

# Ione Band of Miwok Indians Election Committee Ordinance

## Article I-Definitions

This Election Ordinance shall apply to all elections after the first election for the Tribal Council.

**Section 1.** As used in this Ordinance, the terms defined in this section shall have the following meaning:

- a) **General Election** means that every three years an election of the Tribal Council members will be conducted in accordance with the provisions contained in the Tribal Constitution and this Election Ordinance.
- b) **Special Election** means the election called by the Tribal Council within thirty (30) days upon receipt of a petition signed by fifty-one (51%) percent of the eligible voters requesting the Recall and or Removal of an officer to fill a vacant position or to submit an Initiative or Referendum to the voters for their decision.
- c) **General Council** means all enrolled citizens of the Tribe who are eighteen (18) years of age or older.
- d) **Initiative or Tribal Initiative** means proposed legislation submitted to eligible voters via a petition signed by a majority of the General Council pursuant to Article XII of the Constitution and the provisions of this Ordinance.
- e) **Referendum** means proposed legislation submitted to eligible voters by the Tribal Council pursuant to Article XII of the Constitution and the provisions of this Ordinance.
- f) **Tribal Council** means an elected council comprised of a Chairperson, Vice-Chairperson, Secretary, Treasurer, and Member-at-Large.
- g) **Election Committee** means a five-member committee, appointed by the Tribal Council, whose duty is to conduct and supervise tribal elections.
- h) **Majority Vote** means more than half of the votes cast by citizens legally entitled to vote at a tribal meeting or election.
- i) **Eligible Voter** means any enrolled citizen who is at least eighteen (18) years of age or older and is listed as a registered voter with the Election Committee.

- j) **Recall** means an action initiated via a petition by eligible voters requesting an election to vote on whether a particular officer should be unseated from office. See Article XI, Section 3 of the Tribal Constitution.
- k) **Removal** means an action initiated by the Tribal Council to unseat one of its members for cause, after due process. See Article XI, Section 2 of the Tribal Constitution.
- l) **Spoiled Ballot** means an official cast ballot discovered at the time the votes are counted which does not comply with the requirements for voting or is not an official ballot. A Spoiled Ballot is not counted for determining the number of cast ballots.
- m) **Secret Ballot** means a ballot in which votes are cast in secret.
- n) **Unforeseen Circumstances** mean unexpected events or circumstances which, at the time the election is scheduled, will likely render the conduct of an in-person General or Special Election within the normal election period unsafe or impossible.

## **Article II-Entitlement to Vote**

**Section 1. Voter Qualification.** All duly enrolled citizens of the Tribe who are eighteen (18) years of age or older are eligible to vote in all Tribal Elections.

**Section 2. Eligible Voters List.** The Tribal Election Committee shall obtain a current list of eligible voters from the Tribal Enrollment Committee. The Tribal Election Committee shall review the list for validation of eligible voters. After validation, the Tribal Election Committee shall provide the Eligible Voters list to the Tribal Council at least fifteen (15) days before any Tribal Election and the list shall be posted for inspection by all tribal citizens.

## **Article III-Elective Offices**

**Section 1. Composition of Tribal Council.** The elective offices shall be those of the Tribal Council, which is composed of the Chairperson, Vice-Chairperson, Secretary, Treasurer, Member-at-Large, as set forth in the Constitution.

**Section 2. Term of Office.** The term of office shall be 3 years or until a successor is elected and installed into office.

## **Article IV-Candidacy**

**Section 1. Nominations.** Nominations of candidates for a Tribal Council position shall be made from the floor of a General Council Meeting held specifically for that purpose, on the same day.

- a) Persons nominated shall be required to give a speech and may be subject to questions from the General Council.

- b) No one can nominate more than one person for a given office. Nominations shall be open until every citizen who desires to nominate has had an opportunity to do so.
- c) No person shall nominate themselves.
- d) Each nominated citizen must be present at the time of nomination to accept or decline the nomination.

## **Article V-Elections**

**Section 1. General Election.** The 3-year tribal election shall be conducted by the Election Committee in accordance with the provisions of this Ordinance and the Tribal constitution. Eligible Voters will elect from its membership by Secret Ballot, a Chairperson, Vice-Chairperson, Secretary, Treasurer and Member-at-Large.

