



THE PAIUTE INDIAN TRIBE OF UTAH
440 North Paiute Drive • Cedar City, Utah 84721 • (435) 586-1112

RESOLUTION 2018-03

**SETTING A SPECIAL ELECTION TO FILL THE VACANCY
ON THE TRIBAL COUNCIL CREATED BY
MERTIN BOW'S RESIGNATION AS THE CEDAR BAND CHAIR**

WHEREAS, the Paiute Indian Tribe of Utah ("Tribe") is a federally recognized Indian tribe under 25 U.S.C. § 761, et seq., organized under the Tribe's Constitution, as ratified by the Tribe on June 11, 1991, and approved by the Secretary of the Interior on July 15, 1991, and amended by the Tribe on August 12, 1997, and approved by the Secretary of the Interior on September 30, 1997, pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984); and

WHEREAS, the Tribal Council is the official governing body of the Tribe, and, pursuant to Article V, Section 1, of the Tribe's Constitution, is vested with all executive and legislative powers of the Tribe; and

WHEREAS, by letter dated July 31, 2017, the Cedar Band Chairperson, Mertin Bow, resigned from his position, thereby automatically forfeiting his office and creating a vacancy on the Tribal Council pursuant to Article XII, Section 3 of the Tribe's Constitution; and

WHEREAS, the Tribe's Constitution requires that a special election be held to fill the vacant seat; and

WHEREAS, the Tribe's Election Ordinance, as amended May 4, 2015, establishes procedures for conducting the special election; and

WHEREAS, the Tribal Council voted during its meeting on April 4, 2017, to repeal the provisions of the May 2015 Election Ordinance providing for tribal elections to be conducted by mail-in ballot only, and to provide a polling station (or stations) for eligible voters, in addition to the mail-in option; and

WHEREAS, the Cedar Band By-Laws provide for a different procedure than the Tribe's Constitution for filling a vacancy; and

WHEREAS, the Tribal Council conducted an election on Wednesday, January 17, 2018, in order for the Cedar Band membership to decide whether to follow the Tribe's Constitution or the Cedar Band By-Laws; and

WHEREAS, the Cedar Band membership voted to follow the Tribe's Constitution; and

WHEREAS, the Tribal Council has appointed a Special Election Board to oversee the special election to fill the Cedar Band vacancy on the Tribal Council, which Special Election Board includes the following members:

Cyndi Charles, Special Election Board Chairwoman
Santianna Singer, Special Election Board Member
Gari Lafferty, Special Election Board Member
DeAnn Multine, Special Election Board Member
Bryant Jake, Special Election Board Member
Mikel Jake, Special Election Board Member
Anthonia Tom, Special Election Board Member; and

WHEREAS, a nomination meeting was held on January 29, 2018, to provide the eligible voters of the Cedar Band with the opportunity to nominate candidates to fill the Cedar Band vacancy on the Tribal Council; and

WHEREAS, seven (7) candidates were nominated during the nomination meeting; however, one person declined the nomination, and one person was not present during the nomination meeting to accept the nomination; and

WHEREAS, the Special Election Board Chairperson determined that five (5) of the candidates who were nominated at the nomination meeting would appear on the ballot for the special election; and

WHEREAS, the Election Ordinance provides that the dates for the nomination meeting, primary election (if applicable) and special election shall be set in consultation with the affected Band Council; and

WHEREAS, such consultation is likely to be futile here because of the Cedar Band Council's statements and correspondence through their attorney contesting the special election; and

WHEREAS, the Tribal Council desires to set, by resolution, the date for the special election to be held of the eligible voters of the Cedar Band in order to fill the vacancy on the Tribal Council created by Mertin Bow's automatic forfeiture of office, pursuant to Article XII, Section 3 of the Tribe's Constitution and in accordance with the procedures set forth in the Tribe's Election Ordinance and the directive given by the Cedar Band membership at the election on January 17, 2018;

NOW THEREFORE BE IT RESOLVED that the Special Election Board shall prepare and mail ballots for the special election on February 1, 2018 to the last known address of each eligible voter of the Cedar Band; and

BE IT FURTHER RESOLVED that the special election shall be held on February 16, 2018;
and

BE IT FINALLY RESOLVED that the Special Election Board shall oversee the special election in accordance with the procedures outlined in the Tribe's Constitution and Election Ordinance.

CERTIFICATION

I hereby certify that the foregoing Resolution was fully considered by the Tribal Council at duly called meeting in Cedar City, Utah, at which a quorum was present and that the same was passed by a vote of 3 in favor, 1 opposed, and 1 abstained this 15th day of Feb, 2018.



Tamra Borchardt-Slayton, Tribal Chairwoman

ATTEST:


