

GREENVILLE RANCHERIA

TRIBAL ELECTION ORDINANCE



**ELECTION ORDINANCE
OF THE
GREENVILLE RANCHERIA
PREAMBLE**

This Election Ordinance ("Ordinance") is enacted by the Greenville Rancheria of ("Tribe") under the authority of Article IX, Sec. 5, of the Constitution of the Greenville Rancheria (Constitution) to govern the procedures for all Tribal elections. The Tribal Council has adopted an Election Ordinance consistent with the Constitution which sets forth the procedures to be followed in conducting elections called for in the Constitution. The Ordinance includes provisions for conducting all tribal elections by secret ballots, rules for calling elections, absentee balloting procedures, procedures for nominations, voter registration, maintenance of an eligible voter's list, the form of ballot, establishment of polling places, selection of election officials, validation of petitions and the resolution of election disputes.

ARTICLE I – STATEMENT OF PURPOSE

- Section 1. This Ordinance governs the procedures of tribal elections as necessarily conducted by the Tribe.
- Section 2. Scope of Regulation. Process and Procedure to encompass Regular Elections, Special Elections, Run-off Elections, Initiative Elections, Constitutional Amendment Elections to ensure the fair and equitable mechanisms regarding all tribal elections and to uphold the Constitution.

ARTICLE II – TERMS AND DEFINITIONS

The following terms and definitions shall apply to those terms for the purpose of the Ordinance.

Election Committee. The Elections Committee ("Committee") whose purpose is to conduct any elections in accordance with this Ordinance and the Constitution.

Tribal Council. The governing body of the Tribe.

General Membership. The General Membership ("Membership") of the Tribe shall consist of the following:

- (a) All persons whose names are listed on the Plan for Distribution of Assets of the Greenville Rancheria approved by the Secretary of the Interior on March 25, 1960, pursuant to the California Rancheria Act of

August 18, 1958, as amended. The Distribution Plan shall constitute the base membership roll of the Rancheria.

(b) Lineal Descendants of persons whose names are listed on the base membership roll.

Eligible Voter. Any enrolled member eighteen (18) years of age or more shall be eligible to vote in tribal elections and has registered with the Committee.

Absentee voter. An enrolled member who is eligible to vote, but because of circumstances is unable to vote in person.

Irreparable Harm. Harm caused by the actions of a Tribal Council member which are outside scope of the council member authority and breaches a duty to the Tribe which will adversely effect the financial or political stability of the Tribe.

ARTICLE III – ELIGIBILITY TO VOTE

Section 1. Qualified Voter. Any enrolled member eighteen (18) years of age or more shall be eligible to vote in tribal elections.

Section 2. Eligible Voter List. The Committee shall be responsible for maintaining the list of qualified voters at least thirty (30) days previous to any election so that any member may have the opportunity to be added to the voter list.

ARTICLE IV – ELIGIBILITY TO HOLD OFFICE

Qualified Candidate. Any enrolled member eighteen (18) years of age or more and who has never been convicted of a felony or misdemeanor involving moral turpitude such as, but not limited to, fraud, embezzlement, or theft, shall be eligible for election to the Council, **PROVIDED**, that this provision shall not render a candidate ineligible if the candidate successfully completed any sentence/probation or parole imposed for commission of any such conviction at least ten years prior to the date of the election in which the candidate is seeking office.

ARTICLE V – ELECTION COMMITTEE

Section 1. The Election Committee (“Committee”) shall have at least five (5) members, Chairperson, Vice-Chairperson, Secretary and two (2) Members, from the Tribe and shall be appointed by the Tribal Council at a meeting called especially for that purpose in which the General Membership will be invited.

Section 2. Eligibility. No current elected official or candidate for office is eligible for appointment to the Committee, nor is any existing member of the Committee

eligible to run for office without prior resignation from the Committee. No person shall be eligible for appointment to the Committee who has been convicted of a felony or misdemeanor involving moral turpitude as defined in the Constitution.

Section 3. Term. The term of the Committee members shall be three (3) years for the Chairperson and Vice-Chairperson, and one (1) year for the Members.

Section 4. Oath. Upon appointment to the Committee, each member shall take an Oath to faithfully discharge the duties imposed by the Constitution and the laws and ordinances of the Tribe.

Section 5. Compensation. The Committee shall be compensated for all related costs while carrying out the business of the Committee through a per diem to be determined by the Council. No costs may be incurred without prior approval from the Council.

Section 6. Removal. By a majority vote, the Council may remove any member of the Committee for failing to uphold the duties of the Committee. The term of a member will be automatically terminated upon conviction of a felony or of a misdemeanor involving moral turpitude.

ARTICLE VI – DUTIES OF THE ELECTION COMMITTEE

Section 1. Duties. The Committee shall have the following duties:

- (a) Supervise all tribal elections;
- (b) Certify the results of all elections and referenda to the Tribal Council;
- (c) Insure that all elections are conducted fairly;
- (d) Determine the eligibility of candidates for office;
- (e) Resolve all questions regarding the eligibility of voters;
- (f) Provide the polling place with sufficient ballots to enable all eligible voters to cast their vote;
- (g) Tabulate all ballots and notify all tribal members of the election results.
- (h) Become thoroughly familiar with the Constitution and the provisions of this Ordinance; and
- (i) Perform such additional duties as provided for in this Ordinance, or as are necessary and incidental to conducting an election;
- (j) Hear and settle all election appeals and complaints.
- (k) Request Tribal Council Secretary/Treasurer (Secretary/Treasurer) to perform certain duties in relation to his/her duties under the Constitution.
- (l) Request that the Council approve a prepared registered voters list prepared by the Committee, post list and supply list at nominations meeting.
- (m) Purchase Post Office box for exclusive use for elections. Post Office box shall be issued with a key or combination. Election Committee shall be responsible

for the pick-up of ballots on election day. The Council shall notify the Postmaster of those individuals that are authorized to pick-up the ballots on election day and election day only. At least two (2) Election Committee members must be present to pick-up absentee ballots from the Post Office. Individual identification may be required by the Postmaster.

- (n) Request Secretary/Treasurer to approve prepared Absentee Ballots and Regular Ballots.
- (o) Furnish a report of the results of all elections to the tribal membership. Tribal Council and the Bureau of Indian Affairs, Central California Agency ("BIA").
- (p) Whereas stated in the Greenville Rancheria Constitution in Article IX Election Section 2. Qualifications. Any member eighteen (18) years of age or more and who has never been convicted of a felony or misdemeanor involving moral turpitude such as, but not limited to, fraud, embezzlement, or theft shall be eligible for election to the Tribal Council. Therefore a complete background check shall be completed and mailed in to the Election Committee. Upon receipt the Election Committee will review this document and make recommendations to the Tribal Council. PROVIDED ...that this provision shall not render a candidate ineligible if the candidate successfully completed any sentence probation or parole imposed for commission of any such conviction at least ten (10) years prior to the date of the election in which the candidate is seeking office.

Section 2. Failure to Perform. Failure of the Committee to perform any of the above mentioned duties will result in the immediate suspension of that member from the Committee until the Tribal Council may review the allegations of wrongdoing and act accordingly. The Council shall review any allegations within three (3) days of notification of wrongdoing, provided that they are presented in written affidavit form. A find of wrongdoing will result in the removal of the Committee member from the Committee, whereupon a new member will be appointed by the Council within ten (10) days.

ARTICLE VII - CANDIDATES

Section 1. Declaration of Candidacy. Members desiring to be candidates for the Office of Chairperson, Vice-Chairperson, Secretary/Treasurer or Member-at-Large must file a Declaration of Candidacy with the Election Committee no later than thirty (30) days prior to the election accompanied by a Nomination Petition.

Section 2. Nomination Petitions. Members desiring to be candidates for the Office of Chairperson, Vice-Chairperson, Secretary/Treasurer or Member-at-Large must file a Nomination Petition identifying the office being sought and containing the signatures of at least ten (10) eligible voters of the Tribe and their Tribal Roll

Number with the Committee no later than thirty (30) days prior to the election. Signatures shall be validated by the Committee prior to posting the List of Candidates. Petitions ruled to have insufficient signatures shall be cause for exclusion from the ballot. Rulings of the Commission regarding the validity of signatures contained in Nomination Petitions shall be final.

