

# TITLE 13

## ELECTIONS

### Table of Contents

<u>13.01</u>	<u>PURPOSE</u>	
13.01.01	Purpose.....	1
<u>13.02</u>	<u>ELECTION OF TRIBAL COUNCIL OFFICERS</u>	
13.02.01	Scope.....	1
13.02.02	Voters.....	1
13.02.03	Election Committee.....	2
13.02.04	Election Committee Authority and Responsibility.....	2
13.02.05	Election Committee Oath.....	3
13.02.06	Nomination Procedures.....	3
13.02.07	Notice of Elections.....	4
13.02.08	Places and Times.....	4
13.02.09	Regulations.....	4
13.02.10	Ballots.....	5
13.02.11	Absentee Ballots.....	5
13.02.12	Challenges.....	6
13.02.13	Recall Petitions.....	7
13.02.14	Expulsion.....	7
13.02.15	Rescheduled Elections.....	7
13.02.16	Certification of Elections and Inauguration.....	7
13.02.17	Tribal Council Incumbents.....	8
13.02.18	Tribal Court Jurisdiction.....	8
<u>13.03</u>	<u>ELECTION COMMITTEE AND ELECTIONS</u>	
13.03.01	Scope.....	8
13.03.02	Voters.....	8
13.03.03	Election Committee.....	9
13.03.04	Election Committee Authority and Responsibility.....	9
13.03.05	Election Committee Oath.....	10
13.03.06	Public Hearings.....	10
13.03.07	Notice of Elections.....	10
13.03.08	Places and Times.....	10
13.03.09	Regulations.....	10
13.03.10	Ballots.....	11
13.03.11	Absentee Ballots.....	11

13.03.12	Challenges .....	12
13.03.13	Rescheduled Elections .....	12
13.03.14	Certification of Elections .....	13
<u>13.04</u>	<u>ELECTION OF FISH COMMISSIONERS</u>	
13.04.01	Scope.....	13
13.04.02	Voters .....	13
13.04.03	Candidates .....	13
13.04.04	Notice of Elections.....	13
13.04.05	Places and Times.....	14
13.04.06	Regulations .....	14
13.04.07	Ballots .....	14
13.04.08	Certification of Elections .....	15
<u>13.05</u>	<u>SEVERABILITY</u>	
13.05.01	Severability .....	15

## **TITLE 13 ELECTIONS**

### 13.01            PURPOSE

#### 13.01.01        Purpose

- (a) On October 28, 1994, Constitution amendments were approved which govern elections of officers. Article IV, Sections 1 and 5 of the amended Constitution authorized the Nisqually Tribal Council to adopt rules and an Election Ordinance to govern the election of Tribal Council officers. Section 13.02 of the Nisqually Tribal Code implements Article IV of the amended Constitution.
- (b) The 1994 Constitution amendments delegated authority to the Nisqually Tribal Council to adopt ordinances under Article VI, Section 1. The Tribal Council has determined that Community participation in Tribal lawmaking is essential to the democratic process and Section 13.03 was adopted to ensure that Nisqually Tribal lawmaking is conducted in a manner that is consistent, fair and efficient and reflects the needs of the residents of the Nisqually Reservation.
- (c) By Resolution No. 1-1991, the General Council delegated to the Nisqually Tribal Council the authority to establish a procedure for the election of Fish Commissioners and Section 13.04 of the Nisqually Tribal Code implements Resolution No. 1-1991.

#### **HISTORICAL AND STATUTORY NOTES**

This Title enacted by Resolution 124-1994.

### 13.02            ELECTION OF TRIBAL COUNCIL OFFICERS

#### 13.02.01        Scope

This Title shall govern the procedures for election of Tribal Council officers after the General Council meeting of January 1995. The 1995 elections shall be conducted by the General Council and shall be governed by Article IV, Section 4 of the Nisqually Constitution. This Title shall also govern recall petitions and the expulsion of officers.

#### 13.02.02        Voters

All persons who are 18 years old on or before the election date who are enrolled members of the Nisqually Indian Tribe shall be eligible to vote in elections governed by this ordinance. The Enrollment Committee and Enrollment Clerk shall make the list of eligible voters available to the Election Committee thirty (30) days prior to the election.

