

SHOALWATER BAY INDIAN TRIBE CODE OF LAWS



TITLE 6 ELECTIONS

This Title 6 and the Constitution are located at Tribal website
<https://www.shoalwaterbay-nsn.gov> Tribal Court

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Amended

Adopted

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October 10, 2023

December 03, 1993

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SHOALWATER BAY TRIBE CODE OF LAWS



TITLE 6 - ELECTIONS

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SHOALWATER BAY INDIAN TRIBE CODE OF LAWS



TITLE 6 - ELECTIONS

CHAPTER 6.1 ELECTION BOARD

6.1.01 APPOINTMENT. The Tribal Council shall appoint the Election Board. The Election Board shall be appointed at a Tribal Council Meeting at least sixty (60) days before the upcoming election and shall remain in service until the newly elected officers have been installed.

6.1.02 DUTIES. It shall be the duty of the Election Board to supervise and administer all tribal elections by means of a secret ballot; to ensure they are objectively and fairly conducted in compliance with this title and with the Constitution of the Shoalwater Bay Tribe.

6.1.03 COMPOSITION. The Election Board shall be composed of three (3) members and two (2) alternates. The Election Board shall hold a meeting after it is appointed by the Tribal Council to elect a Chairperson, Vice-Chairperson, Secretary, First Alternate, and Second Alternate. Alternates may attend Election Board meetings but shall vote only if a regular Board member is absent. The Second Alternate shall have a vote only if the First Alternate is absent and a regular Board member is absent or when two regular Board members are absent.

6.1.04 ELIGIBILITY. Election Board appointees must meet the following eligibility requirements;

- a) Shall not be a member of the Tribal Council or a candidate for tribal office;
- b) Shall be in good standing in the community;
- c) Shall be known and recommended by a member or members of the Tribal Council; and

- d) Shall have no personal gain from the results of the election.

CHAPTER 6.2 CANDIDATE ELIGIBILITY

6.2.01 CANDIDATE ELIGIBILITY. All candidates for Tribal Council including write-in candidates must meet the following requirements:

- a) Be an enrolled member of the Shoalwater Bay Indian Tribe;
- b) Be at least twenty-one (21) years of age as of election day;
- c) Have physically resided in Pacific or Grays Harbor Counties for a period of at least six (6) months preceding the date of the election in which he or she seeks office provided, however, that any Tribal Member shall be eligible to run for the Member-At-Large position if he or she physically resides for a period six months preceding the election at a location of not more than 200 miles from the Shoalwater Bay Indian Reservation as measured by motor vehicle travel on public highways.

6.2.02 GROUND FOR DISQUALIFICATION. Any one of the following grounds shall disqualify an otherwise eligible candidate for Tribal Council:

- a) Conviction of a crime punishable by imprisonment for more than one (1) year, except State fishing or hunting convictions; or convictions within the year immediately preceding the election, of a crime punishable by imprisonment of less than one (1) year; or
- b) Employment in a salaried policy-making position with any agency of the State or Federal Government engaged in community service on the reservation.
- c) The Tribal Program Administrator/Business Manager and all members of Tribal Law Enforcement are not eligible to be candidates for Tribal Council. This section is intended to avoid conflicts of interests.

6.2.03 NOMINATIONS MEETING – GENERALLY. The eligible voters of the Shoalwater Bay Indian Tribe shall nominate candidates for the Tribal Council positions at a special meeting held at least six (6) weeks prior to the election. The nominations meeting shall be open from 12:00 p.m. (noon) until 4:00 p.m. At least one Tribal Council member and at least three members of the Election Board shall conduct the meeting. The prospective candidates do not have to be present at

the nominations meeting—however, if the nominee is not present during this meeting, the tribal member making the nomination must present a signed statement from the prospective nominee which indicates he or she does not object to being considered for the office.

6.2.04 BACKGROUND INFORMATION FOR NOMINEES REQUIRED. Nominees for Tribal Council positions must submit the following information to the best of their knowledge at the nomination meeting. Nominees who are not present shall submit this information with the signed statement that he or she does not object to the nomination.