**Section 2. Recall Election.** Upon receipt of a valid petition signed by at least fifty-one percent (51%) of the General Council demanding the Recall for reasons of being found guilty by a court of competent jurisdiction of a felony, gross neglect of duty, malfeasance in office, misconduct reflecting on the dignity and integrity of the Tribal Government, or any other misconduct listed in the Tribal Council Code of Conduct. The Tribal Council Officer shall be given a written statement of charges at least fifteen (15) days in advance of the hearing where the accused shall be provided the opportunity to address the charges. Voting in all Recall elections shall be by Secret Ballot and the Chairperson shall be entitled to vote. No officer or member whose Removal is being considered shall preside over the meeting.

- a) Within thirty (30) days from receipt of a valid petition, it shall be the duty of the Tribal Council to direct the Tribal Election Committee to call and conduct a Recall election in accordance with the Election Ordinance. Should the Tribal Council fail to act, the office(s) shall be automatically considered vacant. Vacancies shall be filled in accordance with Article XI, Section 1 of the Tribal Constitution.
- b) In the event the Recall is defeated, no other petition may be filed for the Recall of the member for the remainder of the citizens term for the same reason as the initial petition was filed. In the event the Recall succeeds, the Tribal Council shall proceed in the manner prescribed in Article XI, Section 1 of the Tribal Council Constitution to fill the vacancy if the Recall is successful.

**Section 3. Tribal Initiative Election.** Upon receipt of a valid petition signed by at least fifty-one percent (51%) of the General Council requesting a vote on proposed legislation it shall be the duty of the Tribal Council to direct the Election Committee to call and conduct an Initiative election within 30 days in accordance with the Election Ordinance. Should the Tribal Council fail to act, the Initiative shall be deemed to be incorporated into Tribal Law.

- a) In the event the Initiative is defeated, no other petition may be filed for the same reason as the initial petition was filed within 180 days. In the event the Initiative succeeds, the Tribal Council shall immediately incorporate the initiative into law.

- b) A valid Initiative petition must:
  - a. Not contravene the provisions of Article XVII – Amendment of the Tribe’s Constitution.
  - b. Must have the draft of the proposed legislation attached to the petition when available for signing by tribal citizens and shall accurately state the purpose of the intended legislation in the title of the petition.
  - c. Must be submitted in advance to the Election Committee which shall review the draft petition and either approve the petition for circulation or recommend changes to the petition that will bring it into compliance with this Ordinance.
- c) In the event the Initiative is approved by a majority of voters, the Tribal Council may make stylistic and other changes to the proposed legislation for purposes of clarity that do not substantially alter the intent of the legislation.

**Section 4. Referendum Election.** Upon receipt of a Referendum approved by at least three members of the Tribal Council, the Election Committee shall call and conduct a Referendum election within 30 days in accordance with the Election Ordinance.

- a) In the event the Referendum is defeated, no other Referendum petition may be filed for the same reason within 180 days.
- b) In the event the Referendum succeeds, the Tribal Council shall immediately incorporate the Referendum into Tribal Law.

**Section 5. Secretarial Elections/Constitutional Amendments.** Notwithstanding any other provision of this Ordinance, any election called by the Election Committee pursuant to an Initiative or Referendum that directly or indirectly amends, alters, or contravenes any provision of the Tribe’s Constitution must conform with the provisions of Article XVII of the Constitution.

**Section 6. Virtual Election.** When the Election Committee determines that Unforeseen Circumstances are present, then the Election Committee may conduct the election virtually. Before doing so, the Election Committee shall verify that the remote voting system utilized for the election will not infringe upon citizens' right to vote by Secret Ballot and that such platform is secure. All other election procedures as set forth in this Ordinance shall apply.

## **Article VI-Petitions**

**Section 1. Policy.** Petitions for Recall, Initiative, or pursuant to Article XVII of the Constitution, and pursuant to Article XI, Section 3 of the Tribal Constitution, shall be processed as provided in this Section.

**Section 2. Eligibility.** Only an enrolled citizen of the Tribe at least eighteen (18) years of age or older shall be eligible to initiate, collect signatures for and submit a petition to the Election Committee. Only an enrolled citizen at least eighteen (18) years of age or older shall be eligible to sign a petition and each signer shall, at the time of signing such petition, personally print his/her name, affix the date of signing and his/her place of residence, and such petition may not be signed within 1000 feet of any polling place where an election is being conducted.

**Section 3. Format.** A petition for Recall shall: (i) be titled, "Petition for Recall of Tribal Officer(s)"; (ii) include the names of the sponsor(s) of the Petition; (iii) clearly state the purpose(s) of the Petition; and (iv) include numbered sequential lines for printed name, signature, address, and date of signing the Petition. Petitions containing more than one page shall be numbered and in the same format. Petitions for Initiative or Referendum shall identify the nature, purpose, and purpose of the Initiative and provide reasonable notice to signers and voters what is the intent of the proposed legislation.