13.02.03      Election Committee

- (a) The Tribal Council shall appoint an Election Committee of five (5) voting Tribal members at least sixty (60) days before the election.
- (b) Any committee member who resigns, is removed or accepts a nomination as a candidate for Tribal office shall be automatically removed from the Election Committee and replaced by the Tribal Council.
- (c) Members of the Election Committee who carry out their duties on the day of the election shall be compensated at a rate approved by the Tribal Council.
- (d) The Election Committee shall be a “Special Purpose Committee” as defined by Section 2.01.050 of the Nisqually Tribal Code and shall dissolve automatically upon certification of final election results.
- (e) The Tribal Council shall hire an Election Attorney to assist the Election Committee with Election Contests and any legal matter arising from any Tribal Council Election. No Attorney presently or previously employed in the Nisqually Office of Tribal Attorney may serve as Election Attorney.

**HISTORICAL AND STATUTORY NOTES**

This section amended by Tribal Council Resolution 12, 2010.

This section amended by Resolution 14 - 2007 dated February 13, 2007.

13.02.04      Election Committee Authority and Responsibility

- (a) To verify the names of persons signing recall petitions to determine that each signature is that of an eligible voter who signs only once his or her own name. Signatures may be verified by General Council sign-in sheets or other available means;
- (b) To submit the original copy of a verified recall petition to the Tribal Council or its delegate for storage as a public record of the Nisqually Indian Tribe;
- (c) To publish and post notice of all elections;
- (d) To prepare ballots;
- (e) To maintain the list of eligible voters before the polls open;
- (f) To supervise activity at the polls;
- (g) To verify the eligibility of every person who wishes to vote and to distribute one ballot to each eligible voter at the polls;

- (h) To keep a record of persons who vote and of the number of ballots distributed and cast at an election;
- (i) To resolve any disputes which may arise at the polls regarding a person's eligibility to vote or balloting procedure;
- (j) To count and validate ballots and record the number of votes cast for each choice after the polls are closed;
- (k) To certify the results of the election in writing and to notify the General Council on the first working day after the election by immediately posting the certified results in public areas and by sending written notice to the Tribal Council and all voting members within five (5) days;
- (l) To recommend to the Tribal Council any supplemental rules or changes in this ordinance which the committee believes are necessary to achieve the purposes of this ordinance.

13.02.05      Election Committee Oath

Before taking office, Election Committee members shall swear or affirm that they will carry out their duties faithfully; that they will not let their preferences in an election influence their actions as committee members, and that they will not engage in, sanction or permit to go unchallenged conduct which could prevent a fair election.

13.02.06      Nomination Procedures

- (a) Nominations for open positions shall be held by special meeting.
- (b) Any enrolled Tribal member who is at least 21 years old on or before the election date shall be eligible for nomination to the offices of Chairman, Vice-Chairman, Secretary, Treasurer and Fifth Council Member. Any enrolled Tribal member who is at least 18 years old on or before the election date shall be eligible for nomination to the offices of Sixth and Seventh Council Member.
- (c) No person may be nominated unless that person is present at the meeting to accept a nomination or submits a signed letter of acceptance prior to the meeting to the Chairman of the Tribal Council, who shall present the letter at the meeting once that person is nominated. All nominations must be supported by a second.

**HISTORICAL AND STATUTORY NOTES**

This section amended by Resolution 14 - 2007 dated February 13, 2007.

13.02.07      Notice of Elections

All election notices shall be reviewed by the Tribal Council prior to mailing. Notice of all elections and recall votes, including a request for absentee ballot, if applicable, shall be mailed to the last known address of each eligible voter not less than fifteen (15) calendar days prior to the date of the election. The notice shall be posted at the Tribal Center and at other public places on the Nisqually Indian Reservation. The notice shall specify the offices to be filled, and the date, hours and place of the election.

13.02.08      Places and Times

- (a) Elections for Tribal Council members shall be held on the first Saturday in May upon the expiration of the term of a council member. In case the date of the election shall conflict with a holiday or if circumstances require that the election be postponed, the election shall be held within thirty (30) days thereafter.
- (b) Polls shall be open for at least an eight (8) hour period.
- (c) Balloting in all elections shall take place at the Tribal Center on the Nisqually Indian Reservation, unless otherwise specified in the notice at the Tribal Council's direction. The elections shall be monitored at all times by no less than two (2) of the Election Committee members.

13.02.09      Regulations

- (a) Voting in all elections governed by this ordinance shall be by secret, written ballot. Eligible voters shall present identification upon request to the monitoring officials, sign their name next to their enrollment number signifying that they have received one (1) ballot, enter their vote on the ballot in secret, fold the ballot in half, and deposit the ballot in a box provided for that purpose.
- (b) No person shall campaign or otherwise attempt to influence or interfere with voters or shall loiter on the Tribal Center grounds within three hundred (300) feet of the polling place during hours when the polls are open.
- (c) Voters who are unable to mark a ballot without assistance because of such special circumstances as physical disability or illiteracy may be assisted in voting by an Election Committee member or by a person of the voter's choice.
- (d) Consumption of alcoholic beverages, drugs or other intoxicants at the polls and on Tribal Center grounds is prohibited.

- (e) The Candidate who receives the greatest number of votes cast for each office shall be declared the winner for that office, subject to recount or challenge.

**HISTORICAL AND STATUTORY NOTES**

This section amended by Resolution 14 - 2007 dated February 13, 2007.

13.02.10      Ballots

- (a) Ballots shall contain the list of the candidates with a space next to each name for the voter to place a checkmark. The voter shall place a checkmark by no more than one (1) candidate for each position. Ballots containing more than one (1) checkmark for each position shall be void only as to that portion of the ballot. Write-in votes are not valid and will not be counted.
- (b) At the close of the polls on election day, all unused official ballots shall be kept for documentation by the Election Committee. The Election Committee shall open all ballots, including absentee ballots received, and compute the vote. Ballots shall be counted a minimum of three times. The totals must agree at least twice to be valid. Ballots shall be secured in a locked container and may be destroyed after one (1) year. Tribal Members may be present during the counting of the ballots provided they do not interfere. A Nisqually police officer shall be present while ballots are being counted.

13.02.11      Absentee Ballots

Provisions for absentee voting are required for all Tribal Council Elections. Eligible voters desiring to vote by absentee ballot must:

- (a) Obtain an absentee ballot at the Tribal Center by written request presented in person or by mail. Each absentee ballot will have an identification number to assure against any “double voting.” Only one absentee ballot will be sent to each eligible voter requesting one.
- (b) Cause the ballots to be received by the Election Committee on or before the election day. Absentee ballots will be marked on the eligible voters’ list. Instructions for returning absentee ballots will be included along with identifying ballot numbers.
- (c) Vote for no more than one candidate for each position.
- (d) Place the folded absentee ballot in the unmarked envelope provided, seal it, and return the folded absentee ballot postmarked (or other appropriate methods) in the outer envelope provided. The absentee ballot must be marked with the voter’s name on the outside of the outer envelope. Absentee ballots postmarked or hand-delivered must be received at the Tribal Center on or before election day. Upon the receipt of absentee ballots, the Election

- (e) Committee shall note the name of the sender, mark on the voters' list accordingly, remove the sealed, unmarked inner envelope and place it into the ballot box.

**HISTORICAL AND STATUTORY NOTES**

This section amended by Resolution 14 - 2007 dated February 13, 2007.