Section 3. Challenging Qualifications. Any eligible enrolled member desiring to challenge the qualifications of a candidate shall do so by presenting the challenge in writing to the Chairperson of the Committee within ten (10) days following the certification of candidates. Within two (2) working days following the filing of the challenge the Committee shall determine the validity of the challenge and the candidate whose qualification is being challenged shall be notified promptly in writing by the Committee of such a challenge and shall be given the opportunity to respond. Within five (5) days of notifying the Candidate the Committee shall render a decision on the merits of the challenge.

Section 4. Dual Offices. No member may hold two positions on the Council at the same time, nor may a member run for two positions on the Council, or run if that member's term is not up. He/she has to resign from any Committee Appointment thirty (30) days from the first notification of the election.

Section 5. Conflict of Interest. Any member that is currently an employee of the federal or State government is not eligible to hold a position on the Council.

Section 6. Posting of Candidates. An official list of candidates, as certified by the Committee shall be posted by the Committee no later than twenty (20) days prior to the election.

ARTICLE VIII – ELECTIONS

Section 1. Conduct of Elections. At least two (2) Committee members at each location shall be present from the open of the polls until all ballots have been counted, tallied, properly recorded, reported and certified.

Section 2. Validity. An election will only be valid if at least thirty percent (30%) of the eligible voters voted, including absentee voters. In the event that less than thirty percent of the eligible voters participate, another election will take place within thirty (30) days.

Section 3. General Provisions

- (a) The Committee shall ensure that the polling place has private booths or areas where voters may mark their ballots in secret.
- (b) Committee members shall provide help to voters who require assistance in completing their ballot without influencing the voters decision in any way.

- (c) The polling place shall be at 410 Main Street in Greenville, CA and 1405 Montgomery Road in Red Bluff, CA.
- (d) The polls shall be open from 7:00 a.m. to 7:00 p.m., provided, that persons who are in line waiting to vote at the time the polls close shall be allowed to vote.
- (e) A Security Officer shall provide security during the election, and shall patrol the polling places, ensure that no prohibited practices occur, protect the right to secret ballot, and guard the ballot box and vote counting process. The Security officer shall, at the direction of the Committee, eject any person from the polling place who is violating this Chapter, disturbing the election process, or committing a breach of the peace.
- (f) No candidates for Tribal Council may campaign at the voting place or within 500 feet thereof on election day.
- (g) No person shall be permitted to interfere with the election process or inhibit the rights of another to vote. This section includes, but is not limited to, threats, acts of bribery and fraud.

Section 4.

Ballots. The Automated Election Services shall prepare and provide to the Committee the ballots for each election, including sample ballots clearly marked "Sample." Only officially printed ballots shall be recognized as valid and have any bearing on the results of the election.

- (a) **Form.** The Official Ballot shall contain the Tribal Letterhead and "Official Ballot" at the top of each Ballot and each Ballot shall be numbered beginning with the number 0001. The Ballot shall contain the names of the candidates and the offices which they are seeking or the suggested language of any initiative or amendment.
- (b) Prior to the opening of the polls, the Committee shall ensure that ballots, sample ballots, voters lists, and other materials required for the election are present at the polls. The Committee members shall count and certify the number of blank ballots on hand at the polls.
- (c) If a voter spoils a ballot, that voter shall be entitled to receive an additional ballot provided that the spoiled ballot has not been placed in the ballot box. If a voter marks the wrong box, the election officials shall inform the voter to take the ballot back to the booth and mark all the boxes. Upon return of the spoiled ballot to the Committee, another ballot shall be issued to the voter. Spoiled ballots shall be so marked and kept separately by the Committee. At the close of the polls the Committee shall count the spoiled ballots and seal them in an envelope marked "Spoiled Ballots."
- (d) No person shall take remove any ballot from the polling place.

(e) Absentee Ballots. Due to the widespread distribution of eligible voting members, all registered members may provide the Committee with a written request to have an Absentee Ballot sent to them at least fifteen (15) days previous to the scheduled election.

(1.) Upon request the Absentee Ballot and two envelopes will be sent to the voter based on the filed Absentee Voter Request. The Committee shall put the person's name on an Absentee Voter List and mark the name of that person on the eligible voters list so that they may not vote at the polling place. The Absentee voter shall receive the mailed Ballot from the Automated Election prior to the election date.