- a) Name;
- b) Date of Birth;
- c) Address;
- d) Length of time residing at current address;
- e) Previous addresses since age eighteen;
- f) Other names the person may have had (alias, maiden names) and
- g) Social Security Number.

6.2.05 CERTIFICATION OF NOMINEES. Immediately following the nominations meeting, the Election Board shall meet to determine whether each nominee is eligible for candidacy, to the best of the Board’s knowledge. The Election Board shall submit the names of the nominees to the Tribal Police or Social Services Department who will run a background check to determine whether there is a criminal record (Section 6.2.02) and to determine the location and duration of the person’s residence (Section 6.2.01). The Police Department or Social Services Department shall provide this information in writing to the Election Board at the earliest possible date. After the Election Board is satisfied, to the best of its knowledge, of the candidate’s eligibility, the official list of candidates shall be certified and signed by each member of the Election Board.

6.2.06 NOTIFYING CANDIDATES, RIGHT TO APPEAL. The Election Board shall notify all nominees by letter of their eligibility or ineligibility. If a nominee is determined to be ineligible he or she may appeal in writing to the Election Board within seven (7) days of the date of the determination was made. The Election Board shall review the appeal and make a decision. The Election Board’s decision shall be final.

6.2.07 CERTIFICATION OF WRITE-IN CANDIDATES. If a write-in candidate who was not nominated and certified wins an election, the Election Board shall go

through the process of establishing eligibility prior to announcing the results of the election.

6.2.08 WITHDRAWAL FROM ELECTION. A candidate may withdraw from an election by hand delivering a signed, written notice of withdrawal to the Election Board. If a person cannot personally deliver his or her notice of withdrawal, due to incapacity or hardship, he or she shall notify Tribal Law Enforcement. Tribal Law Enforcement shall verify the withdrawal and then shall notify the Election Board of the withdrawal on behalf of the candidate. If a candidate withdraws or dies after certification of candidates, but not later than two weeks before the date of the election, notice of withdrawal shall be posted prominently at the polling place and shall be mailed to all voters. If a candidate withdraws within two weeks of the date of the election, the Election Board shall order a new election to be held for that particular position. The new election shall follow the same time line as a regular election, including nominations. Failure of any voter to receive actual notice of a candidate's withdrawal shall not be grounds for an election protest provided the Election Board complied with the notice required in this section. If the name of the withdrawn candidate appears on the ballot, any vote cast for that candidate shall not be counted but such vote shall not invalidate the entire ballot.

CHAPTER 6.3 ELECTION INFORMATION

6.3.01 ELECTION DATE. General elections shall be held annually on the second Saturday of January. In case the date of the regular election shall conflict with a holiday or if circumstances require that the regular election be postponed, the election shall be held on a date set by the Election Board within thirty (30) days thereafter.

6.3.02 ELIGIBLE VOTERS. All enrolled Shoalwater tribal members eighteen years or older as of the time of the election are eligible voters. The Aid to Tribal Government Department shall maintain a list of eligible voters and addresses and shall make the lists available to the Election Board.

6.3.03 POSTING OF ELECTION INFORMATION. Election regulations, the list of eligible voters, and a list of certified candidates shall be posted on the Tribe's website, at the polling place, the Shoalwater Bay Tribal Office, the Tokeland Post Office, and submitted to the Tribal Council.

6.3.04 VOTER'S INFORMATION PACKET. The Election Board shall send a packet to the last known address of each eligible voter at least four (4) weeks before the election, or in the case of a run off following a tie or a referendum, at least two (2)

weeks before the election. The voter, not the Election Board, is responsible for notifying the Aid to Tribal Government Department of any change of address. The packet shall contain a letter from the Election Board advising the voter of the election and the candidates, a ballot, an envelope marked "Ballot" for the voter to place the ballot in, a prepaid return outer envelope with signature and date lines on the back of the envelope to sign and information on where to locate the official election regulations (this Title) on the Tribe's website.

6.3.05 VOTER TO KEEP RECORD OF CORRESPONDENCE WITH ELECTION

BOARD. Each voter is responsible for proving that his or her ballot was actually received by the Election Board. If a voter contests an election based on the Election Board's failure to receive his or her ballot or other correspondence, he or she has the burden of proving it.

CHAPTER 6.4 BALLOTS

6.4.01 BALLOTS – GENERALLY. Ballots will generally be submitted by return mail in the prepaid envelopes provided. Ballots may also be hand delivered in the "ballot" envelope by the eligible voter themselves on election day.

6.4.02 BALLOTS AND ENVELOPES. Two envelopes will be mailed inside the ballot packet, an outer envelope and an inner envelope. Both envelopes will have the word "Ballot" typed on them. The outer envelope will have the address of the Election Board on it, along with the word "Ballot." The inner envelope shall have no markings on it other than the word "Ballot".

Ballots will be assigned a number in the far right hand corner of the ballot. These numbers will be cut off at the time the voting packet is sent out to voters by the Election Board.

6.4.03 VOTING PROCEDURE. After marking the ballot, the voter must place the ballot into the inner envelope marked "Ballot" and then seal the inner envelope. The voter must not write on or make any marks on this inner envelope. The voter must place the unmarked sealed inner envelope containing the ballot inside the prepaid return envelope. The voter then needs to sign and date the outside of the return envelope and mail it by election day. Ballots may also be hand carried on Election Day to the Tribal Center and placed in the Special Ballot box there.

6.4.04 POST OFFICE TO HOLD BALLOTS. The Chairperson of the Shoalwater Bay Tribe shall make a written request to the Postmaster of the Tokeland Post Office to hold ballots in the post office box of the Election Board until sixth day after the

election. The Chairperson shall seek written acknowledgment from the postmaster of receipt of this request.

6.4.05 SPECIAL BALLOT BOX. Ballots from election day shall be kept in a locked ballot box called the Special Ballot Box. The box shall be kept in the police department and secured by four locks, each requiring a different key to open it. One key each shall be kept by the Chief of Police and the three officers of the Election Board. The Election Board may acquire new locks and keys each year.

6.4.06 GATHERING THE BALLOTS. On the sixth day following the election a majority of the Election Board officers and a Tribal Police Officer shall take the Special Ballot Box to the post office and collect the ballots kept there. Then they shall clear the Tribal Center Meeting Room or the Court Room of all persons other than themselves and bring the Special Ballot box into the chosen room.

6.4.07 COUNTING THE BALLOTS. The Special Ballot box shall be opened by the Election Board and the Tribal Police Officer and emptied of all contents. The Election Board shall remove ballot envelopes from the outer signed envelopes and place these outer envelopes back into the Special Ballot box. Outer envelopes shall be retained as proof of valid date of postmark. Then all ballot envelopes shall be opened and the ballots counted. Measures shall be used to reasonably ensure an accurate count including counting the ballots at least three times.

6.4.08 IRREGULARITIES IN THE BALLOTS. If a ballot contains any irregularity in the manner it is marked such that the voter's intent is unclear, the Election Board shall invalidate and not count the ballot as to those particular decisions where clarity is lacking. However, a voter may choose not to vote for any of the candidates running for a particular position.

6.4.09 CERTIFICATION OF ELECTION RESULTS. The Election Board shall certify the results of the election after all ballots have been counted in accordance with this Title. The results shall be certified by the Election Board and presented to the Tribal Council within five days of the vote count. Certification of election results and notice to the Tribal Council may be delayed if one or more write-in candidates win the election. Write-in candidates must submit to background checks required of all candidates and demonstrate eligibility for office.

6.4.10 POSTING OF ELECTION RESULTS. The Election Board shall post a list of the candidates who won the election at the Shoalwater Bay Tribal Office and the Tokeland Post Office. They shall be submitted to the Tribal Website for

publication and electronically sent to the Bureau of Indian Affairs in the Portland Area Office.

CHAPTER 6.5 POST ELECTION MATTERS

6.5.01 TIES. The Election Board shall call for a run-off election in case of a tie. Ballots shall bear the names of the candidates who were tied in the election. If a voter writes-in another person, the ballot shall be declared invalid and shall not be counted.