13.02.12      Challenges

- (a) Any person who has been disqualified from voting by the Election Committee may appeal the committee's decision by filing a written protest or appearing in person at the first Tribal Council meeting after the contested election. The Tribal Council shall then consider evidence presented by the disqualified person and by the Election Committee and shall decide within fourteen (14) days after the first meeting whether a person was improperly disqualified. The Tribal Council will not accept the Election Committee's certification of election results until a decision has been made on any challenges it receives.
- (b) Any person who believes that an unqualified person was permitted to vote in an election may appeal the Election Committee's decision as provided in subsection (a) of this Section.
- (c) If the Tribal Council determines either that an ineligible person voted in an election or that a person eligible to vote was denied the right to vote in an election and further determines that such error actually affected the results of the election, the Tribal Council shall schedule a second vote as provided in Subsection 13.02.15.
- (d) If at least ten (10) percent of all eligible voters sign a petition requesting a recount of the ballots in an election and submit the petition to the Election Board within three (3) days after the election, the Election Board shall order a recount.
- (e) If at least ten (10) percent of all eligible voters sign and submit to the Election Board within three (3) days after the election, a petition describing violations of this ordinance or irregularities which affected the outcome of an election, the Tribal Council shall then appoint an Election Attorney to investigate the charges made in the petition. If the Election Attorney determines that a violation of this ordinance or other irregularity actually affect the results of the election, the Election Attorney shall recommend that the Tribal Council schedule a second vote for the particular office which has been challenged, as provided in Subsection 13.02.15.

**HISTORICAL AND STATUTORY NOTES**

This section amended by Resolution 14 - 2007 dated February 13, 2007.

**ANNOTATIONS**

In Iyall v. Sanchez, Ci 06-05-009 (2006), the trial court determined that the reference to three days in subsection (e) of this section refers to calendar days and not business days. This issue was not raised on appeal.

13.02.13      Recall Petitions

- (a) A petition demanding the recall of any officer of the General Council shall be signed by at least one-third (1/3) of all eligible voters and shall be submitted to the Secretary of the Tribal Council for verification of signatures. Signatures may be verified by General Council sign-in sheets or other available means.
- (b) Immediately upon verifying the signatures, the Secretary of the Tribal Council shall issue notice to the qualified voters that a General Council meeting will be held ten (10) days after the date of the notice. It shall be the duty of the General Council to call an election on the recall petition.
- (c) No member may be recalled in any such election unless at least 30 percent of the qualified voters shall vote in the election.

13.02.14      Expulsion

- (a) The General Council may by affirmative vote of two-thirds (2/3) of its members expel any officer for neglect of duty or gross misconduct provided that the accused officer shall be given full and fair opportunity to reply to any and all charges at a designated General Council meeting.
- (b) It is further stipulated that any such officer shall be given a written statement of the charges against him at least ten (10) days before the meeting at which he is to appear.

13.02.15      Rescheduled Elections

If voting results in a tie or if the Tribal Council determines that a challenge under Subsection 13.02.12 is valid, the Tribal Council shall schedule another vote to take place within thirty (30) days after the regular election date in the event of a tie vote, or thirty (30) days after a challenge is determined valid. The rescheduled election shall comply with the regular election procedures. In the case of a tie, the runoff election shall be held only for those candidates whose votes were tied.

13.02.16      Certification of Elections and Inauguration

The certified results of the election shall be posted and given to the Tribal Council on the first working day following the election, and if a candidate received a plurality of votes as certified by the monitoring officials, and the Tribal Council has not received a challenge as provided in Subsection 13.02.12 above, the Tribal Council shall inaugurate the newly elected council members at the beginning of the first regular Tribal Council meeting following the election.

**HISTORICAL AND STATUTORY NOTES**

This section amended by Resolution 14 - 2007 dated February 13, 2007.

**ANNOTATIONS**

In Iyall v. Sanchez, Ci 06-05-009 (2006), the appellate court stated that three tribal council members could constitute a quorum for the purposes of inaugurating new council members. It did not address the issue of whether less than three members could constitute a quorum for this purpose.

13.02.17      Tribal Council Incumbents

No incumbent Tribal Council members who appeared on the Ballot for any Tribal Council Position may take part in any decision regarding the outcome of that Election, including Petitions of Contest, Recount and the scheduling of new Elections.

**HISTORICAL AND STATUTORY NOTES**

This section added by Resolution 14 - 2007 dated February 13, 2007.

13.02.18      Tribal Court Jurisdiction

The Nisqually Tribal Court shall have exclusive jurisdiction over disputes arising from this section.

**HISTORICAL AND STATUTORY NOTES**

This section added by Resolution 14 - 2007 dated February 13, 2007.

