

WINNEMUCCA INDIAN COLONY
NEVADA

ORDINANCE No. 301

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An Ordinance to govern all elections of the Winnemucca Indian Colony, and

WESTERN REVENUE AGENCY
CARSON CITY NV 89703

WHEREAS, the Tribal Council of the Winnemucca Indian Colony deems it necessary to adopt an Ordinance pertaining to elections, and

WHEREAS, the Tribal Council, as the governing body representing the members of the Winnemucca Indian Colony, has the power to adopt this Ordinance providing election procedures pursuant to Article IV, Section 2 and Article VI, Section 1(g) of the Constitution, and

BE IT HEREBY ORDAINED, by the Winnemucca Tribal Council, that the following election rules and regulations, supplemental to those provisions in the Constitution and Bylaws, are adopted:

SECTION I - VOTERS

a. Eligibility

Any enrolled member of the Winnemucca Indian Colony who has attained the age of twenty-one (21) years or older shall have the right to vote, provided that his/her name is on the Eligible Voters List, and provided that he or she has not been declared mentally incompetent (non - compos mentis) by the Federal, State, or Tribal Court.

b. Registration

Eligible voters who sign his/her name on the register (the Eligible Voters List), a minimum of 40 days prior to any election, becomes eligible to vote in the current election and is declared registered for that election.

c. Appeals

Any enrolled member of the Tribe whose name has been inadvertently removed or omitted from the Eligible Voters List, after that member has registered pursuant to Section I(b) above, may appeal to the Tribal Council to have his/her name placed on the Eligible Voters List. The appeal shall be filed with the Secretary of the Tribal Council at least ten(10) days prior to the

ORDINANCE NO. 301

April 9, 1994

PAGE -2-

election. The Secretary of the Tribal Council is authorized to place enrolled members, who have timely registered as required pursuant to Section I(b) and are otherwise eligible to vote, on the Eligible Voters List.

d. Absentee Voters

- (1) Absentee voting shall be allowed in any Tribal Council Election or Special Election for eligible voters, upon written request. All ballots must be returned before five (5) p.m. Pacific Time, on the day of the election.
- (2) Those tribal members who are incarcerated for minor offenses, with penalties of less than a Fifty Dollar (\$50.00) fine and/or a thirty (30) day sentence, shall be allowed to vote as Absentee voters as provided for in Section I d(1) above.
- (3) Eligible voters located within the boundaries of the Winnemucca Indian Colony on election day, who are ill, physically disabled or incapacitated, and not able to travel to a polling place, and who did not obtain an absentee ballot, may vote by casting their ballot with the Tribal Secretary who is accompanied by a Tribal Police Officer. This ballot placed in an envelope, sealed, turned over to the Secretary of the Tribal Council, and placed in the ballot box. The Tribal Secretary checks this name on the Eligible Voters List as having voted and signs his/her name.

SECTION II - ELECTIONS

a. Categories of Elections

There shall be two categories of elections:

- i. Regular Election
- ii. Special Elections.

Regular Election shall apply to all elections for members of the Tribal Council.

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ORDINANCE NO. 301

April 9, 1994

PAGE -3-

SECTION II - ELECTION DATES AND NOTICES

a. Categories of Elections (Cont'd)

Special Elections shall consist of the following four types:

- (1) Referendum - Eligible voters may make a binding decision on any ordinance, resolution, proposed or enacted by the Tribal Council in accordance with Article VII, Section 2 of the Winnemucca Indian Colony Constitution.
- (2) Initiative - Eligible voters may propose ordinances or resolutions in accordance with Article VII, Section 2 of the Winnemucca Indian Colony Constitution.
- (3) Recall - Eligible voters may vote on the proposed recall of any Tribal Council member in accordance with Article V, Section 3 and Article VII, Section 2 of the Winnemucca Indian Colony Constitution.

b. Election Dates

- (1) All regular elections for the council members of the Winnemucca Indian Colony shall be held during the month of October of even numbered years, on a day designated by the Tribal Council.
- (2) All Special Elections, as defined above, shall be conducted in accordance with the appropriate Article and Section of the Winnemucca Indian Colony Constitution.

c. Notices

- (1) The Tribal Council shall cause, at least thirty (30) days prior to the date of all regular Tribal Council elections, a Notice of Election to be posted.

