


MEMORANDUM

TO: Cedar Band Eligible Voters

FROM: The Tribal Council of the Paiute Indian Tribe of Utah 

DATE: December 18, 2017

SUBJECT: Special Election to decide on the process for filling the vacancy on the Tribal Council created by Mertin's Bow resignation

The Tribal Council of the Paiute Indian Tribe of Utah has called a Special Election of the eligible voters of the Cedar Band to determine how to fill the vacancy created by Mertin Bow's resignation as the Cedar Band Chair and representative to the Tribal Council.

Article XII, Section 3(b)(1), of the Tribe's Constitution provides the eligible voters of the Cedar Band with the right to an election in order to fill a vacancy created by the resignation of the Band's representative. That Section states:

Section 3. Automatic Forfeiture of Office.

- (a) In the event of death, resignation, conviction of a felony while in office, of failure to attend four (4) consecutive regular council meetings, a council member shall automatically forfeit his or her office and a vacancy shall be created.
- (b) The procedure to fill a vacancy created by automatic forfeiture shall be as follows:
 - (1) Except in the case of the tribal chairperson, an election shall be held within thirty (30) days of the eligible voters of the affected band to elect a council members to fill the vacant seat.

[...]

Ordinarily, this provision would apply to fill the vacancy created when Mertin Bow resigned as the Cedar Band Chair on July 31, 2017. However, the Cedar Band Bylaws provide for a different process. The Cedar Band Bylaws state, at Article III, Section 4:

In the event the Chairperson resigns, dies or is otherwise unable to serve, the Vice Chairperson receiving the second highest votes during the chairperson election will automatically fill the position as the Band Chairperson and as a Tribal Council member. Should the vice-chairperson be unable or unwilling to serve, then the Band Council members shall fill the vacancy by electing a member of the Band Council to fill the position until the original term of the Chairperson expires. The Band Council shall vote at a Regular Meeting to elect one of its members to fill the position, and the result of the vote shall be in the form of a Resolution which shall be submitted to the Tribal Council.

Special Election:

The Tribal Council is calling a Special Election of the eligible voters of the Cedar Band to determine which procedure to apply for filling the vacancy. If the Cedar Band membership would like to follow the procedure in the Cedar Band By-Laws, the Cedar Band Vice Chairperson, Lora Tom, will automatically fill the position as the Band Chairperson and as a Tribal Council member. If the Cedar Band membership would like to follow the process in the Tribe's Constitution, the Tribe will hold a separate election for the Cedar Band membership to elect their representative to the Tribal Council.

Special Election Date:

The Special Election to decide which process to follow for filling the vacancy will be done by mail-in only. The ballots will be mailed on **Tuesday, January 2, 2018**, and must be **received** at the Tribal Building 440 N. Paiute Drive, no later than **Wednesday, January 17, 2018**, in order to be counted.

Ballots will be mailed to the list of eligible voters of the Cedar Band on file with the Tribe from the last general election. Any person wishing to change their address or request a ballot should contact Charlotte Domingo or Ben Matthews, Special Election Board Co-Chairpersons, at 435-586-1112, no later than **Friday, December 29, 2017**.

IMPORTANT

**SPECIAL ELECTION OF THE
CEDAR BAND ELIGIBLE VOTERS**

**to decide on the process for filling the vacancy on the
Tribal Council created by Mertin Bow's resignation.**

**An Official Election will take place by Mail-In Ballot
Wednesday, January 17, 2018**

**Ballots will be mailed to the last known address
of all eligible voter of the Cedar Band on
Tuesday, January 2, 2018.**

**If you need to change the address on file, or if you do not
receive a ballot, please call Charlotte Domingo, Special
Election Board Chairperson, at 435-586-1112.**

IMPORTANT