6.5.02 ELECTION PROTESTS – FILING, CONTENTS. Protests to the election shall be made in writing to the Election Board within ten (10) working days following certification of the election results. The protest must be in writing and must state the name of the person protesting, the specific facts on which the protest is based, and the specific sections of this title or of the Constitution of the Shoalwater Bay Indian Tribe which the protester claims were violated. The protester must have either first-hand knowledge of the facts complained of or have a reasonable basis for his or her knowledge of the facts complained of. The protestor must state the names of any persons he or she knows that have knowledge of the facts. The person protesting must write a telephone number and an email address if they have one on the protest indicating where she/he may be notified, directly or by message, of any election hearing.

6.5.03 PROTESTS – DISMISSAL OF INSUBSTANTIAL COMPLAINTS. The Election Board shall dismiss the protest if it finds by unanimous vote that:

- 1) The protest fails to allege any violation of this title or of the Constitution of the Shoalwater Bay Indian Tribe; or
- 2) The protest fails to substantially meet the other requirements of Section 6.6.02 above.

6.5.04 PROTESTS – INFORMAL HEARING BEFORE THE ELECTION BOARD. If the Election Board does not dismiss a protest under Section 6.6.03, it shall convene an informal hearing, upon notice to all parties involved. The purpose of the hearing is to clarify the issues raised by the protest and to resolve disputes which may be based on misinformation or misunderstanding. The Election Board may hear testimony from any person with first-hand knowledge of the facts and any other evidence which it deems necessary and relevant to resolving the dispute.

6.5.05 PROTESTS – DECISION OF THE ELECTION BOARD. The Election Board may make any of the following dispositions, as may be appropriate, after the informal hearing:

- 1) If the Election Board finds, by unanimous vote, that the protest fails to allege a violation of this title or of the Tribe’s Constitution, it shall dismiss the protest.
- 2) If the protester fails to appear at the informal hearing, after having received reasonable notice, the Election Board shall dismiss the protest.
- 3) If the informal hearing fails to resolve the protest, the Election Board or the protestor shall notify the Tribal Council and the parties that a Tribal Council hearing will take place.
- 4) If any necessary parties, other than the protester, fail to appear at the informal hearing, after having received reasonable notice, the Election Board shall notify the Tribal Council and the parties that a Tribal Council hearing will take place.
- 5) If the informal hearing results in the protest being resolved, the Election Board shall prepare a written statement of the resolution or agreement reached. This statement shall be signed by the Election Board and the protester. The Election Board and the Protester shall sign the statement.
- 6) If only some issues are resolved at the informal hearing, those issues shall be put in writing and signed by the Election Board and the protester. The protester shall agree not to raise the resolved issues before the Tribal Council or the [Tribal] Court in any subsequent hearing. The Election Board shall notify the Tribal Council and the parties that a Tribal Council hearing shall take place.
- 7) In any case which goes before the Tribal Council or Court, the written statement of the informal hearing proceedings shall be filed with the Tribal Council or the [Tribal] Court.

6.5.06 PROTESTS – HEARING. The Court Clerk shall serve a Notice of Hearing to the protester and the Election Board members by certified mail, return receipt requested, at least seven (7) calendar days before the hearing. The Tribal Council may hear testimony from any person with first-hand knowledge of the facts and

any other evidence which it deems necessary and relevant to resolving the dispute.

6.5.07 PROTESTS – DECISION. The Shoalwater Bay Tribal Council shall have authority to decide the issues presented, in keeping with this title and the Tribal Constitution. The Tribal Council shall take every reasonable measure within its power to resolve the dispute including ordering a new election, if necessary. Failure of the protester to appear at the hearing shall result in dismissal by the Tribal Council. The Tribal Council shall order a new election only if the weight of the evidence shows that a violation of the laws of the Shoalwater Bay Indian Tribe has occurred and the violation was likely to have affected the outcome of the election.

6.5.08 APPEAL TO TRIBAL COURT. Any party to an election protest may appeal the decision of the Tribal Council to the Shoalwater Bay Tribal Court. The Court shall give *de novo*¹ review to the actions of the Election Board and Tribal Council. An appeal may be filed no later than ten (10) working days after the Tribal Council announces its decision. The appeal shall follow Sections 6.6.06 and 6.6.07 of this code except “Tribal Court” shall replace “Tribal Council.” The Court shall order a new election only if the weight of the evidence shows that a violation of the laws of the Shoalwater Bay Indian Tribe has occurred and the violation was likely to have affected the outcome of the election. The decision of the Court shall be final.