**Section 4. Validity of Petition.** A Petition calling for Recall, Initiative or Referendum is valid only when the petition is signed by fifty-one percent (51%) of the Eligible Voters. The tribal citizenship list shall be available upon request, to Tribal citizens only. Only a single Petition may be circulated for signature and the names of signatories must be visible and affixed to the Petition.

**Section 5. Filing.** Only original petitions will be accepted from a spokesperson for the petitioners, who declares in writing to the Secretary of the Election Committee his/her desire to make an official filing of a petition. Upon receipt of the valid petition, the Secretary shall immediately notify the Chairperson of the Election Committee.

- a) Upon notification, the Chairperson of the Election Committee shall call, notice, and convene a meeting of the Election Committee to be held within seven (7) days 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 date.
- b) The Election Committee shall authenticate, by comparison to the voters list, the signatures to ascertain whether they belong to the Eligible Voters, check for duplication of signatures, and whether the minimum required percentages or number of signatures have been met pursuant to the Constitution and this Ordinance. Upon validation of the petition, the Chairperson of the Election Committee shall announce to the Committee and spokesperson that the petition is valid, then turn it over to the Election Committee Secretary to assign a number, who will then complete and attach a certificate of validity to the petition. After a petition is officially filed, no additional signatures shall be added to the petition or shall any signatures be stricken from the petition. Should the petition be declared invalid, the petition shall be returned to the spokesperson for the petitioners without further action. Upon return of the Petition, the spokesperson shall be informed in writing of the reason why the Petition was deemed defective. A defective Petition, which

has been subsequently amended to cure the defects identified by the Election Committee, must be recirculated anew for signature collection before being re-submitted.

**Section 6. Notification.** A copy of the certified petition, and the minutes of the Election Committee meeting recording the official filing of the petition, shall be mailed to the Chairperson of the Tribal Council, and, if applicable, to the member(s) of the Tribal Council being recalled from office.

- a) Within thirty (30) days from receipt of a valid petition for Recall or to adopt an Initiative or Referendum, it shall be the duty of the Tribal Council to direct the Election Committee to conduct a recall election in accordance with the Constitution and this Ordinance. Should the Tribal Council fail to act, the office(s) shall be automatically considered vacant, or the Initiative adopted. Vacancies shall be filed in accordance with Article XI, Section 1 of the Constitution.
- b) Before any vote for Recall is taken, the accused shall be given a written statement of the charges at least fifteen (15) days in advance of the hearing where the accused shall be provided the opportunity to address the charges.
- c) The Election Committee shall call a Special Election within thirty (30) days from the date of the Tribal Council's directive to conduct the election.

## **Article VII-Election Committee**

**Section 1. Establishment.** The Tribal Council shall appoint a five-member Election Committee to conduct and supervise elections of the Tribe in accordance with Article X, Section 1 of the Tribal Constitution.

- a) It shall be the duty of the Election Committee to rule on the qualifications of candidates, to have final authority to determine any claim of the right of any individual, listed or not listed on the Eligible Voters list, to vote as prescribed in this ordinance, conduct and supervise tribal elections, decide election disputes, enforce the provisions of the Tribe's Election Article of the Constitution, these procedures, and promulgate such additional rules for the conduct of election as may be deemed necessary.
- b) The Election Committee will be accountable to the Tribal Council for the implementation of this Ordinance in accordance with the Tribe's Constitution.

**Section 2. Term of Appointment.** The members of the Election Committee shall be appointed by the Tribal Council.

- a) The term of appointment shall be three (3) years.
- b) In the event a member cannot complete their duties, that member shall submit to the Tribal Council a written resignation, which shall be presented at the next Tribal Council

meeting, at which time the Tribal Council shall appoint a replacement and such replacement shall serve the unexpired term.

**Section 3. Member Qualifications.** Each Election Committee member shall be an Eligible Voter of the Tribe.

**Section 4. Composition of Election Committee.** Upon appointment, the members of the Election Committee shall appoint a Chairperson and Secretary within their committee.