ORDINANCE NO. 301
April 9, 1994
PAGE -4-

SECTION II - ELECTION DATES AND NOTICES

c. Notices (Cont'd)

- (2) All notices for any Special Election, as defined above, shall be in accordance with the appropriate Article and Section of the Winnemucca Indian Colony Constitution.
- (3) The Secretary of the Tribal Council shall post copies of the Eligible Voters List in at least one public place on the Colony at least thirty (30) days prior to any election, at which time members shall have an opportunity to review, and the right to appeal pursuant to Section 1(c).
- (4) The Secretary of the Tribal Council shall post the list of candidates (as defined in Section III Subsection a of this Ordinance) in at least one public place on the Colony at least ten (10) days prior to the applicable election.

SECTION III - CANDIDATES

a. Eligibility

All members of the Winnemucca Indian Colony who have attained the age of twenty-one (21) years of age or older in accordance with Article III, Section 2 of the Winnemucca Indian Colony Constitution and Section I, subsection (a) of this ordinance are eligible.

Candidates for election as Tribal Council members shall announce their candidacy in writing and presented to the Tribal Secretary at least fifteen (15) days before the election.

SECTION IV - ELECTION COMMITTEE

a. Appointment

The Tribal Council shall appoint three (3) members of the Winnemucca Indian Colony who are not incumbent council members or candidates for said office to sit on the Election Committee.

ORDINANCE NO. 301April 9, 1994

PAGE -5-

SELECTION IV - ELECTION COMMITTEE

b. Vacancy

In the event that a member of the Election Committee is unable to serve, a replacement shall be appointed by the Tribal Council as provided for in Section IV (a) above.

c. Compensation

Election Committee members shall be compensated at a rate prescribed by the Tribal Council.

d. Duties of the Election Committee Members

- (1) The Election Committee members shall conduct and supervise the voting and shall have the responsibility of permitting only those qualified members whose names appear on the Eligible Voters List to vote. Election Committee members shall see that the name of each person voting is checked off as their ballot is cast, and that the ballot is individually marked. Election Committee members shall also see that each voter is permitted to mark his/her ballot in privacy, and see that the prohibition against electioneering within the specified limits is enforced. It shall be the responsibility of the Election Committee members to maintain order at each polling place.
- (2) The Election Committee members shall open and close the polls and see that the ballot box(es) is/are empty and locked before the balloting begins.
- (3) The Election Committee members shall open the ballot box(es), count the ballots, and record the results. Thereafter, the ballots, voting lists, unused ballots (as defined in Section V, subsection f of this Ordinance), voided ballots (as defined in Section V, subsection e of this Ordinance), and Certificate signed by all Election Committee members shall be returned to one ballot box (if multiple ballot boxes were used) and the ballot box shall be locked and sealed and taken to a designated Private Bank in the area to

ORDINANCE NO. 301

April 9, 1994

PAGE -6-

SECTION IV - ELECTION COMMITTEE

d. Duties of the Election Committee Members
(3) continued

be held until the expiration of the allowable protest period as provided for in Section VI(c), where Certification of the Election Results shall be announced.