6.5.09 PREVIOUS TRIBAL COUNCIL TO HOLD OFFICE. The Tribal Council who held office prior to the election shall continue to hold office until the new Tribal Council members take the oath of office, unless otherwise ordered by the Shoalwater Bay Tribal Court.

6.5.10 NEW ELECTION. If the Court orders a new election, the Tribal Council shall call for the new election to be held within sixty (60) days from the date of the order.

6.5.11 BALLOTS RETAINED. Tribal Law Enforcement shall secure the ballots in the ballot box, secured by four different locks, and stored in the tribal safe. The four keys will be retained, one each, by the Chief of Police and the three officers of the Election Board. The Election Board shall return the keys to the Chief of Police for safekeeping after 1) the time for filing a protest is past, or 2) any protest filed is resolved, whichever is later.

¹ Webster’s definition: (dē nō’ vō) once more; anew; again.

6.5.12 INAUGURATION. Every person elected to the Tribal Council shall, after certification of the election, assume office when he or she takes an oath or swears to uphold the Constitution and laws of the Shoalwater Bay Indian Tribe. Those appointed to office shall also take such oath.

CHAPTER 6.6 RECALL

6.6.01 PETITION FOR RECALL. Tribal members shall have the power to recall any member of the Tribal Council. The recall process shall be initiated by filing with the Secretary of the Tribal Council, a valid petition asking for such recall, signed by at least twenty-five percent (25%) of the eligible voters, setting forth reasons for the petition. If the Secretary of the Tribal Council is the object of a recall petition, the petition shall be filed with the Vice-Chairperson of the Tribal Council. A copy of the petition shall be provided to the Tribal Council member who is the object of that recall petition.

6.6.02 GENERAL COUNCIL TO CONVENE. Within forty (40) days after receipt of a valid recall petition, the Secretary of the Tribal Council or, if he or she is the object of a recall petition, the Vice-Chairperson shall call a General Council meeting to be held within sixty (60) days, unless the annual meeting is scheduled within that period. The Tribal Council member who is being considered for recall shall be provided with written notice of the meeting and be provided with a fair opportunity to reply to such charges and present evidence on his or her behalf at the General Council meeting. After charges and reply to charges have been heard by the General Council, a Recall Election shall be called to be held within sixty (60) days. The Election Board shall be appointed as prescribed in Chapter 6.1.

6.6.03 INFORMATION PACKET FOR RECALL ELECTION. The Election Board shall develop an information packet which shall be sent to the most current address for each eligible voter. The packet shall contain a letter from the Election Board advising the voter of the election and the candidates, a ballot, an inner envelope for the ballot and a prepaid return envelope with signature and date lines to fill out. The ballot shall contain the charges as set forth in the recall petition, and the reply and evidence to those charges as presented at the General Council meeting, and a 'yes' to recall and a 'no' to recall. The procedure for ballots shall be as prescribed in Chapter 6.4.

6.6.04 GENERAL ELECTION RULES APPLY. The following sections of this title apply to recall elections: Chapter 6.4 and Chapter 6.5.

6.6.05 NO RECALL IN FIRST SIX MONTHS OF TERM. No Council member validly elected shall be subject to recall during the first six (6) months of his or her term of office.

CHAPTER 6.7 INITIATIVE AND REFERENDUM

6.7.01 INITIATIVE. The eligible voters shall have the right to propose legislation and vote by secret ballot to determine whether it will be adopted or rejected. Upon receipt of a valid petition signed by at least twenty-five percent (25%) of the eligible voters, the Secretary of the Tribal Council shall call for an election to be conducted consistent with this title. The election shall be set no later than thirty (30) days after the receipt of the petition. An affirmative vote by at least a majority of the eligible voters shall be required to determine such issues or questions contained in the petition.

6.7.02 REFERENDUM. The Tribal Council, by an affirmative vote of at least three (3) of its members, shall call an election, to be conducted consistent with this title for the purpose of deciding issues or questions that are within the authority of the General Council or that are vested in the Tribal Council. The election shall be set for no later than thirty (30) days after such Tribal Council decision. An affirmative vote by at least a majority of the eligible voters shall be required to determine the issues or questions submitted to the voters.