13.03            ELECTION COMMITTEE AND ELECTIONS

13.03.01      Scope

This Section removed by Tribal Council Resolution 54-2005 on October 4, 2005.

**HISTORICAL AND STATUTORY NOTES**

1. This section amended by Tribal Council Resolution 54-2005.
2. Section 13.03 has been renamed by Tribal Council Resolution 54-2005.

13.03.02      Voters

All persons who are 18 years old on or before the election date who are enrolled members of the Nisqually Indian Tribe shall be eligible to vote in elections governed by this ordinance. The Enrollment Committee and Enrollment Clerk shall make the list of eligible voters available to the Election Committee thirty (30) days prior to the election.

13.03.03      Election Committee

- (a) The Tribal Council shall appoint an Election Committee of five (5) voting Tribal members at least sixty (60) days before the election.
- (b) Members of the Election Committee who carry out their duties on the day of the election shall be compensated at a rate approved by the Tribal Council.

**HISTORICAL AND STATUTORY NOTES**

This section amended by Tribal Council Resolution 12, 2010.

13.03.04      Election Committee Authority and Responsibility

- (a) To verify the names of persons signing recall petitions to determine that each signature is that of an eligible voter who signs only once his or her own name. Signatures may be verified by General Council sign-in sheets or other available means;
- (b) To submit the original copy of a verified recall petition to the Tribal Council or its delegate for storage as a public record of the Nisqually Indian Tribe;
- (c) To publish and post notice of all elections;
- (d) To prepare ballots;
- (e) To maintain the list of eligible voters before the polls open;
- (f) To supervise activity at the polls;
- (g) To verify the eligibility of every person who wishes to vote and to distribute one ballot to each eligible voter at the polls;
- (h) To keep a record of persons who vote and of the number of ballots distributed and cast at an election;
- (i) To resolve any disputes which may arise at the polls regarding a person's eligibility to vote or balloting procedure;
- (j) To count and validate ballots and record the number of votes cast for each choice after the polls are closed;
- (k) To certify the results of the election in writing and to notify the General Council on the first working day after the election by immediately posting the certified results in public areas and by sending written notice to the Tribal Council and all voting members within five (5) days;
- (l) To recommend to the Tribal Council any supplemental rules or changes in this ordinance which the committee believes are necessary to achieve the purposes of this ordinance.

**HISTORICAL AND STATUTORY NOTES**

This section amended by Tribal Council Resolution 54-2005.

13.03.05      Election Committee Oath

Before taking office, Election Committee members shall swear or affirm that they will carry out their duties faithfully; that they will not let their preferences in an election influence their actions as committee members, and that they will not engage in, sanction or permit to go unchallenged conduct which could prevent a fair election.

13.03.06      Public Hearings

**HISTORICAL AND STATUTORY NOTES**

This section removed by Tribal Council Resolution 54-2005.

13.03.07      Notice of Elections

All election notices shall be reviewed by the Tribal Council prior to mailing. Notice of all elections, including a request for absentee ballot, if applicable, shall be mailed to the last known address of each eligible voter not less than fifteen (15) calendar days prior to the date of the election. The notice shall be posted at the Tribal Center and at other public places on the Nisqually Indian Reservation. The notice shall specify the issues to be decided in the election, and the date, hours and place of the election.

Another copy of the full text of the matter to be voted upon shall be included in the mailing only if it is modified from its original version as a result of the hearings.

13.03.08      Places and Times

- (a) Elections shall be held on a date determined by the Tribal Council. In case the date of the election shall conflict with a holiday or if circumstances require that the election be postponed, the election shall be held within thirty (30) days thereafter.
- (b) Polls shall be open for at least a four (4) hour period.
- (c) Balloting in all elections shall take place at the Tribal Center on the Nisqually Indian Reservation, unless otherwise specified in the notice at the direction of the Tribal Council.

13.03.09      Regulations

- (a) Voting in all elections governed by this ordinance shall be by secret, written ballot. Eligible voters shall present identification upon request to the monitoring officials, sign

their name next to their enrollment number signifying that they have received one (1) ballot, enter their vote on the ballot in secret, fold the ballot in half, and deposit the ballot in a box provided for that purpose.