- a) The Chairperson of the Election Committee shall be the official representative of the Election Committee, and shall; inform the Tribal and General Councils of all election results and other election-related information, preside over all meetings of the Election Committee, have general supervision of other members of the Committee, see that their duties are properly performed and assist other members in carrying out their tasks as deemed necessary.
- b) The Secretary of the Election Committee shall be the official recorder of all meetings of the Election Committee, and at the direction of the Election Committee, shall arrange for all election supplies including the printing of all ballots, and any other printing or other reproduction (i.e., lists of qualified voters) and shall arrange for the delivery of the election materials to the Chairperson of the Election Committee.

**Section 5. Meetings.** Meetings of the Election Committee shall be held when deemed necessary by the Tribal Council at a place and time designated by the Election Committee. The Election Committee Secretary shall be responsible for contacting each member at least three (3) days in advance of the meeting if the regular date and place have been changed. Special meetings of the Election Committee may be called by the Chairperson of the Election Committee, and/or Tribal Council, or upon request of at least two members of the Election Committee, provided the reason for calling a meeting is stated in the request. The Secretary shall be responsible for contacting each member at least three (3) days in advance of the special meeting.

- a) Three members of the Election Committee shall constitute a quorum. No official business shall be conducted in the absence of a quorum.

**Section 6. Duties.** The Election Committee shall perform specific duties as follows:

- a) Verify the candidate is an Eligible Voter.
- b) Post the Election Notice at the Tribal office, Tribal website, and mail such Notice to all adult citizens at least thirty (30) days prior to the election.
- c) The Election Notice shall include the date of the election, location, hours, voter qualification criteria, and an Election Committee member to contact for information and assistance. The Notice shall be signed and dated by the Election Committee Chairperson, and the Election Committee Secretary shall post and mail the Notice the same day. Recall

and election notices shall clearly state the purpose of the election and the issue or measure being presented to the voters for their decision.

- d) Prepare the Eligible Voters list from current citizenship rolls and post the list no less than fifteen (15) days prior to the Election Day in all usual and accustomed places. Each Eligible Voter may challenge any name on the list or protest the omission of his name from the list no less than ten (10) days prior to the election. Challenges shall be in writing with supporting documentation and presented to the Election Committee for its decision.
- e) Prepare official election Ballots.
- f) Prepare official registration (sign-in) list.
- g) Follow the regulations and procedures outlined in this Ordinance.
- h) Prepare materials for use by Election Committee in tallying, posting, and certifying an election.
- i) Prepare the ballot box with essentials for conducting the election.

**Section 7. Supervision and Conduct of the Election.** The Election Committee shall supervise and conduct the election as follows:

- a) Ensure the Ballot Box is empty at the opening of voting, then locked. The box remains locked throughout the voting process.
- b) See that the name of each citizen requesting to vote is on the official list of Eligible Voters before permitting the individual to sign in and vote.
- c) Immediately after the close of voting for each individual office, begin to count the ballots verbally and in the presence of the General Council.
- d) Verify the count for each individual office, certify the results, and immediately post the election results at the Tribal office and the Tribal website.
- e) Return the following to the Election Committee Chairperson:
  - Ballots for each individual office (in marked and locked boxes)
  - Unused ballots (if any)
  - Official Eligible Voters list
  - Completed Election Results Certification
- f) The Election material shall remain in a locked box until the expiration of the appeal process.



- g) The Current past Tribal Chairperson shall conduct the remainder of the election. The newly elected Tribal Chairperson shall assume duties of office after Tribal elections have concluded.

## **Article VIII-Manner of Voting**

### **Section 1. Voting**

- a) Each Eligible Voter may vote by arriving at the appropriate meeting and time announced by the Election Committee. The voter shall provide his/her valid picture identification, current address, and signature on the sign-in-sheet.
- b) Each Eligible Voter shall be handed a ballot for each individual office being voted for.
- c) Ballots shall be collected at the conclusion of voting for each individual office.
- d) Voting shall be by Secret Ballot as prescribed by the provisions contained in the Tribal Constitution.

## **Article IX-Ballots**

**Section 1. Format.** Ballots are to be prepared clearly and simple so that it is easy for the voters to indicate a choice between the candidates at the election for offices of the Tribal Council.

- a) A Colored ballot shall be given to the eligible voter, who will then write in their choice from those nominated members.
- b) Each individual office being voted by shall be specified with colored paper. The color shall be different for each office.
- c) The ballots shall be numbered sequentially matching those numbers of individuals who have been deemed eligible to vote at the day of the elections.

### **Section 2. Spoiled Ballots.**

- a) Spoiled Ballots will not be eligible or accepted.

### **Section 3. Absentee Ballots.**

- a) Absentee Ballots will not be eligible or accepted.

