



On March 14, 2018, petitioners submitted three Election Protests signed by Tribal members challenging the Primary Elections for Fish Commission, Tribal Secretary, and Tribal Chairman under § 13.03.01 of the Nisqually Tribal Code. The Tribe's third-party election auditor, Honest Ballot, verified that these challenges were valid on March 16, 2018 and appointed the Tribe's Election Attorneys, Fredericks Peebles & Morgan LLP, to investigate the charges and render written findings of fact and conclusions of law, as required under § 13.03.01(c).

The Election Protests made four allegations: (1) that the Primary Election violated Title 13 of the Nisqually Tribal Code because notice was not timely issued; (2) that the Primary Election violated Title 13 because the election was not conducted via written ballot; (3) that the Primary Election violated Title 13 because the General Council meeting conflicted with polling times and did not actually permit eight hours of voting; and (4) that the Primary Election violated Title 13 because there were irregularities in absentee voting.

On March 22, 2018, the Tribe's Election Attorneys completed their investigation and provided Honest Ballot with written Findings of Fact and Conclusions of Law. The Tribe's Election Attorneys were unable to find violations of Title 13 that materially impacted the election as to Allegations #1, #3, and #4. However, the Election Attorneys found that the failure to employ a written ballot during the Primary Election violated Title 13 in a manner that materially affected the election. The Tribal Election Attorneys therefore recommended that the results of the Primary Election in the three challenged races should be invalidated and votes for the three challenged races should be rescheduled as set forth in § 13.03.01(c) and to be voted on paper ballots.

Honest Ballot has had an opportunity to review the Election Attorneys' findings, and Honest Ballot accepts their determination. **Therefore, pursuant to Title 13 of the Nisqually Tribal Code, Honest Ballot shall reschedule Primary Election voting for only those particular offices that have been challenged: Fish Commission, Tribal Council Secretary, and Tribal Council Chairman.**

Title 13 of the Nisqually Tribal Code provides that, if the third-party election auditor determines that an election challenge is valid, "the third-party auditor shall schedule a new election to take place within thirty (30) days after that determination." Nisqually Tribal Code, § 13.02.14. Title 13 further provides that "[t]he rescheduled election shall comply with the normal election procedures to the extent practically possible." *Id.*

Honest Ballot will provide notice in the coming days of details regarding the rescheduled election, including dates, times, and other procedural issues. **The rescheduled Primary Election will not impact the date of the General Election.**

If you should have questions concerning this decision or regarding election procedures, please contact Honest Ballot at [honestballot@aol.com](mailto:honestballot@aol.com).

North Shore Towers . 27246 Grand Central Pkwy . Floral Park, NY 11005  
Ph.718.279.VOTE (8683) Fx.718.279.0873 Em.honestballot@aol.com www.honestballot.com

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