- (b) No person shall campaign or otherwise attempt to influence or interfere with voters or shall loiter on the Tribal Center grounds within three hundred (300) feet of the polling place during hours when the polls are open.
- (c) Voters who are unable to mark a ballot without assistance because of such special circumstances as physical disability or illiteracy may be assisted in voting by an Election Committee member or by a person of the voter's choice.
- (d) Consumption of alcoholic beverages, drugs or other intoxicants at the polls and on Tribal Center grounds is prohibited.

#### 13.03.10      Ballots

- (a) At the close of the polls on election day, all unused official ballots shall be kept for documentation by the Election Committee. The Election Committee shall open all ballots, including absentee ballots received, and compute the vote. Ballots shall be counted a minimum of three times. The totals must agree at least twice to be valid. Ballots shall be secured in a locked container and may be destroyed after one (1) year. Tribal Members may be present during the counting of the ballots provided they do not interfere. A Nisqually police officer shall be present while ballots are being counted.

#### **HISTORICAL AND STATUTORY NOTES**

This section amended by Tribal Council Resolution 54-2005.

#### 13.03.11      Absentee Ballots

Provisions for absentee voting are required for all Tribal Council Elections. Eligible voters desiring to vote by absentee ballot must:

- (a) Obtain an absentee ballot at the Tribal Center by written request presented in person or by mail. Each absentee ballot will have an identification number to assure against any "double voting." Only one absentee ballot will be sent to each eligible voter requesting one.
- (b) Cause the ballots to be received by the Election Committee on or before the election day. Absentee ballots will be marked on the eligible voters' list. Instructions for returning absentee ballots will be included along with identifying ballot numbers.
- (c) Vote for no more than one candidate for each position.
- (d) Place the folded absentee ballot in the unmarked envelope provided, seal it, and return the folded absentee ballot postmarked (or other appropriate methods) in the outer envelope

provided. The absentee ballot must be marked with the voter's name on the outside of the outer envelope. Absentee ballots postmarked or hand-delivered must be received at the Tribal Center on or before election day. Upon receipt of absentee ballots, the Election Committee shall note the name of the sender, mark on the voters' list accordingly, remove the sealed, unmarked inner envelope and place it into the ballot box.

#### **HISTORICAL AND STATUTORY NOTES**

This section amended by Tribal Council Resolution 18-2007.

#### 13.03.12      Challenges

- (a) Any person who has been disqualified from voting by the Election Committee may appeal the committee's decision by filing a written protest or appearing in person at the first Tribal Council meeting after the contested election. The Tribal Council shall then consider evidence presented by the disqualified person and by the Election Committee and shall decide within fourteen (14) days after the first meeting whether a person was improperly disqualified. The Tribal Council will not accept the Election Committee's certification of election results until a decision has been made on any challenges it receives.
- (b) Any person who believes that an unqualified person was permitted to vote in an election may appeal the Election Committee's decision as provided in subsection (a) of this Section.
- (c) If the Tribal Council determines either that an ineligible person voted in an election or that a person eligible to vote was denied the right to vote in an election and further determines that such error affected or may have affected the results of the election, the Tribal Council shall schedule a second vote as provided in Subsection 13.03.13.
- (d) If at least ten (10) percent of all eligible voters sign a petition requesting a recount of the ballots in an election and submit the petition to the Election Board within three (3) days after the election, the Election Board shall order a recount.
- (e) If at least ten (10) percent of all eligible voters sign and submit to the Election Board within three (3) days after the election, a petition describing violations of this ordinance or irregularities which could have affected the outcome of an election, the Election Board shall investigate the charges made in the petition. If the Election Board determines that a violation of this ordinance or other irregularity did affect or could have affected the results of the election, the Election Board shall recommend that the Tribal Council schedule a second vote as provided in Subsection 13.03.13.