CHAPTER 6.8 CONSTRUCTION

6.8.01 CONSTRUCTION. This title shall be construed in conformity with the Constitution of the Shoalwater Bay Indian Tribe.

6.8.02 SEVERABILITY. If any provision of this title or its application to any person, entity or circumstance is held to be invalid, the remainder of the ordinance shall not be affected.



SHOALWATER BAY INDIAN TRIBE

Tokeland, Washington 98590

Telephone 267-4797

ORDINANCE NO. 9-14-76-1

OF THE

SHOALWATER BAY INDIAN TRIBE

Section 1. ELECTION BOARD. The Election Board shall be appointed by the Chairperson and approved by the Tribal Council. The Election Board shall be appointed at a special meeting of the Tribal Council and shall be established at least thirty (30) days prior to the upcoming election and shall remain in service until the newly elected officers have been installed.

Section 2. QUALIFICATIONS OF TRIBAL COUNCIL: Any enrolled tribal member who is at least twenty-one (21) years of age as of an election date shall be eligible to serve as a member of the Tribal Council, provided that candidates shall have established a legal residence within fifty (50) miles of the Reservation for a period of at least six (6) months preceding the election at which he or she seeks office.

The following shall disqualify otherwise eligible tribal members from being candidates for the Tribal Council:

- (a) Conviction of a felony or, within one year prior to the election, conviction of a crime involving moral turpitude.
- (b) The holding of a salaried policy-making position with a federally or state funded organization engaged in community service on the Reservation.

Section 3. NOMINATIONS. At a special council meeting held at least two weeks prior to the election the eligible voters of the Tribe shall nominate candidates for the Tribal Council positions.

The prospective candidates need not be present at said meeting to be nominated. If the person being nominated is not present during this meeting, the person making the nomination from the floor must have a signed statement from the prospective nominee which indicates that he does not object to being considered for the office.

Section 4. CERTIFICATION. Immediately following the special meeting, the election board shall meet to determine whether or not each nominee is in fact eligible for candidacy. After the election board is satisfied to the candidate's eligibility the official candidate listing shall be certified and signed by each member of the election board. If a nominee is determined to be not eligible he shall have the right to appeal in writing to the election board. The election board's decision shall be final.

Election Regulations and the list of eligible voters will be posted at the polling place, the Shoalwater Bay Tribal Office, and the Tokeland Post Office.

Section 5. INFORMATION PACKET. The election board shall develop a packet of information which shall be sent to the most current address for each eligible voter. It shall contain a letter from the election board advising the voter of the election, the official election regulations and a request for an Absentee Ballot.

No electioneering shall be allowed within 50 feet of the polling place. The polls shall be closed by the election board at 4:30 p.m., on the date of the election, with the exception of Absentee Ballots which shall be postmarked no later than the election day. These will be received until 4:30 p.m. of the sixth (6th) day following the election.

Section 6. ABSENTEE BALLOTS. Persons who live away from the reservation or who because of illness or other business will not be able to come to the polls to vote, may use an absentee ballot. The ballots shall show all candidates for election and shall be handled by the election board only. Absentee ballots shall be requested in writing. Requests for Absentee Ballots shall be sent to all eligible voters as part of the packet of information which shall be mailed at least three weeks prior to the election.

Eligible voters who fill out and return the request for an Absentee Ballot will be mailed such a ballot upon receipt of their notarized request. Each eligible voter who requests an Absentee Ballot is responsible for filing their request with the election board either in person or by mail. Only one (1) Absentee Ballot will be sent to eligible voters requesting them.

Two (2) envelopes will be mailed with the Absentee Ballot. Both envelopes will have the words "Absentee Ballot" typed on them. Absentee Ballots must be put into the envelope and sealed. The voter must not write or make any marks on this envelope. The second envelope will have the address of the election board typed on it, along with the words, "Absentee Ballot". The voter must place the sealed unmarked envelope containing the Absentee Ballot inside the second addressed envelope.

