B L U E L A K E R A N C H E R I A

ORDINANCE No. 91-02

ORDINANCE OF THE BLUE LAKE RANCHERIA
HUMBOLDT COUNTY, STATE OF CALIFORNIA

SUBJECT: RULES AND PROCEDURAL REQUIREMENT GOVERNING ELECTION OF THE TRIBAL BUSINESS COUNCIL OF THE BLUE LAKE RANCHERIA.

WHEREAS: The Assistant Secretary - Indian Affairs has approved the Constitution governing the affairs of the Blue Lake Rancheria; and

WHEREAS: Article VII, Section 7 of the Constitution, empowers the Business Council to enact an ordinance prescribing the form of ballot and rules of election.

NOW THEREFORE BE IT KNOWN, that the Blue Lake Rancheria hereby adopts the following requirements and procedures to govern their election activities of members, subject to review and approval by the Secretary of the Interior or his authorized representative.

PURPOSE The intent and purpose of this ordinance is to establish procedures for fair elections and to insure the secrecy and sanctity of the ballot.

D E F I N I T I O N S

Wherever used in this Ordinance, the terms defined in this section shall have the following meaning:

BUSINESS COUNCIL — The Blue Lake Rancheria Business Council, a five (5) member council elected by the qualified General Council.

CONSTITUTION — The Constitution of the Blue Lake Rancheria of California.

POLLING PLACE — The location designated by the Business Council where balloting takes place.

REGISTRAR — A person designated by the Business Council to accept registration of voters.

ELECTION NOTICE — The official notice that an election will be held on a specific date established by the Constitution.

POLL OFFICIAL — A General Council member or any additional appointee to serve at the polls on election day.

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QUALIFIED VOTER	Any member of the Blue Lake Rancheria who will be at least eighteen (18) years of age on election day and who is duly registered and a resident of the Blue Lake Rancheria.
REGISTERED VOTER	One who is qualified to vote by reason of meeting all the requirements listed within this ordinance.
ELECTION BOARD	A three (3) member board appointed by the Business Council to implement the procedures outlined in this ordinance.

SECTION 1. ELECTION OFFICIALS

The Business Council shall have overall responsibility for the conduct of all elections. These duties shall include, but not be limited to, the following.

(1) The Business Council shall approve the appointment an election board composed of three (3) members of the General Council. The election board members shall hold office for a one (1) year term.

SECTION 2. TYPES OF ELECTION

1. Regular Election of Business Council Members.

2. Recall

3. Vacancies

SECTION 3. QUALIFICATIONS FOR BUSINESS COUNCIL MEMBERS

Any member of the Blue Lake Rancheria may announce their candidacy for a position on the Business Council provided the following qualifications are met: (a) are at least eighteen (18) years of age or more; (b) a resident of the Blue Lake Rancheria.

SECTION 4. NOMINATION PROCEDURE

Candidates shall file, in person, for a position by submitting to the election board a statement of intent. Such statement shall be filed not less than thirty (30) days prior to the next election, provided, however, if only one or fewer qualified members files a statement a special meeting of the general council shall be convened for the purpose of taking nominations from the floor for a candidate.

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SECTION 5. ELIGIBILITY OF VOTERS

Any enrolled member, eighteen years of age or older on the date of a tribal election, who has registered in accordance with Section 6 of this ordinance, shall be considered a qualified voter of the Blue Lake Rancheria.

SECTION 6. REGISTRATION, ELIGIBILITY TO REGISTER, REGISTRAR

(1) REGISTRATION REQUIRED. An enrolled member must register only once under this ordinance in order to vote in elections of the Blue Lake Rancheria. An enrolled member shall not be eligible to vote in any election occurring less than 15 days of the date of such member's registration.

(2) ELIGIBILITY TO REGISTER. The Tribal Election Board shall permit any enrolled member eighteen years of age or older on the date of the tribal election in which they wish to vote, to register by executing an affidavit for registration stating their name, address and date of birth. The name and mailing address of such members shall, upon verification of enrollment, be entered on the Blue Lake Rancheria Tribal Voter Registration List by the Registrar. Each voter shall be responsible for notifying the Registrar in writing of changes in the voter's address.

(3) REGISTRATION LIST. Fifteen (15) days before the next scheduled election, the Registrar of Voters shall provide a certified copy of the current Registration List to the Election Board and shall cause a copy of the list to be posted at the Blue Lake Rancheria tribal office. For the purposes of this subsection, certification shall consist of a notarized statement by the Registrar that the list is a true and correct list of all persons who have requested registration and who meet the qualifications for voters established by the Blue Lake Rancheria Constitution and this Ordinance.

(4) REGISTRAR. The Secretary of the Tribal Business Council shall serve as the Registrar of Voters for the Blue Lake Rancheria.

SECTION 7 NOTICES

(1) The Registrar of Voters shall, at least 30 days before the date scheduled for a tribal election:

A. Cause copies of a Notice of Election to be mailed to all enrolled tribal members who are eighteen years of age or older, or who will have attained such age by the date of the scheduled election, at the most recent address provided in writing by said member.

B. Cause at least two copies of a Notice of Election to posted conspicuously at the Blue Lake Rancheria Tribal Office, located on the Rancheria.

The Notice of Election shall provide all of the following information:

a. The date and time of the election;
b. The exact location of the tribal election place;
c. The subject matter of the election;

C. Notice that Blue Lake Rancheria tribal voter registration is required, the date by which a voter must register to be eligible to vote in the election that is the subject of the notice, the manner in which voters may register, and the location of the place where voters can register.

D. The tribal secretary shall send letters to all tribal members within a reasonable time after their eighteenth birthday informing them of the need to register in order to be eligible to vote in tribal elections. Each Tribal Business Council member shall inform members of voter registration requirements and encourage registration.

SECTION 8 ELECTION BOARD

(1) ESTABLISHMENT OF ELECTION BOARD. The Blue Lake Rancheria Tribal Election Board (hereinafter "Election Board) is hereby established for the purposes of conducting and supervising all tribal elections, regular or special, in accordance with the Constitution of the Blue Lake Rancheria Tribe and this ordinance; deciding election disputes; enforcing this ordinance; and promulgating such additional rules for the conduct of elections as may be necessary from time to time.

(2) COMPOSITION. The Election Board shall consist of three (3) members, appointed by the Business Council Chairperson, subject to the approval of the Business Council members, for a term of one year commencing on February first following the annual general council meeting and ending on January thirty-first, or such later date as successor Board members are appointed and approved by the council. A Board chairperson and secretary shall be selected by the board members from among its own members.

(3) QUALIFICATIONS. The members of the election board shall be qualified voters of the tribe. In the event that any member of the election board is nominated as a candidate for an office to be filled during their term of office on the Board they shall withdraw from the Board and the committee Chairperson, or remaining Board members in the event the Chairperson is nominated for office, shall appoint another to serve in their place.

(4) BUDGET. The Election Board shall request that a specified amount be budgeted by the Blue Lake Rancheria Business Council in each fiscal year tribal budget under a separate line item. The funds budgeted shall be used in accordance with all tribal financial plans of operation for conducting tribal elections in accordance with this ordinance only.

(5) RULEMAKING. The election board shall have authority to recommend such rules as they may deem necessary to provide for fair and efficient elections under this ordinance. No rule recommended under the authority of this section shall be inconsistent with the provisions of this ordinance or the Constitution of the Blue Lake Rancheria Tribe. All rules recommended are subject to the approval of the Tribal Business Council.

(6) DUTIES OF THE BOARD. In addition to performing any other duties delegated to the Board by this ordinance, the Board shall:

a. Direct the preparation of forms for use as nominating petitions, ballots and other forms as may be required, and make them available to tribal members.

b. Certify the eligibility of candidates for office.

(7) REMOVAL. The Tribal Business Council or the Election Board by majority vote of its members, may remove any member of the Election Board from office, but only for cause after providing written notice of intent to do so, specifying the reason for such action and providing an opportunity for the person to be removed to answer the charges against them. Notice must be provided at least five working days in advance of the date set for any hearing on removal.

SECTION 9. ELECTION PROCEDURE, BALLOT COUNT, CERTIFICATION

(1) ELECTION PLACE AND TIME. All general elections of the Blue Lake Rancheria shall be conducted at the Tribal Office of the Tribe, located on the Rancheria. Voting time shall be from 8:30 AM until 4:30 PM, or as otherwise specified on the election notice issued pursuant to this ordinance.

(2) ELECTION PROCEDURE. On the date of election, at lease one member of the Election Board shall be present at the Tribal Office at all times during election hours and they shall:

a. Open the doors at the specified time;

b. Verify the Blue Lake Rancheria voter registration eligibility of each person requesting a ballot and ensure that no person who is not on the registered voter list receives a ballot. Each registered voter must sign their name and address, in ink, in the official Election Board Registration Book or sign in sheet, as designated by the election board. If their name appears in the Registration Book and no question of the voter's eligibility is raised by a member of the Election Board, the voter shall be given a blank numbered ballot, as described herein. If a question of eligibility does arise, the voter shall be required to show proof of their eligibility to the Election Board. If the Board is satisfied the voter shall be given a blank numbered ballot and allowed to vote.

c. After it has been determined that a voter shall be issued a ballot, a member of the Election Board shall initial and issue a ballot stamped with the words "Official Ballot of the Blue Lake Rancheria", shall deliver the ballot to the voter and shall make an appropriate entry in the voting registry to ensure against any person voting more than once on any matter for which separate ballots are distributed.

d. Assure that ballots are deposited in a ballot box for tallying at the conclusion of the voting.

e. Upon the close of voting, the Election Board member shall collect the ballot box for tallying. All members of the Election Board shall be present for tallying.

METHOD OF TALLY: The Election Board shall examine all ballots cast therein, eliminate any spoiled or mutilated ballots and then determine the number of votes cast for each candidate or issue. The count shall be called out and the written tally maintained in a conspicuous location visible to those in attendance. The written tally shall be maintained by the Election Board and shall be counted twice to ensure accuracy.

f. The candidate for tribal council office receiving the highest number of votes cast for that office shall be declared winner. The Election Board shall thereafter prepare a certification of the results of the election which shall be signed by each member of the Board and which shall contain the following information:

1. The number of ballots cast.
2. The number of invalid ballots eliminated.
3. The total number of valid ballots.
4. The persons elected to office, the number of votes received by each of the persons, and the office to which they were elected.
5. The outcome of each issue on the ballot.
6. The date and time of certification.

(3) VOTING METHOD. Proxy and absentee ballots shall be allowed. Request for proxy or absentee ballots shall be in writing and be requested at least ten (10) working days prior to the election. Proxy or absentee ballots shall be mailed in time to be received by the Election Board on the date of election. Any ballots received after the close of the election shall become invalid.

a. Each registered voter may cast one vote by secret ballot for each office or issue to be voted on by the general council of the Blue Lake Rancheria.

b. A voter must personally cast their vote on election day at the designated time and place. No voter may have any other person cast their vote. Proxy or absentee voting shall be allowed in accordance with this ordinance.

c. Voters shall mark their ballots. To be valid, the mark must be identifiable with the matter for which it is intended. After the ballot is marked, the voter shall fold the ballot so that the face or printed side is concealed, with the official mark "OFFICIAL BALLOT BLUE LAKE RANCHERIA" and the Election Board member's initials visible on the outside.

d. The folded ballot shall be placed in the ballot box by the voter.

e. Only upon the request of a voter who cannot read the English language, or because of blindness or other medical condition cannot mark the ballot, the said voter may be assisted by an Election Board member in marking the ballot, but the Board member shall neither by word, action or expression, influence or attempt to influence the voter in the marking of the ballot.

(4) BALLOTS. The Election Board shall prescribe the form of the ballots to be used in each election.

a. All ballots shall be kept secure by the Election Board until the results of the election have been certified, the time for requesting a recount and/or filling complaints or petitions for review has passed, and in any case, until at least thirty (30) days have passed since the election.

(5) RECOUNT OF VOTES. In the event of a tie or dispute of the election results, a qualified voter may request a recount of the ballots. The qualified voter must, within seven (7) days of the election, in writing request a recount to the Election Board. The Election Board, shall upon receipt of the request conduct a recount in the presents of the qualified voter requesting the recount and the Tribal Business Council members.

(6) TIES, RUN-OFFS. In the event that two or more candidates for the same tribal council office receive an equal number of votes, a run-off election shall be held. The run-off election shall be held in the same manner as a general election as provided by the ordinance, except that only the candidates who receive equal number of votes shall be candidates in the run-off. The candidate receiving the highest number of votes in the run-off election shall be elected to the position.

(7) DISPUTES. Any qualified voter may, within seven (7) days of an election, file a complaint under penalty or perjury with the Election Board alleging any election irregularity and demanding relief. This procedure shall be the only method of presenting an election dispute to the Board.

a. The election board shall decide all disputes concerning any general election within thirty days of receipt of a complaint, and their decision shall be final, unless within ten (10) days of that decision, a petition for review to the Tribal Council is filed with the registrar. The Tribal Council may, by a vote of two-thirds of all the members of the Council reverse the decision of the Board. The decision of the Tribal Council shall be final.

b. In deciding any dispute the Board shall gather such facts as are available and necessary for a fair resolution of the problem and shall provide each party to the dispute an opportunity to present their case to the Board. Any decision of the Board shall be by a majority vote thereof.

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SECTION 10. REFERENDUM, INITIATIVE, RECALL AND CONSTITUTION AMENDMENT

(1) REFERENDUM. The Election Board, shall upon receipt of a petition signed by thirty percent (30%) of the qualified voters, submit any enacted or proposed tribal legislation to the Business Council for a referendum election of the qualified voters. The referendum election shall be conducted in accordance with this ordinance. The election results shall be final, provided, that thirty percent (30%) of the qualified voters voted. The referendum election shall be conducted within thirty (30) days of receipt of the petition.

(2) INITIATIVE. The Election Board, shall upon receipt of a petition signed by thirty percent (30%) of the qualified voters, submit any enacted or proposed tribal initiative to the Business Council for a special election of the qualified voters. The special election shall be conducted in accordance with this ordinance. The election results shall be final, provided, that thirty percent (30%) of the qualified voters voted. The special election shall be conducted within thirty (30) days of receipt of the petition.

