) days before the General Election.
 - i. To mail the General Election notice and an Absentee Ballot to each eligible voter at least forty-five (45) days prior to the General Election date.

6.2 Run-off Elections. In the event a tie vote occurs between two (2) or more candidates, which prevents the Election Board from determining the successful candidate(s) in an election, a Run-off Election between only the tied candidates shall be conducted by the Election Board within thirty (30) days of the election which resulted in a tie. The Election Board shall have the following duties and responsibilities when conducting a Run-off Election:

- a. To conduct the Run-off Election for the Tribe.
- b. To prepare the official notice for the Run-Off Election which shall include:
 1. The date of the Run-off Election;
 2. The time the polling place will be open;
 3. The location of the polling place; and
 4. The location of the vote counting.
- c. To present the official notice for the Run-off Election to the Tribal Secretary which shall be available for distribution to the General Council, posted at the Tribe's business office and three (3) other public places at least twenty (20) days before the Run-off Election.
- d. To mail the Run-off Election notice and an Absentee Ballot to each eligible voters at least twenty (20) days prior to the election date.

6.3 Special Recall Election. If a Special Recall Election is called for by the Tribal Council, pursuant to the Constitution, the Election Board shall have the following duties and responsibilities:

- a. To conduct the Special Recall Election on the date called for by the Tribal Council.
- b. To prepare the Special Recall Election ballots.
- c. To count the Special Recall Election ballots and determine:
 - 1. Whether (2/3) of the General Council participated in the Special Recall Election; and
 - 2. Whether majority of the votes cast were to recall the person(s) subject to the Special Recall Election.

6.4 Special Tribal Council Election. If the Tribal Council declares a Tribal Council position vacant, and more than twelve (12) months remain in the vacant term, The Election Board shall have the following duties and responsibilities:

- a. To conduct a Special Election for the Tribe within thirty (30) days after the Tribal Council declares the qualifying Tribal Council position vacant.
- b. To establish a deadline for submission of statement of intent forms by prospective candidates, which shall be not less than twenty (20) days prior to the Special Election date.
- c. To prepare the official notice identifying the deadline for filing statement of intent forms for prospective Candidates which shall be distributed to General Council by the Secretary of the Tribal Council and posted at the Tribe's business office at least five (5) days prior to the deadline for submission.
- d. To receive and review all statement of intent forms filed with the Secretary of the Tribal Council.
- e. To check the qualifications of those Enrolled Members who have filed a statement of intent form with the Election Board. The Board has the authority to disqualify any candidate who does not meet the qualifications for Tribal Council members as outlined in the Tribal Constitution and this Ordinance. The Board's decision of disqualification shall be final and not subject to appeal.
- f. To prepare the official notice for the Special Election which shall include:

1. The date of the Special Election;
 2. The time the polling place will be open;
 3. The location of the polling place; and
 4. The location of the vote counting.
- g. To present the official notice for the Special Election to the Tribal Secretary which shall be available for distribution to the General Council, posted at the Tribe's business office and three (3) other public places at least fourteen (14) days before the Special Election.
- h. To mail the Special Election notice and an Absentee Ballot to each eligible voters at least fourteen (14) days prior to the Special Election date.

6.5 Initiative Election. Upon receipt of an Initiative Petition signed by at least one-third (1/3) of the General Council by the Secretary of the Tribal Council, the Chairperson of the Tribal Council shall call for an Initiative Election within twenty (20) days. The results of the Initiative Election shall be binding on the Tribal Council. Absentee voting shall be allowed in an Initiative Election. If an Initiative Election is called by the Chairperson of the Tribal Council, the Election Board shall have the following duties and responsibilities:

- a. To prepare the official notice for the Initiative Election which shall include:
1. The date of the Initiative Election;
 2. The time the polling place will be open;
 3. The location of the polling place; and
 5. The location of the vote counting.
- b. To present the official notice for the Initiative Election to the Tribal Secretary which shall be available for distribution to the General Council, posted at the Tribe's business office and three (3) other public places at least fourteen (14) days before the Initiative Election.
- c. To prepare the Initiative Election ballots.

- d. To mail the Initiative Election notice and an Absentee Ballot to each eligible voters at least fourteen (14) days prior to the Initiative Election date.
- e. To conduct the Initiative Election on the date called for by the Chairperson of the Tribal Council.
- f. To count the Initiative Election ballots and determine:
 - 1. Whether (2/3) of the General Council participated and cast votes in the Initiative Election; and
 - 2. What the majority decision of those votes cast in the Initiative Election is.