(2.) A self-addressed envelope with the Election Committee address printed on it will be provided along with a Ballot Envelope in which to place the Absentee Ballot.

(3.) Absentee Ballots will be left in the post office box until 5 p.m. on election day. All Absentee Ballots must be received at the Post Office by 5 p.m. on the designated election day. Any Ballot not received by this time shall be determined invalid. The Committee shall collect the Absentee Ballots from the Post Office on election day at 5 p.m. where they shall then take Ballots to the polling place and follow the following procedure:

1. At least two (2) Committee members shall remove the Ballot Envelope from the mailing envelope, save the mailing envelope and depositing the Ballot Envelope into the locked Absentee Ballot Box.
2. The number of voters listed on the Absentee Voter List shall be the same number of plain sealed envelopes placed inside the Absentee Voter Box and be tallied at the conclusion of the election in the same manner that the walk-in voters are tallied.
3. Absentee Ballots shall only be received by U.S. Mail. No hand delivery, facsimile, or any other manner of delivery shall be accepted.
4. If a person whom requests an Absentee Ballot shows up at the polls the unspoiled Absentee Ballot must be surrendered to the Election Committee before a regular ballot is given to that person.

F. After the Ballots are counted they shall be kept in a secured voting box only opened for this express purpose and shall only be accessible to the Election Chairperson and two (2) Committee members accessing the Ballots simultaneously.

Section 5: Voting Procedure: The Chairperson of the Committee shall verify in the presence of the other members that the ballot box is empty of all ballots and any other

material prior to the opening of the polls. The ballot box shall then be locked and shall not be reopened until the counting of the votes.

- (a) The Election Committee shall prepare a list of eligible voters for each election which will be reviewed and approved by the Election Committee then referred to Council for final decision. This list will be posted for the voters at least twenty (20) days prior to the election. This list shall be provided to the Committee before the openings of the polls. The voter shall place his or her signature and enrollment number next to their name as it appears on the voters list. If the name is not on the list, the voter's ballot shall be treated as a spoiled ballot.
- (b) One member of the Committee shall initial each ballot prior to the ballot being given to the voter. Another member of the Committee shall check the ballots after they have been marked to ensure that all ballots have been folded so that the official initial is visible.
- (c) Voters shall be entitled to cast one vote for each open tribal council seat.

Section 6. Vote Counting. If a voter shall mark the ballot with a cross mark or any mark, it shall be considered sufficient to the tallied as a vote for the candidate whose name it is opposite.

- (a) A ballot shall be declared void if there is no official initial on the ballot, or the ballot has been marked or defaced so that the intent of the voter cannot be readily determined. Only that portion of the ballot this spoiled shall not be counted. The positions where the ballot is not spoiled shall be counted. If the entire ballot is spoiled, the Committee shall then fold the ballot and shall write the word "void" on the outside, and shall write the reason for voiding the ballot. The total number of voided ballots shall be noted on the polling list and tally sheet.
- (b) The Committee shall then prepare and sign a certification of the election results and shall publicly announce the same.
- (c) Upon certification of the election results the ballots shall be sealed in a container, and the sealed ballots, tally sheets and all other election materials shall be delivered to the Committee Chairperson for safekeeping. Ballots may be destroyed after ninety (90) days from the date of the election on motion of the Tribal Council.
- (d) Proxy votes shall not be permitted. Valid votes are cast only through walk-in voting or Absentee Ballot on the official ballot form.

- (e) The Committee shall then prepare a written report of the election, including the number of voters and the results of the vote, and shall certify to its accuracy. The report shall then be given promptly to the Secretary/Treasurer of the Tribe. The Committee will also post the results of the election outside the polling place immediately following the elections.
- (f) Any candidate for tribal office, who runs unopposed, in any election deemed valid shall be elected provided that at least thirty percent (30%) of those eligible to voters participated.

Section: 7 Special Election. Any election other than the Annual Tribal Election shall be deemed to be a Special Election.