(3) RECALL. The Election Board, shall upon receipt of a petition signed by thirty percent (30%) of the qualified voters, submit the petition calling for a recall of any Council member to the Business Council for a special election of the qualified voters. The special election shall be conducted in accordance with this ordinance. The election results shall be final, provided, that thirty percent (30%) of the qualified voters voted. The special election shall be conducted within thirty (30) days of receipt of the petition. Any vacancies created through recall shall be filled by the appointment of the Business Council to fill the unexpired term.

(4) CONSTITUTION AMENDMENTS. Amendments to the Constitution of the Blue Lake Rancheria may be proposed by either of the following documents being submitted to the Election Board and setting forth the desired amendment Article or Section:

a. A resolution explaining the proposed language and which is supported by an affirmative vote of a quorum of the members of the Business Council.

b. A petition signed by at least fifty percent (50%) of the qualified voters of the Blue Lake Rancheria.

Upon receipt of the resolution or petition, the Election Board shall call and conduct a special amendment election in accordance with Article IX of the Constitution and provisions set forth in this ordinance. The specific language which will become part of the Constitution, if such amendment is adopted and approved, shall appear on the ballot including language changed of any other parts of the governing document that will be affected by such modification. If at such election the proposed amendments are adopted by a majority of those voting, provided that at least fifty-one (51%) of the qualified voters voted, that amendment shall thereupon take effect, or become effective upon the approval of the Secretary of the Interior so long as such approval is required by Federal law.

SECTION 11 PETITIONS

The following provisions shall apply to all petitions requiring Election Board validation, including referendums, initiative, recalls, or any other purpose. In order for a petition to be considered for validation at least thirty percent (30%) of the qualified voters shall have signed the petition.

(1) PETITION FORMAT. Only an enrolled Blue Lake Rancheria Tribal member 18 years of age or older who is registered as a voter of the Blue Lake Rancheria shall be eligible to initiate, collect signatures, sign and submit a petition to the Election Board. A petition must specifically state its purpose and a statement in not more than 500 words setting forth the grounds on which the referendum, initiative or recall is sought. Petitions may consist of as many pages as are necessary to accommodate the signatures of the petitioners. However, each page must set forth the purpose of the petition.

(2) ELIGIBILITY TO PETITION. Only person who are duly registered shall be entitled to sign a petition and each signer shall, at the time of signing such petition, personally affix the date of signing and their place of residence.

(3) FILING OF PETITIONS. No petition will be accepted until a spokesperson for the petitioners declares in writing to the Chairperson of the Election Board their authorized representative, that they wish to make an official filing. Upon notification, the Chairperson shall call, notice and convene a meeting of the Election Board so that the petition may be officially filed.

This meeting shall be held not more than seven (7) days from the date of receipt of the request to officially file the petition. The spokesperson for the petitioners shall be notified in writing of the date, time and place of the meeting not less than four (4) days before the meeting is to take place.

In order to conduct the necessary examination of the petition submitted, only Tribal Council appointed Election Board members and no more than three official spokesperson's for the petitioners shall officially present the original of the petition to the Election Board.

(4) ACTION ON PETITIONS. When the meeting has been called to order, the spokesman for the petitioners shall officially present the original of the petition to the Election Board. The Chairperson of the Election Board shall immediately indicate thereon the date of receipt and shall inform the spokesperson submitting the petition that no additional signatures may be added to the petition. Upon receipt of the petition in the above manner, the Election Board shall immediately review the petition. In the event an individual's signature appears on a petition more than once, all but one of their signatures shall be stricken. The Election Board shall then determine whether the required number of signatures have been affixed to any petition and whether those signing were enrolled members of the Blue Lake Rancheria, at least 18 years of age and registered voters at the time of signing. When the review of the petition is complete, the Chairperson of the Election Board shall acknowledge, in writing, to the person submitting the petition, receipt of the petition, indicating the exact number of signatures which are attached. Should the petition prove to be valid, it shall then be the duty of the Election Board to call for an election or otherwise proceed in accordance with this ordinance.

SECTION 12 MISCELLANEOUS

SAVINGS CLAUSE. If any provision of this ordinance is found to be contrary to any tribal or federal law by a court of competent jurisdiction, only that provision shall be stricken and all other provisions of this ordinance shall remain in effect.

ADOPTED THIS _____ DAY OF _____, 19___

_____ _____

Chairperson Blue Lake Rancheria Date

_____ _____

ATTESTED: Signature and Title Date

ACKNOWLEDGED:

_____

Superintendent, Bureau of Indian Affairs
Northern California Agency

APPROVED:

_____

Area Director, Bureau of Indian Affairs
Sacramento Area Office