6.6 Referendum or Repeal Election. Upon receipt of a Referendum or Repeal Petition signed by three (3) Tribal Council members or at least one-third (1/3) of the General Council by the Secretary of the Tribal Council, the Chairperson of the Tribal Council shall call for a Referendum or Repeal Election within twenty (20) days. The results of a Referendum or Repeal Election shall be binding on the Tribal Council. Additionally, Pursuant to Article XII, Section 1 of the Constitution, no absentee voting shall be allowed in a Referendum or Repeal Election. If a Referendum or Repeal Election is called for by the Chairperson of Tribal Council, the Election Board shall have the following duties and responsibilities:

- a. To prepare the official notice for the Referendum or Repeal Election which shall include:
 - 1. The date of the Referendum or Repeal Election;
 - 2. The time the polling place will be open;
 - 3. The location of the polling place; and
 - 4. The location of the vote counting.
- b. To present the official notice for the Referendum or Repeal Election to the Tribal Secretary which shall be available for distribution to the General Council, posted at the Tribe's business office and three (3) other public places at least fourteen (14) days before the Referendum or Repeal Election.
- c. To prepare the Referendum or Repeal Election ballots.

- d. To mail the Referendum or Repeal Election notice to each eligible voters at least fourteen (14) days prior to the Referendum or Repeal Election date.
- e. To conduct the Referendum or Repeal Election on the date called for by the Chairperson of the Tribal Council.
- f. To count the Referendum or Repeal Election ballots and determine:
 - 1. Whether (2/3) of the General Council participated and cast votes in the Referendum or Repeal Election; and
 - 2. What the majority decision of those votes cast in the Referendum or Repeal Election is.

SECTION 7. TRIBAL COUNCIL CANDIDATES

- 7.1 Statement of Intent.** Any qualified Enrolled Member of the Tribe may file a Statement of Intent to declare candidacy with the Secretary of the Tribal Council. The Secretary of the Tribal Council shall have Statement of Intent forms readily available for distribution to any potential candidate in person at the Tribe's business office or by mail.
- 7.2 Deadline for Filing.** The Tribal Election Board shall establish the deadline for filing Statement of Intent forms. Within twenty-four (24) hours after the filing deadline, the Secretary of the Tribal Council shall deliver to the Chairperson of the Election Board all of the Statement of Intent forms filed before the expiration of the filing deadline.
- 7.3 Determination of Qualifications.** Upon receipt of the Statement of Intent forms, the Election Board shall promptly review the qualifications of the prospective candidates, within fifteen (15) days in the case of a General Election and five (5) days in the case of a Special Election, and shall disqualify any candidate(s) for failing to possess the necessary qualifications. Prior to making a final decision regarding disqualification of a prospective Candidate, the Election Board shall contact the prospective Candidate subject to disqualification and provide such person with an opportunity to rebut any disqualifying information. If a person subject to disqualification is unable to rebut the disqualifying information, they shall be disqualified from participating in the election for which they have submitted a Statement of Intent.

- 7.4 General Council Nominations.** If the number of statement of intent forms filed with the Secretary of the Tribal Council is equal to or less than the number of Tribal Council positions up for election, or if after review of the statement of intent forms by the Election Board there are only a number of qualified candidates equal to or less than the number of Tribal Council positions up for election, a Special Meeting of the General Council shall be convened for the purpose of taking nominations from the floor for additional candidates. Nominations will be taken in an orderly fashion, however no more than three (3) nominations will be accepted for every available Tribal Council position. All nominations accepted by the General Council will be forwarded to the Election Board for review of their qualifications. If after review of the General Council nominations by the Election Board should there only be a number of qualified candidates equal to or less than the number of Tribal Council positions up for election, a second Special Meeting of the General Council shall be convened for the purpose of taking additional nominations in the same manner as described above which shall subsequently be forwarded to the Election Board for review.

SECTION 8. POLLING GENERALLY

- 8.1 Polling Sites.** Exact polling locations shall be determined by the Election Board and shall be accessible to General Council members. However, there shall be, at a minimum, one (1) Polling Site, located in either Death Valley, Bishop, or the Fish Lake area.
- 8.2 Polling Times.** Polling Sites shall be open from 8:00 A.M. to 6:00 P.M. on the date of the election. Upon the closing of the Polling Sites no further ballots will be accepted by the Election Board.
- 8.3 Conduct.** There shall be no campaigning within 200 feet of any Polling Site during the hours the polls are open.

SECTION 9. MANNER OF VOTING

- 9.1 Secret Ballot.** All elections shall be conducted by the use of secret ballot.
- 9.2 Absentee Voting.** Absentee ballots for General Elections, Run-off Elections, Special Tribal Council Elections and Initiative Elections will be sent to all General Council members. Absentee Ballots will be provided with a pre-addressed postage-paid serialized return envelope. To be counted, an Absentee Ballot must not be spoiled, returned to the Election Board sealed in the return envelope provided, and received by the Election Board via U.S. Mail prior to 6:00 PM the day before an election. Any person who submits a timely Absentee Ballot in an election will not be allowed to also vote in person.

9.3 Voting in person. Any qualified voter who has not submitted a timely Absentee Ballot may cast their ballot in person by presenting themselves at a polling site during open polling hours, signing the voter registry, marking an official ballot, and placing that ballot in an official ballot box.

9.4 Proxy Voting. No proxy voting shall be permitted in any election.

SECTION 10. TRIBAL COUNCIL ELECTION RESULTS

10.1 Vote Counting. After the polls have closed, the Election Board shall publicly count all of the ballots cast at the polling site(s) as well as all absentee ballots received by the Election Board prior to the closing of the Polls. The votes cast on each ballot shall be recorded by the Election Board and called out in full public view and may be monitored by an Independent Observer.