SECTION V - CONDUCT OF ELECTION

a. Polling Places

The polling places shall be established by the Tribal Council and included in all notices of the election. The polling place shall be located in a public place on the Colony.

b. Hours of Voting

The polls shall be open at each polling place from 7 a.m. to 6 p.m. Pacific Time.

c. Electioneering

There shall be no electioneering within a radius of two hundred (200) feet of a polling place.

d. Ballots

- (1) Ballots for all elections shall be prepared by the Secretary of the Tribal Council and either printed or in mimeograph form.
- (2) Ballots for any regular election (as defined in Section II subsection a) shall include the names of all eligible candidates.
- (3) Ballots for any special election (as defined in Section II subsection a) shall be in accordance with the requirements for such election and set for any question or issue to be decided, a short explanation of the question or issue explaining both a vote for and against the question or issue. The explanations provided for, herein, shall be approved by the Tribal Council and included in any notice of any such special election.

ORDINANCE NO. 301

April 9, 1994

PAGE 27-

SECTION V - CONDUCT OF ELECTION

e. Voided Ballots

If a voter voids his original ballot and obtains another, the voided ballot shall be folded and marked "VOIDED", then signed by each member of the Election Committee, deposited in the ballot box, and included separately in the sealed box in accordance with Section IV subsection d(3) of this Ordinance.

f. Unused Ballots

Ballots unused at the end of the voting shall be sealed in the envelope marked "UNUSED", then the envelope sealed and signed by each member of the Election Committee, deposited in the ballot box, and included separately in the sealed box in accordance with Section IV subsection d(3) of this Ordinance.

SECTION VI - CERTIFICATION

a. Method of Certification

The Tribal Council, assembled in open meeting, shall receive from the members of the Election Committee the official count of the election returns. This official count shall be read aloud to the public. After the reading of the official count of the election returns, the Tribal Council shall certify the election returns and declare elected the person with the highest number of votes. In the event of a tie between candidates receiving the highest number of votes, an additional election shall be held within two (2) weeks of the regular election between only the candidates tied with the highest number of votes.

b. Effect of Vote in Special Elections

- (1) Referendum and Initiative elections, conducted as provided in the Constitution Article VII Section 2, shall have the same force and effect as actions taken by the Tribal Council and shall be binding on the Tribal Council.

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ORDINANCE NO. 301April 9, 1994

PAGE -8-

SECTION VI - CERTIFICATION

b. Effect of Vote in Special Elections (Cont.)

- (2) Recall elections, in which thirty percent (30%) of the eligible voters cast a vote, and a majority of said voters vote to recall the Tribal Council member, that Tribal Council member is removed from office upon the certification of the election results by the Tribal Council.
- (3) Any member of the Tribal Council, who is the subject of a Recall election, shall not vote in any proceeding of the Tribal Council pertaining to said recall election.

c. Contests

- (a) All contests, protests, or grievances regarding the election shall be brought to the attention of the Tribal Council by 5 p.m. on the 5th day following the official certification of the election results, such contest must be in writing.
- (b) The Tribal Council, in its discretion, may certify the election, allow time for the presentation of pertinent evidence and testimony, or take any appropriate action to resolve the contest, protest, or grievance and shall make in findings and conclusions in writing within five (5) days of the receipt of the contest notice. The decision of the Tribal Council shall be final.
- (c) That the findings in (b) above may be appealed to the Tribal Court if done in writing within three (3) business days of the findings being made.

The foregoing Ordinance having been presented to a Quorum on April 9, 1994, duly approved by a vote of 4 for and 0 against, 0 abstaining, by the de facto Tribal Council of the Winnemucca Indian Colony, pursuant to the Constitutional requirements.

ORDINANCE NO. 301

April 9, 1994

PAGE -9-

This Ordinance is effective as of the date of its enactment.

WINNEMUCCA INDIAN COLONY

WINNEMUCCA INDIAN COLONY TRIBAL COUNCIL

By:

Glenn Wasson
Glenn Wasson, Chairman

Richard P. Tom
Richard P. Tom, Vice Chairman

Sharon Wasson
Sharon Wasson, Member

Lucy Lowmy - member

APPROVAL: Paul Mungerson
Superintendent
Western Nevada Agency

4-19-94
Date