Upon receipt of an Absentee Ballot the election board will remove the outer envelope and place the unmarked sealed envelope, containing the ballot into a special container. Absentee Ballots which are mailed must be postmarked no later than the election day. Absentee Ballots which are hand carried to the election will be counted at the same time as the regular ballots. The deadline for arrival of absentee ballots by mail will be received until 4:30 p.m. of the sixth (6th) day following the election.

Absentee Ballots will be assigned numbers in the far righthand corner of the ballot. These numbers will be cut off at the time the ballots are sent out by the election board.

Section 7. POLLING PROCEDURES: The Shoalwater Bay Tribal Office, 8:30 a.m. until 4:30 p.m., set election date. The official ballot shall be numbered in the upper righthand corner in sequence beginning with one. The appointed representative of the election board shall be responsible for maintaining a record of all ballots. As each ballot is cast, the number is to be removed and placed in a separate container to be counted after the election to assure that the number of ballots in the ballot box corresponds.

Election Ordinance, P. 3

Section 8. CERTIFICATION RESULTS. The election board shall count and certify the ballots immediately following the closing of the polls. The signed results shall be posted at the polling place, the Shoalwater Bay Tribal Office, Tokeland Post Office, and shall be sent to the Aberdeen Daily World for publication.

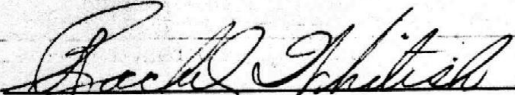
Section 9. OATH OF OFFICE. The Chairwoman shall administer the oath of office to the newly elected officers at a meeting called by her no later than ten (10) days following the election.

Section 10. CONTESTED ELECTION. Contests to the election shall be made in writing to the election board within seven (7) days following the announcement of the election results. The election board shall make all determinations, said determination shall be final. The newly elected officers shall remain in office until the determination has been made. If the contest is sustained, the election shall be declared invalid. The previous council shall then return to office and shall call for another election, which shall be held within thirty (30) days from said determination.

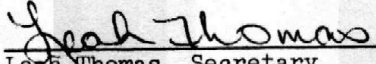
The election board shall retain the ballots in the event of a contest or request for recount.

C E R T I F I C A T I O N

The foregoing ordinance was duly enacted at a Shoalwater Bay Tribal Council meeting on the 14th day of September of the year Nineteen hundred and seventy-six. 3 for and 0 against.


Rachel Whitish, Chairwoman
Shoalwater Bay Indian Tribe

Attest:


Leah Thomas, Secretary
Shoalwater Bay Indian Tribe



SHOALWATER BAY INDIAN TRIBE

Tokeland, Washington 98590

Telephone 267-6766

SHOALWATER BAY INDIAN TRIBE

RESOLUTION # 09-26-87-31

WHEREAS, the Shoalwater Bay Indian Tribe is a federally recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in the State of Washington; and

WHEREAS, the Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Tribe under its Constitution with the power to enact ordinances and regulations governing tribal elections under Article VI, Section 1 (c) of the Constitution; and

WHEREAS, public hearings were held regarding Title 6 on the Shoalwater Bay Indian Reservation on January 17, 1987 and August 29, 1987; now

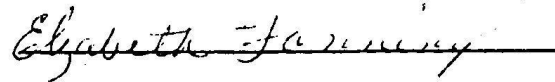
THEREFORE BE IT RESOLVED, that the attached TITLE 6 ELECTIONS is hereby approved and adopted by the Shoalwater Bay Tribal Council.

***** C E R T I F I C A T I O N *****

The above resolution was passed at a regular Tribal Council meeting held on the 25 day of Sept, 1987 at the Shoalwater Bay Tribal Center at which a quorum was present by a vote of 4 for, 0 against, and 0 abstaining.



ATTEST:



131/RESO.SB8



SHOALWATER BAY INDIAN TRIBE

P.O. Box 130 • Tokeland, Washington 98590
Telephone (206) 267-6766 • FAX (206) 267-6778

SHOALWATER BAY INDIAN TRIBE RESOLUTION #12-03-93-85

WHEREAS, The Shoalwater Bay Indian Tribe is a Federally Recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in the State of Washington; and

WHEREAS, The Shoalwater Bay Tribal Council is the governing body of the Shoalwater Bay Indian Tribe in accordance with their Constitution and By-Laws; and


WHEREAS, The Shoalwater Bay Election Board certified the August 14, 1993 Constitution Amendment Election adopting to Article V, Section 1 (b) (1): (1) Has physically resided within Pacific or Grays Harbor Counties of Washington for a period of at least six (6) months immediately preceding the date of the election in which he or she seeks office; provided, however, that any tribal member shall be eligible to run for the Member-At-Large position if he or she physically resides for a period of six months immediately preceding the election at a location no more than 200 miles from the reservation as measured by travel by motor vehicle on public highways.