10.2 Recount. In the event that two (2) or more candidates receive the same number of votes, and such a tie would result in more successful candidates than Tribal Council positions, a recount of the ballots will be completed immediately. If upon the recount a tie as described above still exists, the need for a Run-off Election will be noted in the Election Board's Report of Election.

10.3 Certified Results. Upon completing the counting and recording of all ballots, the Election Board shall prepare a Report of Election certifying the accuracy of the election and deliver the report to the Tribal Council within ten (10) days of the election. However, if a timely appeal is received by the Election Board, the Report of Election shall be delivered to the Tribal Council within ten (10) days of the issuance of a final decision on such appeal(s). The Report of Election shall include the final vote count, provide a summary of Election Board activities in preparation of an election, summarize any appeal proceedings, and identify any election discrepancies or any other matter directly related to the conduct of an election.

10.4 Announcement of Election Results. The Tribal Council shall announce the results of each election in the tribal newsletter, post the results at the Tribe's business office, and send a copy of the Election Board's report to the Bureau of Indian Affairs, Central California Agency, within fifteen (15) days of the election if no appeal is filed.

10.5 Election Materials. All election materials (ballots, tally sheets, etc.) shall be kept secured by the Election Board for thirty (30) days following the delivery of the Report of Election to the Tribal Council.

- 10.6 Successful Candidates.** All newly elected Tribal Council members shall assume office thirty (30) days after the election unless the election results are declared invalid on appeal and the Election Board orders another election.

SECTION 11. OTHER ELECTION RESULTS

- 11.1 Vote Counting.** After the polls have closed, the Election Board shall publicly count all of the ballots cast at the polling site(s), and if applicable all absentee ballots received by the Election Board prior to the closing of the Polls. The votes cast on each ballot shall be recorded by the Election Board and called out in full public view and may be monitored by an Independent Observer.
- 11.2 Recount.** In the event that a tie vote occurs, a recount of the ballots will be completed immediately. If upon the recount a tie as described above still exists, the Initiative, Referendum or Repeal will be declared disapproved by the General Council.
- 11.3 Certified Results.** Upon completing the counting and recording of all ballots, the Election Board shall prepare a Report of Election certifying the accuracy of the election and deliver the report to the Tribal Council within ten (10) days of the election. However, if a timely appeal is received by the Election Board, the Report of Election shall be delivered to the Tribal Council within ten (10) days of the issuance of a final decision on such appeal(s). The Report of Election shall include the final vote count, provide a summary of Election Board activities in preparation of an election, summarize any appeal proceedings, and identify any election discrepancies or any other matter directly related to the conduct of an election.
- 11.4 Announcement of Election Results.** The Tribal Council shall announce the results of the Initiative, Referendum or Repeal Election in the tribal newsletter and post the results at the Tribe's business office, within fifteen (15) days of the election if no appeal is filed.
- 11.5 Election Materials.** All election materials (ballots, tally sheets, etc.) shall be kept secured by the Election Board for thirty (30) days following the delivery of the Report of Election to the Tribal Council, after which the election materials shall be destroyed.
- 11.6 Successful Initiative, Referendum or Repeal.** Following an election which results in a successful Initiative, Referendum, or Repeal, the Tribal Council shall take all necessary actions consistent with such election results at its next regular or special meeting.

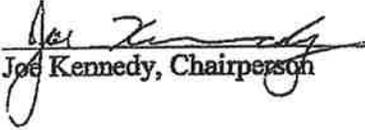
SECTION 12. APPEALS

- 12.1 Appeals.** All appeals concerning elections of the Tribe shall be filed in writing with the Election Board within two (2) days of an election.
- 12.2 Procedure.** Within five (5) days of receiving an appeal, the Election Board will notify the complaining party and conduct a hearing in order to afford the complaining party an opportunity to be heard and present relevant oral and/or documentary evidence to support their appeal. Within two (2) days of the close of the appeal hearing, the Election Board will issue a final written decision and provide a copy of the decision to the Tribal Council and make it available to the General Council. If the Election Board finds that the election results are invalid, the Election Board shall order another election to be held within sixty (60) days in accordance with the terms of this Ordinance.
- 12.3 Board Decision.** The appeal decision of the Election Board shall be final and not subject to further appeal.

CERTIFICATION

We, the undersigned duly elected officials of the Timbisha Shoshone Tribe, do hereby certify under penalty of perjury that the foregoing Election Ordinance was adopted at a duly called meeting of the Tribal Council of the Timbisha Shoshone Tribe at which a quorum was present on the 19th day of August 2006, by a vote of:

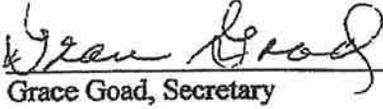
 4 FOR, 0 AGAINST, 0 ABSTAINING. 0 ABSENT.



Joe Kennedy, Chairperson

 8-19-06
Date

ATTEST:



Grace Goad, Secretary

 8-19-06
Date