- (a) Special Elections unless otherwise specified in the provisions of this Ordinance shall be conducted in the same manner as an annual tribal election.
- (b) Special Elections shall be conducted when, but not limited to the following occurrences:
 - 1.) An elections is declared invalid as a result of less than thirty percent (30%) of eligible voter participation.
 - 2.) In the event that the ballot count revealed that two (2) candidates for the same position have received the same number of votes in a valid election, a recount will be made by the Committee. If a tie exists at the completion of a recount, the Committee will call a special run-off election limited to the tied candidates. The run-off election shall be held not more than thirty (30) days from the date of the election in which the tie vote occurred.
 - 3.) Invalidation by the Committee after the Appeal procedure is complete.
 - 4.) Initiative/Referendum, Recall or Constitutional Amendment Elections.

Section 8. Official Certification of Election Results. The Committee shall post and distribute an official certification of the election results on the third day immediately following the election. A letter and copies of the certification will be mailed to the Council, the Bureau of Indian Affairs, each candidate, and each eligible voter. The final certification shall have the of Bureau of Indian Affairs the duly elected officers of the. Outgoing Council members shall serve for forty (45) days in a transitional role to effectuate a successful transition of government. If an appeal is pending in regards to the election the transition period shall be extended pending through the appeal process at which time any appeal until the conclusion of the Appeal pursuant to Article VII, sec. 4 of this Ordinance.

Section 9. Assumption of Duties. According to Tribal Constitution: Duties of Officers Article XI. Sec. 3 part A. Certify to the Superintendent of the Bureau of Indian Affairs the duly elected

officers of the Tribal Council within fifteen (15) days from the date of any election; and attest to all resolutions and ordinances.

ARTICLE IX – INITIATIVE/REFERENDUM

Section 1. **Initiative/Referendum**. The qualified voters of the Tribe reserve the power to independently propose tribal legislation which does not infringe on the Enumerated Powers of the Council pursuant to Article VII of the Constitution. Under the Constitution the Initiative/Referendum process is the procedure where the Membership may propose legislation and compel the Council to submit the proposed tribal law to the Membership for a vote.

- (a) Upon presentation to the Council of a petition signed by at least thirty percent (30%) of the qualified voters, the Council shall review the petitioners signatures for accuracy, and review the substance of the proposed legislation for compliance with tribal law and this Constitution;
- (b) The Council shall than within thirty (30) days either (1) adopt the provisions of the petition by ordinance, or resolution; (2) reject the proposed legislation providing a written explanation regarding the validity of the signatures or suggestions on how the legislation may be rewritten to comply with tribal law; or (3) provide that the legislation presented by the petition be voted on within fifteen (15) days after the receipt of a valid petition, by secret ballot, at an election called by the Council. The Tribe will ensure the inclusion of all membership through providing fifteen (15) day notice in writing to all the Membership. The Membership may vote by absentee ballot if requested at least ten (10) days previous to the scheduled election.

Section 2. **Binding Effect**. In an Initiative/Referendum action, the Tribe shall abide by the vote of fifty-one percent (51%) majority of the voters in any such vote, provided that at least thirty percent (30%) of those eligible to vote have voted at a duly called and noticed election. The results of the vote shall be binding and remain in effect until amended or rescinded by subsequent action of the voters or expires by its own terms.

ARTICLE X– RECALL

Section 1. **Recall**. The qualified voters of the Tribe reserve the power to independently recall an elected official of the Council. The Recall process is the procedures where the Membership may compel an individual member of the Council to relinquish control of his or her position on the Council. Only one Council member at a time may be recalled within forty-five (45) days of a final determination.

- a.) Upon presentation to the Council of a petition signed by at least thirty percent (30%) of the qualified voters, the Council shall have fifteen (15) working days to review the petitioners signatures for accuracy, and review the substance of the proposed Recall

for compliance with Tribal law. Once the Tribal Council has made a determination of validity relating to a recall petition against a Council member, that Council member shall no longer have any authority on the Council until such a time as the recall election has been decided. Once an individual has been subjected to recall proceedings, he/she shall not be again subject to such action for the same charge during the balance of his/her term of office.

- b.) In order for a Recall petition to be valid, the petitioner bears the burden of showing that the subject Council member engaged in neglect of duty or gross misconduct, and that the Tribal will suffer irreparable harm, as defined in the Election Ordinance, due to those actions if the current Council member is allowed to complete their term;
- c.) If the Recall petition is deemed valid by the non-recalled member of the Council, then they shall within thirty (30) days after the receipt of the Recall petition provide that the Recall request be voted on by secret ballot. The Tribe will ensure the inclusion of all Membership through providing fifteen (15) days' notice in writing to all the membership. The Membership may vote by absentee ballots if requested at least ten (10) days previous to the scheduled election.