**Section 4. Counting of Ballots.** All ballots shall be collected and deposited into a ballot box that is locked, and the contents of the box shall not be visible. All duly cast ballots are to be counted at the conclusion of voting for each individual office. Counting will take place immediately and in the presence of the General Council.

- a) In the event that the ballot count reveals that two candidates for the same office have received the same number of votes, then a recount shall take place. If a tie exists at the completion of the recount, a vote will take place again. In the event the count reveals a tie for the third time, a flip of the coin shall determine the winner for the office in question.

## **Article X-Election Results**

**Section 1. Announcing and Posting.** The candidates receiving the highest number of votes for their respective offices shall be declared elected and shall assume duties of their elected office immediately.

- a) The Chairperson of the Election Committee shall formally announce the election results for each individual office being voted for. The results shall be posted at the Tribal office, Tribal website, and mailed to all adult citizens.

**Section 2. Certification.** The Election Committee shall verify the count, certify the results, and immediately post those results. After the deadline to protest and appeal, the election results shall be mailed to BIA for official certification.

**Section 3. Election Material.** All election materials shall be retained and kept locked with official records for fifteen (15) days in the event of a protest to the results of the election or an appeal to the decision of the Election Committee on a protest or challenge to the election.

## **Article XI-Protest and Appeals**

**Section 1. Protests to Election.** Any eligible voter may protest or contest the conduct or results of an election by submitting a formal written complaint with substantiating evidence to the Chairperson of the Election Committee within ten (10) days of the election, and none shall be considered after the ten (10) day period has elapsed. If in the opinion of the Election Committee the objections are valid and warrant a recount or new election, the Chairperson of the Election Committee shall order a recount immediately or call a new election within forty-five (45) days of the hearing. The results of the recount or new election shall be final and no protests or contests shall be allowed. When an election is contested on account of the misconduct of the Election Committee, or any member thereof, the election shall not be set aside unless the misconduct was such that it changed the result of the election. An election shall not be set aside due to unlawful votes unless it appears that the number of unlawful votes changes the result of the election.

**Section 2. Appeals to Decision of Election Committee.** Any eligible voter may appeal a decision of the Election Committee in connection with the conduct and results of an election within five (5) days of the date of the decision by submitting a formal written appeal with substantiating evidence to the Tribal Council, and none shall be considered after five (5) day period has elapsed. The tribal Council shall conduct a hearing at any regular or special meeting and give a decision within three (3) days of receipt of the appeal. The Tribal Council shall take the issue to the General Council who shall have the final decision.

## **Article XII-Elected Officers**

**Section 1. Installation of Office.** Each newly elected candidate shall take an oath of office prior to assuming the duties of such position. The following oath of office shall be administered by the past current Chairperson of the Tribal Council.

“I \_\_\_\_\_, do solemnly swear that I will support and defend the Constitution of the Ione Band of Miwok Indians of California, that I will faithfully and impartially carry out the duties of my office to the best of my ability; that I will cooperate, promote and protect the best interest of my people in accordance with the Constitution of the Ione Band of Miwok Indians of California.”

- a) Immediately at the conclusion of the election, each newly elected officer shall assume the duties of his or her office. The installation of officers may be delayed pending the resolution of any contests or appeals. During the pendency of such contests or appeals, the prior office holder shall remain in office until all contests or appeals are resolved and the newly elected officer is installed.

### **Article XIII-Amendment**

Amendments to the Election Ordinance may be adopted in the same manner as the adoption of the Election Ordinance.

**[CERTIFICATION PAGE FOLLOWS]**

## Certification of Adoption

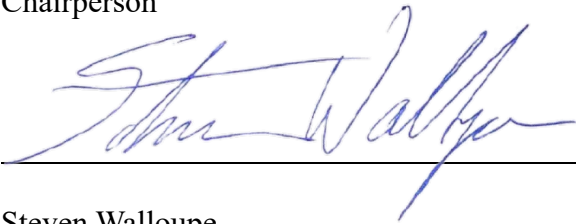
We, the undersigned duly elected officials of the Ione Band of Miwok Indians of California certify that the General Council of the Ione Band of Miwok Indians of California, adopted this Amended and Restated Election Ordinance, No. 01, at a duly called General Council meeting held on the 10<sup>th</sup> Day of February 2024 at which a quorum of 73 eligible voters were present to vote 63 for, 9 against, 1 abstaining.



2/23/24

Sara A. Dutschke  
Chairperson

Date



2/22/24

Steven Walloupe  
Tribal Council Secretary

Date