#### 13.03.13      Rescheduled Elections

If voting results in a tie or if the Tribal Council determines that a challenge under Subsection 13.03.12 is valid, the Tribal Council shall schedule another vote to take place within thirty (30) days after the regular election date in the event of a tie vote, or thirty (30) days after a challenge

is determined valid. The rescheduled election shall comply with the regular election procedures. In the case of a tie, the runoff election shall be held only for those candidates whose votes were tied.

#### 13.03.14      Certification of Elections

The certified results of the election shall be posted and given to the Tribal Council on the first working day after the election, and if a simple majority of those voting voted to approve the ordinance or amendment as certified by the monitoring officials, and the Tribal Council has not received a challenge as provided in Subsection 13.03.12 above, the Tribal Council shall by resolution adopt the ordinance or amendment that was approved. Where appropriate, the Tribal Council shall transmit the approved measure to the Secretary of the Interior or his/her designate for review.

### 13.04            ELECTION OF FISH COMMISSIONERS

#### 13.04.01      Scope

This Section shall govern the procedures for the election of Nisqually Fish Commissioners.

#### 13.04.02      Voters

All persons who are eligible under Subsection 13.02.02.

#### 13.04.03      Candidates

The Tribal Secretary shall designate a staff member who shall be responsible for accepting names from candidates for Fish Commission positions. Candidates shall submit their names to the staff person at the Tribal Center during normal business hours of the last five (5) working days of January and the first five (5) working days of February. The Tribal Secretary shall certify that all candidates are enrolled Tribal members and shall post the list of candidates within two (2) working days after the filing period is closed. Candidates listed, should they choose, shall have five (5) working days after the end of the filing period to ask that their name be withdrawn from the list.

#### 13.04.04      Notice of Elections

All election notices shall be reviewed by the Tribal Council prior to mailing. The list of candidates shall be certified by the Tribal Council at its next regular or special meeting following the withdrawal period and shall be mailed to all voting members within two (2) working days after the Tribal Council's certification of the list. The notice shall list the candidates and shall state the date and time of the secret ballot election on the second Saturday of March.

13.04.05      Places and Times

- (a) Elections for Nisqually Fish Commissioners shall be held on the second Saturday in March upon the expiration of the term of a council member. In case the date of the election shall conflict with a holiday or if circumstances require that the election be postponed, the election shall be held within thirty (30) days thereafter.
- (b) Polls shall be open for at least a four (4) hour period.
- (c) Balloting shall take place at the Tribal Center on the Nisqually Indian Reservation, and shall be monitored at all times by at least two (2) members of the Election Committee appointed pursuant to Subsection 13.02.03.

13.04.06      Regulations

- (a) Voting in all elections governed by this ordinance shall be by secret, written ballot. Eligible voters shall present identification upon request to the monitoring officials, sign their name next to their enrollment number signifying that they have received one (1) ballot, enter their vote on the ballot in secret, fold the ballot in half, and deposit the ballot in a box provided for that purpose.
- (b) No person shall campaign or otherwise attempt to influence or interfere with voters or shall loiter on the Tribal Center grounds within three hundred (300) feet of the polling place during hours when the polls are open.
- (c) Voters who are unable to mark a ballot without assistance because of such special circumstances as physical disability or illiteracy may be assisted in voting by an Election Committee member or by a person of the voter's choice.
- (d) Consumption of alcoholic beverages, drugs or other intoxicants at the polls and on Tribal Center grounds is prohibited.

13.04.07      Ballots

- (a) Ballots shall contain the list of the remaining candidates with a space next to each name for the voter to place a checkmark. The voter shall place a checkmark by no more than five (5) candidates. Ballots containing more than five (5) checkmarks shall be void.
- (b) After the polls are closed, all three (3) officials listed in Subsection 13.04.05 above, plus two (2) Tribal member witnesses, shall count the ballots cast and shall certify the results.

13.04.08      Certification of Elections

The five (5) candidates with the most votes shall be named as Fish Commissioners. The results shall be given to the Tribal Council and the Tribal Council shall adopt the election results by resolution at its next regularly scheduled meeting.

13.05            SEVERABILITY

13.05.01        Severability

If any provision in this ordinance is determined by a court of competent jurisdiction to be invalid, such a determination shall not render invalid the remaining provisions.