Section 2. Binding Effect. In a Recall action, the Tribe shall abide by the vote of a fifty-one percent (51%) majority of the voters in any such vote, provided that at least thirty percent (30%) of those eligible to vote have voted. The results of the vote shall be binding and remain in effect until amended or rescinded by subsequent action of the voters or expires by its own terms.

ARTICLE XI – VACANCIES AND REMOVAL FROM OFFICE

Section 1. If a Council member or official shall die, resign, be removed from office, or be found guilty of a felony or a misdemeanor involving dishonesty, the Tribal Council shall appoint a qualified member of the Tribe to fill the unexpired term.

Section 2. Expulsion. The Council may by a vote of three (3) expel any member for neglect of duty or gross misconduct. Before any such action is taken the member shall be given a written statement of charges against him/her at least five (5) days before the meeting of the Council at which the matter of expulsion shall be decided, and an opportunity to answer any and all charges at the Council meeting at which the expulsion shall be decided.

- (a) Grounds. Neglect of duty or gross misconduct includes, but is not limited to the following intentional refusal to abide by the Constitution or tribal law, acting outside the scope of duties as a member of the Council, acting against the best interest of the Tribe, ignoring legal actions of the General Membership under the Constitution.

Section 3. Appointment. The Council shall appoint a qualified member of the Tribe.

- (a) Qualified members are members who are qualified under Article IV of this Ordinance.

ARTICLE XII- APPEALS

- Section 1. Candidate Appeals. Any Candidate as directly affected by a decision of the Committee shall have the right to Appeals Process. The Community shall oversee the Appeal Process. Appeals shall be made in writing and submitted to the Committee which will respond with a decision within five (5) working days.
- Section 2. Potential Candidate Appeal. Any potential Candidate who has been disqualified by the Committee shall have the right of Appeal. The potential Candidate shall have up to five (5) working days to submit an appeal in writing after the determination of the Committee. The Committee must decide the appeal no later than five (5) working days after the appeal is received, and no later than fifteen (15) working days before any election.
- Section 3. General Membership Appeals. Any eligible voter may appeal a final decision or action of the Committee if made in writing and submitted to the Committee within five (5) days following the decision or action.
- Section 4. Timeliness. All Appeals under this Article shall be complete and final within fifteen (15) days.
- Section 5. Proof. All evidence presented to the Committee under this Article must be in writing with a sworn affidavit of truth. The affidavit must put forth the grounds for the Appeal and proof, including whether the outcome of the Appeal would change the results of the Election.
- Section 6. Final Decision. All decisions of the Committee shall be final and appealable for final review at the discretion of the Tribal Council.
- Section 7. Tribal Council Review. The Council will only hear an Appeal of a Final Decision of the Committee if the appellant shows new evidence, or other information which would affect the decision of the Committee. The Council may overrule any Final Decision of the Committee. However, the Council must provide a written explanation providing a compelling reason for overturning the Decision to the Committee, the Appellant, and each tribal member. Upon accepting an Appeal the Council shall give the Appellant notice within five (5) working days of the decision to accept or reject and shall schedule a hearing within the next five (5) days upon which any decision rendered will be final and unappealable.

ARTICLE XIII- PENALTIES

Violating of this Election Ordinance will result in disqualification from the present election and the following election.

ARTICLE XIV- SEVERABILITY

If any provision of this Ordinance shall in the future be declared invalid by determination of a future Council, the invalid provision(s) shall be severed and the remaining provisions shall continue in full force and effect.

ARTICLE XV- REPEAL

Any Election Ordinance which came before this Ordinance is hereby repealed and replaced by the enactment of this Ordinance.

CERTIFICATION

This is to certify that this revised Election Ordinance was adopted at duly called Tribal Council meeting of the Greenville Rancheria of Tehama County, California on the 24 day of February, 2017, by a vote of 4 for, 0 opposed, with 1 abstaining.

Kyle Self, Tribal Chairman

Date

Crystal Rios

Crystal Rios, Tribal Vice-Chair Woman

2-24-17

Date

Angela Martin

Angela Martin, Tribal Secretary/Treasurer

2-24-17

Date