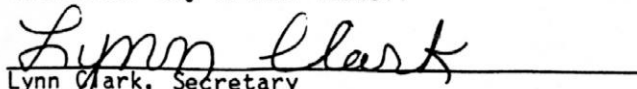
WHEREAS, The Shoalwater Bay Election Ordinance: Title 6 needs to be amended to be consistent with the Amended Constitution, now

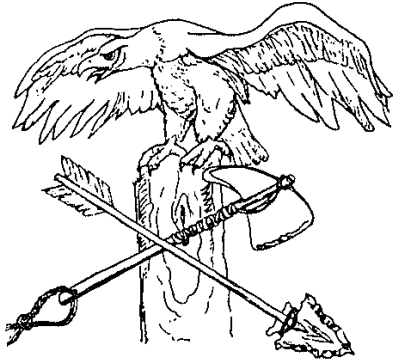
THEREFORE RE IT RESOLVED, That the Shoalwater Bay Code of Laws: Title 6 ELECTIONS Chapter 6.2.01 CANDIDATE ELIGIBILITY (c) Have physically resided in Pacific or Grays Harbor counties for a period of at least six (6) months preceding the date of the election in which he or she seeks office; be amended to include: provided, however, that any tribal member shall be eligible to run for the Member-At-Large position if he or she physically resides for a period of six months immediately preceding the election at a location no more than 200 miles from the reservation as measured by travel by motor vehicle on public highways.

C E R T I F I C A T I O N

The The above Resolution was passed at a Regular Tribal Council Meeting in which a quorum was present on December 3, 1993 at the Shoalwater Bay Tribal Center. 4 FOR 0 AGAINST AND 0 ABSTENTION.


Herbert Mark Whitish, Chairman
Shoalwater Bay Tribal Council


Lynn Clark, Secretary
Shoalwater Bay Tribal Council



SHOALWATER BAY INDIAN TRIBE

P.O. Box 130 • Tokeland, Washington 98590
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SHOALWATER BAY INDIAN TRIBE RESOLUTION NO. 10-10-23-53

Summary: Updates Title 6 Election Ordinance with streamlining election process; e.g. eliminating the certified mail portion and adding signature/date lines, referring to website for copies of ordinance and constitution, etcetera, thus saving time and money each year.

WHEREAS, the Shoalwater Bay Tribe is a federally recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in the State of Washington; and,

WHEREAS, the Shoalwater Bay Tribal Council is the governing body of the Tribe in accordance with the Constitution of the Shoalwater Bay Indian Tribe; and,

WHEREAS, the Tribal Council is empowered to take all actions necessary for the exercise of powers delegated or vested in the Tribal Council pursuant to the Constitution of the Shoalwater Bay Indian Tribe; and,

WHEREAS, the Election Ordinance Title 6 was in need of updates of streamlining processes e.g. eliminating the certified mail portion and adding signature/date lines, referring to website for ordinance and constitution copies, etcetera, thus saving time and thousands of dollars each year. The tribal attorney and court clerk worked on this, sent the draft to the General Council and then discussed at annual meeting August 5, 2023. Comments were heard and taken into account; and


NOW THEREFORE BE IT RESOLVED, the Shoalwater Bay Indian Tribe Tribal Council hereby approves the attached updated Title 6 Election Ordinance.


CERTIFICATION

The above resolution was passed at a regular Council meeting held on October 10, 2023 at the Shoalwater Bay Indian Tribe at which a quorum was present.

 4 FOR 0 AGAINST 0 ABSTAIN

ATTEST:


Charlene Nelson, Chairperson
Shoalwater Bay Tribal Council


Lynn Clark, Secretary
Shoalwater Bay Tribal Council